FINAL AGENDA

REGULAR COUNCIL MEETING
TUESDAY
FEBRUARY 16, 2016

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

1. CALL TO ORDER

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. 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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

A. **Consideration and Approval of Minutes**: City Council Special Meeting (Executive Session) of November 10, 2015; Special Meeting (Executive Session) of December 8, 2015; Special Work Session/Special Meeting (Executive Session) of December 10, 2015; Regular Meeting of December 15, 2015; Special Meeting (Executive Session) of January 19, 2016; and Special Meeting (Executive Session) of February 2, 2016.

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. 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 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. PROCLAMATIONS AND RECOGNITIONS

7. APPOINTMENTS

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

None

8. LIQUOR LICENSE PUBLIC HEARINGS

None

9. CONSENT ITEMS

All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

A. Consideration and Approval of Contract: Well Siting Study. ***(Approval of the Agreement will allow Clear Creek Associates to conduct a study to identify the next five (5) well site locations for the City of Flagstaff)***

RECOMMENDED ACTION:

1) Approve the Agreement with Clear Creek Associates for the amount of $206,000.
2) Authorize the City Manager to execute the necessary documents.

B. Consideration of Award of Consulting Contract: Lockett Road Improvement Project

RECOMMENDED ACTION:

1) Award the Consultant Services Contract to Peak Engineering, Inc. of Flagstaff, Arizona in an amount not to exceed $171,114.00. The contract period is 545 calendar days; and
2) Authorize Change Order Authority to the City Manager in the amount of $15,000 (10% of contract amount excluding contingencies) for unanticipated or additional items of work; and
3) Authorize the City Manager to execute the necessary documents.

10. ROUTINE ITEMS

A. Consideration and Adoption of Ordinance No. 2016-09: An ordinance to enter into a third Amendment to Development Agreement (DA) with Nestle-Purina Petcare Company to extend the agreement and underlying lease for up to six months ***(Possible extension of development agreement with Nestle-Purina).***

RECOMMENDED ACTION:

1) Read Ordinance No. 2016-09 by title only for the final time
2) City Clerk reads Ordinance No. 2016-09 by title only (if approved above)
3) Adopt Ordinance No. 2016-09

RECESS

6:00 P.M. MEETING

RECONVENE

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

11. 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

12. PUBLIC PARTICIPATION

13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

A. A Quick Tutorial on Transect Zones and Form-Based Code Standards

14. PUBLIC HEARING ITEMS

A. Public Hearing, Consideration and Adoption of Resolution No. 2016-02 and Ordinance No. 2016-07: Public hearing to consider proposed amendments to Flagstaff Zoning Code the Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-02 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-07, adopting amendments to Flagstaff Zoning Code Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments except Sign Code)***

RECOMMENDED ACTION:

1) Adopt Resolution No. 2016-02 (declaring a public record)
2) Read Ordinance No. 2016-07 for the final time by title only
3) City Clerk reads Ordinance No. 2016-07 by title only for the final time (if approved above)
4) Adopt Ordinance No. 2016-07

B. Public Hearing, Consideration, and Adoption of Ordinance No. 2016-08: An ordinance of the Flagstaff City Council amending the Flagstaff Zoning Map Downtown Regulating Plan designation of approximately 0.29 acres of land generally located west of the southwest corner of Mikes Pike and Phoenix Avenue from the T4 Neighborhood 1 - Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone and of approximately 1.35 acres located at 17 S Mikes Pike from the T4 Neighborhood 1 - Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone, conditional. ***(The Hub Zoning Map Amendment)***

RECOMMENDED ACTION:

At the February 16, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-08 by title only for the first time
3) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)
At the March 1, 2016 Council Meeting:
4) Read Ordinance No. 2016-08 by title only for the final time on
5) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)
2) Adopt Ordinance No. 2016-08.

15. REGULAR AGENDA

A. **Consideration and Adoption of Resolution No. 2016-06:** A resolution of the Flagstaff City Council supporting Congressman Gosar's and Senator McCain's bipartisan bills to ensure justice for Downwinders exposed to government radiation testing.

RECOMMENDED ACTION:

1) Read Resolution No. 2016-06 by title only
2) City Clerk reads Resolution No. 206-06 by title only (if approved above)
3) Adopt Resolution No. 2016-06

B. **Discussion and Possible Action re**: Current Issues Before the Arizona Legislature (THIS IS A STANDING ITEM - AS OF PUBLICATION OF THIS AGENDA NO ISSUES HAVE BEEN RAISED)

16. DISCUSSION ITEMS

None

17. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.

A. **Future Agenda Item Request (F.A.I.R.):** A citizen petition requesting that a resolution regarding Tequila Sunrise be placed on a future agenda for consideration.

B. **Future Agenda Item Request (F.A.I.R.):** A citizen petition requesting that a comprehensive discussion be scheduled to address transect zones in the City.

18. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, FUTURE AGENDA ITEM REQUESTS

19. 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 _____, 2016.

_____
Elizabeth A. Burke, MMC, City Clerk

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Elizabeth A. Burke, City Clerk
Date:	02/12/2016
Meeting Date:	02/16/2016

TITLE

Consideration and Approval of Minutes: City Council Special Meeting (Executive Session) of November 10, 2015; Special Meeting (Executive Session) of December 8, 2015; Special Work Session/Special Meeting (Executive Session) of December 10, 2015; Regular Meeting of December 15, 2015; Special Meeting (Executive Session) of January 19, 2016; and Special Meeting (Executive Session) of February 2, 2016.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Special Meeting (Executive Session) of November 10, 2015; Special Meeting (Executive Session) of December 8, 2015; Special Work Session/Special Meeting (Executive Session) of December 10, 2015; and Regular Meeting of December 15, 2015; Special Meeting (Executive Session) of January 19, 2016; and Special Meeting (Executive Session) of February 2, 2016.

EXECUTIVE SUMMARY:

Minutes of City Council meetings are a requirement of Arizona Revised Statutes and, additionally, provide a method of informing the public of discussions and actions being taken by the City Council.

INFORMATION:

COUNCIL GOAL

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

Attachments:
11.10.2015.CCSMES.Minutes
12.08.2015.CCSMES.Minutes
12.10.2015.CCSWS.Minutes
12.15.2015.CCRM.Minutes
01.19.2016.CCSMES.Minutes
02.02.2016.CCSMES.Minutes

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, NOVEMBER 10, 2015
COUNCIL CHAMBERS
211 WEST ASPEN
4:00 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting (Executive Session) of November 10, 2015, to order at 4:00 p.m.

2. Roll Call

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

PRESENT	ABSENT
MAYOR NABOURS	COUNCILMEMBER ORAVITS
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. Recess into Executive Session.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to recess into Executive Session.

Vote: 6 - 0 - Unanimously

Vote: 6 - 0 - Unanimously

4. Executive Session:

The Flagstaff City Council recessed into Executive Session at 4:02 p.m.

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS 38-431.03(A)(3) and (4), respectively.

i. Intergovernmental Agreement with Summit Fire District.

ii. Disposition of Mogollon Public Works Yard.

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 5:09 p.m. at which time the Special Meeting (Executive Session) of November 10, 2015, adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, DECEMBER 8, 2015
COUNCIL CHAMBERS
211 WEST ASPEN
4:00 P.M.

1. Call to Order

Mayor Nabours called the Special Meeting (Executive Session) of December 8, 2015, to order at 4:02 p.m.

2. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER (telephonically upstairs)	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. Recess into Executive Session.

4. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(3).

i. Sign Code

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 5:05 p.m. at which time the Special Meeting was adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

COMBINED SPECIAL WORK SESSION/SPECIAL MEETING
(EXECUTIVE SESSION)
THURSDAY, DECEMBER 10, 2015
FLAGSTAFF AQUAPLEX
1702 NORTH FOURTH STREET
8:00 A.M.

SPECIAL WORK SESSION

1. Call to Order

Mayor Nabours called the Special Work Session of December 10, 2015, to order at 8:34 a.m.

2. Pledge of Allegiance

The City Council and audience recited the Pledge of Allegiance.

Mayor Nabours welcomed Senator Sylvia Allen, Representative Brenda Barton and Representative Bob Thorpe and thanked them for attending the meeting.

3. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER	COUNCILMEMBER PUTZOVA
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	

Others present: City Manager Josh Copley; City Attorney Michelle D'Andrea; Senator Sylvia Allen; Representative Brenda Barton; Representative Bob Thorpe

4. State Legislative Briefing

Assistant to the City Manager Stephanie Smith thanked staff, City Council, Senator Allen and Representatives Barton and Thorpe for attending the meeting. Ms. Smith reviewed the informational materials that were distributed to the attendees and showed the video Visit Flagstaff.

Mayor Nabours stated that the City Council and staff would like to hear from each of them in regards to what they see in the coming session and what may be the big issues.

Senator Allen thanked the City Council for inviting her to participate in the discussion. She complimented the City Council for the job they are doing and stated that she is encouraged to

see the economic growth in Flagstaff. Senator Allen explained that this is the first session where there is some money to work with but it is important to be cautious about what priorities are funded as they want appropriations to be ongoing. She would like to start by making things whole again.

She stated that another big issue is roads; she would like to see more HURF dollars restored as roads are critical to economic growth in the rural communities.

Education is a very important issue and will definitely be a big topic again this year for funding. She would like to restore funding to education programs and universities. She emphasized her support for the special session and what was done. The leadership studied the issue critically and received legal advice from many directions. She feels that in regards to the State Trust Fund, people have a right to increase that distribution formula and that the formula should have been increased over the years to provide increases in educational dollars. She believes that there are enough checks and safeguards put into the bill that if there is another bad year that funding will be protected.

Lastly, rural and County issues will be on her radar this session and restoring some funding for them.

Representative Barton stated that education will continue to be at the forefront of the discussions this session. She indicated that she, too, was in support of the special session on the State Trust Fund and feels that it has been designed as a positive change. She stated that she is a supporter of the JTED and the CT programs; the state needs mechanics and plumbers and equipment operators and these programs provide the training to do that. Many people are not designed to go through a university and successful alternatives need to be in place for students who immediately enter the work force after high school.

She stated that she is in support of returning HURF funding back to the counties where it more appropriately belongs. Last year the Governor was interested in increasing the license fee; in doing so is appears that there would be an increase of $30 million which would help fund DPS and they would stop getting appropriations from HURF funds. Public safety is taking a lot of the funds right now and this could help rebalance those. People will likely not be happy about the increase in the fee but it has not changed in many years and has not moved with inflation.

Representative Barton stated that another thing to look at will be the fire districts and how they are designed, funded and the way the counties interact with them. She had a meeting with the Governor about his veto on the State Compact with Utah on the transfer of public lands. The compact was a tool to work together towards the transfer of public lands and share information and ideas. Utah has done a lot of work with the counties and Arizona will begin working with its counties in January. In talking with the Governor he seems more receptive to the censure on the transfer of public lands compact with the State of Utah. The Transfer of Public Lands Study Committee is active and the next meeting will focus on a variety of environmental impacts.

Another item that is moving is an issue with small water companies. The Arizona Corporation Commission has authority over them as a small utility and the legislature will be looking at ways to help some of these very small companies that have various problems to obtain funding for capital repairs.

Representative Thorpe thanked the City for inviting him to participate in the session. He reported that he has been working with ADEQ and secured a permanent waiver for Flagstaff to use reclaim water for its Dew Downtown event. He was also contacted by the City for assistance regarding the designation of Arizona's Winter Wonderland. He encouraged the City

to continue to reach out to him and the other representatives on issues that need assistance and resolve.

Representative Thorpe stated that the Governor is setting a good tone in regards to trying to deal with some fiscal issues and his big item this year is to get more money into the K-12 education system. He had concerns going into the special session but there were some good changes to the State Trust Fund so it can more aggressively deposit those monies. The people that are running the trust are doing a good job and the money distributed over the next ten years will only have a slight impact on the trust.

HURF is important and the rural legislators have made it an important issue. Those funds need to be restored to the cities and counties. The rate needs to be changed so that the State is collecting enough money to handle the needed repairs.

He stated that he recently met with over 20 rural fire chiefs about issues they are having. The issues are compromising public safety and need to be addressed. He will be drafting a bill to address those issues and get more funding directed to them.

He stated that in regards to the JLBC, the State realized over $300 million in unexpected monies last year from corporate taxes and capital gains; neither of those sources are sustainable. There will be more coming in the future but not like what was seen last year. The indicators of the health of the state is income tax withholding and sales tax. Sales tax slowed at 3%, corporate tax is estimated to go down, capital gains is volatile and cannot make good estimates and housing is pretty flat right now. The state is at about a third of what has been seen in the past. The market is starting to recover in Maricopa County but that has not been seen yet across the state. There is an anticipated 3.5% to 4% growth this year, and the state is looking for a balanced budget for fiscal year 2017. By 2019 the estimates show a $200 million windfall over baseline. Things are turning around; Arizona is rated number one in job creation; it is important to do everything possible to invite new businesses to Arizona.

Mayor Nabours stated that the City of Flagstaff would like to thank them for some of the things they have done. There are three successes that the City would like to highlight. Ms. Smith stated that the three items that will be highlighted are State Forestry funding, Arizona Commerce Authority funding and Solid Waste legislation. She introduced Wildland Fire Manager Paul Summerfelt.

Mr. Summerfelt stated that in addition to his role with the Flagstaff Fire Department he is the project manager for the Flagstaff Watershed Protection Project and the active Co-chair of the Four Forest Restoration Initiative. The new State Forester has taken forestry in a new direction and the City has enjoyed that direction. The state funding that was provided for work on state lands allowed the City to enter into a partnership with Equestrian Estates in 2015 to treat 420 acres at a total cost of $87,000 to both the State and City. Overall there was a 4.8 out of 5 success rating that was supported by the residents in that community. The State also used some of that appropriation for archeological and endangered species surveys on various parcels in and near the city of Flagstaff. Those were big impacts to the City in the need to move forward with protection of the community and forest resources.

In fiscal year 2016 the State helped Flagstaff on the Observatory Mesa by creating a stewardship plan. The State Forestry Department provided in kind services from their staff to assist in the treatment of 2200 acres of land. This allowed the City to move forward with forest treatment using bond monies.

Currently in Section 30, a State parcel within the City, the City is using Department of

Correction crews to do thinning work on 140 acres. Again, the City is partnering with State Forestry to provide matching funds to cover the cost of treatment.

The appropriations have been very positive for Flagstaff and the City looks forward to further partnerships to treat and protect the forest resources. The City appreciates the help of its representatives in moving projects like these forward.

Representative Barton asked where the wood materials go once they are removed from the treatment areas. Mr. Summerfelt stated that some goes to Williams, some goes to Phoenix, and some goes to Snowflake.

Senator Allen asked how the City has been able to work with the Federal government on federal land. Mr. Summerfelt stated that the City has a good relationship with the U.S. Forest Service; about 90% of the Flagstaff Watershed Protection Bond Project work is occurring on federal land outside the City. Over the last 15 years there has been a lot of project work done in and around Flagstaff. This is evident with the Slide Fire which would never affect the City of Flagstaff because of the treatments that have been done around the City. The City is hopeful that these same successes will increase throughout northern Arizona.

Grants Manager Stacey Brechler-Knaggs reported on the Flagstaff Business Accelerator and Alternate Emergency Operations Center (EOC). She reported that about four years ago the City, with multiple partners, decided to take a proactive, collaborative approach to foster job creation, capital investments and ensure sustainable growth. A Flagstaff Business Accelerator was created; it is a 28,000 square foot facility with three manufacturing centers, six labs, 25 office spaces, meeting space and an alternate EOC center. Flagstaff did not have enough lab and manufacturing space and this project has helped offer that. The building is to help grow and expand business startups and advance entrepreneurship. The goal is to create 300 jobs and $20 million in private investment in three years. There are already a few clients in the building and a lot of additional interest.

It is an $8 million project, Flagstaff received $4 million from the Economic Development Administration and $2.6 million was contributed by the City. What made this project possible was the $1 million from the Arizona Commerce Authority and the $100,000 from Northern Arizona University. Mayor Nabours stated that the idea is that there is an option available to businesses that have shown they have a viable project but need lab space or other space it cannot afford on its own. This space will allow them to grow and expand their business and hopefully stay in Flagstaff. It is a really great concept and there are some really neat things happening in that facility that will put Flagstaff on the map. Many thanks go to the rural legislators for making sure that all the funding does not just go to Maricopa County. The rural representation has been tremendously helpful in making this project a success.

State Lobbyist Richard Travis stated that the Commerce Authority has changed the sunset requirement from eight years to two, largely in part to wanting to see more transparency in the grants area to make sure that the money is used equitably across the state. Flagstaff wants this project to show what can be done when investment is made in rural Arizona. The key is that those kinds of grants continue to come to rural communities so there can be economic growth and development. Senator Allen stated that transparency is crucial because they do not hear the success stories. The State wants to know what happens to those dollars and understand if they are helping and if they are going where they want them to go. Hopefully the two year strategy will allow for better understanding on where the dollars are going and how they are being spent. Councilmember Overton offered that locally it is something that the community can get behind. It is a small piece but it allowed the City to partner with federal, state and local community agencies to create something much larger. Senator Allen agreed

stating that us why it is so important for them to understand the impact and see the effect of the dollars granted. Representative Thorpe stated that the mission of the Commerce Authority is morphing and the legislature wants to reevaluate what they do and how they encourage companies to come to Arizona. More scrutiny will not hurt but instead refocus the mission to make sure they are on track.

Public Works Director Erik Solberg discussed the Solid Waste legislation that occurred in last year's session. The City was successful in advocating their interest for SB1187. The City felt that their message was well received and the result was favorable. Mr. Travis stated that one of the reasons the City wanted to highlight this bill was because it is an example of the community working with the legislature on an issue that had unintended consequences. As originally written, the bill would require that a city pays all the taxes that a private hauler pays. What this meant for Flagstaff was that it would have to pay property tax on the landfill and this would result in higher fees for City users. By staff reviewing the bill and bringing the information back, a change to the language was able to happen on the floor and the end result was that people in this community would not have an increase in their rate. It is another great example of the City working together with the legislature to help the community in a way that did not ask for additional funds. Representative Thorpe stated that he was happy to help with the amendment on this bill and at the end of the day the issues of the private haulers were addressed without harm to the City.

Interim Management Services Director Rick Tadder provided information on the City of Flagstaff's budget outlook. He stated that the City opted out of the mid-decade census because of the cost; however, the financial impact is about $300,000 annually to the City's state shared revenue. The City is keeping an eye on that and the Arizona League of Cities and Towns is looking at ways to work it out so it is favorable to all cities.

He reported that there has been discussion about the elimination of income tax within Arizona. One thing that has been heard is replacing income tax with a sales tax; this would not keep cities whole. Currently, Flagstaff gets about $8 million in state shared income taxes; a three percent share on sales tax would bring in $3.6 million which is an impact of more than $4 million to Flagstaff. The City will be watching that closely as it moves forward for consideration.

Public Safety has been a topic for many years in terms of increased cost and retirement. The City is looking at increases this year. The big concern is the Hall case and the impacts it will have on cities; Flagstaff may be looking at an additional $1 million per year in pension costs if the State loses that case. On the positive side, a task force was developed this year and the Deputy City Manager Barbara Goodrich sat on this task force on behalf of Flagstaff. They did a lot of outreach and learning about the pension obligations and how they are structured. The police and fire unions also looked at the programs to try and identify ways to make it better. This session will likely bring forward legislation on how to improve the system and the impacts to the cities.

Mr. Tadder reported that Flagstaff has great revenue projections. The HURF funding has a great impact on Flagstaff; the DPS sweeps equate to a $500,000 ongoing impact and if the MVD sweeps come back that is another $300,000 impact. Flagstaff appreciates the support in restoring those HURF dollars and restoring funding to DPS.

Tourism is essential to Flagstaff, the sales tax and BBB revenues are very good. The 90th anniversary of Route 66 and also the designation of the Winter Wonderland of Arizona will help bring even more tourism to Flagstaff. There are six hoteliers that are interested in coming to Flagstaff because the market is strong. Construction is strong in all of the markets and

development has spread citywide. There are three student housing developments coming to Flagstaff. NAU growth is very strong and they are projecting a 3% increase in students this coming year.

Representative Thorpe stated that in regards to the possible elimination of income tax, he will work to make sure that it would not be a negative impact to rural communities. There would have to be a revenue sharing plan in place to backfill any shortfall that may occur. The reason there is interest in eliminating income tax is because of the large states Arizona competes with in terms of economic development. Arizona is seen as penalizing people for doing well. He met with a South Dakota legislator about eliminating their income taxes and he said that with recession there are dips in withholding. In South Dakota they have found that even in poor times they have seen slight increase in sales tax revenues.

Representative Thorpe stated that he just met with the head of pensions and it looks like he may be running three bills and two or three more coming through his committee. Pension is a great concern and it is actively being worked on; the impact to Flagstaff and other rural communities is very important.

Councilmember Oravits stated that it is good to hear that they are looking to draw business to the state. Flagstaff is a small city but the biggest hub in northern Arizona. One of the City Council's top priorities is economic growth and bringing business and tourism to Flagstaff. Anything that can be done to bring people here is greatly appreciated.

Senator Allen stated that some of the hard decisions that were made in the last six years and the tax adjustments done for businesses have helped. Flagstaff has experienced increased revenue and that is attributed to good decisions in the past. Arizona is on the right path and she hopes it continues. She stated that it is important to create revenue by businesses being successful and creating those revenues through the private market.

Councilmember Evans stated that one of the things she often hears is that Flagstaff's sales tax is high. As the State moves forward and looks for different streams of revenue please keep in mind that many cities have increased taxes to cover shortfalls in State funding.

Mayor Nabours stated that one of Flagstaff's big generators of revenue is construction. The construction trades are not getting the young people with trade education as they have in the past. He asked Councilmember Overton, as a general contractor, if there is difficulty getting these kinds of employees. Councilmember Overton stated as a small rural community there are limits on the number of skill trades workers available, especially the younger generations filling behind the older, experienced workers. There is a need there and it will be important to be aware of legislation and taxation that encourage people to find an easier way of living. The workforce is limited and education is one piece but the quality of life is equally important.

Representative Barton stated that CTE and JTED are just that first level of learning those skill sets, it is important to follow through on the journeyman side to get the experience and training from those already in the field. Councilmember Overton added that the initial education of those skills used to fall to the community colleges but they have had to cut those programs due to lack of funding. Representative Barton indicated that Flagstaff is large enough to begin a small program with limited carpentry, electrician, or plumbing trade education. It is a work program and education program that gets the young people education where they live so they can work where they live. Councilmember Evans added that there are some programs in Flagstaff but on a smaller scale that train people to be apartment maintenance supervisors, and other trades. She suggested they get in touch with Carol Curtis at the Coconino County Career Center for more information about what is currently available in Coconino County.

A break was held from 9:58 a.m. through 10:06 a.m.

Mayor Nabours then provided a brief overview of the Veteran's Home proposal. Flagstaff has set aside land for the facility and the Department of Veteran Affairs has already put the $10 million set aside in their budget for this year. Flagstaff is asking for the set aside to remain in their budget. This is an important project, it is a good economic tool and it is a regional benefit. The facility could create 120 plus jobs in the healthcare field and be the first of its kind in northern Arizona. Senator Allen thanked the City for continuing to push this project, it is a process that takes a lot of work and perseverance. She feels that it is a great example of something that one time monies could be used for. She stated that she will do her best to make sure it stays in the budget.

Councilmember Overton then gave an update on Forest Health. The state lands are vital to the Flagstaff community and if they burn the value is diminished. Flagstaff recognizes those lands are the State's investment but the City's risk and the City wants to make certain that it can assist in the protection of that land. The ask is simple, keep up the great work and remind your colleagues of the many success stories coming out of the Flagstaff area with regards to forest health.

Mayor Nabours stated in regard to the Red Gap Ranch pipeline that the City's hundred year supply of water is about 30 miles east of Flagstaff and lies along the I-40 right of way. That water needs to have a way into Flagstaff and the I-40 corridor is the most logical option. The City has been in discussions with the Department of Transportation for many years and their perspective has started to change. The City is close to an agreement with the Department of Transportation to use the right of way and the Governor has been supportive of the City's efforts. Senator Allen stated that it is important for the state agencies to be cooperative and supportive of each other.

Mayor Nabours stated that another issue coming up that the City Council has taken a position on is that of guns in public facilities. It is not only a gun issue but a cost issue. Flagstaff's Council meetings can get emotional sometimes and there are two police officers at each meeting. Right now the City is saying no guns allowed in the Council Chambers but there have been proposals about permitting guns in these areas. Mr. Copley added that the City does have gun lockers that people can use in the event that they bring a gun into the area however, there are only a few available and there is a cost associated with increasing the storage capacity.

Senator Allen stated that she believes someone with a concealed carry permit is not the concern, those who do not care if there is a sign or regulation are. These discussions and decisions unfairly target the law abiding gun carrier. Additionally, she feels that there is a liability factor on the agency trying to prohibit firearms with the posting of sign. If a firearm does come through by someone who does not care what the sign says and causes injury to the public the agency could be held responsible for not actively enforcing their regulation. If the direction is to prohibit guns in particular areas then metal detectors should be used to prevent any oversight. Representative Thorpe suggested that the sign may actually increase gun activity because he feels that these types of people go to places where guns are not permitted so there is less opportunity for retaliation. It is a difficult conversation and he appreciates what the City is doing currently by offering some protection with the officers onsite. Councilmember Evans stated that she certainly understands the issue of gun rights and offered that the issue is the public perception that they can feel safe coming to a Council meeting to discuss difficult, emotional and contentious issues. She offered that Flagstaff would ask that they advocate against legislation that would allow guns in public facilities.

Councilmember Overton brought up the issue of there being requirements for an architect stamp for very minor revisions to an existing structure. Those stamps can be very costly for something as simple as adding a window to a wall. A change in these requirements could be very helpful and beneficial to small businesses in Flagstaff. Representative Barton stated that she carried a similar bill with regards to condos and that was well received and successful, she feels that the same may be able to be applied to this situation. Councilmember Overton stated that the revisions will still go through the local process but would eliminate a costly step in the process.

Mayor Nabours stated that sustainable energy districts are another issue that Flagstaff is dealing with; Flagstaff would like to see flexible financing authority for commercial entities for upfront investment capital in energy efficiency improvements to properties. Representative Barton stated that the problem lies with the banks. Ms. Smith added that the hope is to work more closely with the finance agencies to find solutions. Representative Thorpe indicated that he would support trying to get this through but he has found that the head of the Senate does not like special taxing groups.

Councilmember Evans stated that the Housing Trust Fund is another issue for Flagstaff. This is a state resource to address the state's housing needs. Prior to the recession the fund was at $30 million and during the recession the fund was capped at $2.5 million. Flagstaff is asking that the cap be removed or raised. The cost of living and the cost of housing is extremely high in Flagstaff and this fund is used to help with housing rehab and emergency home repair service. Additionally, some of the non-profits in the area of affordable housing could use the funds as matches for federal grants. Senator Allen asked how the funds are determined to be distributed. Mr. Travis stated that the Director of Housing reviews the grants and makes a decision. The last couple of years the fund has been swept so the amount that goes out has been dramatically reduced.

Mayor Nabours stated that he and the Council cannot thank the Senator and Representatives enough for accepting the invitation to come and discuss the successes and issues in Flagstaff. He thanked them for their time and commitment to the region.

5. Adjournment

The Special Work Session of the Flagstaff City Council of December 10, 2015, adjourned at 10:46 a.m.

SPECIAL MEETING

1. Call to Order

Mayor Nabours called the Special Meeting (Executive Session) of December 10, 2015, to order at 10:55 a.m.

2. Roll Call

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

PRESENT	ABSENT
MAYOR NABOURS	COUNCILMEMBER EVANS
VICE MAYOR BAROTZ, telephonically	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA, telephonically	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. Recess into Executive Session

4. Executive Session:

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to recess into Executive Session.

Vote: 6 - 0 - Unanimously

The Flagstaff City Council recessed into Executive Session at 10:56 a.m.

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. Section 38-431.03(A)(3) and (4), respectively.

i. Hopi v. City of Flagstaff / City of Flagstaff v. Snowbowl

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body; iscussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation; and discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. Section 38-431.03(A)(3)(4) and (7), respectively.

i. Navajo & Other Tribal Water Rights

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 12:32 p.m. at which time the Special Meeting (Executive Session) of December 10, 2015, adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL REGULAR MEETING
TUESDAY, DECEMBER 15, 2015
COUNCIL CHAMBERS
211 WEST ASPEN
4:00 P.M. AND 6:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Nabours called the meeting of December 15, 2015, to order at 4:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER (telephonically)	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS (telephonically)	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

None

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. 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 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.

None

6. PROCLAMATIONS AND RECOGNITIONS

None

7. APPOINTMENTS

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

A. Consideration of Appointments: Personnel Board.

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to appoint Stan Nelson to the Personnel Board, with a term to expire October 2018.

Vote: 7 - 0 - Unanimously

8. LIQUOR LICENSE PUBLIC HEARINGS

Mayor Nabours opened the public hearing for both liquor license applications. There being no public input, the public hearing was closed.

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to forward both applications to the State with a recommendation for approval.

Vote: 7 - 0 - Unanimously

A. Consideration and Action on Liquor License Application: Andrea Lewkowitz, “Courtyard by Marriott", 2650 S. Beulah Blvd., Series 11 (Hotel/Motel), New License.

B. Consideration and Action on Liquor License Application: Andrea Lewkowitz, “Springhill Suites", 2455 S. Beulah Blvd., Series 10 (beer and wine store), New License.

9. CONSENT ITEMS

All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

None

10. ROUTINE ITEMS

A. Consideration and Adoption of Ordinance No. 2015-22: An ordinance of the Mayor and Council of the City of Flagstaff amending qualifications for members who serve on certain Boards and Commissions ***(Elimination of Specialty Appointments to Commissions)***

City Clerk Elizabeth Burke addressed Council with a PowerPoint presentation that covered the following:

REVIEW OF PRIOR DISCUSSIONS
RECAP OF PREVIOUS DIRECTION
DIRECTION

She said that there have been some members of the lodging industry who voiced concerns about wanting mandatory representation on commissions.

Mayor Nabours said that the ordinance before Council would eliminate specialty representatives on every commission. Ms. Burke added that previous discussion of Council was that they would still want representation from the hospitality industry, but Council would keep that in mind when making appointments, rather than making it mandatory.

Vice Mayor Barotz referenced paragraph B in the section on the Heritage Presentation Commission, suggesting that it be eliminated as well. She said that she had received some e-mails about this issue with concerns about people serving on commissions by people with a conflict of interest. She asked the City Attorney to reiterate the Conflict of Interest law. Ms. D'Andrea said that they have relied on staff to let Legal know when there is a conflict and they have been diligent in letting them know.

Ruben Abeyta with the Tourism Commission addressed the Council urging them to maintain specialty representation on the commissions because they are experts in the industry and why people come into Flagstaff. They have the ability to give direction to people and they have seen nothing but positive things over the years. If the commission does not do its job and the CVB does not get proper direction, there could be a trickle-down effect to those who get a piece of the BBB pie.

Councilmember Oravits said that he agreed that representation was important and he has looked at applications to determine qualifications. His concern is that they could say the same about all of the commissions. Mr. Abeyta said that there is a direct correlation between the commissions and the BBB tax.

Vice Mayor Barotz said that if this change does go through, she did not see those qualifications not being considered by the Council in the future.The message should be that the people will still be a part of the commission, but it would not be a requirement. She said that the Council takes all appointments seriously and vetting their qualifications will still occur.

Mr. Abeyta said that this Council can certainly do that, but future councils may think differently. Councilmember Putzova said that currently the requirements are very ambiguous which is why they are looking at this issue.

Councilmember Evans said that she would like to understand how they got the BBB tax and the ruling behind it. Having these guaranteed positions was part of getting the BBB taxes to begin with. Ms. Burke said that staff did do some research on this and a CCR went out recently and it was determined that the specific language was not included in the ballot.

Councilmember Evans asked if there was anything in the notes from the prior council when this commission was established. Ms. Burke said that she did not research that specifically. Staff pulled the original ordinance from when the commission was established and that was part of the original wording.

Vice Mayor Barotz said that she thinks there is an idea that some people are more qualified than others in that position. There are no qualifications to run for any office; she is not convinced that eliminating the requirements would run the risk of mismanaging monies.

Mayor Nabours added that it would not mean that they would not have any hospitality industry on the commission; he would welcome them to apply so they can keep the commission at full strength with people who are interested in the commission.

Councilmember Brewster said that she would hate to see the elimination of the specialty representatives. It is important to have people with specific qualifications and education for the commissions. In the end they run the risk of watering down the commissions that need specific expertise.

Councilmember Oravits said that he appreciated all of the comments. He would support the specialty appointment for this commission because of the history and their value. Councilmember Evans said that she thought that Tourism and Beautification and Public Art should both keep their specialty representatives because they are tied to the BBB funds.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Eva Putzova to read Ordinance No. 2015-22 by title only for the first time.

Vice Mayor Barotz said that the whole notion of specialty representatives for some commissions and not others is troubling. They could justify them for any commissions with specific requirements. The idea of expertise it not being consistent and it is important to consider this as a whole model for boards/commissions.

Councilmember Putzova said that specialty appointments are no guarantee of expertise, and not having them is no guarantee that expertise is not there. By eliminating the requirements they are more transparent. The process is good. Voters can vote on city council every two years and apply their best judgment to apply their own criteria to make appointments. If the voters are not happy then they will vote them out.

Vote: 4 - 3

NAY: Councilmember Karla Brewster
Councilmember Coral Evans
Councilmember Jeff Oravits

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING QUALIFICATIONS FOR MEMBERS WHO SERVE ON CERTAIN BOARDS AND COMMISSIONS, AND CONSOLIDATING AND HARMONIZING COMMISSION DUTIES, BY AMENDING TITLE II, BOARDS AND COMMISSIONS, BY AMENDING CHAPTER 2-03, PARKS AND RECREATION COMMISSION, CHAPTER 2-13, TOURISM COMMISSION; CHAPTER 2-14, BEAUTIFICATION AND PUBLIC ART COMMISSION; CHAPTER 2-19, HERITAGE PRESERVATION COMMISSION; CHAPTER 2-20, OPEN SPACES COMMISSION; AND AMENDING TITLE III, BUSINESS REGULATIONS, BY AMENDING CHAPTER 3-06, HOSPITALITY INDUSTRY TAX REVENUES, AND INCLUDING A CLERICAL CORRECTION TO CONFORM WITH THE CURRENT TAX RATE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

RECESS

The 4:00 p.m. portion of the December 15, 2015, meeting recessed at 4:37 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the meeting of December 15, 2015, at 6:01 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

11. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

12. PUBLIC PARTICIPATION

The following individuals addressed the Council regarding the issue indicated:

•Don Ballard, Flagstaff, regarding problems he has been having with Guardian Air flying right over his house.
•Gabor Kovacs, Flagstaff, wishing everyone a blessed holiday and thanking the Council, staff, police, etc., for all the good things they have accomplished.

13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

None

14. PUBLIC HEARING ITEMS

None

15. REGULAR AGENDA

A. Consideration and Approval of Street Closure(s): Dew Downtown Flagstaff Winter Festival

Recreation Supervisor Glorice Pavey briefly reviewed the application to close streets for the Dew Downtown Flagstaff Winter Festival, noting that she was present to answer any additional questions.

Vice Mayor Barotz said that it sounded from the last presentation that staff was not yet clear on the cost to the City for staff time and the amount spent. Ms. Pavey said that was correct; they do anticipate that a large number of staff members provided in the past will be handled through volunteers.

Public Works Director Erik Solberg said that any regular time paid employees would come out of their respective budgets. Any overtime would be paid for by the Dew sponsorship.

Councilmember Putzova asked why this item had previously been placed on an agenda for discussion and then removed. Mr. Copley said that it was originally put on the agenda to talk about the future of the event. A lot of things have changed. At that time they were looking to take a year break from the event to evaluate staff, but in the intervening time they were approached by the Downtown Business Alliance (DBA) and asked to be more involved to try and get more participation from the private sector, and that is what is before the Council. He said that they had a choice of not doing it, or working it out as it goes. There are finer details to be worked out, and his commitment is that as they get that detail they will report it back to Council.

Ms. Pavey said that there are a number of coordinating sponsorships. They are working with the DBA on the bulk of planning and implementing, coordinating vendors, fencing, tents, amusements, in trying to see how they can be involved. The City has contracted out the beer garden to the DBA as well as the parking. Since the snowboarding is moving to Snowbowl they will not be involved with that. She said that they are proposing that the City of Flagstaff pay an event planner $5,000.

Ms. Pavey said that the Nackard Corporation is still the primary sponsor and has naming rights. The prior name was longer than preferred. Councilmember Putzova asked if they

already had contracts in place for sponsorship. Ms. Pavey said that they wanted to make sure the discussion at the Work Session went well before they started handing out contracts. It can be a lengthy process. They have not received those signatures yet, but are in the process of creating and sending to legal for review.

Tory Syracuse, Friends of Flagstaff's Future, said that while they appreciated the effort being made around the event to make it more resilient, they still opposed it and the use of thousands of gallons of water in making snow.

Terry Madeksza, DBA, said that this is an event they would really like to see happen as they do not see a lot coming to downtown this time of year. This event brings families downtown and over the past four or five years it has been successful.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to approve the street closure at San Francisco Street (between Aspen Avenue and Cherry Avenue) and Birch Avenue (between Agassiz Street and Leroux Street) on January 28, 2016 at 8:00 p.m. through January 30, 2016 at 11:59 p.m.; and approve the street closure at Aspen Avenue (between San Francisco Street and Leroux Street) on January 29, 2016 at 8:00 a.m. through January 30, 2016 at 11:59 p.m.

Vice Mayor Barotz said that she has supported this event in the past, but this year will be voting against it. She thinks that she could get behind an event downtown that has the goal of drawing people, but she does not support the continued subsidy and she cannot support the use of potable water for snow making.

Councilmember Oravits said that he did support the event, realizing that it is at a point of transition.

Councilmember Putzova said that she has already voiced her opinion about the event as proposed. As a City-sanctioned event, she could not support something that excludes people and this one does because of those who really oppose potable water for recreational use.

Vote: 5 - 2

NAY: Vice Mayor Celia Barotz
Councilmember Eva Putzova

16. DISCUSSION ITEMS

A. Discussion of Disabled-accessible Parking in Downtown.

Transportation Engineer Reid Miller gave a PowerPoint presentation regarding disabled-accessible parking in downtown, which addressed:

ACCESSIBLE PARKING
OVERVIEW
Available Parking Downtown
Disability Awareness Commission (DAC)
Accessible Parking in the Right-of-Way

AVAILABLE PARKING DOWNTOWN

Downtown Defined - Humphreys on the west, Verde on the east, north to Cherry and south to Phoenix

AVAILABLE PARKING DOWNTOWN (Continued)
List of Parking Lots
ADA and Zoning Code Compliance

LIST INCLUDES
Phoenix West and East
Train Station
Lumberhard Parking Lot
Beaver Street Parking Lot
Library
Wheeler Park
City Hall
Municipal Court at Beaver/Route 66

DISABILITY AWARENESS COMMISSION
Staff attended three monthly meetings to discuss:
- ADA Parking at Special Events
- Events occurring recently or upcoming
- Code Enforcement (Frank Higgins)
- ADA Accessible parking in Downtown (Karl Eberhard)

ACCESSIBLE PARKING IN THE RIGHT OF WAY
US Accessibility Board
- Access for blind pedestrians at street crossings
- Roadway design practices
- Access to on-street parking

Further discussion was held on parking spaces in the right-of-way. Mr. Miller noted that they would need to obtain easements or additional right-of-way to construct such spaces and they would also have to construct associated ramps to provide access to the sidewalks.

Mr. Miller explained that the ADA requires a certain amount of spaces based on the total number of parking spaces. The City's Zoning Code goes above and beyond and requires 32 spaces.

Councilmember Evans said that one thing she hears is that a lot of the disabled parking spaces that are available are located on the outskirts and not in the middle of downtown. Mr. Miller said that was one of the main reasons they were trying to find spaces for special events. Councilmember Evans said that they would like to see them available year round.

Councilmember Putzova asked about the possibility of providing more one-way streets so that some of the lanes could be turned into diagonal parking, to include disabled accessible. Mr. Miller said that it is something they have not looked at, but they could.

The following individuals addressed Council regarding this issue:

•Sherry Peralta
•Al White
•Caitlyn Beruth
•John Thoran

•Vince Soqui

Comments received included:

•Questions the definition of "downtown"
•Disagrees with the number of spaces available - only 18 spaces
•Those indicated south of the tracks are not useful as it is difficult to get across the tracks
•Dirt parking lots do not work well with wheelchairs and walkers
•Many businesses have "customer only" signs
•Parking lot on Leroux is difficult to get in and out of; also police often park in spaces
•Signs at the Library, Wheeler Park, Cherry Street and City Hall all have "city business only" sign; general public does not know they are allowed to park there
•Municipal Court spaces are not van accessible
•Supports additional parking downtown for disabled
•Appreciates staff studying the issue and supports Karl's plan
•At one time there was a $10,000 fee for the Leroux lot from Heritage Square Foundation; should be researched
•Difficult to get around with snow
•Understands parking downtown is an issue outside of the disable-accessible
•The Disability Awareness Commission would like to help work on a temporary solution; they have a lot of ideas
•Need a crosswalk between Fourth Street with a button to push and signals
•There are not enough sidewalks
•Is a lot of talk going on; would like to see action as well

Councilmembers thanked those in the public that came out and spoke tonight. Staff was asked to continue looking at the issue, study the possibility of closing lanes downtown to provide additional spaces, work with the Disability Awareness Commission and Al White re the Heritage Square parking issue. It was also suggested that the signs referenced for "for city business only" be changed.

It was also suggested that during snow removal, priority be given to clearing sidewalks to accommodate the disabled.

Mayor Nabours said that some of those attending the meeting were also interested in Item 16-C so he would move to that discussion at this time.

B. Policy discussion on proposed amendments to Zoning Code Chapter 10-30 *(General to All).*

Mr. Eastman began the presentation talking about Building Placement and reviewed the talking points, noting that it would apply to all commercial, retail and multifamily.

Mayor Nabours asked how they would handle a situation wherein a new store wants to come to town and the architect comes and meets with staff. He presents ideas and staff suggests something different. He asked how that conflict is resolved. Mr. Eastman said that happens fairly frequently, but 90-95% of the discussion resolves that issue. There is always the appeal process. Any decision of staff or the planning director appeals to the Board of Appeals, and if it needs to go further it goes to the Superior Court.

Councilmember Putzova said that they have heard that the community does not like the way that Sportsman Warehouse turned out, but it meets the criteria of these standards. She asked

what they could do differently so they do not end up with projects like that in the future.

Mr. Eastman said that under today's codes, with creativity of staff to bring the building forward and suggested amendments, it meets the location requirements close to the street, with a side entrance. One of the issues that he has noticed is that it is a free stand-lone building with nothing else next to it. He believes that once it is built out it will not stand out as much, especially with newer buildings nearby.

Councilmember Oravits said that he appreciates the moving forward design and in most cases it works well. The challenge he sees is that with a lot of the lots left the terrain dictates certain needs as well. He is also concerned with future roadway extensions.

Mr. Eastman said that one of the issues with Sportsman Warehouse was that they did not want to have windows on the street for security reasons. He said that staff worked with them to find some type of treatment on the building; they would have loved to have gotten further.

With regard to the prior statement as to roadway extensions, he believes they have addressed that in a different section of the code.

Brief discussion was held on future development on Milton. Mr. Landsiedel said that one thing they need to talk about is that as the projects come to the City, they look at the Regional Plan. In looking at the roadway standards, if they have a roadway calling for five lanes, they plan accordingly. If it is not in the Regional Plan, but it gets widened 50 years down the road, they may run into problems.

C. Policy discussion on proposed amendments to Zoning Code Chapter 10-50 *(Supplemental to Zones),* except for Division 10-50.100 *(Sign Standards)*.

Mr. Eastman suggested that, based on prior discussion, they withdraw the suggested amendment to change the minimum parking from Flagstaff's back to the federal requirements, as it was the right thing to do.

A break was held from 7:26 p.m. to 7:38 p.m. during which time Councilmember Evans left the meeting.

D. Policy discussion on proposed amendments to Zoning Code Chapters 10-60 (Specific to Thoroughfares), 10-80 (Definitions) and 10-90 (Maps)

Mr. Eastman said that these sections include many technical amendments. He said that they have talked about the rooming/boarding changes to definitions in past meetings. He said that the current code, in 10-40 Specific to Zones, provides for rooming/board facilities. They are recommending that dormitories remain, eliminate rooming/boarding and refine the definition of dormitory and single-use rooms. He said that the rooming/boarding facility definition includes language regarding a lease arrangement. Staff has wrestled with this one. He said that most of the student facilities coming forward are actually multifamily and in the commercial zone is a permitted right.

Mr. Eastman said that he and Mr. Folke have been talking about this issue, and with the large student housing being proposed, it is the scale of the projects that has created a lot of problems. He said that the real solution is the High Occupancy Housing (HOH) ordinance to establish a density threshold where a different review process would kick in.

17. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.

A. Future Agenda Item Request (F.A.I.R.): A request by Councilmember Putzova to place on a future agenda a discussion on affordable housing.

Councilmember Putzova said that her basic request is to have a discussion about a functional housing plan. It would not be a discussion about making construction less expensive, but focusing on what they as a community can do, and what kind of programs they could have to implement the Regional Plan goals.

Mayor Nabours said that he could see quite a few issues that overlap. There is a possibility they could have a whole day on the issue, perhaps a Housing Summit, with invited people to talk about affordable housing, in the context of subsidized housing, tax credit townhouses, land that they have earmarked as affordable housing; etc.

Councilmember Putzova said that she would like to have staff put forward ideas for a plan. She wants to separate from the building or zoning code. She would like to have staff present what are some best practices nationwide.

Councilmember Brewster said that about six months ago she talked about affordable housing and getting the CEO's of the major employers to sit down and have a discussion. As she understood it, that process has been started through ECoNA.

Mr. Copley said that today they had a meeting regarding that topic. Staff had been directed by Council to put together the community housing forum. While affordable housing will be discussed, it is a broader discussion. They are looking to have that discussion with CEO's of the larger employers, to occur in mid January. He said that staff would be making some presentations there and they intend to come back to Council to report out on those discussions.

Vice Mayor Barotz said that one of the things that is interesting is tiny houses, and asked if they could incorporate that issue into the discussions. She said that she was not clear on what population they would be addressing. Affordable housing for a homeless person is very different than someone else. She suggested that they need a more visionary approach to learn of new options found to be successful.

Mayor Nabours agreed, but he thought it was more than just Council. It is something they could spend a day on because there are so many overlaps. Councilman Oravits agreed that they need to have that broad discussion.

Councilmember Putzova said that was not the intent of this agenda item. She would like to see a plan that brings all of the components together so they as a community have a good understanding of what direction they are headed in.

Councilmember Oravits said that he appreciated that and he would support it if they have a broad discussion.

Councilmember Overton said that he liked the idea of a roundtable. He said that they always

come back with those things they can control and those they cannot. He is happy to hear about things, but he believes it is a more intensive session.

Mayor Nabours said that he was going to vote no on the request because he does not want to take a little part off the issue. He would like a comprehensive look at affordable housing.

As explained this evening, those in favor were Vice Mayor Barotz and Councilmembers Overton and Putzova; those opposed were Mayor Nabours and Councilmembers Brewster and Oravits.

18. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, FUTURE AGENDA ITEM REQUESTS

Mayor Nabours reminded everyone that they do not meet for the next two Tuesdays.

Vice Mayor Barotz asked for a F.A.I.R. item to have a general policy discussion about ways the Council can try to achieve one of their goals--helping the most vulnerable.

Councilmember Putzova asked for a CCR on the City camping ordinance in light of the recent legal opinions, and what it means for the City.

Councilmembers wished everyone a happy holiday.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held December 15, 2015, adjourned at 8:40 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CERTIFICATION

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on December 15, 2015. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 16th day of February, 2016.

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, JANUARY 19, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
4:52 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting (Executive Session) of January 19, 2016, to order at 4:52 p.m.

2. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: Deputy City Manager Jerene Watson and Deputy City Attorney Sterling Solomon.

3. Recess into Executive Session.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. 38-431.03(A)(3) and (7), respectively.

i. Marriott project located at the corner of Aspen and Humphreys, including the potential acquisition of right-of-way.

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 5:27 p.m. at which time the meeting adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, FEBRUARY 2, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
4:31 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting (Executive Session) of February 2, 2016, to order at 4:31 p.m.

2. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and Deputy City Attorney Sterling Solomon.

3. Recess into Executive Session.

4. Executive Session:

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to recess into Executive Session.

Vote: 7 - 0 - Unanimously

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS 38-431.03(A)(3) and (4), respectively.

i. Hopi v. City of Flagstaff; City of Flagstaff vs. Arizona Snowbowl

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 4:59 p.m. at which time the meeting adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Erin Young, Water Resources Manager
Co-Submitter:	Damian Gallegos
Date:	01/27/2016
Meeting Date:	02/16/2016

TITLE:

Consideration and Approval of Contract: Well Siting Study. ***(Approval of the Agreement will allow Clear Creek Associates to conduct a study to identify the next five (5) well site locations for the City of Flagstaff)***

RECOMMENDED ACTION:

1) Approve the Agreement with Clear Creek Associates for the amount of $206,000.
2) Authorize the City Manager to execute the necessary documents.

Executive Summary:

On September 20, 2015 the City issued a Request for Statement of Qualifications (RSOQ) for professional consulting services to conduct a hydrological study to identify the next five (5) well locations for the City of Flagstaff. We received six (6) responses to the RSOQ. An interdivisional group of four (4) City employees and one (1) employee of the Arizona Geological Survey evaluated the proposals and selected Clear Creek Associates as the most qualified.

Financial Impact:

The Well Siting Study is currently in the FY2016 Utility Capital Improvement Program (CIP) budget at $250,000.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

2) Ensure Flagstaff has a long-term water supply for current and future needs.
3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics.

Has There Been Previous Council Decision on This:

No.

Options and Alternatives:

1) Award the contract to Clear Creek Associates.
2) Do not award the contract to conduct the Well Siting Study.
3) Remand the contract and scope to staff for further consideration. This will delay the initiation of the process and require a new procurement process.

Background/History:

Since the 1950's the Utilities Division has conducted a hydrogeological study prior to drilling and completing water wells in the deep C aquifer. In order for the City to continue to grow, and to create resiliency during years when surface water supplies are low, Utilities has historically added an average of 4 to 5 new wells to the system each decade. This study provides the data and decision process used in order to anticipate favorable conditions for water production at 1,500 to 2,500 feet below land surface.

In July 2014, City Council adopted policies that guide Utilities through the process of when new well sites are needed, located in Chapter B.2. of the Water Policy Chapter of the Utilities Integrated Master Plan. The Utilities Division tracks the growth approved by Council as committed demand, and what is likely to be proposed in the future as projected demand. The total of committed demand added to the estimated production volume to meet current demand in the peak of summer, compared to the maximum volume Utilities is currently equipped to provide, indicates the need for additional water well sites. The last hydrogeological study was completed in 2007 after which the City drilled three wells.

Key Considerations:

The goal of this study is to ensure that the Utilities Division is ready with well site locations when the need is identified for a new well, and when funding becomes available within our Capital Improvement Program.

The Well Siting Study will contain an evaluation of the current hydrogeological information available, determine whether more scientific information is needed, utilize a weighted decision making matrix, and provide recommendations for five or more well site locations.

Six (6) firms submitted qualifications for performing the Well Siting Study. A five (5) person evaluation committee independently reviewed each proposal and scored the firms on the following criteria: 1. Qualification/Experience of Firms; 2. Experience of Key Personnel; 3. Understanding and Approach; 4. Technical Experience and Understanding; 5. Value Added Knowledge and Experience; 6. Overall Evaluation of the Firm/Team. The initial scoring tabulation resulted in a short-list of four (4) firms to be invited to perform an interview with the evaluation committee. There was a total of 140 points possible in the initial evaluation.

The interview component provided for an additional 60 possible points to be calculated as an aggregate total of 200 points possible. The scoring results are on the attached Scoring Tabulation document.

Expanded Financial Considerations:

The Well Siting Study is currently in the FY16 Utility Capital Improvement Program budget at $250,000 in account number 202-08-370-3318-0-4206.

Community Benefits and Considerations:

This study and subsequent well drilling, should Council adopt the Capital Improvement Program plan, provides the community with a reliable water supply.

Community Involvement:

Inform

The results of this study will be presented to the Water Commission and, as appropriate, to City Council. Public meetings for comment will be conducted during the Water Commission meeting.

Expanded Options and Alternatives:

Attachments: Scoring Tabulation
Copy of Contract

CITY OF FLAGSTAFF
PURCHASING DIVISION
RSOQ 2016-18 Professional Services City of Flagstaff Well Siting Study

SCORING TABULATION

Evaluation Criteria Ranking						
Qualification/Experience of Firms	***Four Corners Environmental Inc.***	***Southwest Ground-water Consultants,***	***Montgomery & Associates***	***Haley & Aldrich, Inc.***	***Clear Creek Associates***	***HydroSystems, Inc.***
Evaluator #1	25	30	30	20	30	30
Evaluator #2	20	30	30	25	30	30
Evaluator #3	25	30	30	25	30	30
Evaluator #4	28	29.5	28	25	28	28
Evaluator #5	15	21	30	12	18	24
30 Points						
Total Score	**113**	**140.5**	**148**	**107**	**136**	**142**
Experience of Key Personnel						
Evaluator #1	40	38	40	30	38	40
Evaluator #2	15	40	40	30	35	35
Evaluator #3	32	38	32	38	32	32
Evaluator #4	35	39	35	37.5	38	38
Evaluator #5	20	24	40	16	28	32
40 Points						
Total Score	**142**	**179**	**187**	**151.5**	**171**	**177**
Understanding and Approach						
Evaluator #1	15	20	18	15	20	15
Evaluator #2	15	20	20	20	20	20
Evaluator #3	20	20	20	20	20	20
Evaluator #4	15	18	17	18	20	20
Evaluator #5	16	14	12	10	20	18
20 Points						
Total Score	**81**	**92**	**87**	**83**	**100**	**93**
Technical Experience and Understanding						
Evaluator #1	20	20	18	15	20	20
Evaluator #2	10	20	20	10	17	17
Evaluator #3	20	20	20	20	20	20
Evaluator #4	15	19	20	18	19	20
Evaluator #5	10	20	12	8	16	14
20 Points						
Total Score	**75**	**99**	**90**	**71**	**92**	**91**
Value Added Knowledge and Experience						
Evaluator #1	10	10	10	8	10	10
Evaluator #2	10	8	10	5	10	10
Evaluator #3	8	10	10	8	10	10
Evaluator #4	10	8	7.5	7	8	8
Evaluator #5	10	5	7	5	6	8
10 Points						
Total Score	**48**	**41**	**44.5**	**33**	**44**	**46**
Overall Evaluation of the Firm/Team						
Evaluator #1	10	15	15	10	20	15
Evaluator #2	5	20	20	5	15	15
Evaluator #3	16	20	20	16	20	18
Evaluator #4	16.5	18.5	18	17.5	19	19
Evaluator #5	14	10	16	10	12	20
20 Points						
Total Score	**61.5**	**83.5**	**89**	**58.5**	**86**	**87**
Agregate Score for each Company	**520.5**	**635**	**645.5**	**504**	**629**	**636**
Team Presentation						
Evaluator #1		25	25		30	15
Evaluator #2		15	20		30	15

Evaluator #3		25	27		30	30
Evaluator #4		30	30		30	29
Evaluator #5		26	25		30	25
30 Points						
Total Score	**0**	**121**	**127**	**0**	**150**	**114**
Agregate Score for each Company	**520.5**	**756**	**772.5**	**504**	**779**	**750**
Evaluation Questions						
Evaluator #1		25	30		30	10
Evaluator #2		20	25		30	20
Evaluator #3		25	30		30	27
Evaluator #4		28	27		29	26
Evaluator #5		25	25		30	25
30 Points						
Total Score	**0**	**123**	**137**	**0**	**149**	**108**
Agregate Score for each Company	**520.5**	**879**	**909.5**	**504**	**928**	**858**

CONTRACT FOR PROFESSIONAL DESIGN SERVICES
WELL SITING STUDY
Contract No. 2016-18

This Contract is entered into this _____ day of _____, 2016 by and between the City of Flagstaff, a political subdivision of the State or Arizona ("City"), and Clear Creek Associates, 6155 East Indian School Road, Suite 200; Scottsdale, AZ 85251.

WHEREAS, the City of Flagstaff desires to receive, and Contractor is able to provide materials and/or services;

NOW THEREFORE, in consideration for the mutual promises contained herein, the parties agree as follows:

1. Scope of Work: Contractor shall provide the materials and/or services generally described as follows:

   PROFESSIONAL SERVICES-WELL SITING STUDY

   and as more specifically described in the scope of work attached hereto as *Exhibit A.*

2. Compensation: In consideration for the Contractor's satisfactory performance, City shall pay Contractor the compensation described in *Exhibit A.* Any price adjustment must be approved in writing and approved by the parties. The City Manager or his designee (the Purchasing Director) may approve an adjustment if the Contract price is less than $50,000; otherwise City Council approval is required.

3. Standard Terms and Conditions: The City of Flagstaff Standard Terms and Conditions, attached hereto as *Exhibit B* are hereby incorporated in this Contractor by reference and shall apply to performance of this Contract, except to the extent modified in Exhibit A.

4. Insurance: Contractor shall meet insurance requirements of the City, set forth in *Exhibit C.* [OPTION: If no insurance required, replace sentence and type "Reserved.]

5. Contract Term: The Contract term is for an initial period of three (3) years commencing on_____,2016 and continuing through _____, 2019.

6. Renewal: This Contract may be renewed or extended for an additional two (2) one (1) year extensions by mutual written consent of the parties. The City Manager or his designee (the Purchasing Director) shall have authority to approve renewal on behalf of the City.

7. Notice. Any formal notice required under this Contract shall be in writing and sent by certified mail and email as follows:

To the City:	To Contractor:
	Clear Creek Associates
Damian Gallegos	6155 E Indian School Road, Suite 200
City of Flagstaff	Scottsdale, AZ 85251
211 W. Aspen	

Flagstaff, Arizona 86001 dgallegos@flagstaffaz.gov	Marvin Glotfelty mglotfelty@clearcreekassociates.com
With a copy to:	With a copy to:
Damian Gallegos	Marvin Glotfelty

8. Authority. Each party warrants that it has authority to enter into this Contract and perform its obligations hereunder, and that it has taken all actions necessary to enter into this Contract.

CONTRACTOR

_____

Print name:_____

Title:_____

CITY OF FLAGSTAFF

_____

Print name:_____

Title:_____

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

Notice to Proceed issued:_____, 20___

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Trevor Henry, Project Manager
Date:	01/29/2016
Meeting Date:	02/16/2016

TITLE:

Consideration of Award of Consulting Contract: Lockett Road Improvement Project

RECOMMENDED ACTION:

1) Award the Consultant Services Contract to Peak Engineering, Inc. of Flagstaff, Arizona in an amount not to exceed $171,114.00. The contract period is 545 calendar days; and
2) Authorize Change Order Authority to the City Manager in the amount of $15,000 (10% of contract amount excluding contingencies) for unanticipated or additional items of work; and
3) Authorize the City Manager to execute the necessary documents.

Executive Summary:

TITLE: Consultant Services contract for the Lockett Road Improvement Project.

- Peak Engineering was selected through the Qualified Based selection process.
- Recommend awarding the consultant services contract to Peak Engineering, Inc.
- Peak will perform services to deliver the Plans, Specifications & Estimate construction documents for the project
- Plans, Specifications & Estimate construction documents will be complete by July 2016.
- Project will be ready for solicitation of bids by the fall of 2016.
- Construction of the project expected to be completed by November 2017.

Financial Impact:

Consultant Services contract will be funded by the FY 2016 budget totaling $300,000 for Lockett Road Improvement Project Account (046-05-116-3329-6-4421).

Connection to Council Goal and/or Regional Plan:

- Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
- Maintain existing infrastructure by investing in ongoing maintenance and operations to get closer to target condition
- Provide a well-managed transportation system
- Identify specific projects that will help relieve traffic congestions

Has There Been Previous Council Decision on This:

Yes, Council approved and adopted the project budget for FY 2016.

Options and Alternatives:

Options and alternatives:

- Approve the award as presented.
- Reject approval of the award and direct staff to continue project scoping and/or negotiation with the consultant. This option may delay the start of construction work until the 2018 construction season.

Background/History:

On October 18 and 25, 2015, a Request for Statement of Qualifications solicitation for an Engineering Design Professional was published in the Arizona Daily Sun, and was posted to the City of Flagstaff's Bid website on October 14, 2015. On November 12, 2015, the City received five Statements of Qualifications (SOQs) from engineering consultant firms. A five-member selection committee of City staff reviewed and evaluated the statements. Interviews were conducted with the top three highest scoring firms. Based upon the numerical scoring of the SOQs, and subsequent interview scores, the evaluation committee determined to recommend award to Peak Engineering, Inc.

Peak Engineering demonstrated clear knowledge of designing a complex sequence of improvements within the established neighborhood, as well as understanding the schedule for completing the work.

Key Considerations:

The Project area is located within the Greenlaw neighborhood, between N. Patterson Blvd. on the west and N. Fanning Drive on the east. Proposed improvements include:

- Water main replacement, water service line replacement and fire hydrant replacement.
- Sewer manhole frame and lid adjustments.
- Full width pavement section reconstruction.
- Replacement of existing concrete sidewalk, rolled curb, valley gutters and corner ramps with new material.
- New street infrastructure (sidewalk and pads) for the three NAIPTA bus stops.
- Streetscape enhancements, streetlights and ROW acquisitions are not included with this Road Repair and Street Safety Initiative funded project.
- The project will be coordinating construction efforts with a Stormwater project to improve the Fanning Wash drainage channel.

Construction will be scheduled such that the work near Thomas Elementary School will minimally impact school's operation. The 545 calendar day duration of the design contract will coincide with the proposed

construction phase to allow for bidding and construction services. The project is expected to be complete by November of 2017.

Expanded Financial Considerations:

The Lockett Road Improvement project is funded in the amount of $300,000 for FY 2016 (046-05-116-3329-6), $1,725,000 for FY 2017 and $325,000 for FY2018.

Community Benefits and Considerations:

The community benefits of this project include:

- Replacement of old and aging water infrastructure to meet current standards.
    - Existing 6” AC water main will be upgraded to an 8” PVC (or ductile iron where warranted)
    - Existing water service lines and meters will be replaced and adjusted.
- Replacement of deteriorated street infrastructure.
- Sidewalk improvements and ADA compliant ramps will be considered to provide a safe place for pedestrians to travel through the corridor.
- Analysis of surface drainage will be evaluated and solutions will be considered for this project.
- Construction coordination with two City projects to minimize inconveniences to the neighborhood and public.

Community Involvement:

Inform and involve:

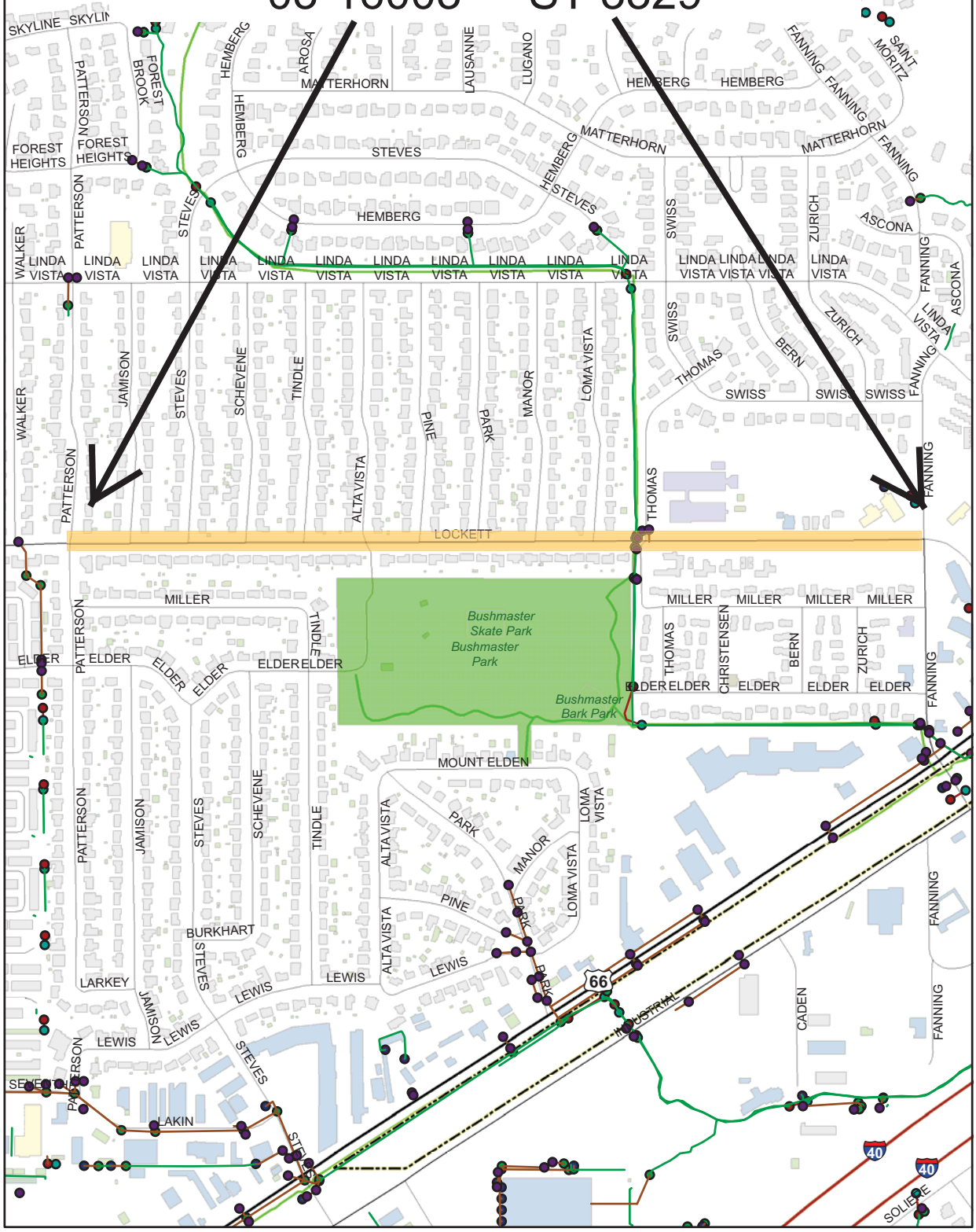
In November 2014, voters approved a dedicated sales tax increase to fund road repairs and street safety improvements throughout the City of Flagstaff

Expanded Options and Alternatives:

1. Approved the award as recommended
2. Reject approval of the award and provide direction to staff. This option could delay the construction start until the 2018 construction season.

Attachments: Vicinity Map
Professional Services Agreement
Exhibit A - Scope & Fee

Lockett Road Improvement Project
Patterson Blvd. to Fanning Dr.
03-16003 - ST 3329



SERVICE AGREEMENT
FOR
PROFESSIONAL ENGINEERING SERVICES
LOCKETT ROAD IMPROVEMENT PROJECT

CITY OF FLAGSTAFF
and

PEAK ENGINEERING, INC.

This Agreement for Professional Engineering Design Services ("Agreement") is made by and between the City of Flagstaff ("City"), an Arizona municipal corporation with offices at 211 W. Aspen Avenue, Flagstaff, Coconino County, Arizona, and Peak Engineering, Inc., an Arizona company with offices at 110 N. Agassiz Street, Flagstaff, Arizona 86001 ("Provider"), effective as of the date written below.

RECITALS

A. The City desires to enter into this Agreement in order to obtain services of a consultant for the **Lockett Road Improvement Project** (the "Project"), as outlined in the Scope of Work/Specifications section of the RSOQ document; and

B. Provider has available and offers to provide the personnel necessary to provide said services within the required time in accordance with the Scope of Services included in this Agreement;

C. The following exhibit is incorporated by reference and is expressly made a part of this Agreement:

Scope of Work and Fee Schedule Exhibit A

For the reasons recited above, and in consideration of the mutual covenants contained in this Agreement, the City and Provider agree as follows:

1. SERVICES TO BE PERFORMED BY PROVIDER

Provider agrees to perform the following services:

1.1 Provider agrees to provide the services as set forth in detail in Exhibit "A" attached hereto andis hereby made a part of this Agreement.

1.2 Provider warrants that all materials, services or construction delivered under the Agreement shall conform to the specifications of the Agreement. The City's receipt or inspection of the materials, services, or construction specified shall not alter or affect the obligations of Provider or the rights of the City under the foregoing warranty.

1.3 All services, information, computer program elements, reports and other deliverables which may be created under the Agreement are the sole property of the City and shall not be used or released by Provider or any other person except with prior written permission of the City.

2. COMPENSATION OF PROVIDER

Provider agrees to provide all of the services set forth in Exhibit "A" for prices not to exceed the amounts set forth in the fee/price schedule included in Exhibit "A".

3. RIGHTS AND OBLIGATIONS OF PROVIDER

3.1 Independent Contractor. The parties agree that Provider performs specialized services and that Provider enters into this Agreement with the City as an independent contractor. Nothing in this Agreement shall be construed to constitute Provider or any of Provider's agents or employees as an agent, employee or representative of the City. As an independent contractor, Provider is solely responsible for all labor and expenses in connection with this Agreement and for any and all damages arising out of Provider's performance under this Agreement.

3.2 Provider's Control of Work. All services to be provided by Provider shall be performed as determined by the City in accordance with the Scope of Services set forth in Exhibit "A." Provider shall furnish the qualified personnel, materials, equipment and other items necessary to carry out the terms of this Agreement. Provider shall be responsible for, and in full control of, the work of all such personnel.

3.3 Reports to the City. Although Provider is responsible for control and supervision of work performed under this Agreement, the services provided shall be acceptable to the City and shall be subject to a general right of inspection and supervision to ensure satisfactory completion. This right of inspection and supervision shall include, but not be limited to, all reports to be provided by Provider to the City and the right of the City, as set forth in the Scope of Services, to audit Provider's records.

3.4 Compliance with All Laws. Provider shall comply with all applicable laws, ordinances, rules, regulations and executive orders of the federal, state and local government, which may affect the performance of this Agreement. Any provision required by law, ordinances, rules, regulations, or executive orders to be inserted in this Agreement shall be deemed inserted, whether or not such provisions appear in this Agreement.

3.5 Completeness and Accuracy of Provider's Work. The Provider shall be responsible for the completeness and accuracy of his work, plans, supporting data, and Special Provisions prepared or compiled under his obligation for this Project and shall correct, at his expense, all errors or omissions therein.

3.5.1 All documents prepared by the design professional shall bear the stamp or seal of the design professional. All preparation of technical and related documents shall be completed in accordance with the prevailing Arizona law and services performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances..

3.5.2 Correction of errors or omissions disclosed and determined to exist by the City during the construction of the Project shall be accomplished by the Provider. The costs that become necessary to correct those errors attributable to the Provider and any expense incurred by the City as a result of additional construction costs caused by such errors shall be chargeable to the Provider. The fact that the City has accepted or approved the Provider's work shall in no way relieve the Provider of any of his responsibilities or professional liability. Should the Provider be contracted to perform construction inspection of the Project, he shall be responsible for errors and omissions in construction inspection disclosed and determined to exist by the City during and subsequent to the construction of the Project. Provider's duty in the construction inspection phase is to assure City that the Project is constructed in conformity with detailed plans and specifications and the cost of design necessary to correct errors and omissions in inspection attributable to the Provider and any expense incurred by City as a result of additional construction costs caused by such errors shall be chargeable to the Provider. Acceptance or approval by City of Provider's work shall not relieve Provider of inspection responsibilities or professional liability.

4. NOTICE PROVISIONS

Notice. Any notice concerning this Agreement shall be in writing and sent by certified or registered mail as follows:

To the City's Authorized Representative	To Provider:
Patrick Brown, C.P.M.	Thomas E. Smith, P.E.
Senior Procurement Specialist	Principal
City of Flagstaff	Peak Engineering, Inc.
211 W. Aspen	110 N. Agassiz Street
Flagstaff, Arizona 86001	Flagstaff, Arizona 86001

5. INDEMNIFICATION

To the fullest extent permitted by law, Provider shall indemnify, defend, save and hold harmless the City of Flagstaff and its officers, officials, agents, and employees ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) ("Claims") including claims for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Provider or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Provider to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is agreed that Provider shall be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Provider shall waive all rights of subrogation against the City, its officers, officials, agents and employees for losses arising from the work performed by Provider for the City.

6. INSURANCE

Provider and subcontractors shall procure and maintain insurance against claims for injury to persons or damage to property, which may arise from or in connection with this Agreement by the Provider, Provider's agents, representatives, employees or contractors until all of their obligations under this Agreement have been discharged, including any warranty periods. The insurance requirements are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The City does not represent or warrant that the minimum limits set forth in this Agreement are sufficient to protect the Provider from liabilities that might arise out of this Agreement, and Provider is free to purchase such additional insurance as Provider may determine is necessary.

6.1. Minimum Scope and Limits of Insurance. Provider shall provide coverage at least as broad and with limits not less than those stated below.

6.1.1. Commercial General Liability - Occurrence Form
(Form CG 0001, ed. 10/93 or any replacement thereof)

General Aggregate	$2,000,000
Products/Completed Operations Aggregate	$1,000,000
Personal and Advertising Injury	$1,000,000
Each Occurrence	$1,000,000
Fire Damage (any one fire)	$500,000
Medical Expense (any one person)	Optional

6.1.2. Automobile Liability - Any Automobile or Owned, Hired and Non-owned Vehicles

(Form CA 0001, ed. 12/93 or any replacement thereof)

Combined Single Limit Per Accident for Bodily Injury and Property Damage	$1,000,000

6.1.3. Workers' Compensation and Employer's Liability

Workers' Compensation	Statutory
Employer's Liability: Each Accident	$500,000
Disease - Each Employee	$500,000
Disease - Policy Limit	$500,000

6.1.4. Professional Liability (Per Claim)	$1,000,000

6.2 **<u>Self-insured Retention/Deductibles.</u>** Any self-insured retentions and deductibles must be declared to and approved by the City. If not approved, the City may require that the insurer reduce or eliminate such self-insured retentions with respect to the City, its officers, agents, employees, and volunteers.

6.3. **<u>Other Insurance Requirements.</u>** The policies shall contain, or be endorsed to contain, the following provisions:

6.3.1 Commercial General Liability and Automobile Liability Coverages. The City of Flagstaff, its officers, officials, agents and employees shall be named as additional insureds with respect to liability arising out of the use and/or occupancy of the Premises subject to this Agreement and activities performed by or on behalf of the Provider, including products and completed operations of the Provider; and automobiles owned, leased, hired or borrowed by the Provider.

6.3.2 The Provider's insurance shall contain broad form contractual liability coverage.

6.3.3 The City of Flagstaff, its officers, officials, agents and employees volunteers shall be named as additional insureds to the full limits of liability purchased by the Provider even if those limits of liability are in excess of those required by this Agreement.

6.3.4. The Provider's insurance coverage shall be primary insurance with respect to the City, its officers, officials, agents, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, agents and employees, shall be in excess of the coverage of the Provider's insurance and shall not contribute to it.

6.3.5 The Provider's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6.3.6 Coverage provided by the Provider shall not be limited to the liability assumed under the indemnification provisions of this Agreement.

6.3.7 The policies shall contain a waiver of subrogation against the City, its officers, officials, agents and employees for losses arising from work performed by Provider for the City.

6.4 **<u>Notice of Cancellation</u>**. Each insurance policy required by the insurance provisions of this Agreement shall provide the required coverage and shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice has been given to the City. When cancellation is for non-payment of premium, then at least ten (10) days' prior notice shall

be given to the City. Notices required by this section shall be sent directly to Patrick Brown, Senior Procurement Specialist, City of Flagstaff, 211 W. Aspen Avenue, Flagstaff, Arizona 86001.

6.5 **Acceptability of Insurers**. Provider shall place insurance hereunder with insurers duly licensed or approved unlicensed companies in the State of Arizona and with a "Best's" rating of not less than A-: VII. The City does not represent or warrant that the above required minimum insurer rating is sufficient to protect the Provider from potential insurer insolvency.

6.6 **Verification of Coverage**. The Provider shall furnish the City with certificates of insurance (ACORD form) as required by this Agreement. The certificates for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. Any policy endorsements that restrict or limit coverage shall be clearly noted on the certificate of insurance.

6.6.1 The City must receive and approve all certificates of insurance before the Provider commences work. Each insurance policy required by this Agreement shall be in effect at, or before, commencement of work under this Agreement and shall remain in effect until all Provider's and its subcontractors' obligations under this Agreement have been met. The Provider's failure to maintain the insurance policies as required by this Agreement or to provide timely evidence of renewal will be considered a material breach of this Agreement.

6.6.2 **All certificates of insurance shall be sent directly to Patrick Brown, Senior Procurement Specialist, 211 West Aspen Avenue, Flagstaff, Arizona 86001. The City Project/contract number and Project description shall be noted on the certificates of insurance.** The City reserves the right to require, and receive within ten (10) days, complete, certified copies of all insurance policies and endorsements required by this Agreement at any time. The City shall not be obligated, however, to review any insurance policies or to advise Provider of any deficiencies in such policies and endorsements. The City's receipt of Provider's policies or endorsements shall not relieve Provider from, or be deemed a waiver of, the City's right to insist on strict fulfillment of Provider's obligations under this Agreement.

6.7 **Subcontractors**. Provider's certificate(s) shall include all subcontractors as additional insureds under its policies, or Provider shall furnish to the City Separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.

6.8 **Approval**. Any modification or variation from the insurance requirements in this Agreement must have the prior approval of the City's Attorney's Office, whose decision shall be final. Such action will not require a formal Agreement amendment but may be made by administrative action.

7. DEFAULT AND TERMINATION

7.1 **Events of Default Defined**. The following shall be Events of Default under this Agreement:

7.1.1 Any material misrepresentation made by Provider to the City;

7.1.2 Any failure by Provider to perform its obligations under this Agreement including, but not limited to, the following:

7.1.2.1 Failure to commence work at the time(s) specified in this Agreement due to a reason or circumstance within Provider's reasonable control;

7.1.2.2 Failure to perform the work with sufficient personnel and equipment or with sufficient equipment to ensure completion of the work within the specified time due to a reason or circumstance within Provider's reasonable control;

7.1.2.3 Failure to perform the work in a manner reasonably satisfactory to the City;

7.1.2.4 Failure to promptly correct or re-perform within a reasonable time work that was rejected by the City as unsatisfactory or erroneous;

7.1.2.5 Discontinuance of the work for reasons not beyond Provider's reasonable control;

7.1.2.6 Unsatisfactory performance as judged by the Contract Administrator;

7.1.2.7 Failure to provide the City, upon request, with adequate assurance of future performance;

7.1.2.8 Failure to comply with a material term of this Agreement, including, but not limited to, the provision of insurance; and

7.1.2.9 Any other acts specifically stated in this Agreement as constituting a default or a breach of this Agreement.

7.2 <u>Remedies</u>.

7.2.1 Upon the occurrence of any Event of Default, the City may declare Provider in default under this Agreement. The City shall provide written notification of the Event of Default. If such Event of Default is not cured within seven (7) days of receipt of the notification, the City may invoke any or all of the following remedies:

7.2.1.1 The right to cancel this Agreement as to any or all of the services yet to be performed;

7.2.1.2 The right of specific performance, an injunction or any other appropriate equitable remedy;

7.2.1.3 The right to monetary damages;

7.2.1.4 The right to withhold all or any part of Provider's compensation under this Agreement;

7.2.1.5 The right to deem Provider non-responsive in future contracts to be awarded by the City; and

7.2.1.6 The right to seek recoupment of public funds spent for impermissible purposes.

7.2.2 The City may elect not to declare an Event of Default or default under this Agreement or to terminate this Agreement upon the occurrence of an Event of Default. The parties acknowledge that this provision is solely for the benefit of the City, and that if the City allows Provider to continue to provide the Services despite the occurrence of one or more Events of Default, Provider shall in no way be relieved of any of its responsibilities or obligations under this Agreement, nor shall the City be deemed to waive or relinquish any of its rights under this Agreement.

7.2.3 In the Event of Default by the Provider, the City shall not be liable to Provider for any amount, and Provider may be liable to the City for any and all damages sustained by reason of the default which gave rise to the termination.

7.3 **Right to Offset**. Any costs, including but not limited to attorney's fees, costs of remediation, and costs of delay, incurred by the City due to default of Provider, or due to the City's exercise any of the remedies available to it under this Agreement, may be offset by use of any payment due for services completed before the default or the exercise of any remedies. If the offset amount is insufficient to cover excess costs, Provider shall be liable for and shall remit promptly to the City the balance upon written demand from the City.

7.4 **Termination for Convenience**. The City reserves the right to terminate, with or without cause, this Agreement upon ninety (90) days written notice. The City shall be responsible only for those standard items or services which have been delivered and accepted. If any items being purchased are truly unique and therefore not saleable or useable for any other application, the City shall reimburse Provider for actual labor, material, and burden costs, plus a profit not to exceed 8%. Title to all materials, work in progress, and completed but undelivered goods, shall pass to the City after costs are claimed and allowed. Provider shall submit detailed cost claims in an acceptable manner and shall permit the City to examine such books and records as may be necessary in order to verify the reasonableness of any claims.

8. GENERAL PROVISIONS

8.1 **Headings**. The article and section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Agreement.

8.2 **Jurisdiction and Venue**. This Agreement shall be administered and interpreted under the laws of the State of Arizona. Provider hereby submits itself to the original jurisdiction of those courts located within Coconino County, Arizona.

8.3 **Attorney's Fees**. If suit or action is initiated in connection with any controversy arising out of this Agreement, the prevailing party shall be entitled to recover, in addition to costs, such sum as the court, including an appellate court, may adjudge reasonable as attorney fees.

8.4 **Severability**. If any term or provision of this Agreement shall be found by a court of competent jurisdiction to be illegal or unenforceable, then notwithstanding such illegality or unenforceability, the remainder of this Agreement shall remain in full force and effect and such term or provision shall be deemed to be deleted.

8.5 **Successors and Assigns**. No right or interest in the Agreement shall be assigned by Provider without prior written permission of the City, and no delegation of any duty of Provider shall be made without prior written permission of the City. The City shall not unreasonably withhold approval and shall notify Provider of the City's position within fifteen (15) days of receipt of written notice by Provider. This Agreement shall extend to and be binding upon the Provider, its successors and assigns, including any individual, company, partnership, or other entity with or into which the Provider shall merge, consolidate, or be liquidated, or any person, corporation, partnership, or other entity to which the Provider shall sell its assets.

8.6 **Subcontracts**. No subcontract shall be entered into by Provider with any other party to furnish any service specified in this Agreement without the advance written approval of the City. All subcontracts shall comply with Federal, State and local laws and regulations that are applicable to the services covered by the subcontract and shall include all the terms and conditions set forth in the Agreement which shall apply with equal force to the subcontract, as if the subcontractor were the Provider. Provider is responsible for contract performance whether or not subcontractors are used. The City shall not unreasonably withhold approval and shall notify Provider of the City's position within fifteen (15) days of receipt of written notice by Provider. Provider shall be responsible for executing the agreement with subcontractor and obtaining Certificates of Insurance verifying the insurance requirements.

8.7 **Conflict of Interest**. Provider covenants that Provider presently has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Provider further covenants that in the performance of this Agreement, Provider shall not engage any employee or apprentice having any such interest. The parties agree that this Agreement may be cancelled for conflict of interest in accordance with Arizona Revised Statutes § 38-511.

8.8 **Authority to Contract**. Each party represents and warrants that it has full power and authority to enter into this Agreement and perform its obligations hereunder, and that it has taken all actions necessary to authorize entering into this Agreement.

8.9 **Integration.** This Agreement represents the entire understanding of City and Provider as to those matters contained in this Agreement, and no prior oral or written understanding shall be of any force or effect with respect to those matters, except for documents comprising the RFP Package that have been incorporated into this Agreement. This Agreement may not be modified or altered except in writing signed by duly authorized representatives of the parties.

8.10 **Non Appropriation**. If the City Council does not appropriate funds to continue this Agreement and pay for charges under this Agreement, the City may terminate this Agreement at the end of the current fiscal period, or at the time that funds are no longer available to meet the City's payment obligations. The City agrees to give written notice of termination to the Provider at least thirty (30) days prior to any termination for a lack of funds and will pay to the Provider all approved charges incurred prior to Provider's receipt of such notice, subject to the availability of funds appropriated and budgeted by the City to fund payments under this Agreement.

8.11 **Non-Discrimination**. Provider shall not discriminate against any employee, or applicant for employment in violation of Federal Executive Order 11246, State Executive Order 75-5 as modified by State Executive Order 99-4 or A.R.S. 41-1461 et. seq. The Provider shall be required to comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and applicable federal regulations under the Act.

8.12 **Compliance with Federal Immigration Laws and Regulations**. Provider hereby warrants to the City that the Provider and each of its subcontractors ("Subcontractors") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to its employees and A.R.S. §23-214(A) (hereinafter "Provider Immigration Warranty").

8.12.1 A breach of the Provider Immigration Warranty shall constitute a material breach of this Agreement and shall subject the Provider to penalties up to and including termination of this Agreement at the sole discretion of the City.

8.12.2 The City retains the legal right to inspect the papers of any Provider or Subcontractor employee who works on this Agreement to ensure that the Provider or Subcontractor is complying with the Provider Immigration Warranty. Provider agrees to assist the City in regard to any such inspections.

8.12.3 The City may, at its sole discretion, conduct random verification of the employment records of the Provider and any of Subcontractors to ensure compliance with Provider's Immigration Warranty. Provider agrees to assist the City in regard to any random verifications performed.

8.12.4 The provisions of this Article must be included in any contract the Provider enters into with any and all of its Subcontractors who provide services under this Agreement or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by

a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

8.13 **Anti-Trust Violations**. The City maintains that, in actual practice, overcharges resulting from antitrust violations are borne by the Provider. Therefore, to the extent permitted by law, Provider hereby assigns to the City any and all claims for such overcharges as to the goods or services used to fulfill this Agreement.

8.14 **Advertising**. Provider shall not advertise or publish information concerning the Agreement, without the prior written consent of the City.

8.15 **Inspection**. All material, services or construction are subject to final inspection and acceptance by the City. The City may, at reasonable times and at its expense, inspect the plant or place of business of Provider or its subcontractor(s) which is related to the performance of this Agreement. This right of inspection and supervision shall include, but not be limited to the right of the City to audit Provider's records.

8.16 **Force Majeure**. Except for payment of sums due, neither party shall be liable to the other nor deemed in default under this Agreement if and to the extent that such party's performance of this Agreement is prevented by reason of force majeure.

8.16.1 The term "force majeure" means an occurrence that is unforeseeable and beyond the control of the party affected, which occurs without its fault or negligence, and which it is unable to prevent by exercising reasonable diligence. Without limiting the foregoing, force majeure includes acts of God, acts of the public enemy, war, riots, strikes, mobilization, labor disputes, civil disorders, fire, flood, lockouts, injunctions-intervention-acts, or unreasonable failures or refusal to act by government authority, and other similar occurrences. The force majeure shall be deemed to commence when the party declaring force majeure notifies the other party, in writing, of the existence of the force majeure and shall be deemed to continue as long as the results or effects of the force majeure prevent the party from resuming performance in accordance with this agreement.

8.16.2 Force majeure shall not include the following occurrences:

8.16.2.1 Late delivery of equipment or materials caused by congestion at a manufacturer's plant or elsewhere, or by an oversold condition of the market.

8.16.2.2 Late performance by a Subcontractor unless the delay arises directly out of a force majeure occurrence in accordance with this force majeure term and condition. Any delay or failure in performance by either party hereto shall not constitute default hereunder or give rise to any claim for damages or loss of anticipated profits if, and to the extent that, such delay or failure is caused by force majeure.

8.16.3 If either party is delayed at any time in the progress of the work by force majeure, the delayed party shall notify the other party in writing as soon as is practical, of the commencement of such delay and shall specify the causes of such delay in such notice. Such notice shall be hand delivered or mailed certified-return receipt and shall make a specific reference to this section, thereby invoking its provisions. The delayed party shall cause such delay to cease as soon as practicable and shall notify the other party in writing when it has done so. The time of completion shall be extended by Agreement modification for a period of time equal to the time that the results or effects of such delay prevent the delayed party from performing in accordance with this Agreement.

8. DURATION

This Agreement shall become effective on and from the date it is executed by the parties, and shall continue for a period of 545 calendar days or until construction of the Project is completed, whichever is sooner**,** unless sooner terminated as provided in this Agreement.

(Please sign in blue ink. Submit original signatures – photocopies not accepted)

City of Flagstaff	**Peak Engineering, Inc.**
_____	_____
Josh Copley, City Manager	Name
Attest:	_____
	Title
_____	
City Clerk	
Approved as to form:	
_____	
City Attorney	Date of Execution:_____

EXHIBIT A

SCOPE OF WORK
AND
FEE SCHEDULE

City of Flagstaff
Lockett Road – Street and Water Line Improvements
Scope of Services
January 27, 2016 (REV 1)
COF Project No:

Subconsultants:

Northland Exploration Surveys (Land Surveying, R/W, Easements (as needed))

Speedie & Associates (Geotechnical Engineering)

Hubbard-Merrell Engineering (Structural Engineering)

Adams Trenching (Utility Potholes)

Task 1: Topographic Survey & Right of Way Mapping

Northland Exploration Surveys (NES) will perform a topographic survey for the project extending from Patterson Road to Fanning Road. (See attached Scope of Services from Northland Exploration Surveys)

The design team will review and reference survey plats at the County Recorder's Office and locate centerline monuments and property corners, where found, to best approximate the Right of Way. At this time, we have not included any labor or fees for obtaining title reports. Should this be necessary, the City will provide the necessary reports or we can provide this service for a mutually acceptable fee.

The topographic survey measurements are planned to be conducted in 2 phases, with the first phase to include as much topographic information as possible given weather conditions. We anticipate the first survey phase to include setting control, locating the roadway centerline (Lockett Road and side streets), back of curb (as available due to snow), and finished floor elevations of adjacent homes/garages. Side streets entering Lockett Road will be surveyed 50' from the curb returns. As weather permits, NES will include as much detail as possible in the first phase of survey.

The second phase of survey will include the remaining elements such as adjacent retaining walls, utility information (sewer manhole elevations and inverts, water valve locations and nut elevations, visible gas appurtenances, and electrical poles and appurtenances), driveways, trees, and pothole locations.

We will request franchise utility information that will be incorporated into a project base map.

Adams Trenching will perform utility investigation and potholing to identify location and depths of existing utilities. We will utilize available information from the City and franchise utilities to prepare an exhibit to identify pothole locations that will help define the underground infrastructure. We anticipate up to 17 utility potholes (8 gas line locations, 4 water line locations, 3 sewer line locations, and 2 "other" utility locations which could include reclaimed water, fiber optic, electric or telecommunications as necessary). Once completed, NES will survey the potholes for inclusion in the project base map.

We will prepare a project base map to include topographic survey information, franchise utility information, City of Flagstaff Utility information, pothole information and other readily available information that might assist in depicting the existing field conditions. After the base map is prepared, we will perform a field walk to confirm the information presented in the base map.

Deliverables: Digital Base map, Topographic Survey, Utility potholing

Task 2: Concept Plans & Design Concept Memorandum

We will organize and host a design kickoff with the City's Project Manager and staff (as invited by the City's PM) to address key project issues and concerns and confirm the work items in the scoping document. We will meet with the Storm Water Department to identify drainage concerns and obtain readily available reports/plans/specifications and studies that may impact the Project.

We will meet weekly with the City's Project Manager during preparation of Concept Plans. Three meetings are included. We will prepare agendas and meeting notes for each weekly meeting. We will prepare and utilize an issue resolution log throughout the project design process.

We will prepare a photo/video log of Lockett Road. This will include a photo log by address for each property along the road. We will also prepare a project video that we will provide on a CD or DVD to the City.

We will inventory and catalog mail boxes, driveways, and water meters.

Speedie & Associates will conduct a geotechnical investigation and provide asphalt pavement and concrete section recommendations. In addition, they will provide soil bearing pressure recommendations if repair of existing retaining walls is required. Subsurface investigation will include 5 borings to a depth of 10' below ground surface or refusal, whichever comes first. The geotechnical investigation and final report will be prepared during the topographic survey phase and concept plans phase. (See attached proposal from Speedie & Associates)

We will prepare concept plans (~30% design) showing the proposed centerline geometry, curb, gutter and sidewalk, proposed water line geometry and cross street matchups. The concept plans will be prepared using the topographic survey as the background or we may use the GIS and imagery background if the survey has not been finalized at this stage.

We will prepare a list of design variances/exceptions to accompany the concept plans. Design variances will include all those already identified and approved by the City Engineer. It is anticipated that additional design variances and exceptions will be identified but that in order to meet the project schedule, design will continue after submittal of the concept plans assuming the additional variances are acceptable. Should additional design variances be identified after submittal of the concept plans, we will issue an addendum to the design concept memo identifying the additional variances for approval.

Our structural engineer, Hubbard-Merrell Engineering, will provide concepts and recommendations to save existing site walls. We will identify existing site walls that may be impacted as a result of construction. Final determination of impacts to walls will occur during Task 3 – Final 1 Plans. This information will be presented in the Design Concept Memorandum.

We will estimate project quantities and we will prepare a conceptual level engineer's opinion of probable construction cost. We will include a contingency for items not yet detailed or fully designed.

We will submit the Concept Plans to the City for a brief review that can be conducted "over-the-shoulder" if desired. It is our understanding that the plans will not go through a formal city review

process (IDS) but will be completed as directed by the City Project Manager. It is anticipated that review comments will be received within 1 week of submittal. To accommodate the project schedule requirements, while the city review is occurring, we will continue design and move toward Final 1 plans. If major changes occur after review of the concept plans, this may necessitate a change in our scope of work.

We will meet with individual franchise utility companies (SuddenLink, Century Link, UniSource & APS) to coordinate future improvements, proposed relocations and to discuss potential conflicts and solutions.

Comments on the concept plans will be addressed in the final 1 (90%) plans.

Deliverables: 4 Design Meetings with the COF (including kickoff), Geotechnical Report (prepared by Speedie & Associates), Concept Plans, Conceptual Opinion of Probable Construction Cost, Design Concept Memorandum to include Design Variances/Exceptions List, Comment Response Form, Photo Log & Pre-Construction Video Walk-Through.

Task 3: Final 1 (90%) Plans, Specifications & Opinion of Probable Construction Cost

While the Concept Plans are being reviewed by the City of Flagstaff, we will proceed to Final 1 design. Final 1 design will further develop the design details and will address comments from the Concept Design. The Final 1 Design submittal will include 90% Plans, Drainage Memorandum, Engineer's Design Report (EDR), Draft bid schedule, Draft Special Provisions and an Updated Opinion of Probable Construction Cost.

If additional design variances are identified during the Final 1 design phase, we will prepare an addendum that will be submitted for review and approval.

We will prepare a drainage memorandum for Lockett Road between Patterson Road and Fanning Road. Drainage improvements are limited to surface improvements and will only include the addition of rolled curb, valley gutter modifications, and possible roadway vertical adjustments. Since underground storm drains are excluded, the drainage report will be limited to an evaluation of existing conditions and calculations showing the impacts of the roadway improvements, including roadway inundation. We anticipate that the improvements will improve the existing conditions but may not meet the City's Drainage Criteria given the project constraints. Since underground storm drains are excluded, it is not expected that storm water runoff problems impacting the roadway and adjacent properties will be completely mitigated. The drainage report will address this.

A registered Professional Engineer will seal the EDR and the water line plans and with the City's assistance, we will prepare the ADEQ forms and make the submittal. All fees associated with submitting to ADEQ shall be the responsibility of the City of Flagstaff. Since the City is willing to bid the construction plans prior to final ADEQ approval, it is not expected that an expedited review by ADEQ will be requested. If the City desires to expedite the review, they can pay ADEQ double the fee to cut the review period in half.

We will meet with the City's Project Manager weekly during preparation of the Final 1 Design. We will also meet with the City PM after comments are received from the Final 1 submittal.

The Final 1 plans will be fully designed and will show proposed horizontal and vertical geometry. We will show grading limits and driveway match-up limits. We will calculate the overall embankment and/or cut quantity and each sheet will be fully keynoted with corresponding construction notes and quantities. The Final 1 plans are nearly complete and should require only minor edits after review.

The Final 1 plans will include the following plan sheets:

- Cover Sheet
- City of Flagstaff General Notes & Engineer's General Notes
- Details Sheet(s)
- Demolition Plans
- Water Line & Service Replacement Plans
- Street Improvement Plans
- Striping Plans
- Traffic Routing Plan (this document will include an example of traffic routing with proscriptive requirements such as the contractor may only close X blocks at a time, but will not dictate contractor's means and methods of completing the work)
- Structural Site Wall Details (Contingency amount has been included in the project budget. Work will be completed if applicable as authorized by the City of Flagstaff. Details will be prepared by Hubbard-Merrell Engineering)
- Construction Control Sheet
- SWPPP Best Management Practice Plan & Details

We will calculate quantities and prepare a draft bid schedule and update the opinion of probable construction cost. At this stage of design, we will include a 10% project contingency.

We will prepare Special Provisions to be included in the City Bid Manual. The City bid manual will be prepared by the City.

We will submit Final 1 plans to the franchise utilities for review and approval, and we will issue a Utility Review Approval form for their completion.

We will include a water meter inventory table and we will call out which meters are to be relocated. All service lines are to be replaced from the existing main to the existing or relocated meter. It is expected that meters currently in use are to remain in use and not to be replaced. No additional (new) meters are to be installed on the existing water main.

No additional street lighting will be included in the project. If street lights require relocation due to construction of new improvements, we will include these on the construction plans.

Preparation of construction documents will not include any phasing or development of Additive Alternates (see Assumptions and Exclusions).

Deliverables: Design Concept Memorandum Addendum (if necessary), Final 1 Plans, Drainage Report, Final EDR, Draft Bid Schedule, Updated Opinion of Probable Construction Cost, Draft Special Provisions.

Task 4: Public Involvement

We will attend one public meeting / open house with the city, at a location to be determined, after Final 1 plans are submitted for review. We will prepare a 1 page (8.5”x11” max.) flyer that City staff will mail, or deliver by hand, notifying the residents and owners of the public meeting open house.

The public meeting/open house will be organized, prepared and facilitated by the City’s Project Manager or other designated City staff member. We will bring enough sets of Final 1 plans to provide several “stations” where attendees can review the plans and ask questions of the design team.

Any one-on-one (door to door) efforts will be conducted by the City’s Project Manager and the City’s Project Manager will provide notification flyers to Thomas Elementary School.

Deliverables: Open House Attendance, Open House Flyers

Task 5: Final 2 Plans, Specifications & Opinion of Probable Construction Cost

We will address City review comments and ADEQ comments (if any) in the Final 2 Design package. We will issue an addendum to the Drainage Report, if required. A registered professional engineer will seal and sign the Final 2 documents. All documents prepared at the Final 1 stage will be finalized and submitted to the City (and ADEQ, if necessary) for final approval prior to bidding.

Deliverables: Final 2 Plans, Drainage Report Addendum (if required), ADEQ Resubmittal (if required), Bid Schedule, Final Opinion of Probable Construction Cost, Final Special Provisions.

Task 6: Bidding Phase & Construction Phase Support (CONTINGENCY)

Bidding and construction phase services will be provided hourly, as requested by the City Project Manager. An allowance has been included for this support.

Proposed Fees:

Task #	Task Description	Fee
1	Topographic Survey & Base Map	$ 8,190
2	Concept Plans & Design Concept Memorandum	$ 24,945
3	Final 1 Plans, Specs & Opinion of Probable Construction Cost	$ 39,960
4	Public Involvement	$ 2,310
5	Final 2 Plans, Specs & Opinion of Probable Construction Cost	$ 11,730
	Subconsultant: Land Surveying*	$ 34,936
	Subconsultant: Structural Engineering for Concept Design*	$ 2,739
	Subconsultant: Geotechnical Engineering*	$ 7,590
	Potholing Contractor*	$ 16,500
	Subtotal: Design & Potholing Services	$ 148,900

	Subconsultant: Structural Engineering (Design Details) (CONTINGENCY)	**$3,289**
	Subconsultant: Land Surveying (65 TCE's)(CONTINGENCY)	**$ 10,725**
6	**Bidding & Construction Phase (CONTINGENCY)**	**$ 7,200**
	Project Contingencies:	**$21,214**
	Project Expenses (ESTIMATE)	**$ 1,000**
	Project Total:	**$171,114**

***Includes 10% markup**

Project Schedule:

Topographic Survey (Phase 1)	4 March, 2016
Topographic Survey (Phase 2)	18 March, 2016
Concept Plans & Design Concept Memorandum	11 March, 2016
Final 1 Plans, Specs & Opinion of Cost	8 April, 2016
Public Meeting	week of April 11-15, 2016
Final 2 Plans, Specs & Opinion of Cost	31 May, 2016

Overall Assumptions and Exclusions

- Changes to the design after Final 1 Design is underway may result in a change to the scope and fee.
- Phasing of the improvement plans and construction is not included in the Basic Scope of Services. If, at any time, the City determines that the project will need to be phased or bid with Additive Alternates, this will require a change in scope of services and fee.
- It is assumed that the City has determined water main sizing based on a capacity analysis, therefore, no hydraulic model for sizing the water main is included in Basic Services.
- The City will furnish information required on the ADEQ forms and sign the form. We will prepare the forms and package and ship the submittal.
- No design of sewer mains or services is included in the Basic Scope of Services.
- No traffic study or traffic impact analysis is required for the project, and is therefore excluded from Basic Services.
- Due to R/W constraints, the roadway cross section will not include a parkway.
- Design of existing street lighting is not included in the Basic Services.
- Roadway striping is limited to centerline striping, bike lanes, and crosswalks at Patterson and Fanning. Separate roadway striping sheets may be prepared for clarity but striping can also be depicted on roadway sheets.
- Driveway cross section sheets are excluded from Basic Services. These can be prepared and included in the final construction documents for an additional fee.
- Preparation of Legal and/or Parcel Descriptions is excluded.
- A Boundary Survey and other Boundary Services are excluded.
- Preparation of Traffic Control or Phasing Plans is excluded.
- As-built plans and/or Record Drawings pursuant to Section 13-06-002-008 of the Engineering Design Standards are not included.
- Construction inspection and construction observation is not included (see Task 7).
- The City will prepare the bid manual.

Client Name: City of Flagstaff
Project Name: Lockett Road - Street and Water line Improvements
Project Number: 16COF01

Client Information

Name: *Trevor Henry*
Address: *211 W. Aspen Avenue*
Flagstaff, AZ 86001

Project Budget Summary (REV 1 - 2016-01-26)

Task	Task Description	Principal Engineer		Project Manager		Project Engineer		Engineering Designer		Engineering Intern		Technical Drafter		Clerical		Total Hours	Labor Cost per Task
	Hourly Rate:	$160		$150		$140		$110		$65		$85		$65			
		Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars		
1	Task 1: Topographic Survey & Base Map	1.00	$ 160	7.00	$ 1,050	26.00	$ 3,640	28.00	$ 3,080	-	$ -	-	$ -	4.00	$ 260	66.00	$ 8,190
2	Task 2: Concept Plans & Design Concept Memorandum	1.00	$ 160	29.00	$ 4,350	88.00	$ 12,320	72.00	$ 7,920	-	$ -	-	$ -	3.00	$ 195	193.00	$ 24,945
3	Task 3: Final 1 Plans, Specs & Opinion of Cost	1.00	$ 160	64.00	$ 9,600	107.00	$ 14,980	136.00	$ 14,960	-	$ -	-	$ -	4.00	$ 260	312.00	$ 39,960
4	Task 4: Public Involvement	-	$ -	5.00	$ 750	8.00	$ 1,120	4.00	$ 440	-	$ -	-	$ -	-	$ -	17.00	$ 2,310
5	Task 5: Final 2 Plans, Specs and Opinion of Cost	1.00	$ 160	16.00	$ 2,400	30.00	$ 4,200	44.00	$ 4,840	-	$ -	-	$ -	2.00	$ 130	93.00	$ 11,730
6	Task 6: Bidding & Construction Phase (CONTINGENCY)	45.00	$ 7,200	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	45.00	$ 7,200
7	Task 7:	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -
8	Task 8:	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -
9	Task 9:	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -
10	Task 10:	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -	-	$ -
	LABOR TOTAL:		$ 7,840		$ 18,150		$ 36,260		$ 31,240		$ -				$ 845		$ 94,335

Reimbursable Project Expenses

A	Printing & Reprographics	$ 1,000
B	Mileage	$ -
C	Meals & Lodging	$ -
D	Equipment	$ -
E	Other (Parking)	$ -
	RPE TOTAL:	$ 1,000

Sub-Consultants

Survey	$ 34,936	*
Survey TCE Exhibits (CONTINGENCY)	$ 10,725	
Structural Engineering	$ 2,739	*
Structural Engineering (CONTINGENCY)	$ 3,289	*
Geotechnical	$ 7,590	*
Other (Potholing)	$ 16,500	*
SUB-CONSULTANT TOTAL:	$ 75,779	

PROJECT TOTAL:
$ 171,114

Client Name: City of Flagstaff

Project Name: Lockett Road - Street and Water line Improvements

Project Number: 16COF01

Task	Sub-Task	Task Description	Principal Engineer $160	Project Manager $150	Project Engineer $140	Engineering Designer $110	Engineering Intern $65	Technical Drafter $85	Clerical $65	Total Hours per Task	Labor Cost per Task
		Total Hours per Employee Category:	**49**	**121**	**259**	**284**	**0**	**0**	**13**	**Project Totals**	**726**
		Total Labor Cost per Employee Category:	**$ 7,840**	**$ 18,150**	**$ 36,260**	**$ 31,240**	**$ -**	**$ -**	**$ 845**	**$**	**94,335**
1		**Task 1: Topographic Survey & Base Map**	**$ 160**	**$ 1,050**	**$ 3,640**	**$ 3,080**	**$ -**	**$ -**	**$ 260**	**66**	**$ 8,190**
	1	Project Administration	1						4	5	$ 420
	2	Subconsultant coordination (survey)		1	4					5	$ 710
	3	Review/Process topographic survey data			4	12				16	$ 1,880
	4	Utility data gathering (utilities/COF)		1	4	0				5	$ 710
	5	Potholing coordination		1	4					5	$ 710
	6	Base Map Preparation		1	4	8				13	$ 1,590
	7	GIS Map for exhibits/concept design		1	2	4				7	$ 870
	8	QC Review (including field walk)		2	4	4				10	$ 1,300
	9									0	$ -
	10									0	$ -
2		**Task 2: Concept Plans & Design Concept Memorandur**	**$ 160**	**$ 4,350**	**$ 12,320**	**$ 7,920**	**$ -**	**$ -**	**$ 195**	**193**	**$ 24,945**
	1	Project Administration	1						3	4	$ 355
	2	Meetings, Agendas, Minutes (4 - including kickoff)		8	12	0				20	$ 2,880
	3	Inventories (photo/video logs, mailboxes, dw's, meters)		2	12	12				26	$ 3,300
	4	Design concept memo (variances)		4	12	2				18	$ 2,500
	5	Concept Plans (Roadway Grading/Water line)		3	12	30				45	$ 5,430
	6	Concept Plans (Cover, Notes, Details)		1	2	4				7	$ 870
	7	Subconsultant & Franchise Utility coordination (Structural)		2	2					4	$ 580
	8	Quantities and Opinion of Probable Construction Cost		2	8	6				16	$ 2,080
	9	Drainage Calculations		2	16	2				20	$ 2,760
	10	QC Review, Revisions and Submittal		5	12	16				33	$ 4,190
3		**Task 3: Final 1 Plans, Specs & Opinion of Cost**	**$ 160**	**$ 9,600**	**$ 14,980**	**$ 14,960**	**$ -**	**$ -**	**$ 260**	**312**	**$ 39,960**
	1	Project Administration	1						4	5	$ 420
	2	Meetings, Agendas, Minutes (4)		8	12	0				20	$ 2,880
	3	Drainage calculations and report		4	24	2				30	$ 4,180
	4	Engineers Design Report		3	8					11	$ 1,570
	5	Final 1 Plans (Cover, Notes, Details)		2	3	6				11	$ 1,380

	6	Final 1 Plans (Roadway, Drainage)		8	24	72				104	$ 12,480
	7	Final 1 Plans (Water line)		8	16	32				56	$ 6,960
	8	Final 1 Specifications		23	4					27	$ 4,010
	9	Final 1 Opinion of probable con. Cost & bid schedule		2	6	8				16	$ 2,020
	10	QC Review, Revisions and Submittal (COF & ADEQ)		6	10	16				32	$ 4,060
4		**Task 4: Public Involvement**	**$ -**	**$ 750**	**$ 1,120**	**$ 440**	**$ -**	**$ -**	**$ -**	**17**	**$ 2,310**
	1	Prepare for and attend 1 public meeting open house		4	4	4				12	$ 1,600
	2	Flyer		1	2					3	$ 430
	3	Submittal for review/revisions			2					2	$ 280
	4									0	$ -
	5									0	$ -
	6									0	$ -
	7									0	$ -
	8									0	$ -
	9									0	$ -
	10									0	$ -
5		**Task 5: Final 2 Plans, Specs and Opinion of Cost**	**$ 160**	**$ 2,400**	**$ 4,200**	**$ 4,840**	**$ -**	**$ -**	**$ 130**	**93**	**$ 11,730**
	1	Project Administration	1						2	3	$ 290
	2	Meetings, Agendas, Minutes (2)		4	6					10	$ 1,440
	3	Final 2 Plan document revisions		6	12	24				42	$ 5,220
	4	Final Opinion of probable construction cost		1	2	4				7	$ 870
	5	Final Bid Schedule		1	2					3	$ 430
	6	Final 2 QC Review, revisions and submittal		4	8	16				28	$ 3,480
	7									0	$ -
	8									0	$ -
	9									0	$ -
	10									0	$ -
6		**Task 6: Bidding & Construction Phase (CONTINGENCY)**	**$ 7,200**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**45**	**$ 7,200**
	1	Services as needed	31.25							31.25	$ 5,000
	2	Structural Engineering	13.75							13.75	$ 2,200
	3									0	$ -
	4									0	$ -
	5									0	$ -
	6									0	$ -
	7									0	$ -
	8									0	$ -
	9									0	$ -
	10									0	$ -
7		**Task 7:**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**0**	**$ -**
	1									0	$ -
	2									0	$ -
	3									0	$ -
	4									0	$ -
	5									0	$ -

Northland Exploration Surveys, Inc.

January 25, 2016

Peak Engineering, Inc.
Thomas Smith
110 N. Agassiz Street
Flagstaff, AZ 86001

RE: Right-of-Way and topographical survey of Lockett Street between Patterson Road and Fanning Drive, situated in Section 11, Township 21 North, Range 7 East, Gila and Salt River Meridian, City of Flagstaff, Coconino County, Arizona.

Dear Mr. Smith,

We appreciate the opportunity to offer you survey services for the above mentioned projects.

Per our meeting on January 8, 2016, we are proposing the following survey services. We are planning two trips for the above mentioned project.

The first trip, weather permitting, will be to set survey control along the extent of the project as well as survey the existing visible street improvements along Lockett and all of the side streets for a distance of 50 feet from the curb returns. We will also survey the existing driveways, garages, sidewalks and finish floors of the existing houses. We will survey the top of nuts for water and the inverts for sewer. As a note, we are anticipating having a flag person accompanying the crew for the purpose of traffic control.

We will conduct the survey utilizing the City of Flagstaff Low Distortion coordinate system and NAVD 88 Vertical Datum. We will deliver an ASCII files of the surveyed points, a digital and a hard copy at a scale of 1" = 20'.

On the second trip, we will survey potholes for utilities and soil analysis and any other items determined to be essential for the design of the project.

We propose to conduct each the above mentioned surveys for the following fixed fees.

Right-of-Way/Control:

36 hours @ $150	$ 5,400.00
16 hours @ $100	$ 1,600.00
Subtotal:	**$ 7,000.00**

Topography:

Trip # 1:

72 hours @ $180	$12,960.00
32 hours @ $100	$ 3,200.00
Subtotal:	**$16,160.00**

P.O. Box 1401 / Flagstaff, Arizona 86002 / (928) 774-5058

Trip # 2:	
36 hours @ $150	$ 5,400.00
16 hours @ $100	$ 1,600.00
Subtotal:	**$ 7,000.00**

Ownership/Annotation

16 hours @ $100	$ 1,600.00
Subtotal:	**$ 1,600.00**
TOTAL COST:	**$31,760.00**

As an option, we propose to draft exhibits per City of Flagstaff specifications for Temporary Construction Easements for as many lots as needed. You estimated a total of 65 possible exhibits. We proposed to conduct these survey services for a per exhibit cost of $150 for a total possible cost of **$9,750.00.**

If the above scope of work and the costs involved are agreeable to you, please sign below and return this letter. Again, we appreciate the opportunity to propose on this project.

Kenneth A. Krenke
Partner

Accepted this _____ day of _____, 2016.

_____
Thomas Smith
for Peak Engineering

PEAKCOFLockettStreet

Hubbard-Merrell Engineering - Lockett Road Proposal

BD - Buildings Lockett Road Improvements — **Tuesday, January 12, 2016**

Peak Engineering, Inc.	Scope	Contact:		Phone:	
	Provide Concepts to save existing walls in a conceptual phase and work through potential issues. Design up to four retaining wall conditions and produce CD's for those walls.				

Activity Type/ Task		Type	Project Status/ Resource	PM / Reference	Task Status	Priority	% Comp	% Comp Date	Est Start Date	Est Comp Date	Act Start Date	Act Comp Date	% Dist	Hours	Resource Hours/ Units	Billing Rate	Contract	Resource Contract
Lockett Road Improvements			**Preliminary**	**DSM**										**50.0**	**50.0**		**7,480**	**5,480**
Business Development			**Marketing**	**DSM**														
Conceptual Review / Write Up			**Preliminary**	**DSM**										**18.0**	**18.0**		**2,490**	**2,490**
Labor	R	Principal													12.0	160.00		1,920
Labor	R	Project Engineer - E.I.T.													6.0	95.00		570
Retaining Wall Design/CD's			**Preliminary**	**DSM**										**32.0**	**32.0**		**2,990**	**2,990**
Labor	R	Principal													6.0	160.00		960
Labor	R	Project Engineer - E.I.T.													12.0	95.00		1,140
Labor	R	Drafter													12.0	65.00		780
Labor	R	Clerical													2.0	55.00		110
Construction Administration			**Preliminary**	**DSM**													**2,000**	

SPEEDIE AND ASSOCIATES
Geotechnical ▪ Environmental ▪ Materials Engineers

January 11, 2016

Tom Smith
Peak Engineering, Inc.
PO Box 790
Flagstaff, AZ 86002

RE: Proposal for Geotechnical Investigation
Lockett Road Reconstruction
Lockett Road
Flagstaff, AZ
Proposal No. 56079 SF

Dear Mr. Smith:

We are pleased to provide our cost estimate to conduct a soil investigation at the above referenced site that will satisfy site development and foundation design requirements. All work on this project will be carried out under the overall supervision of a registered Professional Engineer in the state of Arizona.

We understand that construction will consist of reconstruction of Lockett Road from Patterson Avenue as the western limit to Fanning Drive at the eastern limit, for an approximate total of 0.75 miles. The anticipated structural section is 4" AC on 8" of aggregate base course. Buried water line utilities will be upgraded. Sidewalks will be replaced and storm drain runoff will be conveyed along Lockett Road as it currently exists. Adjacent areas will be landscaped or paved to support moderate passenger and light truck traffic. Landscaped areas will be utilized for storm water retention and disposal.

We will drill and sample sufficient test borings to adequately determine subsoil conditions and provide samples for laboratory testing. Sufficient laboratory tests will be conducted to properly classify the soils encountered and provide data for engineering design. We presently anticipate drilling 5 structural borings to depths of 10 feet below existing ground surface, or refusal, whichever comes first. Access to the site by conventional truck-mounted drilling equipment is assumed to be free and unencumbered. Traffic control will be provided and the necessary permits obtained from the City of Flagstaff.

We will analyze the data obtained from field and laboratory testing and prepare a report presenting all data obtained, together with our conclusions and recommendations regarding:

1. Lateral pressures on temporary and permanent retaining walls.

2. Groundwater conditions, if any, to the depths which will influence design and/or construction of the proposed development.

3331 East Wood Street ■ Phoenix, AZ 85040 ■ Phone (602) 997-6391 ■ Fax (602) 943-5508
4025 East Huntington Drive, Suite 140 ■ Flagstaff, AZ 86004 ■ Phone (928) 526-6681 ■ Fax (928) 526-6685
3125 East 47th Street ■ Tucson, AZ 85713 ■ Phone (520) 514-9411 ■ Fax (520) 514-9474

3. Swell potential of in-situ and compacted soils and recommendations for control if highly expansive.

4. Pavement design to provide economy and adequate service.

5. Suitability of site soils for use as compacted fill and preferred earthwork methods, including clearing, stripping, excavation and construction of engineered fill.

6. Local excavation and trenching conditions and stability considerations.

7. Slope requirements for cut and fill stability, both temporary and permanent.

8. Potential corrosiveness of subsoil materials and procedures to minimize the effects thereof.

Charges for our services have been determined on the basis of our standard Fee and Rate Schedule, a copy of which is attached and made a part hereof. We propose to provide the services set forth herein for a lump sum amount of $6,900.00, which includes all testing, engineering and reimbursable expenses and 2 copies of the report. Should we be informed that additional copies of the report are needed after it has been finalized, there will be an additional charge of $15.00 per report. Time from authorization to proceed to final report submittal at this time is on the order of 4 to 6 weeks following our receipt of this signed proposal (authorization to proceed). This time frame does not include delays due to inclement weather or delays in the field not caused by Speedie & Associates and subcontractors.

We appreciate the opportunity to submit this proposal for your consideration. If the terms set forth are satisfactory, please sign the attached copy, and return it for our records.

Respectfully submitted,
SPEEDIE & ASSOCIATES

Jeremy M DeGeyter, E.I.T.

APPROVED AND ACCEPTED
For: Peak Engineering, Inc.

By: _____

Print Name: _____

Date: _____

SPEEDIE AND ASSOCIATES
Geotechnical ▪ Environmental ▪ Materials Engineers

ENGINEERING SERVICES

2015 Fee and Rate Schedule

Fees for services will be based upon the time worked on the project at the following rates:

Title	Rate Per Hour
Principal	$ 130.00
Project Manager	100.00
Sr. Geologist/Engineer	100.00
Project Engineer/Geologist	90.00
Environmental Specialist	85.00
Special Inspector (Architectural)	85.00
Special Inspector (Structural/Geotechnical)	75.00
Staff Engineer/Geologist	75.00
Sr. Engineering Technician	65.00
Draftsman	60.00
Materials Testing Technician	50.00
Clerical/Administrative	45.00

REIMBURSABLE EXPENSES
Light Truck Mileage Rate: $0.50 per mile
The following items are reimbursable to the extent of actual expenses plus 25%:

1. Transportation, lodging and subsistence for out of town travel
2. Special mailings and shipping charges
3. Special materials and equipment unique to the project
4. Duplication or reprinting/copying reports

TEST BORINGS AND FIELD INVESTIGATIONS
On projects requiring test borings, test pits, or other explorations, the services of reputable contractors to perform such work shall be obtained.

SUBCONTRACTORS/SUBCONSULTANTS CHARGES
Any charges for subcontractors/subconsultants are subject to a 25% handling fee if invoiced by Speedie & Associates or such charges can be directly paid by the CLIENT.

SPECIAL RATES
The following rates may be subject to a 35% increase:

- Overtime – time over 8 hours per weekday and on Saturday
- Sunday and Holidays
- Rush orders

EXPERT WITNESS
Deposition and testimony; 4-hour minimum, $250.00 per hour.

The following Terms and Conditions are included and hereto made a part of this agreement.

Initials _____
Initials _____

SPEEDIE AND ASSOCIATES
Geotechnical ▪ Environmental ▪ Materials Engineers

TERMS AND CONDITIONS

1. STANDARD OF CARE

In performing our professional engineering services, Speedie & Associates, Inc. (S&A) will use the degree of care and skill ordinarily exercised by members of our profession currently practicing in the same locality under similar conditions. No warranty, expressed or implied, is made or intended by our proposal for consulting services, our contract, oral or written reports, or services.

2. SCOPE OF SERVICES

2.1 "ON-CALL" SERVICES

Unless otherwise agreed by both parties in writing, all construction materials testing will be performed on an "on-call" basis. Both parties agree that test results for "on-call" testing, where the CLIENT does not request S&A's continuous construction and field observation, will be based only on the representative sample or limited location tested.

2.2 CONSTRUCTION/FIELD OBSERVATION OR REMEDIATION OBSERVATION

If the CLIENT desires more extensive or full-time project observation to help reduce the risk of problems arising during construction, the CLIENT shall request such services as "Additional Services" in accordance with the terms of this agreement. Should the CLIENT for any reason choose not to have S&A provide construction or field observation during the implementation of S&A's specifications or recommendations, or should the CLIENT unduly restrict S&A's assignment of observation personnel, CLIENT shall, to the fullest extent permitted by law, waive any claim against S&A, and indemnify, defend, and hold S&A harmless from any claim or liability for injury or loss arising from field problems allegedly caused by findings, conclusions, recommendations, plans or specifications developed by S&A. CLIENT also shall compensate S&A for any time spent or expenses incurred by S&A in defense of any such claim. Such compensation shall be based upon S&A's prevailing fee and rate schedule.

3. OWNERSHIP OF DOCUMENTS

All reports, plans, specifications, field data, notes and other documents prepared by S&A shall remain the property of S&A. Any reuse of such documents for other purposes must be with the written consent of S&A.

4. SAFETY

While on a CLIENT'S jobsite, S&A's personnel have no authority to exercise any control over any construction contractor, any other entity, or their employees in connection with their work, health or safety precautions. The CLIENT agrees that the General Contractor is solely responsible for jobsite safety and warrants that this intent shall be made evident in the CLIENT'S agreement with the General Contractor. The CLIENT may be charged for additional work for interruption, downtime required, or safety measures required by hazardous job conditions.

5. INSURANCE

Upon request, S&A will furnish certificates of insurance for Workers Compensation, General and Auto insurance, and Professional Errors or Omissions insurance. S&A is not responsible for damage of any cause beyond the coverage of its insurance.

6. INDEMNIFICATION

6.1 ENVIRONMENTAL SERVICES

It is understood and agreed that should the CLIENT hire S&A in matters involving the actual or potential presence of hazardous substances, the CLIENT will indemnify S&A, and its employees and representatives, from and against claims that are the result of negligent acts or omissions on the part of the CLIENT, its employees or representatives. S&A will indemnify the CLIENT from and against claims that are solely the result of negligent acts or omissions on the part of S&A, its employees or representatives.

Initials _____
Initials _____

6.2 NON-ENVIRONMENTAL SERVICES

Both parties agree that S&A's scope of services will not include asbestos, hazardous or toxic materials. Should it become known in any way that such materials may be present at the jobsite or adjacent area that may affect the performance of S&A's services, S&A may suspend its services without any liability until the CLIENT retains appropriate consultation to identify, abate, and/or remove the asbestos, hazardous or toxic materials and warrants that the jobsite is in compliance with applicable laws and regulations. The CLIENT will indemnify S&A and his employees and representatives from and against claims that are the result of negligent acts or omissions on the part of the CLIENT, his employees and representatives. S&A shall indemnify the CLIENT from and against claims, which are solely the result of negligent acts or omissions on the part of S&A, its employees and representatives.

7. LIMITS OF LIABILITY

The CLIENT agrees that S&A shall not be liable for losses caused by or arising from any acts of the CLIENT, his employees or subcontractors. Should any of S&A's employees be found to have been negligent in the performance of professional services rendered, the CLIENT agrees that the maximum aggregate amount of S&A's liability shall be limited to $50,000.00 or the amount of the fee paid to S&A for professional services, whichever amount is greater.

8. WAIVER OF LIMITATION OF PROFESSIONAL LIABILITY

In the event the CLIENT is unwilling or unable to limit liability in accordance with the paragraph above, then CLIENT shall agree to pay S&A a sum equivalent to an additional 20% of the total fee to be charged for the professional services. Said sum is to be called "Waiver of Limitation of Liability Charge." This charge will in no way be construed as being a charge for insurance of any type, but will be increased consideration for the greater risk involved in performing the work up to the limit of proceeds available from S&A's professional insurance coverage.

9. SAMPLE DISPOSAL

9.1 NON-HAZARDOUS SAMPLES

Test samples are substantially altered during testing and are disposed of immediately upon completion of tests. Drilling samples are disposed of thirty (30) days after submission of our report. If requested in writing, samples can be held after thirty (30) days for an additional storage fee, or returned to the CLIENT.

9.2 HAZARDOUS SAMPLES

If toxic or hazardous substances are involved, S&A will return such samples to the CLIENT. Or using a manifest signed by the CLIENT, S&A will have such samples transported to a location selected by the CLIENT for final disposal. The CLIENT agrees to pay all costs for storage, transport and disposal of samples. The CLIENT recognizes and agrees that S&A is acting as a bailee and at no time assumes title to samples involving hazardous or toxic materials.

10. PAYMENT

Progress invoices will be submitted to the CLIENT monthly with a final billing at completion of services. Invoices are due and payable upon receipt. The CLIENT agrees to pay a finance charge of 1.5 % per month on all past due accounts over thirty (30) days. The CLIENT'S obligation to pay for all work contracted is in no way dependent upon the CLIENT'S ability to obtain financing, zoning approval, or the CLIENT'S successful completion of the project. S&A reserves the right to suspend work under its agreement if the CLIENT fails to pay invoices as due. The CLIENT agrees to pay all costs for collection of payment, including attorney's fees.

11. LITIGATION

In the event of litigation between parties to this agreement, if S&A is the prevailing party, S&A shall be entitled to recover all related costs, expenses, and reasonable attorney fees.

Initials _____
Initials _____

ADAMS TRENCHING INC.
Alan J. Adams, Pres.

AZ ROC A General Engineering #121998
AZ ROC B-4 General Engineering #126006

January 27, 2016

To: Peak Engineering, Inc.
110 N. Agassiz St.
Flagstaff, AZ 86001

Tom,

This price quote is for 17 utility potholes on Lockett Rd in Flagstaff as we discussed for your upcoming project. Included in this price quote:

- Obtain city permit ~~(assuming they will waive the fee)~~
- Traffic control as needed
- Dig and backfill of potholes as per COF
- Pictures and field notes along with reference points for each pothole (for survey by others)

The cost of this work would $15,000 (fifteen thousand dollars)

Please call with any questions or suggestions.

Thanks,

Alan Adams PRES ATI

Alan Adams

809 W. Riordan Rd. Suite 100-371
Flagstaff, AZ 86001-0859

Cell: (928) 607-2312
Ph/Fax: (928) 779-5445
adamstrenching@gmail.com

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: John Saltonstall, Business Retention & Expansion Manager

Co-Submitter: David McIntire

Date: 02/03/2016

Meeting Date: 02/16/2016

TITLE:

Consideration and Adoption of Ordinance No. 2016-09: An ordinance to enter into a third Amendment to Development Agreement (DA) with Nestle-Purina Petcare Company to extend the agreement and underlying lease for up to six months ***(Possible extension of development agreement with Nestle-Purina).***

RECOMMENDED ACTION:

1) Read Ordinance No. 2016-09 by title only for the final time
2) City Clerk reads Ordinance No. 2016-09 by title only (if approved above)
3) Adopt Ordinance No. 2016-09

Executive Summary:

Nestle-Purina and the City of Flagstaff request a six month extension of the existing development agreement and underlying lease which are scheduled to expire April 14, 2016. This extension is to achieve the original purposes of the previous extensions and to explore feasibility of voluntary installation of equipment to achieve measurable odor mitigation related to expanded production.

Nestle-Purina has completed their study of ways to mitigate odor from local production. Nestle-Purina is currently working with city staff to negotiate an extension of the existing development agreement and underlying lease in order to facilitate a phased implementation of odor mitigation measures that are anticipated to cost approximately $3 million.

Recent changes to the Council Meeting Calendar, specifically moving the March 15, 2016 meeting to March 22, 2016, make this extension request necessary. The goal originally was to present a multi-year extension request with details regarding an odor mitigation plan for final approval on March 15, 2016. The schedule change however reduces the 30-day effective period thereby requiring this additional extension which will allow proper analysis and negotiating time without additional impacts.

Financial Impact:

The intention is for there to be no financial impacts to the parties or other governmental agencies. The Coconino County Assessor has placed Nestle-Purina back on standard tax roles effective January 1, 2017; therefore, this temporary extension will have zero impact on the current tax year, while allowing additional time to understand the potential benefit and to negotiate a more favorable outcome for the community and for Nestle-Purina.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:
#7) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans.
#9) Improve the economic quality of life for Flagstaff through economic diversifications, and by fostering jobs and programs that grow wages and revenues.
#10) Support and assist the most vulnerable.

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

Has There Been Previous Council Decision on This:

Council approved the Development Agreement and underlying lease with Nestle-Purina in 2003. The agreement and lease were amended in 2008. More recently, Council approved a short term extension of the agreement and lease for the purposes of exploring odor mitigation options and developing an implementation strategy.

Options and Alternatives:

1. Approve the six-month extension of the Development Agreement and underlying lease in order to develop an odor mitigation implementation plan Pro: This will provide the two parties with the additional time required to analyze the opportunity and develop a strategy that meets community and business needs.
Con: Maintains the tax exemption for six months 2. Reject the request to extend the Development Agreement and underlying lease for six months. Pros: This will result in tax revenues returning to the normal level (additional $400,000 per year to the community partners and the city).
Cons: This action will not support achieving the original purpose of projected tax savings or opportunity to reduce the odor impacting the community associated with the Purina expansion and increased production.

Background/History:

Nestle-Purina has been expanding operations in Flagstaff ever since Purina was acquired by Nestle, S.A. in December of 2001. In 2003, Nestle-Purina entered into a development agreement with the City of Flagstaff and underlying lease. Performance requirements of that agreement included 100,000 square foot addition, hiring additional employees, and continuing operations. In 2008, the development agreement was amended to accomplish a number of other development-related items including: selling the City two acres of land for a fire station, dedicating right of way to realign Industrial Drive, while Nestle-Purina constructs another 94,000 square feet of space, providing parking for 292 vehicles, and using all commercially reasonable efforts to add another 50 full- time employees. Details of both agreements are included in this packet.

Under the Development Agreement, the City has accepted title to Purina property. This enables the property to be constitutionally exempt from property tax (about $490,000 per year savings). The City leases the property back to Purina, and Purina pays a Government Property Lease Excise Tax (GPLET) of approximately $90,000 per year. Thus, currently the net tax savings for Purina is about $400,000 per year.

Nestle-Purina has met all requirements thus far yet has fallen short of the DA projected tax savings by at least $600,000 and possibly as high as $1 million (City staff is still determining the actual number) which is attributed to the market correction and reduced property values. During this period, production has increased greatly which means Purina's operations are running more frequently, in turn creating more instances when there is the related odor of production. As Nestle-Purina seeks to be a great community partner, they have already been exploring ways to mitigate the related odor from production and are

currently studying the issue. To be clear, although the smell is evident, Nestle-Purina continues to meet all air quality and odor requirements at the state and federal levels. Part of being a great community partner inspires Nestle- Purina to explore the typically costly measures to mitigate odor.

Key Considerations:

Nestle-Purina has invested $120,000 to study means of mitigating odor related to their local production facility even though they are compliant with applicable regulations. Extending the DA to allow time to develop a plan and measurement strategy provides the time necessary to explore this option. Potentially the extension could result in using the DA for the original purposes (yield closer to projected tax savings) and apply funds towards odor mitigation efforts to achieve measurable reductions in odor from production. As a large employer, the image of manufacturing is critical to the workforce pipeline for the entire industry. Supporting the expeditious mitigation of the odor contributes to a more appealing workforce option. Additionally, it would have the benefit of assisting economic development in the eastern portion of the City and reduce a nuisance to residents.

Expanded Financial Considerations:

The DA and underlying lease allow a business to turn over title of real property to a municipality, which in turn leases the land back to the owner in order to experience relief from property tax for a limited amount of time. This is intended to support business expansion and other public benefits. The city and community partners understand that their revenues are diminished as the business is not paying property taxes; in this case since 2003, Nestle-Purina has experienced a total tax savings of approximately $2.5 to $3 million while at the same time investing greatly in their operations and now employing approximately 250.

As odor may be off-putting to a workforce pipeline, so too may the odor negatively impact other uses in the area. Increased housing in the area supports many neighborhoods that are impacted by the odor. Business in and around the Flagstaff Mall are also impacted by the odor. Supporting the effort to mitigate the odor supports the populations and industry that are also in the area.

Community Benefits and Considerations:

The east side of Flagstaff and the Flagstaff Mall could potentially benefit greatly through a reduced nuisance odor. The Mall contributes almost 17% of the total sales tax revenues for the City of Flagstaff. One item that has been mentioned is that businesses are impacted by the odor. Additionally, residents in the area have unfavorably commented about the odor. Nestle-Purina supports numerous families through their hiring and their increased shifts have been a benefit to the community, but the increased production has also increased the odor.

Community Involvement:

Involve - To support the extension of the DA and underlying lease will respond to a diverse population with a unified voice regarding their interest in odor mitigation.

City staff will be contacting community partners to see if there is support for a longer agreement with Purina- Nestle.

Expanded Options and Alternatives:

Another option would be to explore an entirely new DA and lease. Due to changes in state laws, Purina would need to provide direct consideration for any property tax savings, and would need to pay a much higher government property lease excise tax (GPLET). Therefore, a new development agreement may not be an effective financial tool.

Attachments: Ord. 2016-09

ORDINANCE NO. 2016-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE CITY OF FLAGSTAFF TO ENTER INTO A THIRD AMENDMENT TO DEVELOPMENT AGREEMENT AMENDING THE DEVELOPMENT AGREEMENT WITH NESTLE PURINA PETCARE COMPANY TO ALLOW TEMPORARY EXTENSION OF AGREEMENT AND UNDERLYING LEASE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff desires to enter into a Third Amendment to Development Agreement with Nestle Purina Petcare Company and to temporarily extend the underlying lease of property for the reasons set forth therein.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Third Amendment to the Development Agreement between the City of Flagstaff and Nestle Purina Petcare Company attached hereto is hereby approved. The Mayor of the City of Flagstaff is hereby authorized to execute the Third Amendment of the Development Agreement on behalf of the City and all other associated documents.

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 1st day of March, 2016.

_____

MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Attachment: Third Amendment to Development Agreement, with attached Exhibit 1 Third Amendment to Lease and related legal descriptions (Exhibits A, B, C, D)

WHEN RECORDED, RETURN TO:
Elizabeth Burke, City Clerk
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

THIRD AMENDMENT
TO
DEVELOPMENT AGREEMENT

The City of Flagstaff, a political subdivision of the state of Arizona ("City") and Nestle Purina Petcare Company, a Missouri corporation ("Purina") enter into this Third Amendment to the Development Agreement effective this 1st day of March, 2016.

RECITALS:

A. In 2003 the City of Flagstaff ("City") and Nestle Purina Petcare Company ("Purina") entered into a Development Agreement recorded on June 25, 2003 as Instrument No. 3207666, Official Records of Coconino County, Arizona ("Development Agreement") in connection with Purina's expansion of its pet food manufacturing and warehousing facility located in the City of Flagstaff on that real property legally described in Exhibit A ("Original Property").

B. Pursuant to the Development Agreement, title to the Original Property and Purina's manufacturing facility located thereon (the "Facility") were conveyed to the City and leased back by the City to Purina under the terms and conditions of a Government Property Lease entered into pursuant the provisions of A.R.S. § 42-6201, *et seq.* (the "Lease"). The form of Lease was recorded along with the original Development Agreement in Instrument No. 3207666, Official Records of the Coconino County, Arizona ("Lease").

C. In 2008 as approved in Ordinance No. 2008-16 the City and Purina entered into a First Amendment to Development Agreement recorded on June 26, 2008 as Instrument No. 3491226, Official Records of the Coconino County, Arizona ("First Amendment") in connection with approximately 34.28 net acres of additional real property legally described in Exhibit B attached hereto ("Additional Property") for the purpose constructing a 94,000 square foot warehouse space addition, and parking facilities for employees and trailers, all as part of a further expansion of the Facility.

D. Pursuant to the First Amendment, title to the Additional Property and the expanded Facility ("Expanded Facility") were conveyed to the City and leased back by the City to Purina under the terms and conditions of the Lease (which was also amended). The First Amendment to the Lease was recorded on January 16, 2009, Instrument No.

3510882, Official Records of the Coconino County, Arizona ("First Amendment to Lease").

E. In 2009 pursuant to the First Amendment, the City purchased approximately two (2) acres of the Additional Property from Purina as legally described in Exhibit C attached to this Ordinance ("Fire Station Parcel"), and as conveyed by Special Warranty Deed recorded on June 16, 2009 as Instrument No. 351083 in the Official Records of the Coconino County, Arizona.

F. In 2015 pursuant to the Development Agreement, Purina conveyed real property to the City for Industrial Drive by Quit Claim deed as recorded on January 1, 2015 as Instrument No. 3711317, Official Records of the Coconino County, Arizona, and as legally described in Exhibit D attached hereto ("Industrial Drive Parcel").

G. The original purposes of the Development Agreement as amended by the First Amendment were to help fund expansions of the Purina facilities ("Expansions") so as to provide new stable, good-paying employment opportunities for Flagstaff residents; provide for purchase of the Fire Station Parcel, and conveyance of the Industrial Drive Parcel; and provide certain other benefits (collectively "Benefits") via Purina's projected total tax savings of$3,928,964.00. This total represents the actual tax savings under the original Development Agreement of $481,964.00, plus the projected tax savings under the First Amendment of $3,447,000.00.

H. The parties have been performing the terms and conditions of the Development Agreement (as amended) and underlying Lease (as amended), and these agreements are scheduled to expire on or about October 14, 2015.

I. Purina's actual tax savings under the First Amendment are $2,522,770.00, or approximately $924,230.00 less than projected.

J. The Purina Expansions have enabled a substantial increase in production of pet food at the Facility, and there are associated emissions to the atmosphere.

K. Purina has a Clean Air Act permit from the Arizona Department of Environmental Quality and currently is in compliance with applicable laws, rules and regulations regarding emissions to the atmosphere.

L. On September 15, 2015 pursuant to A.R.S. § 42-6203.A.4 the City and Purina entered into a Second Amendment to Development Agreement in order to temporarily extend the Agreement and underlying Lease for a period commencing on October 14, 2015 and continuing for up to six (6) months (April 15, 2016) to further the original purposes of the Development Agreement and to explore the feasibility of voluntary installation of equipment at the Purina Facility to measurably minimize odor.

M. Purina has conducted technical research but the parties require additional time to explore the feasibility of voluntary installation of equipment at the Purina Facility to measurably minimize odor.

AGREEMENT

NOW THEREFORE, IN CONSIDERATION FOR THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Extension Period. The Development Agreement (as amended) is hereby extended to October 15, 2016, unless sooner terminated ("Extension Period.") Either party may terminate this Third Amendment upon giving at least five (5) days written notice to the other party.

2. Third Amendment to Lease. The term of the Lease (as amended) shall be extended to be coterminous with the Development Agreement Extension Period. To accomplish this, the parties shall execute a Third Amendment to Lease in the form attached hereto as Exhibit 1. The City of Flagstaff will record the Third Amendment to Development Agreement and the Third Amendment to Lease following execution.

3. Research. During the Extension Period, at its own expense, Purina will explore whether it is financially and technically feasible to purchase and install equipment at the Purina facility in Flagstaff to mitigate odor from the Purina Facility ("Research"). Upon completion of the Research, the parties will explore whether it is appropriate to extend the Development Agreement for a longer period of time.

4. Contingency. If the parties do not enter into an agreement to extend the term of the Development Agreement prior to expiration of the Extension Period the City and Purina hereby agree that the Development Agreement (as amended) and the Lease (as amended) shall be deemed to have terminated as of October 14, 2015 and that title to the Original Property, the Additional Property and the Facility (as expanded in accordance with the First Amendment) currently leased by the City to Purina shall have automatically reverted to Purina as of October 15, 2015 and that Purina will be placed in the same financial position for purposes of property tax and the government property lease excise tax as if the transfer of title to the Original Property, the Additional Property and the Facility (as expanded in accordance with the First Amendment) currently leased by the City to Purina had occurred as of October 15, 2015. The parties agree to take commercially reasonable good faith efforts to achieve that financial equilibrium set forth in the immediately preceding sentence.

5. Effect. All other terms and conditions of the Development Agreement (as amended) shall remain in effect.

NESTLE PURINA PETCARE COMPANY

_____

By:_____

Its:_____

CITY OF FLAGSTAFF

_____

By: Mayor Nabours

Attest:

_____

By: Elizabeth Burke, City Clerk

Approved as to form:

_____

By:_____

City Attorney's Office

Attachments: Exhibit 1, with attached Exhibits A, B, C, D

S:\Legal\Civil Matters\2014\2014-626 Purina Scrubbers Air Quality\Third Amendment - Extension 2-3-6.docx

EXHIBIT "A" [redacted]

Legal Description of Property

Landmark Engineering & Surveying, Inc.
sedona ❖ FOUNDED 1979 ❖ flagstaff
David Dow, R.L.S. ddow@landmarkes.com
Martin Etcheverry, R.L.S. metcheverry@landmarkes.com
Barry Giles, R.L.S. (California) bgiles@landmarkes.com
William McHenry L.S.I.T. wmchenry@landmarkes.com

p.o. box 1907
sedona, az 86339
(928) 282-7104 voice
(928) 282-7171 fax
www.landmarkes.com
tgraham@landmarkes.com
Wm.Tod Graham I,R.L.S.
president

January 6, 2003
Job No.: 102509

LEGAL DESCRIPTION
PURINA WEST PARCEL

A parcel of land being a portion of the "Purina Tract" as described in Exhibit "A" of that certain document recorded in Docket 476, Pages 41-46 (rec.) of the Coconino County Recorder's Office and being situated in the North half of Section 8, Township 21 North, Range 8 East of the Gila and Salt River Meridian in Coconino County, Arizona, said parcel being more particularly described as follows:

Commencing at a ¾" O.D. iron pipe with no identification found in a handhole at the Northwest corner of said Section 8 and from which a square headed bolt found at the West quarter corner of said Section 8, lies S 01°10'00" E (basis of bearings per rec.) a distance of 2,665.67 feet;

Thence from said Northwest corner of Section 8, S 01°10'00" E (rec. same) a distance 2,567.77 (2,573.23 rec.) feet along the West line of said North half of Section 8 to a point on the North right-of-way line of Interstate Highway 40 (I-40) and from which a 60d nail with no identification was found lying S 88°19'56" W a distance of 0.57 foot;

Thence N 88°19'56" E (N 87°30'55" E rec.) a distance of 124.09 (125.81 rec.) feet along said North right-of-way line to an Arizona Highway Department (A.H.D.) brass cap right-of-way monument found in concrete at the beginning of a non-tangent curve;

Thence Easterly along said North right-of-way line being a curve to the right and concave to the South having a chord bearing and length of N 78°06'43" E - 107.80 feet, radius of 14,523.95 (rec. same) and central angle of 0°25'31", an arc distance of 107.80 (106.09 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the Southwest corner of said "Purina Tract" which is the POINT OF BEGINNING;

Thence N 01°10'00" W (rec. same) a distance of 533.05 (527.54 rec.) feet along the West boundary of said "Purina Tract", which is a line that lies 230.00 feet East of and parallel with said West line of the North half of Section 8, to a ½" re-bar with plastic cap stamped "LS 14184" set at an angle point in said West boundary;

Thence N 26°36'03" W (rec. same) a distance of 535.54 (rec. same) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the intersection of said West line of the North half of Section 8 with the South right-of-way line of the Burlington Northern and Santa Fe Railway (BNSF) (formerly Atchison, Topeka and Santa Fe Railway);

Thence N 84°23'13" E (N 84°23'24" E rec.) a distance of 177.33 (198.30 rec.) feet along said South right-of-way line of the BNSF Railway to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of 2°00'00", an arc distance of 96.51 (96.52 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;

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Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 1,332.69 (rec. same) and central angle of 12°00'00", an arc distance of 279.12 (rec. same) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of 2°00'00", an arc distance of 96.51 (96.52 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Tangency;

Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 510.00 feet along said South right-of-way line of the BNSF Railway to a point that lies 100.0 feet southerly of the centerline of the South Main (Westbound) rails of said BNSF Railway;

Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 413.49 feet along said South right-of-way line of the BNSF Railway, which lies 100.0 feet southerly of and parallel with said centerline of the South Main (Westbound) rails, to a ½" re-bar with plastic cap stamped "LS 14184" set at the intersection of said South right-of-way line with the Northerly projection of the centerline of steel columns aligned along the East wall of the Purina building as it existed in November of the year 2002;

Thence S 10°22'23" W a distance of 364.83 feet along said centerline projection and said centerline of steel columns to an angle point in said East wall;

Thence N 79°37'37" W a distance of 115.06 feet along said centerline of steel columns to an angle point in said East wall;

Thence S 10°22'23" W a distance of 331.18 feet along said centerline of steel columns and the southerly projection of said centerline to a ½" re-bar with plastic cap stamped "LS 14184" set on said North right-of-way line of I-40;

Thence Westerly along said North right-of-way line of I-40, being a non-tangent curve to the left and concave to the South having a chord bearing and length of S 80°27'22" W – 1,080.42 feet, radius of 14,523.95 (rec. same) feet and central angle of 4°15'47", an arc distance of 1,080.67 feet to the POINT OF BEGINNING.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
14184
WM. TOD
GRAHAM, I
Date Signed 1-6-03
ARIZONA, U.S.A.

S:\Projects\2002\Land 3 Projects\102509 LEGALS\102509W.doc

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Landmark Engineering & Surveying, Inc.
sedona ❖ flagstaff ❖ FOUNDED 1979
David Dow, R.L.S. ddow@landmarkes.com
Martin Etchevery, R.L.S. metchevery@landmarkes.com
Barry Giles, R.L.S. (California) bgiles@landmarkes.com
William McHenry L.S.I.T. wmchenry@landmarkes.com

p.o. box 1907
sedona, az 86339
(928) 282-7104 voice
(928) 282-7171 fax
www.landmarkes.com
tgraham@landmarkes.com
Wm.Tod Graham I.R.L.S.
president

January 6, 2003
Job No.: 102509

LEGAL DESCRIPTION
PURINA EAST PARCEL

A parcel of land being a portion of the "Purina Tract" as described in Exhibit "A" of that certain document recorded in Docket 476, Pages 41-46 (rec.) of the Coconino County Recorder's Office and being situated in the North half of Section 8, Township 21 North, Range 8 East of the Gila and Salt River Meridian in Coconino County, Arizona, said parcel being more particularly described as follows:

Commencing at a ¾" O.D. iron pipe with no identification found in a handhole at the Northwest corner of said Section 8 and from which a square headed bolt found at the West quarter corner of said Section 8, lies S 01°10'00" E (basis of bearings per rec.) a distance of 2,665.67 feet;

Thence from said Northwest corner of Section 8, S 01°10'00" E (rec. same) a distance 2,567.77 (2,573.23 rec.) feet along the West line of said North half of Section 8 to a point on the North right-of-way line of Interstate Highway 40 (I-40) and from which a 60d nail with no identification was found lying S 88°19'56" W a distance of 0.57 foot;

Thence N 88°19'56" E (N 87°30'55" E rec.) a distance of 124.09 (125.81 rec.) feet along said North right-of-way line to an Arizona Highway Department (A.H.D.) brass cap right-of-way monument found in concrete at the beginning of a non-tangent curve;

Thence Easterly along said North right-of-way line being a curve to the right and concave to the South having a chord bearing and length of N 78°06'43" E – 107.80 feet, radius of 14,523.95 (rec. same) and central angle of 0°25'31", an arc distance of 107.80 (106.09 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the Southwest corner of said "Purina Tract";

Thence N 01°10'00" W (rec. same) a distance of 533.05 (527.54 rec.) feet along the West boundary of said "Purina Tract", which is a line that lies 230.00 feet East of and parallel with said West line of the North half of Section 8, to a ½" re-bar with plastic cap stamped "LS 14184" set at an angle point in said West boundary;

Thence N 26°36'03" W (rec. same) a distance of 535.54 (rec. same) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the intersection of said West line of the North half of Section 8 with the South right-of-way line of the Burlington Northern and Santa Fe Railway (BNSF) (formerly Atchison, Topeka and Santa Fe Railway);

Thence N 84°23'13" E (N 84°23'24" E rec.) a distance of 177.33 (198.30 rec.) feet along said South right-of-way line of the BNSF Railway to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of 2°00'00", an arc distance of 96.51 (96.52 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 1,332.69 (rec.

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same) and central angle of 12°00'00", an arc distance of 279.12 (rec. same) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of 2°00'00", an arc distance of 96.51 (96.52 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Tangency;

Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 510.00 feet along said South right-of-way line of the BNSF Railway to a point that lies 100.0 feet southerly of the centerline of the South Main (Westbound) rails of said BNSF Railway;

Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 413.49 feet along said South right-of-way line of the BNSF Railway, which lies 100.0 feet southerly of and parallel with said centerline of the South Main (Westbound) rails, to a ½" re-bar with plastic cap stamped "LS 14184" set at the intersection of said South right-of-way line with the Northerly projection of the centerline of steel columns aligned along the East wall of the Purina building as it existed in November of the year 2002, said intersection being the POINT OF BEGINNING ;

Thence S 10°22'23" W a distance of 364.83 feet along said centerline projection and said centerline of steel columns to an angle point in said East wall;

Thence N 79°37'37" W a distance of 115.06 feet along said centerline of steel columns to an angle point in said East wall;

Thence S 10°22'23" W a distance of 331.18 feet along said centerline of steel columns and the southerly projection of said centerline to a ½" re-bar with plastic cap stamped "LS 14184" set on said North right-of-way line of I-40;

Thence Easterly along said North right-of-way line of I-40, being a non-tangent curve to the right and concave to the South having a chord bearing and length of S 89°31'08" E – 3,989.06 feet, radius of 14,523.95 (rec. same) feet and central angle of 15°47'11", an arc distance of 4,001.70 feet to a point on the East line of said North half of Section 8, from which an A.H.D. brass cap right-of-way monument found in concrete lies S 81°37'31" E a distance of 0.19 foot;

Thence N 00°21'19" E a distance of 9.94 feet along said East line of the North half of Section 8 to a ½" re-bar with plastic cap stamped "LS 14184" set on said South right-of-way line of the BNSF Railway which lies 100.0 feet southerly of and parallel with said centerline of the South Main (Westbound) rails, and from said set re-bar, an A.H.D. brass cap right-of-way monument found in concrete lies N 01°35'58" E a distance of 2.48 feet;

Thence N 79°36'47" W (N 79°40'09" W & N 79°43'03" W rec.) a distance of 3,812.96 feet along said South right-of-way line of the BNSF Railway to the POINT OF BEGINNING.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
14184
WM. TOD
GRAHAM, I.D.

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Landmark Engineering & Surveying, Inc.
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tgraham@landmarkes.com
Wm.Tod Graham L.R.L.S.
president

January 6, 2003
Job No.: 102509

LEGAL DESCRIPTION
PURINA EASEMENT

A strip of land 50.00 feet wide being a portion of the "Purina Tract" as described in Exhibit "A" of that certain document recorded in Docket 476, Pages 41-46 (rec.) of the Coconino County Recorder's Office and being situated in the North half of Section 8, Township 21 North, Range 8 East of the Gila and Salt River Meridian in Coconino County, Arizona, said strip of land being more particularly defined as lying 25.00 feet on each side of the following described centerline:

Commencing at a ¾" O.D. iron pipe with no identification found in a handhole at the Northwest corner of said Section 8 and from which a square headed bolt found at the West quarter corner of said Section 8, lies S 01°10'00" E (basis of bearings per rec.) a distance of 2,665.67 feet;
Thence from said Northwest corner of Section 8, S 01°10'00" E (rec. same) a distance 2,567.77 (2,573.23 rec.) feet along the West line of said North half of Section 8 to a point on the North right-of-way line of Interstate Highway 40 (I-40) and from which a 60d nail with no identification was found lying S 88°19'56" W a distance of 0.57 foot;
Thence N 88°19'56" E (N 87°30'55" E rec.) a distance of 124.09 (125.81 rec.) feet along said North right-of-way line to an Arizona Highway Department (A.H.D.) brass cap right-of-way monument found in concrete at the beginning of a non-tangent curve;
Thence Easterly along said North right-of-way line being a curve to the right and concave to the South having a chord bearing and length of N 78°06'43" E – 107.80 feet, radius of 14,523.95 (rec. same) and central angle of 0°25'31", an arc distance of 107.80 (106.09 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the Southwest corner of said "Purina Tract";
Thence N 01°10'00" W (rec. same) a distance of 35.42 feet along the West boundary of said "Purina Tract", which is a line that lies 230.00 feet East of and parallel with said West line of the North half of Section 8, to the POINT OF BEGINNING of centerline (side lines of strip begin on said West boundary of the "Purina Tract");
Thence N 75°42'07" E a distance of 237.77 feet;
Thence N 80°14'11" E a distance of 384.51 feet;
Thence N 82°03'30" E a distance of 469.59 feet to the point of terminus of centerline on the East boundary of the "Purina West Parcel", said point lies N 80°27'22" E a distance of 1,080.42 feet, thence N 10°22'23" E a distance of 45.84 feet from said Southwest corner of the "Purina Tract" (side lines of strip end on said East boundary of the "Purina West Parcel").

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
14184
WM. TOD
GRAHAM, L.R.S.
Date Signed 1-6-
ARIZONA U.S.A.

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Page: 49 of 56
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LANDMARK ENGINEERING & SURVEYING, INC.

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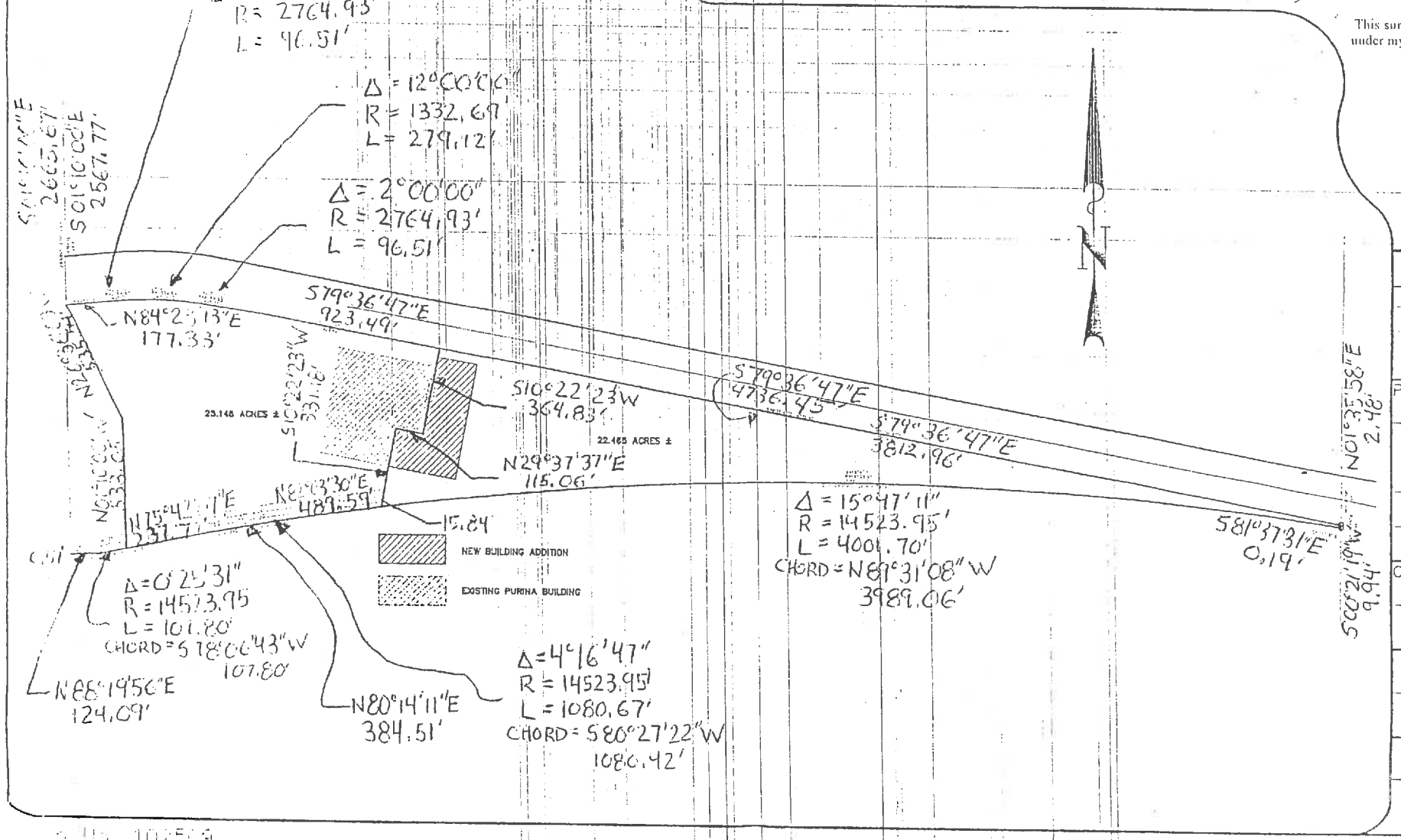
This survey was perfomed under my direct supervision



Date:	January 07, 2003
Revisions:	
Project Manager	
Survey Crew	
C.A.D. by:	J. Rogers
Checked by:	T. Graham
Contour Interval	N. A.
Scale:	1" = 400'
Project Name	102509
File Name	boundary.dwg
Sheet:	1 of 1
Job No.:	102509

EXHIBIT [redacted] "B"

PARCEL 1 AS DESCRIBED IN DOCKET 662, PAGE 74 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF THE BNSF/ATSF RAILROAD AND NORTHERLY OF THE INTERSTATE 40 RIGHT OF WAY AND OFF RAMP AS SHOWN ON THE ADOT RIGHT-OF-WAY MAP PROJECT #1-40-4-701, SHEET 5 OF 5 DATED 1973 (HEREINAFTER REFERRED TO AS R2) AND EAST OF U.S. HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS, AND EXCEPT THAT CERTAIN PARCEL OF LAND SET FORTH IN A SPECIAL WARRANTY DEED TO ADOT AND RECORDED IN INSTRUMENT 3390420 (HEREINAFTER REFERRED TO AS R6) MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 7, A POINT FROM WHICH THE NORTHEAST CORNER OF SECTION 7 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2,662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SECTION 7 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE EAST LINE OF SECTION 7 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 486.55 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT A";

THENCE CONTINUING SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 286.32 FEET TO A POINT WHICH LIES ALONG THE EAST-WEST MID-SECTION LINE OF SECTION 7;

THENCE SOUTH 89 DEGREES 50 MINUTES 25 SECONDS WEST ALONG SAID EAST-WEST MID-SECTION LINE, A DISTANCE OF 24.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 236.69 FEET, THROUGH A CENTRAL ANGLE OF 12 DEGREES 22 MINUTES 28 SECONDS, THE RADIUS OF WHICH IS 1,095.92 FEET, WITH A CHORD BEARING OF NORTH 71 DEGREES 22 MINUTES 37 SECONDS WEST, AND WITH A CHORD LENGTH OF 236.23 FEET;

THENCE NORTH 66 DEGREES 35 MINUTES 27 SECONDS WEST A DISTANCE OF 150.22 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 428.93 FEET, THROUGH A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 686.63 FEET, WITH A CHORD BEARING OF NORTH 84 DEGREES 31 MINUTES 14 SECONDS WEST, AND WITH A CHORD LENGTH OF 421.99 FEET, TO THE SOUTHEASTERLY CORNER OF SAID R6;

THENCE NORTH 44 DEGREES 48 MINUTES 59 SECONDS WEST, A DISTANCE OF 423.39 FEET TO THE NORTHEASTERLY CORNER OF R6;

THENCE SOUTH 45 DEGREES 11 MINUTES 28 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT WHICH LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 44 DEGREES 04 MINUTES 37 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 220.05 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3263227;

THENCE NORTH 57 DEGREES 11 MINUTES 14 SECONDS EAST, A DISTANCE OF 227.12 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE THE ARC LENGTH OF WHICH IS 185.05 FEET, THROUGH A CENTRAL ANGLE OF 24 DEGREES 24 MINUTES 32 SECONDS, THE RADIUS OF WHICH IS 434.37 FEET, WITH A CHORD BEARING OF NORTH 69 DEGREES 24 MINUTES 18 SECONDS EAST, AND WITH A CHORD LENGTH OF 183.65 FEET, TO THE SOUTHEASTERLY CORNER OF SAID INSTRUMENT 3263227;

THENCE NORTH 01 DEGREES 04 MINUTES 11 SECONDS WEST A DISTANCE OF 109.74 FEET TO THE NORTHEASTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 324.48 FEET, THROUGH A CENTRAL ANGLE OF 07 DEGREES 23 MINUTES 37 SECONDS, THE RADIUS OF WHICH IS 2,514.51 FEET, WITH A CHORD BEARING OF SOUTH 72 DEGREES 50 MINUTES 29 SECONDS WEST, AND WITH A CHORD LENGTH OF 324.25 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 29 SECONDS WEST A DISTANCE OF 191.45 FEET, TO THE NORTHWESTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 43 DEGREES 46 MINUTES 26 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 54.29 FEET TO A POINT WHICH LIES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY;

THENCE NORTH 69 DEGREES 09 MINUTES 46 SECONDS EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 561.60 FEET TO AN ANGLE POINT;

THENCE NORTH 84 DEGREES 23 MINUTES 34 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1,679.81 FEET TO A POINT WHICH LIES ALONG THE EAST LINE OF SECTION 7;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1,037.83 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3417898 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE ABOVE REFERENCED "POINT A";

THENCE NORTH 07 DEGREES 46 MINUTES 52 SECONDS WEST A DISTANCE OF 50.59 FEET TO A FOUND 1/2 INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 82 DEGREES 28 MINUTES 39 SECONDS WEST, A DISTANCE OF 147.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 330.15 FEET, THROUGH A CENTRAL ANGLE OF 27 DEGREES 57 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 676.58 FEET, WITH A CHORD BEARING OF NORTH 83 DEGREES 32 MINUTES 02 SECONDS WEST, AND WITH A CHORD LENGTH OF 326.88 FEET;

THENCE NORTH 07 DEGREES 32 MINUTES 26 SECONDS WEST A DISTANCE OF 422.82 FEET;

THENCE NORTH 82 DEGREES 31 MINUTES 11 SECONDS EAST A DISTANCE OF 464.96 FEET;

THENCE SOUTH 07 DEGREES 31 MINUTES 15 SECONDS EAST A DISTANCE OF 501.49 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN SPECIAL WARRANTY DEED AS 2008-3491528 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE FOLLOWING IS A DESCRIPTION OF A PARCEL OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 652, PAGE 74, COCONINO COUNTY RECORDS (CCR), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR);

THENCE SOUTH 07 DEGREES 32 MINUTES 25 SECONDS EAST (BASIS OF BEARINGS) ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 420.55 FEET TO A POINT WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 28 MINUTES 30 SECONDS WEST;

THENCE NORTHWESTERLY 33.78 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 52 MINUTES 08 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 273.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 25 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET;

THENCE NORTHERLY 110.67 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 74.91 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.98 FEET;

THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT 153.03 FEET THROUGH A CENTRAL ANGLE OF 34 DEGREES 15 MINUTES 08 SECONDS;

THENCE SOUTH 07 DEGREES 32 MINUTES 26 SECONDS EAST A DISTANCE OF 97.27 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

THE FOLLOWING IS A DESCRIPTION OF A 2.00 FOOT WIDE STRIP OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 662, PAGE 74, COCONINO COUNTY RECORDS (CCR) (BASIS OF BEARINGS IS THE NORTH LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND

MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR); WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 676.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 21 MINUTES 37 SECONDS WEST;

THENCE NORTHWESTERLY 35.27 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 59 MINUTES 11 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 275.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 48 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 318.49 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 22 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 397.77 FEET;

THENCE NORTHERLY 109.92 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 49 MINUTES 59 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE ON A NON-TANGENT LINE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 2.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS NORTH 73 DEGREES 50 MINUTES 31 SECONDS EAST;

THENCE SOUTHERLY 110.67 FEET THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 273.00 FEET;

THENCE SOUTHEASTERLY AND SOUTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS;

THENCE ON A NON-TANGENT LINE SOUTH 64 DEGREES 56 MINUTES 15 SECONDS EAST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 39 SECONDS WEST;

THENCE SOUTHEASTERLY 34.07 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 53 MINUTES 38 SECONDS;

THENCE SOUTH 07 DEGREES 34 MINUTES 32 SECONDS EAST ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 2.26 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2 AS DESCRIBED IN DOCKET 662, PAGE 75 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF SECTION 8, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40, SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY AND WEST OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE RALSTON PURINA PROPERTY AS RECORDED IN INSTRUMENT 3242297, HEREINAFTER REFERRED TO AS R5, SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 8, A POINT FROM WHICH THE NORTHWEST CORNER OF SECTION 8 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE WEST LINE OF SECTION 8 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 1,037.83 FEET TO THE NORTHWEST CORNER OF SAID RALSTON PURINA PROPERTY;

THENCE SOUTH 26 DEGREES 36 MINUTES 03 SECONDS EAST A DISTANCE OF 535.54 FEET TO AN ANGLE POINT ALONG THE WEST LINE OF THE RALSTON PURINA PARCEL;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST A DISTANCE OF 533.05 FEET TO THE SOUTHWEST CORNER OF SAID RALSTON PURINA PARCEL, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 107.47 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 25 MINUTES 26 SECONDS, THE RADIUS OF WHICH IS 14,523.95 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 03 MINUTES 40 SECONDS WEST, AND WITH A CHORD LENGTH OF 107.47 FEET;

THENCE SOUTH 88 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 124.43 FEET TO THE POINT OF BEGINNING.

EXHIBIT [redacted] "C"

PARCEL 1 AS DESCRIBED IN DOCKET 662, PAGE 74 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF THE BNSF/ATSF RAILROAD AND NORTHERLY OF THE INTERSTATE 40 RIGHT OF WAY AND OFF RAMP AS SHOWN ON THE ADOT RIGHT-OF-WAY MAP PROJECT #1-40-4-701, SHEET 5 OF 5 DATED 1973 (HEREINAFTER REFERRED TO AS R2) AND EAST OF U.S. HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS, AND EXCEPT THAT CERTAIN PARCEL OF LAND SET FORTH IN A SPECIAL WARRANTY DEED TO ADOT AND RECORDED IN INSTRUMENT 3390420 (HEREINAFTER REFERRED TO AS R6) MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 7, A POINT FROM WHICH THE NORTHEAST CORNER OF SECTION 7 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2,662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SECTION 7 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE EAST LINE OF SECTION 7 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 486.55 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT A";

THENCE CONTINUING SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 286.32 FEET TO A POINT WHICH LIES ALONG THE EAST-WEST MID-SECTION LINE OF SECTION 7;

THENCE SOUTH 89 DEGREES 50 MINUTES 25 SECONDS WEST ALONG SAID EAST-WEST MID-SECTION LINE, A DISTANCE OF 24.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 236.69 FEET, THROUGH A CENTRAL ANGLE OF 12 DEGREES 22 MINUTES 28 SECONDS, THE RADIUS OF WHICH IS 1,095.92 FEET, WITH A CHORD BEARING OF NORTH 71 DEGREES 22 MINUTES 37 SECONDS WEST, AND WITH A CHORD LENGTH OF 236.23 FEET;

THENCE NORTH 66 DEGREES 35 MINUTES 27 SECONDS WEST A DISTANCE OF 150.22 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 428.93 FEET, THROUGH A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 686.63 FEET, WITH A CHORD BEARING OF NORTH 84 DEGREES 31 MINUTES 14 SECONDS WEST, AND WITH A CHORD LENGTH OF 421.99 FEET, TO THE SOUTHEASTERLY CORNER OF SAID R6;

THENCE NORTH 44 DEGREES 48 MINUTES 59 SECONDS WEST, A DISTANCE OF 423.39 FEET TO THE NORTHEASTERLY CORNER OF R6;

THENCE SOUTH 45 DEGREES 11 MINUTES 28 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT WHICH LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 44 DEGREES 04 MINUTES 37 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 220.05 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3263227;

THENCE NORTH 57 DEGREES 11 MINUTES 14 SECONDS EAST, A DISTANCE OF 227.12 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE THE ARC LENGTH OF WHICH IS 185.05 FEET, THROUGH A CENTRAL ANGLE OF 24 DEGREES 24 MINUTES 32 SECONDS, THE RADIUS OF WHICH IS 434.37 FEET, WITH A CHORD BEARING OF NORTH 69 DEGREES 24 MINUTES 18 SECONDS EAST, AND WITH A CHORD LENGTH OF 183.65 FEET, TO THE SOUTHEASTERLY CORNER OF SAID INSTRUMENT 3263227;

THENCE NORTH 01 DEGREES 04 MINUTES 11 SECONDS WEST A DISTANCE OF 109.74 FEET TO THE NORTHEASTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 324.48 FEET, THROUGH A CENTRAL ANGLE OF 07 DEGREES 23 MINUTES 37 SECONDS, THE RADIUS OF WHICH IS 2,514.51 FEET, WITH A CHORD BEARING OF SOUTH 72 DEGREES 50 MINUTES 29 SECONDS WEST, AND WITH A CHORD LENGTH OF 324.25 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 29 SECONDS WEST A DISTANCE OF 191.45 FEET, TO THE NORTHWESTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 43 DEGREES 46 MINUTES 26 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 54.29 FEET TO A POINT WHICH LIES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY;

THENCE NORTH 69 DEGREES 09 MINUTES 46 SECONDS EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 561.60 FEET TO AN ANGLE POINT;

THENCE NORTH 84 DEGREES 23 MINUTES 34 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1,679.81 FEET TO A POINT WHICH LIES ALONG THE EAST LINE OF SECTION 7;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1,037.83 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3417898 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE ABOVE REFERENCED "POINT A";

THENCE NORTH 07 DEGREES 46 MINUTES 52 SECONDS WEST A DISTANCE OF 50.59 FEET TO A FOUND 1/2 INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 82 DEGREES 28 MINUTES 39 SECONDS WEST, A DISTANCE OF 147.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 330.15 FEET, THROUGH A CENTRAL ANGLE OF 27 DEGREES 57 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 676.58 FEET, WITH A CHORD BEARING OF NORTH 83 DEGREES 32 MINUTES 02 SECONDS WEST, AND WITH A CHORD LENGTH OF 326.88 FEET;

THENCE NORTH 07 DEGREES 32 MINUTES 26 SECONDS WEST A DISTANCE OF 422.82 FEET;

THENCE NORTH 82 DEGREES 31 MINUTES 11 SECONDS EAST A DISTANCE OF 464.96 FEET;

THENCE SOUTH 07 DEGREES 31 MINUTES 15 SECONDS EAST A DISTANCE OF 501.49 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN SPECIAL WARRANTY DEED AS 2008-3491528 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE FOLLOWING IS A DESCRIPTION OF A PARCEL OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 652, PAGE 74, COCONINO COUNTY RECORDS (CCR), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR);

THENCE SOUTH 07 DEGREES 32 MINUTES 25 SECONDS EAST (BASIS OF BEARINGS) ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 420.55 FEET TO A POINT WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 28 MINUTES 30 SECONDS WEST;

THENCE NORTHWESTERLY 33.78 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 52 MINUTES 08 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 273.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 25 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET;

THENCE NORTHERLY 110.67 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 74.91 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.98 FEET;

THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT 153.03 FEET THROUGH A CENTRAL ANGLE OF 34 DEGREES 15 MINUTES 08 SECONDS;

THENCE SOUTH 07 DEGREES 32 MINUTES 26 SECONDS EAST A DISTANCE OF 97.27 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

THE FOLLOWING IS A DESCRIPTION OF A 2.00 FOOT WIDE STRIP OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 662, PAGE 74, COCONINO COUNTY RECORDS (CCR) (BASIS OF BEARINGS IS THE NORTH LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND

MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR); WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 676.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 21 MINUTES 37 SECONDS WEST;

THENCE NORTHWESTERLY 35.27 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 59 MINUTES 11 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 275.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 48 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 318.49 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 22 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 397.77 FEET;

THENCE NORTHERLY 109.92 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 49 MINUTES 59 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE ON A NON-TANGENT LINE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 2.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS NORTH 73 DEGREES 50 MINUTES 31 SECONDS EAST;

THENCE SOUTHERLY 110.67 FEET THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 273.00 FEET;

THENCE SOUTHEASTERLY AND SOUTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS;

THENCE ON A NON-TANGENT LINE SOUTH 64 DEGREES 56 MINUTES 15 SECONDS EAST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 39 SECONDS WEST;

THENCE SOUTHEASTERLY 34.07 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 53 MINUTES 38 SECONDS;

THENCE SOUTH 07 DEGREES 34 MINUTES 32 SECONDS EAST ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 2.26 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2 AS DESCRIBED IN DOCKET 662, PAGE 75 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF SECTION 8, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40, SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY AND WEST OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE RALSTON PURINA PROPERTY AS RECORDED IN INSTRUMENT 3242297, HEREINAFTER REFERRED TO AS R5, SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 8, A POINT FROM WHICH THE NORTHWEST CORNER OF SECTION 8 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE WEST LINE OF SECTION 8 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 1,037.83 FEET TO THE NORTHWEST CORNER OF SAID RALSTON PURINA PROPERTY;

THENCE SOUTH 26 DEGREES 36 MINUTES 03 SECONDS EAST A DISTANCE OF 535.54 FEET TO AN ANGLE POINT ALONG THE WEST LINE OF THE RALSTON PURINA PARCEL;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST A DISTANCE OF 533.05 FEET TO THE SOUTHWEST CORNER OF SAID RALSTON PURINA PARCEL, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 107.47 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 25 MINUTES 26 SECONDS, THE RADIUS OF WHICH IS 14,523.95 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 03 MINUTES 40 SECONDS WEST, AND WITH A CHORD LENGTH OF 107.47 FEET;

THENCE SOUTH 88 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 124.43 FEET TO THE POINT OF BEGINNING.

Northland Exploration Surveys, Inc.

EXHIBIT [redacted] "D"

LEGAL DESCRIPTION (Industrial Drive):

A parcel of land, said parcel being a portion of Parcel 1 as described in Instrument No. 3510883 (R) of the Records of Coconino County, Arizona, situated in the Northeast 1/4 of Section 7, Township 21 North, Range 8 East, Gila and Salt River Meridian, Coconino County, Arizona, said parcel of land being more particularly described as follows:

BEGINNING at the point described as "The Northwesterly corner of said Instrument 3263227, said point being lies along the Easterly Right-of-Way line of U.S. Highway 89, also known as the Continental Drive Overpass" in (R), thence N 43° 36' 39" W, along said Easterly Right-of-Way line of U.S. Highway 89, for a distance of 54.27 feet to the South Right-of-Way line of Burlington Northern Santa Fe Railroad;

thence N 69° 20' 45" E, along said South Right-of-Way line, for a distance of 561.61 feet to a point;

thence N 84° 34' 36" E, along said South Right-of-Way line, for a distance of 429.36 feet to a point of curvature;

thence Southeasterly and Southerly along a curve to the right, having a central angle of 90° 00' 00" and a radius of 255.92 feet, for a distance of 402.00 feet, the chord of said curve bears S 50° 25' 24" E for 361.92 feet, to a point of compound curve;

thence Southerly and Southwesterly along a curve to the right, having a central angle of 39° 38' 47" and a radius of 255.98 feet, for a distance of 177.13 feet, the chord of said curve bears S 14° 23' 59" E for 173.62 feet, to point on said curve, said point being the Northeast parcel corner of Exception Parcel No. 1 described in Instrument No. 3510883;

thence continue Southwesterly along the Northerly parcel line of said Parcel 1, along a curve to the right, having a central angle of 34° 15' 08" and a radius of 255.98 feet, for a distance of 153.03 feet, the chord of said curve bears S 51° 20' 57" W for 150.76 feet, to a point of tangency;

thence S 68° 28' 31" W, along said Northerly parcel line, for a distance of 76.99 feet to a nontangent point of curvature, said point being the Easterly easement line of a 50 foot easement described in Docket 547, Page 696;

thence Northerly along said Easterly Easement line, along a curve to the left, having a central angle of 13° 42' 57" and a radius of 397.90 feet, for a distance of 95.25 feet, the chord of said curve bears N 22° 48' 03" W for 95.02 feet, to a nontangent point;

thence S 69° 51' 20" E for a distance of 22.56 feet to a point;

thence N 68° 28' 31" E for a distance of 62.26 feet to a point of curvature;

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thence Northeasterly and Northerly along a curve to the left, having a central angle of 73° 53' 55" and a radius of 175.98 feet, for a distance of 226.97 feet, the chord of said curve bears N 31° 31' 33" E for 211.57 feet, to a point of compound curve;

thence Northerly and Northwesterly along a curve to the left, having a central angle of 90° 00' 00" and a radius of 175.92 feet, for a distance of 276.33 feet, the chord of said curve bears N 50° 25' 24" W for 248.79 feet, to a point of tangency;

thence S 84° 34' 36" W for a distance of 377.23 feet to a point of curvature;

thence Southwesterly along a curve to the left, having a central angle of 06° 02' 13" and a radius of 558.50, for a distance of 58.85 feet, the chord of said curve bears S 81° 33' 29" W for 58.82 feet, to a nontangent point on the East parcel line of a parcel of land described in Instrument No. 3263227 (R1);

thence N 00° 51' 02" W, along said East parcel line, for a distance of 8.27 feet to the Northeast parcel corner of said Parcel (R1), said point being a nontangent point of curvature;

thence Southwesterly along the North parcel line of said Parcel (R1), along a curve to the left, having a central angle of 03° 26' 05" and a radius of 2514.58 feet, for a distance of 150.74 feet, the chord of said curve bears S 74° 59' 38" W for 150.72 feet, to a point;

thence continue Southwesterly along said North parcel line, along said curve to the left, having a central angle of 03° 57' 32" and a radius of 2514.58 feet, for a distance of 173.74 feet, the chord of said curve bears S 71° 17' 50" W for 173.71 feet, to a point of tangency;

thence S 69° 19' 04" W, along said North parcel line, for a distance of 191.45 feet to the **POINT OF BEGINNING,**

said parcel contains 2.7458 acres of land, more or less, including any easements of record over the above described parcel, as shown as **PARCEL 1** on that "Right-of-Way" map recorded in Instrument No. _____, which is made a part hereof by this reference.

NES # 09-032 Industrial Drive

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
14671
KENNETH A
KRENKE
Date Signed 08/29/13
ARIZONA, U.S.A.
EXPIRES 06/30/2015

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV.
DC 10/08/13
INT DATE

RIGHT-OF-WAY
Descriptive Title

City File No. 03-09008

Northland Exploration Surveys, Inc.

EXHIBIT "A"

LEGAL DESCRIPTION (Parcel 2):

A strip of land, 10 feet in width, said strip of land being a portion of Parcel 1 as described in Instrument No. 3510883 (R) of the Records of Coconino County, Arizona, situated in the Northeast 1/4 of Section 7, Township 21 North, Range 8 East, Gila and Salt River Meridian, Coconino County, Arizona, said strip of land being Northerly, Easterly and Southerly of the following described line:

FROM the point described as "The Northwesterly corner of said Instrument 3263227, 'said point being lies along the Easterly Right-of-Way line of U.S. Highway 89, also known as the Continental Drive Overpass" in (R), thence N 43° 36' 39" W, along said Easterly Right-of-Way line of U.S. Highway 89, for a distance of 54.27 feet to the South Right-of-Way line of Burlington Northern Santa Fe Railroad;

thence N 69° 20' 45" E, along said South Right-of-Way line, for a distance of 561.61 feet to a point;

thence N 84° 34' 36" E, along said South Right-of-Way line, for a distance of 429.36 feet to a point of curvature, said point being the **TRUE POINT OF BEGINNING**;

thence Southeasterly and Southerly along a curve to the right, having a central angle of 90° 00' 00" and a radius of 255.92 feet, for a distance of 402.00 feet, the chord of said curve bears S 50° 25' 24" E for 361.92 feet, to a point of compound curve;

thence Southerly and Southwesterly along a curve to the right, having a central angle of 39° 38' 47" and a radius of 255.98 feet, for a distance of 177.13 feet, the chord of said curve bears S 14° 23' 59" E for 173.62 feet, to point on said curve, said point being the Northeast parcel corner of Exception Parcel No. 1 described in Instrument No. 3510883;

thence continue Southwesterly along the Northerly parcel line of said Parcel 1, along a curve to the right, having a central angle of 34° 15' 08" and a radius of 255.98 feet, for a distance of 153.03 feet, the chord of said curve bears S 51° 20' 57" W for 150.76 feet, to a point of tangency;

thence S 68° 28' 31" W, along said Northerly parcel line, for a distance of 76.99 feet to a nontangent point of curvature, said point being the Easterly easement line of a 50 foot easement described in Docket 547. Page 696, said point being the **END OF SAID STRIP OF LAND**;

the Easterly easement line being extended or shortened to intersect with the Southerly Railroad Right-of-Way line at the North end and the Easterly easement line at the South end,

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said parcel contains 0.1808 acres of land, more or less, including any easements of record over the above described parcel, as shown as **PARCEL 2** on that "Right-of-Way" map recorded in Instrument No. _____, which is made a part hereof by this reference.

NES # 09-032 Industrial Parcel 2

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
14671
KENNETH A
KRENKE
Date Signed 09/29/13
ARIZONA, U.S.A.
EXPIRES 06/30/2015

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV.
DC
INT
10/08/13
DATE

SLOPE EASEMENT
Descriptive Title

City File No. 03-09008

Northland Exploration Surveys, Inc.

EXHIBIT "A"

LEGAL DESCRIPTION (Parcel 3):

A strip of land, 8 feet in width, said strip of land being a portion of Parcel 1 as described in Instrument No. 3510883 (R) of the Records of Coconino County, Arizona, situated in the Northeast 1/4 of Section 7, Township 21 North, Range 8 East, Gila and Salt River Meridian, Coconino County, Arizona, said strip of land being Northerly, Easterly and Southerly of the following described line:

FROM the point described as "The Northwesterly corner of said Instrument 3263227, said point being lies along the Easterly Right-of-Way line of U.S. Highway 89, also known as the Continental Drive Overpass" in (R), thence N 43° 36' 39" W, along said Easterly Right-of-Way line of U.S. Highway 89, for a distance of 54.27 feet to the South Right-of-Way line of Burlington Northern Santa Fe Railroad;

thence N 69° 20' 45" E, along said South Right-of-Way line, for a distance of 561.61 feet to a point;

thence N 84° 34' 36" E, along said South Right-of-Way line, for a distance of 429.36 feet to a point of curvature;

thence Southeasterly and Southerly along a curve to the right, having a central angle of 90° 00' 00" and a radius of 255.92 feet, for a distance of 402.00 feet, the chord of said curve bears S 50° 25' 24" E for 361.92 feet, to a point of compound curve;

thence Southerly and Southwesterly along a curve to the right, having a central angle of 39° 38' 47" and a radius of 255.98 feet, for a distance of 177.13 feet, the chord of said curve bears S 14° 23' 59" E for 173.62 feet, to point on said curve, said point being the Northeast parcel corner of Exception Parcel No. 1 described in Instrument No. 3510883;

thence continue Southwesterly along the Northerly parcel line of said Parcel 1, along a curve to the right, having a central angle of 34° 15' 08" and a radius of 255.98 feet, for a distance of 153.03 feet, the chord of said curve bears S 51° 20' 57" W for 150.76 feet, to a point of tangency;

thence S 68° 28' 31" W, along said Northerly parcel line, for a distance of 76.99 feet to a nontangent point of curvature, said point being the Easterly easement line of a 50 foot easement described in Docket 547. Page 696;

thence Northerly along said Easterly Easement line, along a curve to the left, having a central angle of 13° 42' 57" and a radius of 397.90 feet, for a distance of 95.25 feet, the chord of said curve bears N 22° 48' 03" W for 95.02 feet, to a nontangent point, said point being the **TRUE POINT OF BEGINNING**;

thence S 69° 51' 20" E for a distance of 22.56 feet to a point;

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thence N 68° 28' 31" E for a distance of 62.26 feet to a point of curvature;

thence Northeasterly and Northerly along a curve to the left, having a central angle of 73° 53' 55" and a radius of 175.98 feet, for a distance of 226.97 feet, the chord of said curve bears N 31° 31' 33" E for 211.57 feet, to a point of compound curve;

thence Northerly and Northwesterly along a curve to the left, having a central angle of 90° 00' 00" and a radius of 175.92 feet, for a distance of 276.33 feet, the chord of said curve bears N 50° 25' 24" W for 248.79 feet, to a point of tangency;

thence S 84° 34' 36" W for a distance of 377.23 feet to a point of curvature;

thence Southwesterly along a curve to the left, having a central angle of 06° 02' 13" and a radius of 558.50, for a distance of 58.85 feet, the chord of said curve bears S 81° 33' 29" W for 58.82 feet, to a nontangent point on the East parcel line of a parcel of land described in Instrument No. 3263227 (R1), said point being the **END OF SAID STRIP OF LAND**;

the Westerly easement line being extended or shortened to intersect with the Easterly parcel line of said Parcel (R1) at the North end and the Easterly easement line at the South end,

said strip of land contains 0.1864 acres of land, more or less, including any easements of record over the above described parcel, as shown as **PARCEL 3** on that "Right-of-Way" map recorded in Instrument No. _____, which is made a part hereof by this reference.

NES # 09-032 Industrial Parcel 3

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV.
DC 10/08/13
INT DATE

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
14671
KENNETH A
KRENKE
Date Signed 09/29/13
ARIZONA, U.S.A.
EXPIRES 06/30/2015

SLOPE EASEMENT
Descriptive Title

City File No. 03-09008

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Roger Eastman, Zoning Code Administrator

Date: 02/03/2016

Meeting Date: 02/16/2016

TITLE

A Quick Tutorial on Transect Zones and Form-Based Code Standards

RECOMMENDED ACTION:

For information only - no action from the City Council is needed.

EXECUTIVE SUMMARY:

As a prelude to the public hearing on an upcoming proposed project known which has employed form-based code principles, staff will provide the Council with a quick tutorial on transect zones, why and how they were applied in City with the 2011 Zoning Code rewrite, and how they implement the City's Form-based Code Standards.

INFORMATION:

COUNCIL GOALS:

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

During the February 2, 2016 public hearing/first reading of the ordinance to adopt amendments to the Flagstaff Zoning Code, it was suggested that staff should prepare a short presentation/tutorial on transect zones and the City's Form-based Code standards. As the Council will be holding a public hearing to consider a request for a zone change for the proposed The Hub project in the Southside neighborhood at the February 16th meeting, it seemed appropriate to do this tutorial prior to the public hearing.

In this tutorial staff will provide an overview of the following topics related to transect zones and the City's Form-based Code standards:

- What are the transect zones and how and when were they applied?
- What is a Form-based Code and why was one adopted for Flagstaff?
- How do the transect zones implement the City's Form-based Code standards?
- What is the City's Regulating Plan and how and why is it applied, especially in the Southside neighborhood?

- What is the relationship between the City's former Traditional Neighborhood District standards and the current Form-based Code standards?

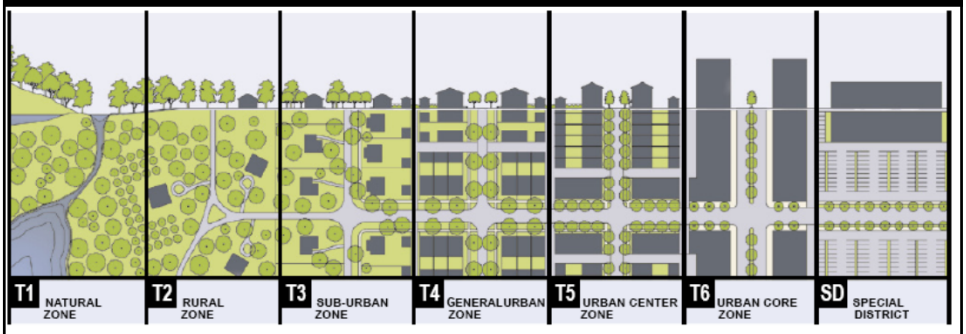
A copy of the PowerPoint presentation for this tutorial will be included with the materials for the final agenda for the February 16, 2016 meeting.

Attachments: PowerPoint

A Tutorial on Transect Zones and Form-based Codes

Flagstaff City Council

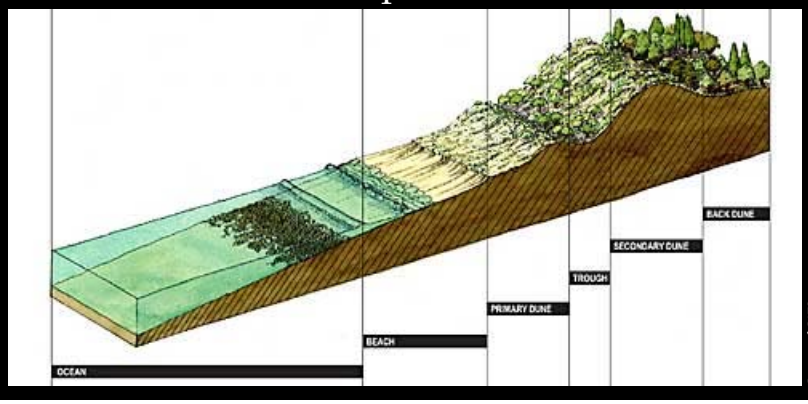
First created June 2009; Updated February 2016



A Typical Rural-Urban Transect, with Transect Zones

What is a Transect?

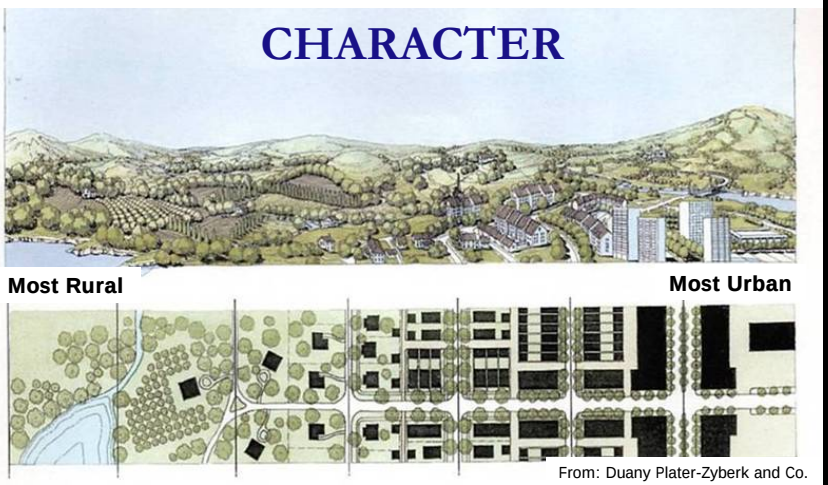
A transect is a cut or path through part of the environment showing a range of different habitats. Biologists and ecologists use transects to study the many symbiotic elements that contribute to habitats where certain plants and animals thrive.



Courtesy of CATS

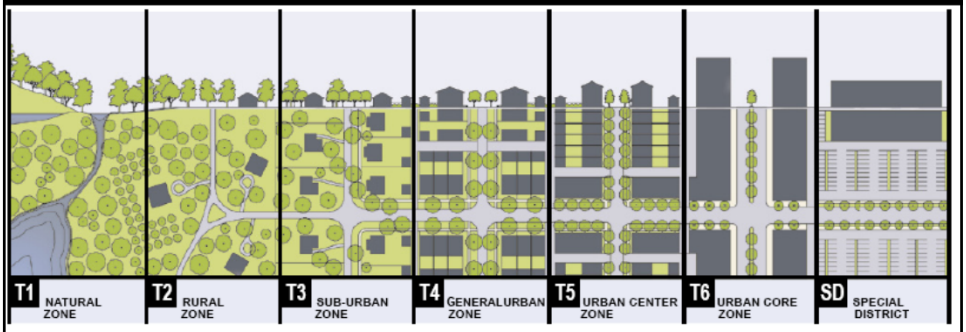
An Overview of the Transect

A Rural/Urban Transect



From: Duany Plater-Zyberk and Co.

What is a Transect?



A Typical Rural-Urban Transect, with Transect Zones

Useful as an organizing tool or template within a Code

Transects Vary from Place to Place

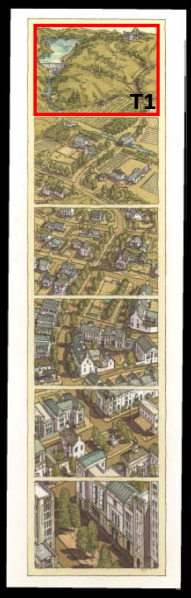
An Overview of the Transect

T1

T1

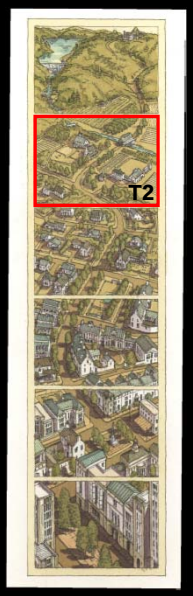
Land approximating a wilderness; natural open space

COCONINO NATIONAL FOREST LANDS



An Overview of the Transect

T2

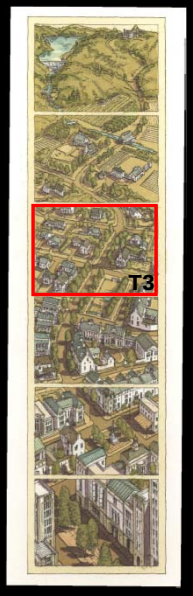


Sparsely settled land – open or cultivated; farm houses, agric. buildings, mini-ranches

West Ridge subdivision

An Overview of the Transect

T3

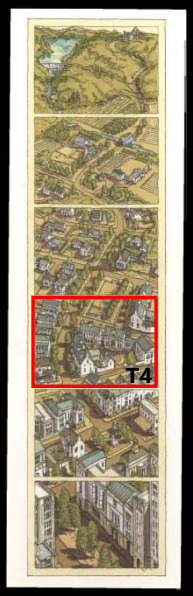


Low density residential areas adjacent to higher zones with mixed use. Walkable. Home occupations allowed.

FLAGSTAFF TOWNSITE, NORTH OF DOWNTOWN

An Overview of the Transect

T4

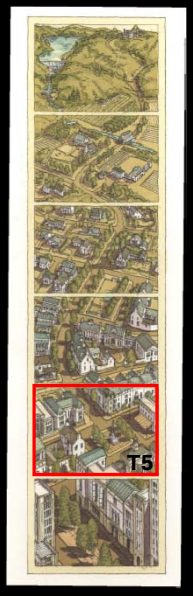


Primarily residential urban fabric with some mixed use. Wide range of building types – single-, row houses, apartment buildings

PARTS OF SOUTHSIDE AND SUNNYSIDE

An Overview of the Transect

T5



Higher density mixed-use buildings – Main Street retail, apartments; tight network of streets and blocks with wide sidewalks; buildings close to sidewalks

S. SAN FRANCISCO/BEAVER STR.

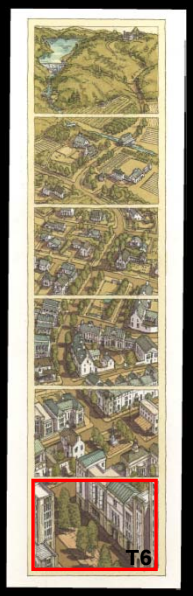
An Overview of the Transect

T6

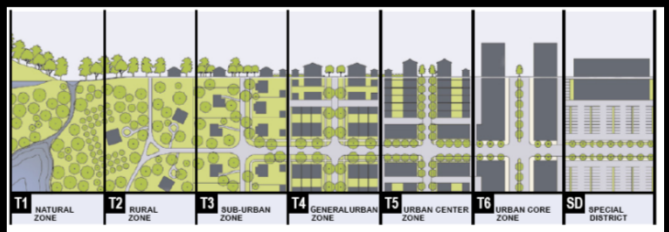
T6

Highest density and height, greatest variety of uses, civic buildings of regional importance. Tight block system with street trees, wide sidewalks.

DOWNTOWN FLAGSTAFF



An Overview of the Transect



A Typical Rural-Urban Transect, with Transect Zones

A transect can be applied to almost everything ....

and should

- Lighting standards
- Building form
- Parking standards
- Street standards
- Landscape standards
- Civic/open space standards

Reminder: – Transects are based on *CHARACTER*, not *USE*

The Flagstaff Transect

Division 10-40.40 Transect Zones

Sections:

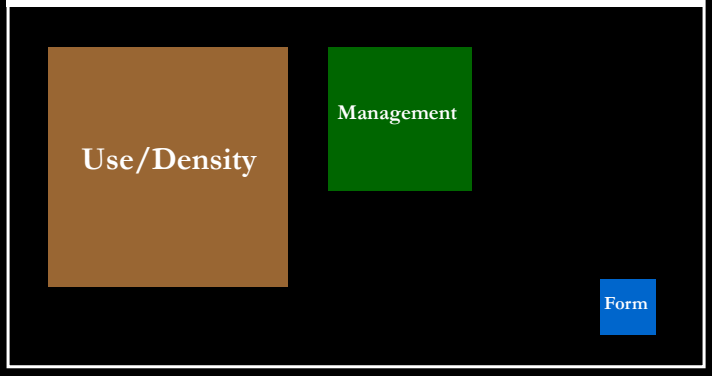
10-40.40.010	Purpose
10-40.40.020	Applicability
10-40.40.030	T1 Natural (T1) Standards
10-40.40.040	T2 Rural (T2) Standards
10-40.40.050	T3 Neighborhood 1 (T3N.1) Standards
10-40.40.060	T3 Neighborhood 2 (T3N.2) Standards
10-40.40.070	T4 Neighborhood 1 (T4N.1) Standards
10-40.40.080	T4 Neighborhood 2 (T4N.2) Standards
10-40.40.090	T5 Main Street (T5) Standards
10-40.40.100	T6 Downtown (T6) Standards
10-40.40.110	Traditional Neighborhood District (TND) Standards

10-40.40.010 Purpose

This Division provides regulatory standards governing land use, building form, and development within transect zones. The standards in this Division are a reflection of the community's vision for implementing the intent of the General Plan to preserve natural areas, such as the Coconino National Forest, to create walkable, mixed-use neighborhoods, and to reinforce downtown. The transect zones have been created in relation to the context and setting of each area, focusing on physical form rather than separation of uses as an organizing principle. Where parcels have both non-transect and transect zones applied, the transect zones are optional, and are provided as alternatives to the underlying non-transect zones described in the previous Division. They are intended to ensure that proposed development is compatible with existing and future development and produces an environment of desirable character, consistent with the General Plan.

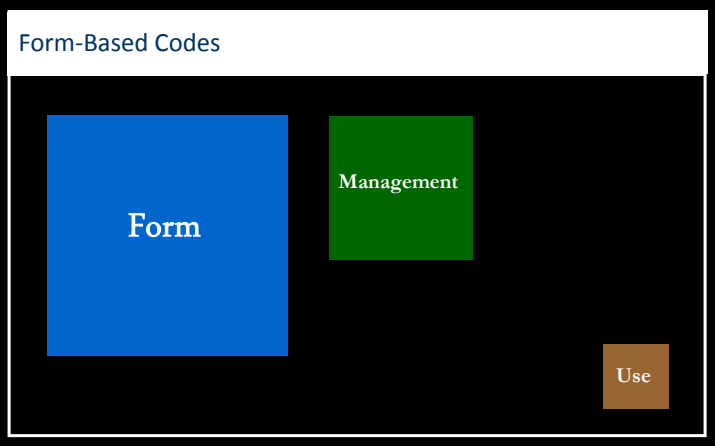
Conventional vs. Form-based Codes

Conventional Zoning (Euclidean)



Conventional zoning regulates primarily by LAND USE, DENSITY & FAR, SETBACKS, and PARKING. It assumes that there should be an "appropriate" distance between almost all different use types. Form (the little box) is minimally addressed.

Conventional vs. Form-based Codes



FORM-BASED CODES focus on the design details that will FORM the type of community that is envisioned. Therefore the land uses and densities become subject to the FORM of the desired outcome.

What is a Form-based Code?

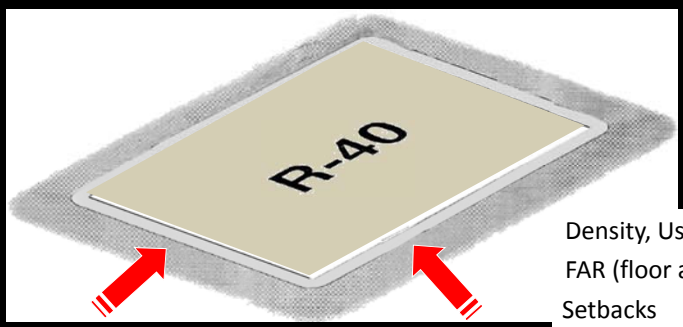
Form-based codes foster **predictable built results** and a high-quality public realm by using **physical form** (rather than separation of uses) as the organizing principle for the code. They are **regulations,** not mere guidelines, adopted into city or county law. Form-based codes offer a powerful **alternative** to conventional zoning.

Form-based codes address the **relationship** between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a **regulating plan** that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

Definition from the Form Based Code Institute

A One-block Parcel

Let's visualize under conventional zoning

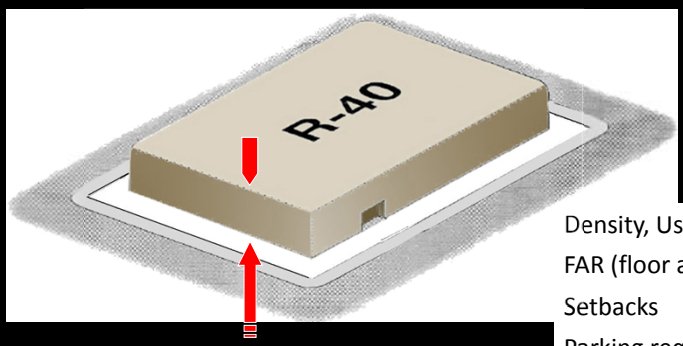


Density, Use
FAR (floor area ratio)
Setbacks

A One-block Parcel

Density, Use
FAR (floor area ratio)
Setbacks
Parking requirements

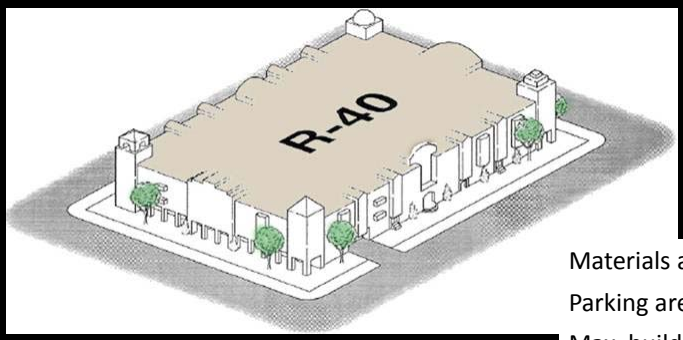
A One-block Parcel



Density, Use
FAR (floor area ratio)
Setbacks
Parking requirements
Max. building height

A One-block Parcel - Design Guidelines

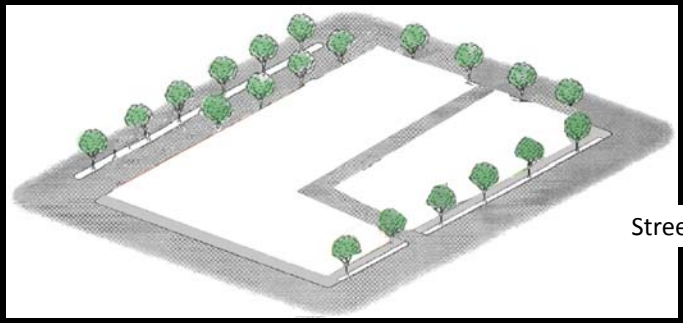
Design Guidelines typically are NOT regulatory, and only "encourage" a focus on better design



Materials and colors
Parking area design
Max. building height
Specifies frequency of openings and surface articulation

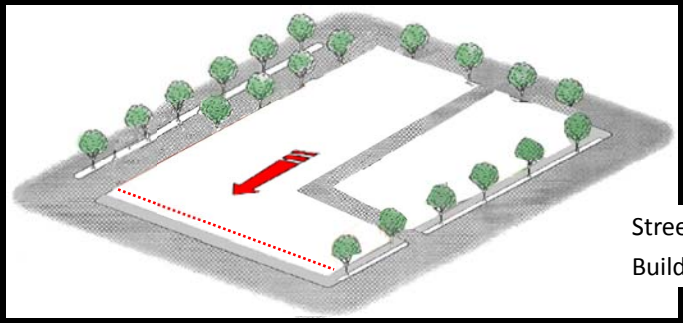
" Guidelines are about upholstering a place – they do not dig deep enough to affect the structure of a community..." (Peter Katz)

A One-block Parcel – Form-based Code



Street types

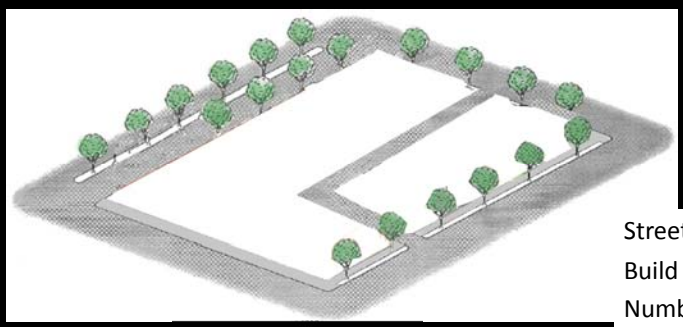
A One-block Parcel – Form-based Code



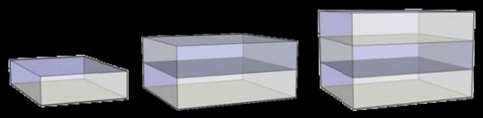
Street types

Build to lines

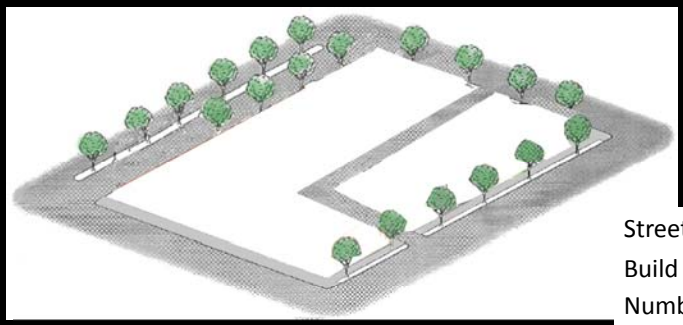
A One-block Parcel – Form-based Code



Street types
Build to lines
Number of floors



A One-block Parcel – Form-based Code



Street types
Build to lines
Number of floors
Building types

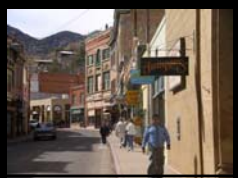
A One-block Parcel – Form-based Code

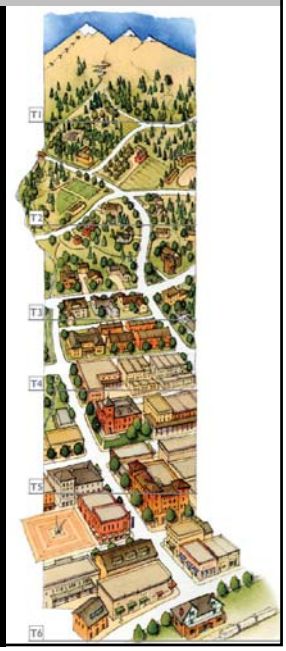
Street types
Build to lines
Number of floors
Building types

Form-based Code Application

- Regulatory not advisory
- Drafted to implement a plan
- Achieve a community vision – based on good urbanism
- Building form and mass standards are consciously based on context - place-based rules
- Easily understood code customized for the community

- May be applied using the Transect

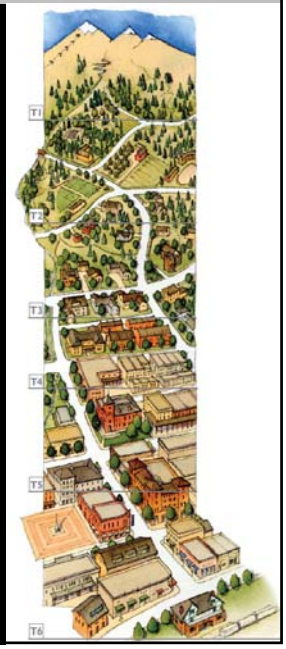




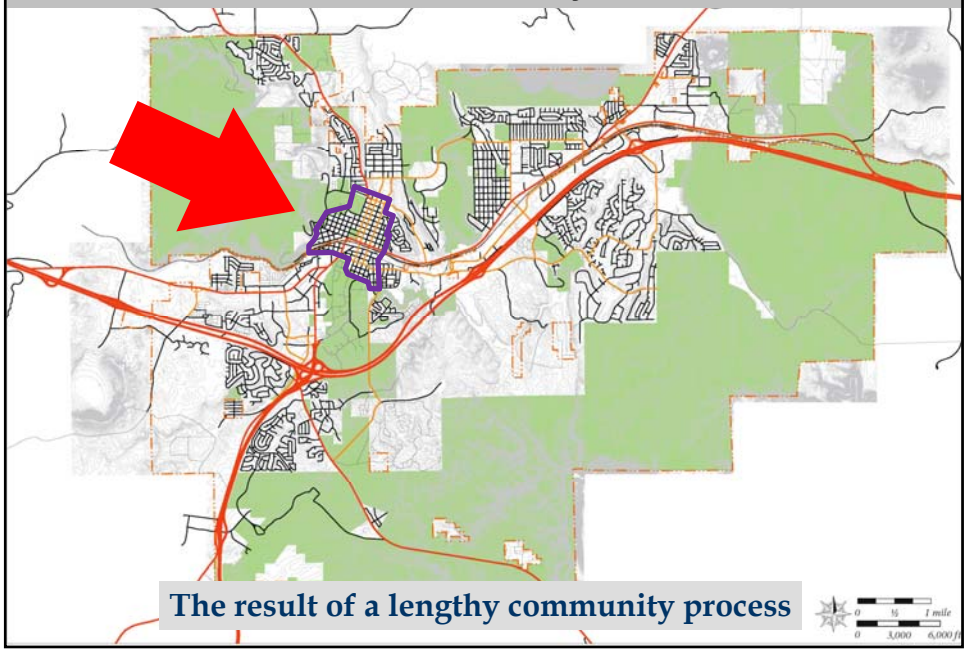
The Flagstaff Transect & FBC

- Critical component of the 2011 ZC update
- 2007 TND ordinance was an FBC
- Implemented the community's vision:
  - 1987 – Growth Management Guide 2000
  - 1995 - Flagstaff 2020 Vision for the Community
  - Flagstaff RLUTP 2001
  - Flagstaff Regional Plan 2030

Challenge - where to apply Flagstaff's Form-based Code?



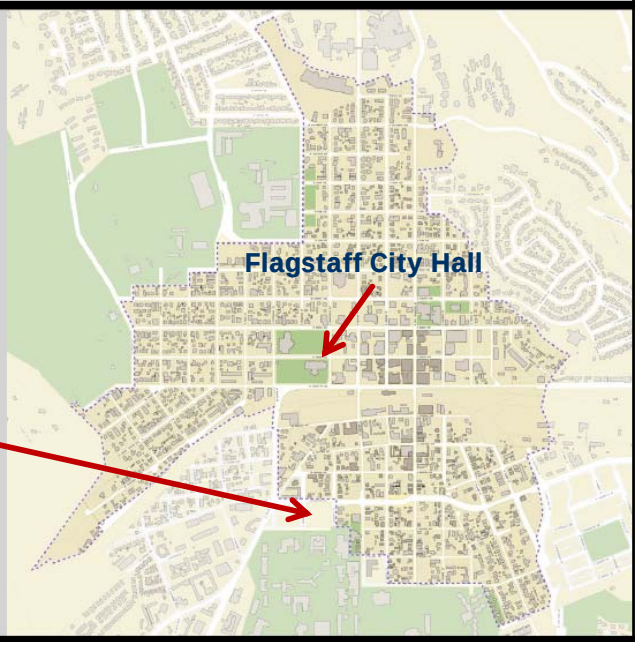
Form-based Code Study Area



The result of a lengthy community process

Form-based Code Study Area

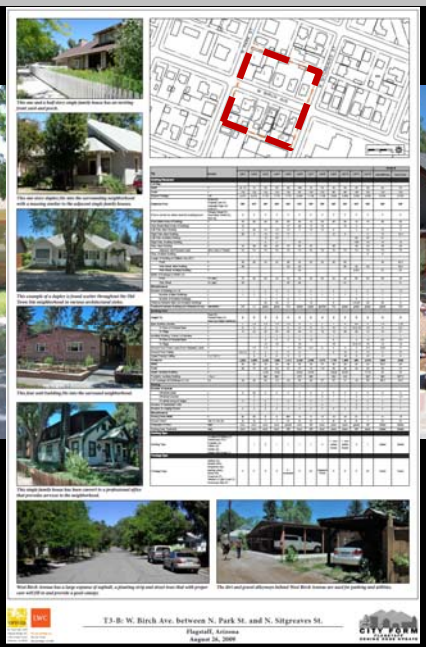
FBC Focus Area:



Understanding existing form and character to inform the Form-based Code

Micro-scale analysis – July 7th

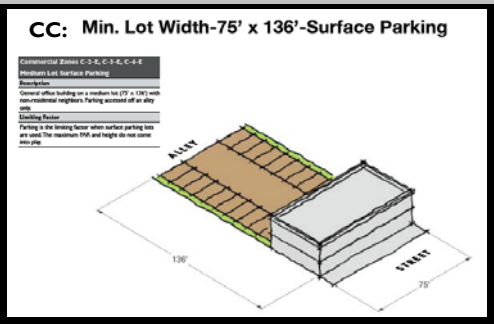
Micro-scale analysis – July 7th

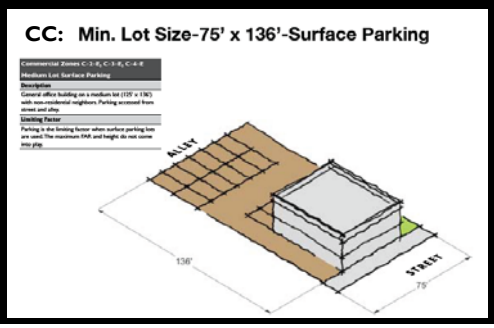


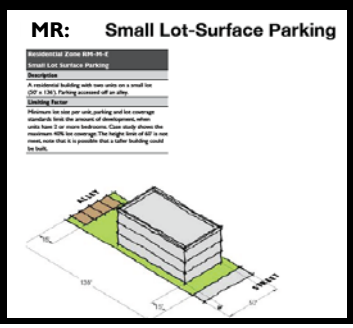
Understanding existing zoning and what it allows

What the Existing Zoning Allows

What the Zoning Code allows







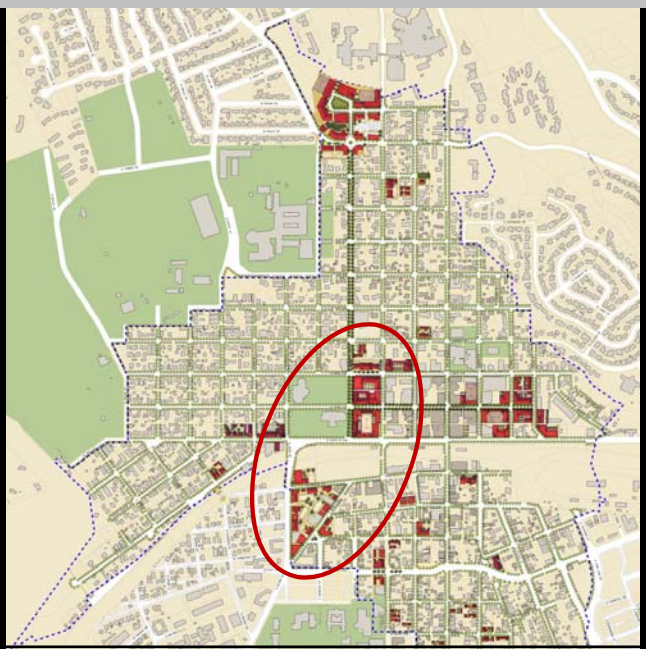
Design Charrette

Remarkable community participation – 420+

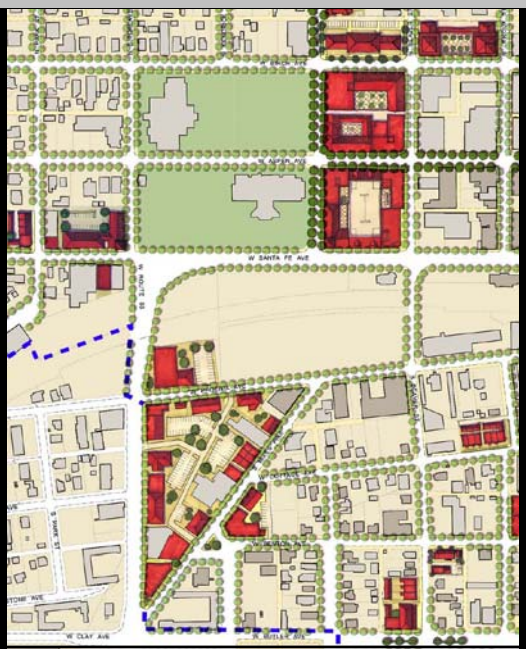
www.flagstaff.az.gov/zoningcode

- Design Charrette – October 5-9th
- Summary Report

Illustrative Plan

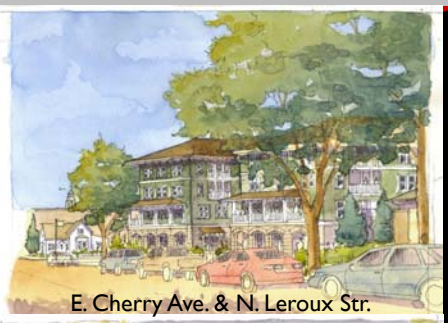


Illustrative Plan

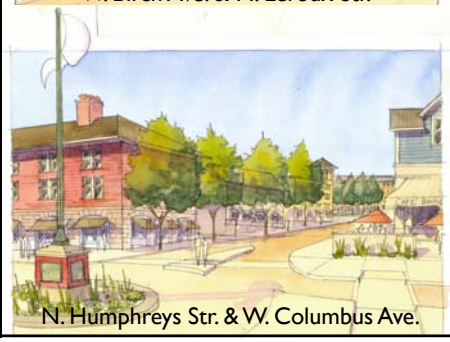


Illustrative Plan – Localized Studies

W. Birch Ave. & N. Leroux Str.



E. Cherry Ave. & N. Leroux Str.



N. Humphreys Str. & W. Columbus Ave.

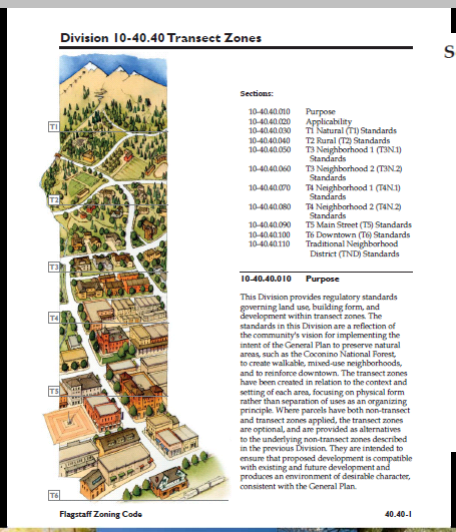
S. San Francisco Str. & E. Cottage Ave.

Guiding Principles

Summary: Guiding Principles for FBC

- Reinforce Downtown as the **Heart of Town**
- **Reduce the Spread of Commercial** Uses in Neighborhoods
- Provide a Mix of **Neighborhood-Serving Amenities**
- Reinforce the **Gateways** into Flagstaff
- Provide an Appropriate **Transition from Downtown** Core
- Enable **Southside to Evolve**
- Reinforce the **Single-Family Character** of RM-L-E (T3)
- Create **Livable Streets**
- Utilize the Rural-to-Urban **Transect & Community Types**
- Support **Local** Retail and Restaurants
- Integrate **Alternative Energy** Strategies
- Integrate **Stormwater Management** Strategies

Transect Zones – Would be Optional



Division 10-40.40 Transect Zones

Sections:

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10-40.40.020	Applicability
10-40.40.030	T1 Natural (T1) Standards
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Flagstaff Zoning Code 40.40-1

Sections:

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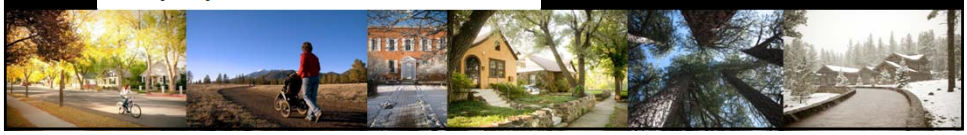
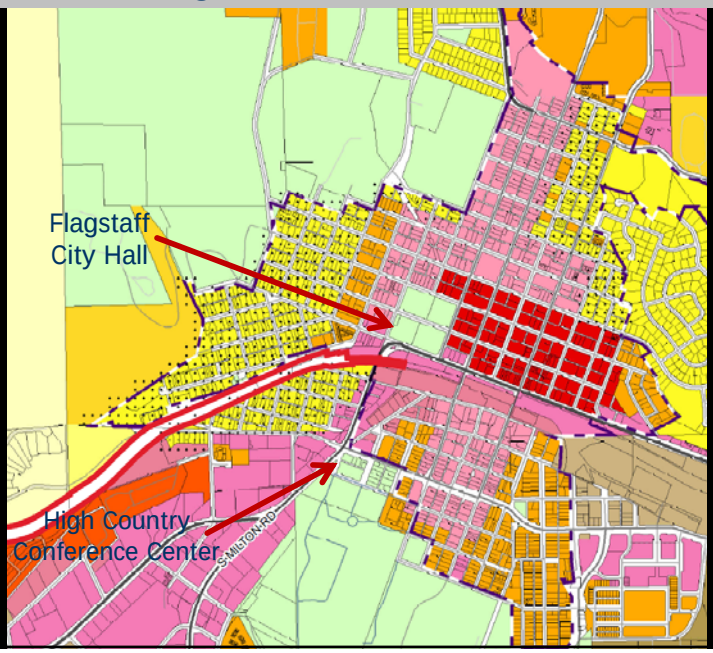
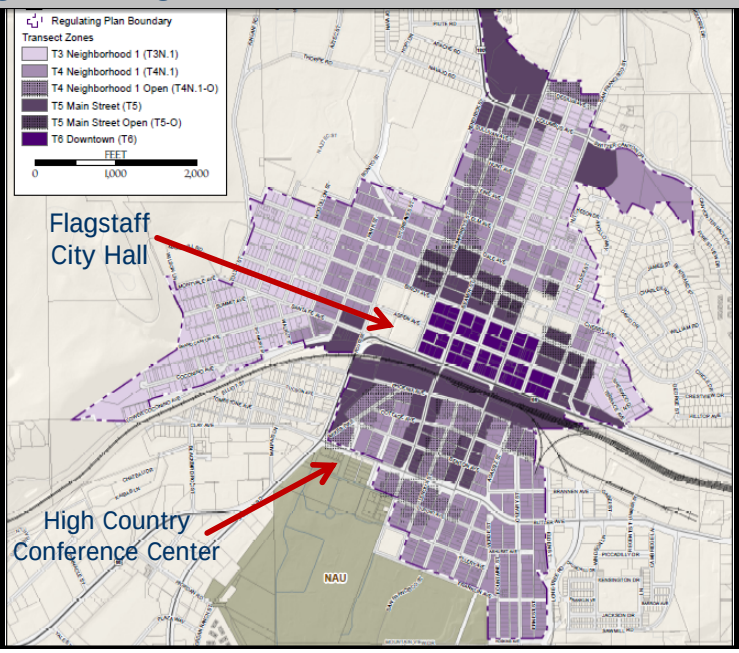


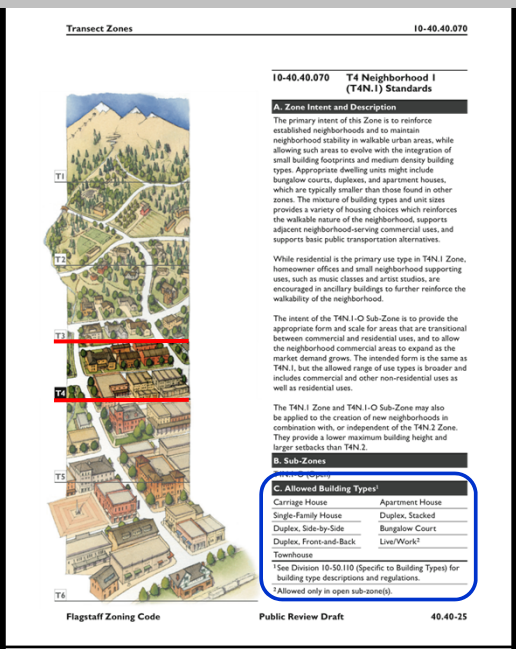
Base Zoning … OR …



Regulating Plan



Sample Transect Zone: T4N.1



Transect Zones 10-40.40.070

10-40.40.070 T4 Neighborhood 1 (T4N.1) Standards

A. Zone Intent and Description

The primary intent of this Zone is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones. The mixture of building types and unit sizes provides a variety of housing choices which reinforces the walkable nature of the neighborhood, supports adjacent neighborhood-serving commercial uses, and supports basic public transportation alternatives.

While residential is the primary use type in T4N.1 Zone, homeowner offices and small neighborhood supporting uses, such as music classes and artist studios, are encouraged in ancillary buildings to further reinforce the walkability of the neighborhood.

The intent of the T4N.1-O Sub-Zone is to provide the appropriate form and scale for areas that are transitional between commercial and residential uses, and to allow the neighborhood commercial areas to expand as the market demand grows. The intended form is the same as T4N.1, but the allowed range of use types is broader and includes commercial and other non-residential uses as well as residential uses.

The T4N.1 Zone and T4N.1-O Sub-Zone may also be applied to the creation of new neighborhoods in combination with, or independent of the T4N.2 Zone. They provide a lower maximum building height and larger setbacks than T4N.2.

B. Sub-Zones

T4N.1-O (Open)

C. Allowed Building Types[1]

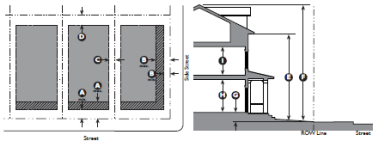
Carriage House	Apartment House
Single-Family House	Duplex, Stacked
Duplex, Side-by-Side	Bungalow Court
Duplex, Front-and-Back	Live/Work[2]
Townhouse	

[1] See Division 10-50.110 (Specific to Building Types) for building type descriptions and regulations.

[2] Allowed only in open sub-zone(s).

Flagstaff Zoning Code Public Review Draft 40.40-25

Sample Transect Zone: T4N.1



Key

--- ROW/Property Line
Building Area
Building Setback Line
Façade Zone

D. Building Placement

Setback (Distance from ROW/Property Line)		
Principal Building		
Front[1]	15' min.; 30' max.	A
Front Façade within Façade Zone	50% min.	
Side Street/Civic Space	10' min.; 15' max.	B
Side[2]	5' min., 15' min. combined	C
Rear	15' min.	D
Accessory Building or Structure		
Front	20' min.	
Side	0' min.; 3' max.	
Rear	3' min.	

[1] The setback may match an existing adjacent building as follows: the building may be placed to align with the façade of the front most immediately adjacent property, for a width no greater than that of the adjacent property's façade that encroaches into the minimum setback.

[2] No side setback is required along the shared property line between side-by-side duplexes.

Miscellaneous

Upper-floor units must have a primary entrance along a street façade or to a courtyard.

Ground-floor residential units along a street must have individual entries.

E. Building Form[3]

Height		
Principal Building		
Stories	3-½ stories max.	
To Eave/Parapet	34' max.	E
Overall	45' max.	F
Accessory Building, Accessory Structure or Carriage House		
Stories	2 Stories max.	
To Eave/Parapet	18' max.	
Overall	28' max.	
Ground Floor Finish Level	18" min. above sidewalk	G
Ground Floor Ceiling	8' min. clear	H
Upper Floor(s) Ceiling	8' min. clear	I

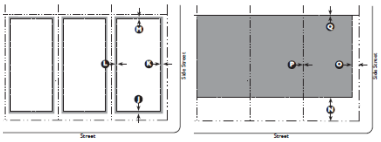
[3] See Division 10-50.110 (Specific to Building Types) for additional building form regulations.

Footprint

Depth, ground-floor residential space along primary street frontage	30' min.
Lot Coverage	60% max.

Miscellaneous

Mansard roof forms are not allowed.



Key

--- ROW/Property Line
Encroachment Area
Building Setback Line

Key

--- ROW/Property Line
Parking Area
Parking Setback Line

F. Frontage Types and Encroachments

Encroachments[1]		
Front	5' max.	J
Side Street/Civic Space	5' max.	K
Side	3' max.	L
Rear		M
Property Line	0' max.	
Rear Lane or Alley	3' max.	

Encroachments are not allowed within a street ROW.

[1] See Division 10-50.40 (Encroachments) for allowed encroachments.

Allowed Private Frontage Types[2]	
Stoop	Forecourt
Porch	

[2] See Division 10-50.120 (Specific to Private Frontages) for private frontage type descriptions and regulations.

G. Required Parking

Spaces[1]	
Residential Uses	
Studio/1 Bedroom	1 space/unit min.
2+ Bedrooms	2 spaces/unit min.
Retail Trade, Service Uses	
≤2,000 sf	No spaces required
>2,000 sf	3 spaces/1,000 sf min. above first 2,000 sf

[1] Land use types not listed above shall meet the requirements in Table 10-50.80.040.A (Number of Motor Vehicle Parking Spaces Required).

Location (Setback from ROW/Property Line)		
Front		N
Covered/Attached	50' min.	
Uncovered	Match front façade min.	
Side Street/Civic Space	5' min.	O
Side	0' min.	P
Rear	0' min.	Q

Miscellaneous

Linear Feet of Front or Side Façade that may be Garage	35% max.

See Division 10-50.80 (Parking Standards) for additional parking regulations.

Sample Transect Zone: T4N.1

I. Allowed Uses

Land Use[3]	Specific Use Regulations	T4N.1	T4N.1-O
Residential			
Accessory Building and Structures	10-40.60.020	P[4]	P[4]
Accessory Dwelling Unit	10-40.60.030	P	P
Co-Housing	10-40.60.120	P	P
Congregate Care Facilities		P	P
Dwelling: Multiple-Family		P	P
Dwelling: Secondary			
Single-Family		P	P
Dwelling: Single-Family		P	P
Dwelling: Two-Family		P	P
Group Home		P	P
Home Occupation	10-40.60.180	P	P
Institutional Residential	10-40.60.190	UP	UP
Live/Work		-	P
Rooming and Boarding Facilities		UP	UP
Recreation, Education & Public Assembly			
Libraries, Museums			
≤ 2,500 sf		P	P
> 2,500 sf		UP	UP
Meeting Facilities, Public and Private	10-40.60.230	P[4]	P[4]
Schools - Private		P	P
Schools - Public & Charter		P	P
Retail Trade			
Bars/Taverns		-	P
General Retail Businesses, except with			
any of the following features		-	P
Drive-Through		-	-
Floor Area ≥ 3,500 sf		-	UP
Markets			
Neighborhood Market ≤ 2,500 sf		-	P
Restaurant, or Cafés		-	P

Land Use[3]	Specific Use Regulations	T4N.1	T4N.1-O
Services			
ATM		-	P
Bed & Breakfast	10-40.60.110	P	P
Cemeteries		UP	UP
Crematorium		--	UP
Daycare	10-40.60.150		
Home		P	P
Centers		UP	UP
Funeral Homes, Chapels, Mortuaries		-	P
General Services		-	P
Lodging			
≤ 15 rooms		-	P
Offices		-	P
Public Services			
Public Services Minor		P	P
Emergency Services		UP	UP
Veterinary Clinics		-	P
Telecommunication Facilities			
Stealth Telecommunication Facilities	10-40.60.310	P	P
Transportation & Infrastructure			
Accessory Wind Energy Systems	10-40.60.040	P	P
Urban Agriculture			
Community Gardens	10-40.60.140	P	P

Key

P	Permitted Use
UP	Conditional Use Permit Required
-	Use Not Allowed

End Notes

[3] See Chapter 10-80 (Definitions) for use type definitions.

[4] Not allowed on the ground floor unless behind an allowed ground-floor use.

[5] UP required if liquor is sold or if facilities exceed 250 seats.

H. Sustainable Features[1,2]

Storm Water Features		Water Conservation	
Biofiltration Facility	A	Cisterns	A
Disconnected Downspouts	A	Greywater - Simple	A
Flow Through and Infiltration Planters	A	Rain Barrels	A
Infiltration Trench	A	**Energy Features**	
Level Spreader	A	Accessory Wind Energy System	A
Porous Paving	A	Alternative Paving	A
Rain Garden	A	Biomass	-
Riffle Pools	A	Geothermal Energy	A
Swale		Solar	
Biofiltration	-	Farm	-
Vegetated/Rock	A	Parking Lot Lighting	A
Urban Channel	A	Roof Paneling	A
Vegetated Roof	A	Water Heaters	A

Key

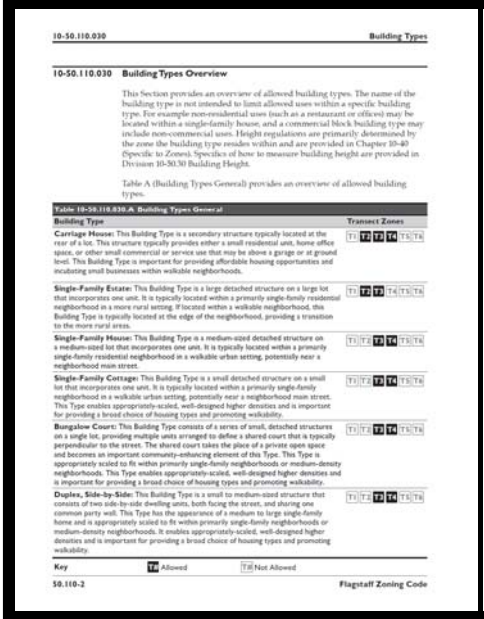
A	Allowed
-	Not Allowed

End Notes

[1] See Division 10-30.70 (Sustainability) for additional sustainability regulations.

[2] Sustainable features marked as Not Allowed may be approved by the Director and Stormwater Manager if it can be demonstrated that the proposed sustainable feature can be installed consistent with the intent and character of the transect zone.

Building Types



10-50.110.030 Building Types

10-50.110.030 Building Types Overview

This Section provides an overview of allowed building types. The name of the building type is not intended to limit allowed uses within a specific building type. For example non-residential uses (such as a restaurant or offices) may be located within a single-family house, and a commercial block building type may include non-commercial uses. Height regulations are primarily determined by the zone the building type resides within and are provided in Chapter 10-40 (Specific to Zones). Specifics of how to measure building height are provided in Division 10-50.30 Building Height.

Table A (Building Types General) provides an overview of allowed building types.

Table 10-50.110.030.A Building Types General

Building Type	Transect Zones
Carriage House: This Building Type is a secondary structure typically located at the rear of a lot. This structure typically provides either a small residential unit, home office space, or other small commercial or service use that may be above a garage or at ground level. This Building Type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.	T1 T2 **T3** **T4** T5 T6
Single-Family Estate: This Building Type is a large detached structure on a large lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a more rural setting. If located within a walkable neighborhood, this Building Type is typically located at the edge of the neighborhood, providing a transition to the more rural areas.	T1 **T2** **T3** T4 T5 T6
Single-Family House: This Building Type is a medium-sized detached structure on a medium-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street.	T1 T2 **T3** **T4** T5 T6
Single-Family Cottage: This Building Type is a small detached structure on a small lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in a walkable urban setting, potentially near a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	T1 T2 **T3** **T4** T5 T6
Bungalow Court: This Building Type consists of a series of small, detached structures on a single lot, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private open space and becomes an important community-enhancing element of this Type. This Type is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	T1 T2 **T3** **T4** T5 T6
Duplex, Side-by-Side: This Building Type is a small to medium-sized structure that consists of two side-by-side dwelling units, both facing the street, and sharing one common party wall. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	T1 T2 **T3** **T4** T5 T6

Key **T#** Allowed T# Not Allowed

50.110-2 Flagstaff Zoning Code

Building Types 10-50.110.030

Table 10-50.110.030.A Building Types General (continued)

Building Type	Transect Zones
Duplex, Stacked: This Building Type is a small to medium-sized structure that consists of two dwelling units, one on top of the other. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	T1 T2 **T3** **T4** T5 T6
Duplex, Front-and-Back: This Building Type is a small to medium-sized structure that consists of two dwelling units, one adjacent to the street and the other attached but tucked behind. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	T1 T2 **T3** **T4** T5 T6
Townhouse: This Building Type is a small to medium-sized attached structure that consists of three or more dwelling units placed side-by-side. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. Syn: **Rowhouse**	T1 T2 T3 **T4** T5 T6
Apartment House: This Building Type is a medium-to-large-sized structure that consists of four to twelve side-by-side and/or stacked dwelling units, typically with one shared entry. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. Syn: **Mansion Apartment**.	T1 T2 T3 **T4** **T5** T6
Courtyard Apartment: This Building Type is a medium-to-large-sized structure that consists of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry. This Type is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	T1 T2 T3 **T4** **T5** T6
Live/Work: This Building Type is a small to medium-sized attached or detached structure that consists of one dwelling unit above and/or behind a flexible ground floor space that can be used for residential, service, or commercial uses. Both the ground-floor flex space and the unit above are owned by one entity. This Type is typically located within medium-density neighborhoods or in a location that transitions from a neighborhood into a neighborhood main street. It is especially appropriate for incubating neighborhood-serving commercial uses and allowing neighborhood main streets to expand as the market demands.	T1 T2 T3 **T4** **T5** **T6**
Commercial Block: This Building Type is a small to large-sized structure, typically attached, that provides a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses. Smaller versions of this Type make up the primary component of a neighborhood main street while larger versions make up the primary component of downtown, therefore being a key component to providing walkability.	T1 T2 T3 **T4** **T5** **T6**

Key **T#** allowed T# not allowed

Flagstaff Zoning Code 50.110-3

Building Types

Five attached townhouses designed with a single simple plane. The elevated, covered stoops provide the secondary rhythm along the street.

Four attached townhouses designed as a row of houses.

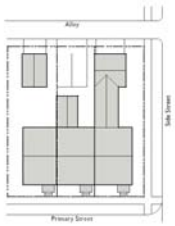
Individual stoops and dormers help to break down the overall massing of this row of townhouses.

10-50.110.120 Townhouse

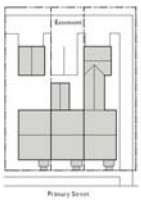
General Note: The drawings and photos on this page are illustrative, not regulatory.

A. Description

The Townhouse Building Type is a small to medium-sized attached structure that consists of three or more dwelling units placed side-by-side. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. Syn: **Rowhouse**



Typical Alley-loaded Plan Diagram



Typical Front-loaded Plan Diagram: Allowed where topography does not allow Alley access.

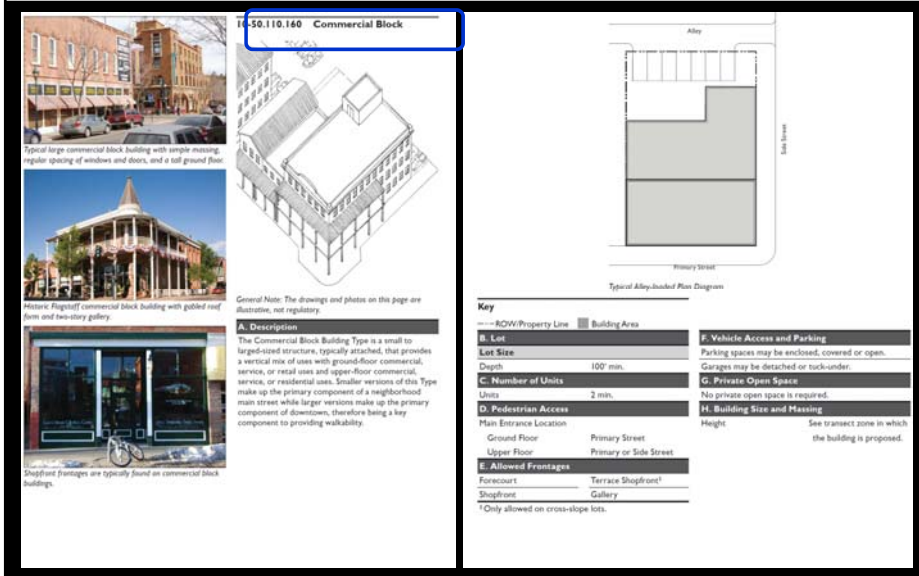
Key

ROW/Property Line Building Area

B. Lot	
Lot Size	
Width	18' min.
Depth	80' min.
C. Number of Units	
Units	1 max.
D. Pedestrian Access	
Main Entrance Location	Primary Street
Each unit shall have an individual entry facing a street.	
E. Allowed Frontages	
Porch	
Stoop	
F. Vehicle Access and Parking	
Parking spaces may be enclosed, covered or open.	

G. Private Open Space	
Area	15% of lot area min.
Width	10' min.
Depth	10' min.
H. Building Size and Massing	
Main Body	
Width	18' min./ 36' max. per unit
Miscellaneous	
Height	See transect zone in which the building is proposed.
I. Miscellaneous	
Front-loaded townhouses shall only be allowed where topography does not allow alley access.	

Building Types



Typical large commercial block building with simple massing, regular spacing of windows and doors, and a tall ground floor.

Historic Flagstaff commercial block building with gabled roof form and two-story gallery.

Shopfront frontages are typically found on commercial block buildings.

10-50.110.160 Commercial Block

General Note: The drawings and photos on this page are illustrative, not regulatory.

A. Description

The Commercial Block Building Type is a small to larged-sized structure, typically attached, that provides a vertical mix of uses with ground-floor commercial, service, or retail uses and upper-floor commercial, service, or residential uses. Smaller versions of this Type make up the primary component of a neighborhood main street while larger versions make up the primary component of downtown, therefore being a key component to providing walkability.

Typical Alley-Loaded Plan Diagram

Key

ROW/Property Line | Building Area

B. Lot	
Lot Size	
Depth	100' min.
C. Number of Units	
Units	2 min.
D. Pedestrian Access	
Main Entrance Location	
Ground Floor	Primary Street
Upper Floor	Primary or Side Street
E. Allowed Frontages	
Forecourt	Terrace Shopfront[1]
Shopfront	Gallery

[1] Only allowed on cross-slope lots.

F. Vehicle Access and Parking

Parking spaces may be enclosed, covered or open.

Garages may be detached or tuck-under.

G. Private Open Space

No private open space is required.

H. Building Size and Massing

Height — See transect zone in which the building is proposed.

Frontage Types

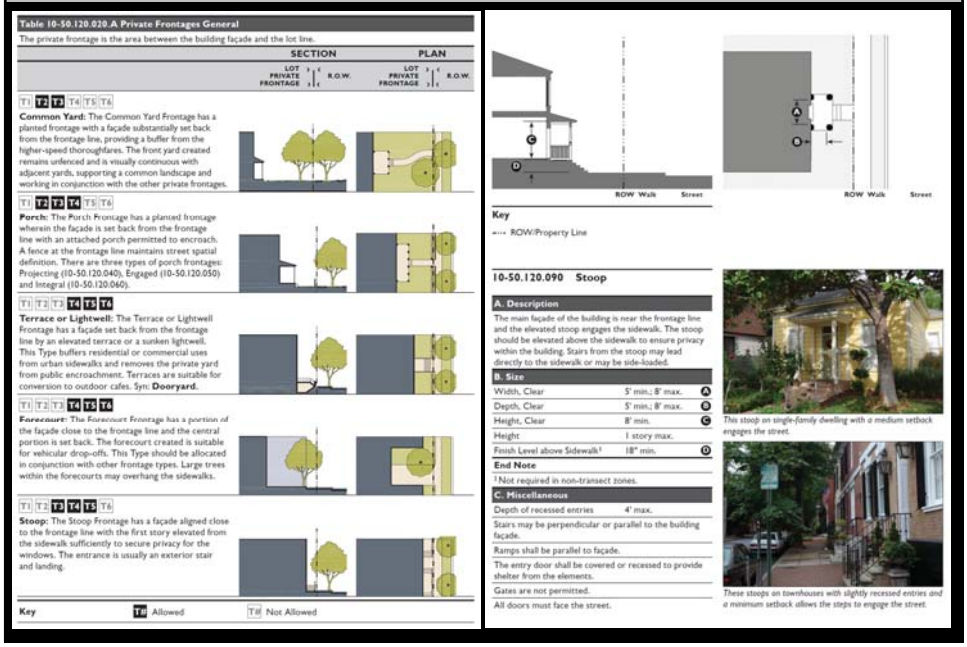


Table 10-50.120.020.A Private Frontages General

The private frontage is the area between the building façade and the lot line.

SECTION — LOT PRIVATE FRONTAGE | R.O.W. — PLAN — LOT PRIVATE FRONTAGE | R.O.W.

T1 **T2** **T3** T4 T5 T6

Common Yard: The Common Yard Frontage has a planted frontage with a façade substantially set back from the frontage line, providing a buffer from the higher-speed thoroughfares. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.

T1 **T2** **T3** **T4** T5 T6

Porch: The Porch Frontage has a planted frontage wherein the façade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains street spatial definition. There are three types of porch frontages: Projecting (10-50.120.040), Engaged (10-50.120.050) and Integral (10-50.120.060).

T1 T2 T3 **T4** **T5** **T6**

Terrace or Lightwell: The Terrace or Lightwell Frontage has a façade set back from the frontage line by an elevated terrace or a sunken lightwell. This Type buffers residential or commercial uses from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: **Dooryard.**

T1 T2 T3 **T4** **T5** **T6**

Forecourt: The Forecourt Frontage has a portion of the façade close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This Type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.

T1 T2 **T3** **T4** **T5** T6

Stoop: The Stoop Frontage has a façade aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing.

Key — **T4** Allowed — T# Not Allowed

ROW Walk Street

Key

ROW/Property Line

10-50.120.090 Stoop

A. Description

The main façade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop should be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be side-loaded.

B. Size		
Width, Clear	5' min.; 8' max.	A
Depth, Clear	5' min.; 8' max.	B
Height, Clear	8' min.	C
Height	1 story max.	
Finish Level above Sidewalk[1]	18" min.	D
End Note		
[1] Not required in non-transect zones.		
C. Miscellaneous		
Depth of recessed entries	4' max.	
Stairs may be perpendicular or parallel to the building façade.		
Ramps shall be parallel to façade.		
The entry door shall be covered or recessed to provide shelter from the elements.		
Gates are not permitted.		
All doors must face the street.		

This stoop on single-family dwelling with a medium setback engages the street.

These stoops on townhouses with slightly recessed entries and a minimum setback allows the steps to engage the street.

2007 TND Standards?

What happened to the TND standards adopted in 2007?

- Based on the SmartCode
- Become Division 10-30.80 (Traditional Neighborhood Community Plan)
- Greenfield developments and infill projects
- Incorporated into the Form-based Code standards in the Zoning Code

10-30.80: Traditional Neighborhood Community Plans

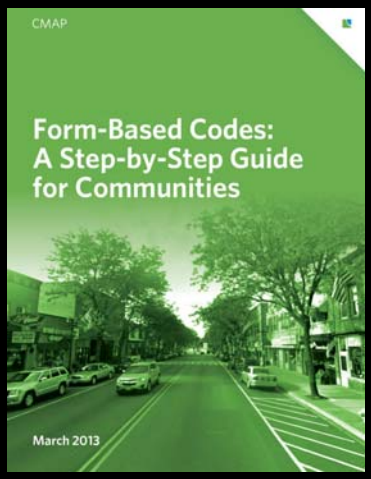
Sections:

10-30.80.010	Purpose
10-30.80.020	Applicability
10-30.80.030	Incentives
10-30.80.040	Traditional Neighborhood Community Plans (TNCP)
10-30.80.050	Allocation of Transect Zones
10-30.80.060	Civic Spaces and Buildings
10-30.80.070	Density
10-30.80.080	Affordable Housing
10-30.08.090	Thoroughfares
10-30.80.100	Special Requirements
10-30.80.110	Pre-Existing Conditions
10-30.80.120	Submittal Requirements

Figure C. An Example of a Mix of Building Types and Lot Sizes in a Neighborhood

FBCs in Summary

- **Smart Growth**
  smartgrowth.org
- **New Urbanism in general**
  cnu.org
  tndtownpaper.com
  transect.org
- **Form Based Codes**
  formbasedcodes.org
  smartcodecentral.com
  transect.org



FBCs in Summary

- Regulatory not advisory
- Implement a transect-based Regulatory Plan
- Establish good urbanism that is place-based and a result of a design charrette
- Include ALL of the following elements:
  - Building placement – build-to line/setback
  - Building form – height/coverage
  - Building type
  - Encroachments and frontage types
  - Parking standards
  - Allowed uses
- An important tool to implement the community's vision going back to GMG 2000 and Vision 2020 documents

Questions?

Thank you

Roger E. Eastman, AICP
Comprehensive Planning and Code Administrator
(928) 213-2640 reastman@flagstaffaz.gov

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Roger Eastman, Zoning Code Administrator

Date: 02/03/2016

Meeting Date: 02/16/2016

TITLE:

Public Hearing, Consideration and Adoption of Resolution No. 2016-02 and Ordinance No. 2016-07: Public hearing to consider proposed amendments to Flagstaff Zoning Code the Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-02 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-07, adopting amendments to Flagstaff Zoning Code Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments except Sign Code)***

RECOMMENDED ACTION:

1) Adopt Resolution No. 2016-02 (declaring a public record)
2) Read Ordinance No. 2016-07 for the final time by title only
3) City Clerk reads Ordinance No. 2016-07 by title only for the final time (if approved above)
4) Adopt Ordinance No. 2016-07

Executive Summary:

Since the City Council adopted the Flagstaff Zoning Code on November 1, 2011 to replace the former Land Development Code (LDC), staff has compiled suggested amendments from City staff and interested Flagstaff residents and design professionals. The Planning and Zoning Commission at their meeting on June 24, 2015 unanimously recommended that the Council approve the proposed amendments.

The Council held four work sessions in 2015 to discuss the need for, and provide direction on, possible amendments to the Flagstaff Zoning Code. These amendments are now presented to the Council for review and adoption, except for Division 10-50.100 (Sign Standards) which will be presented to the Council at a later date following review by the Planning and Zoning Commission.

Financial Impact:

Council's possible adoption of the proposed amendments to the Zoning Code will not have a financial or budgetary impact on the Comprehensive Planning and Code Administration Program's budget. Later this year a proposal to amend the City's fee schedule will be presented to the Council for review and possible adoption. Proposed amendments to the fee schedule will update the fees for established permits and processes defined within the Zoning Code.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

7) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans
8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

REGIONAL PLAN:

The Flagstaff Regional Plan supports the update and amendment of the Zoning Code with many applicable goals and policies. Only a few are listed here.

Goal E&C.5. Preserve dark skies as an unspoiled natural resource, basis for an important economic sector, and core element of community character.
Goal E&C.7. Give special consideration to environmentally sensitive lands in the development design and review process.
Goal E.1. Increase energy efficiency.
Goal CC.2. Preserve, restore, and re-habilitate heritage resources to better appreciate our culture.
Goal CC.3. Preserve, restore, enhance, and reflect the design traditions of Flag-staff in all public and private development efforts.
Goal CC.4. Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.
Goal LU.3. Continue to enhance the region's unique sense of place within the urban, suburban, and rural context.
Goal LU.4. Balance housing and employ-ment land uses with the preservation and protection of our unique natural and cultural setting.
Goal LU.5. Encourage compact develop-ment principles to achieve efficiencies and open space preservation.

Has There Been Previous Council Decision on This:

The Council held a work session on June 30, 2015 to define a process for consideration and adoption of the proposed amendments to the Zoning Code. Thereafter, the Council also held four work sessions to provide direction to staff on proposed amendments to the Zoning Code – September 15, October 19, November 10, and December 8, 2015. The public hearing and first read of the ordinance occurred at the February 2, 2016, Council Meeting.

Options and Alternatives:

Please refer to the Expanded Options and Alternatives below.

Background/History:

Since the Zoning Code's adoption in November 2011 the following amendments have been adopted by the Council:

1. Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map): adopted on November 5, 2013, Ord. No. 2013-21. These amendments established a new process and procedure for zone changes.
2. Section 10-50.100.080.E (Flagstaff Mall and Marketplace District): adopted on November 5, 2013, Ord. No. 2013-22. These amendments allowed for the installation of a new monument sign for the Flagstaff Mall and Marketplace District.

3. Division 10-50.100 (Sign Standards): adopted on November 18, 2014, Ord. No. 2014-27. These amendments to the City's sign standards addressed concerns from the City Council and local residents with the complexity of the former sign standards, especially for building mounted signs, and for the proliferation of temporary signs within the City.
4. Division 10-20.100 (Assurance of Performance for Construction): adopted on March 4, 2015, Ord. No. 2015-01. These amendments updated the standards and procedures regarding assurances for construction.
5. Section 10-40.30.050 (Industrial Uses) and Sections 10-80.20.060 (Definitions, “F.”) and 10-80.20.200 (Definitions, “T.”): expected to be adopted on May 5, 2015, Ord. No. 2015-03. These amendments to the industrial zones, Table B, Allowed Uses and in the definitions clarify that freight and trucking facilities are a permitted use in the RD (Research and Development Zone.

Over the past four years, planning staff, as well as staff that work with the Zoning Code on a regular basis (i.e. from the engineering, traffic, stormwater, housing, or legal sections/divisions), have documented sections of the Code where possible amendments would be required. Ideas for amendments submitted by Flagstaff residents and design professionals have also been received and were compiled with staff’s suggested revisions into a comprehensive document of suggested revisions to the Code.

The Planning and Zoning Commission held three work sessions on the proposed amendments – April 29, 2015 (the required citizen review session), May 13, 2015 and May 27, 2015 – to review, discuss and provide comment and feedback to staff on the proposed amendments. On June 10, 2015 the Commission held a public hearing in which they heard from some residents and continued their review and discussion. Finally, on June 24, 2015 the Commission unanimously moved to recommend that the Council approve the proposed amendments as presented by staff together with additional changes recommended by the Commission.

Generally, the amendments proposed to the Zoning Code fall into three distinct categories:

1. <u>Minor Amendments</u>
   As the majority of the proposed amendments, these include clarification of language, insertion of appropriate cross-references, rearranging of text so that it is more logically organized in the Code (without substantive amendment to intent), or correction of a standard that was incorrectly stated.

2. <u>Major or Substantive Amendments</u>
   These include a revision to a development standard, addition of a new land use in the land use tables of Chapter 10-40 (Specific to Zones), addition of a new standard (typically more restrictive than the current Code), addition of a new or changed process/procedure, or addition of a development standard from the former Land Development Code that was not brought forward into the current Zoning Code. Some of these amendments may involve a policy decision by the Council after consideration of the staff’s, Commission’s, and public’s recommendations and ideas on the subject.

3. <u>Non-substantive clerical and grammatical amendments</u>
   Staff has developed an ongoing list of non-substantive clerical and grammatical edits that do not change the intent of a Code provision, but which do correct cross-references, incorrect word use, and grammatical errors.

The Planning and Zoning Commission's final recommendation on the proposed chapter was presented to the Council in a series of work sessions held throughout the late summer and fall. The amendments were organized in the following manner to make it easier for the Council's review and discussion of key policy issues:

- The amendments were organized and arranged by chapter;
- The first page or two of each amendment document included a table that summarized the substantive amendments proposed within each chapter and on what page it may be found.

- A separate document provided a summary of policy issues within each chapter organized by division and section. Within each section the policy issue was framed as a question, and a summary of the text in the existing Zoning Code was compared to the new language proposed in the amendments;
- The amendments themselves were detailed in a document that showed the amendments within the context of the division, section or subsection in which they were located. All amendments were shown in Track Changes format, i.e. new inserted text is shown as underline and text proposed to be deleted is shown in ~~strikeout~~. An explanation of the why the amendment is proposed is included beneath the amendment written in *italic* font so that it may be easily identified. As the formatting and reorganization changes in Division 10-30.30 (Heritage Preservation) were extensive, this division is also inserted with all the proposed amendments within it accepted; and
- Finally, a narrative explaining any discussion and/or recommendation by the Planning and Zoning Commission is also included.

Key Considerations:

Finalizing the amendments to the Zoning Code following it's adoption in November 2011 have been a staff priority for some years in order to make some important corrections to standards and to refine and improve various processes. The amendments included in the attached documents reflect deficiencies identified by staff, professional users of the Zoning Code (engineers, architects, etc.), as well as interested Flagstaff residents.

The amendments proposed to the Zoning Code attached to Resolution 2016-02 are based on the recommendations of the Planning and Zoning Commission and the direction provided by the Council at the policy review work sessions held in the last quarter of 2015 which resulted in additional amendments to the text being made. These may be easily identified because the text of the amendments and the narrative explaining the reason for the amendment based on the Council's policy review, are highlighted in yellow, and the word " **COUNCIL**" is included to highlight where the amendment has been made. Similarly, staff has highlighted some additional minor amendments, and these are also highlighted in yellow but with the word "**STAFF**" inserted. All of these additional amendments are also provided in a table on the first page of each amendment document.

The amendments included in the "2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards)" attached to Resolution 2016-02 have been organized as listed below based on the number and complexity of the proposed changes to each chapter. This will make it easier to track any changes offered by motion and approved by the Council.

- DOCUMENT A: Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), and Chapter 10-30 (General to All);

- DOCUMENT B:Chapter 10-40 (Specific to Zones);

- DOCUMENT C: Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards); and

- DOCUMENT D: Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps)

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

With a document as complex as the Zoning Code, and despite staff's best efforts and attention to detail, it was realized that some standards or issues would be incomplete or incorrect. Over the past few years, City planning staff, as well as staff that work with the Zoning Code on a regular basis (i.e. from the engineering, traffic, stormwater, housing or legal sections/divisions), have documented sections of the Code where possible amendments would be required. Also, ideas for amendments have been submitted by interested Flagstaff residents and design professionals, and these have been compiled with staff's revisions into a comprehensive document of suggested revisions to the Code.

Flagstaff residents, professional users of the Zoning Code, and City staff will benefit from the adoption of these proposed amendments as they will fix known deficiencies in the Code, improve processes, provide improved opportunities for participation by Flagstaff residents in meetings on new projects, clarify and simplify standards and procedures, and in some instances, will make the Code easier to read, understand and apply.

Community Involvement:

INFORM, CONSULT, and **INVOLVE**

Following the Council's adoption of proposed amendments to the Sign Standards in October 2014, it was agreed that staff would commence work on a comprehensive package of amendments to the Zoning Code early in 2015.

Over the course of the year, staff has engaged with members of such local organizations as Friends of Flagstaff's Future, Northern Arizona Builders Association, Northern Arizona Association of Realtors, and the Flagstaff Chamber of Commerce Economic Development Committee to solicit their ideas for potential amendments to the Code. This was also accomplished by a number of articles published in the Flagstaff Business News and Cityscape, as well as frequent interviews on KAFF Radio.

The Planning and Zoning Commission held three work sessions on the proposed amendments – April 29, 2015 (the required citizen review session), May 13, 2015 and May 27, 2015 – to review, discuss and provide comment and feedback to staff on the proposed amendments. Some residents attended these meetings and provided comments to the Commission. On June 10, 2015 the Commission held a public hearing in which they heard from some residents and continued their review and discussion. Finally, on June 24, 2015 the Commission unanimously moved to recommend that the Council approve the proposed amendments as presented by staff together with additional changes recommended by the Commission.

The Council held a work session on June 30, 2015 to define a process for consideration and adoption of the proposed amendments to the Zoning Code. Thereafter, the Council also held four work sessions to provide direction to staff on proposed amendments to the Zoning Code – September 15, October 19, November 10, and December 8, 2015 – which were attended by residents, some of whom provided the Council with their ideas and comments on the amendments.

In advance of all Council work sessions, staff has sent out an email to local stakeholder organizations such as Friends of Flagstaff's Future, Northern Arizona Builders Association, Northern Arizona Association of Realtors, and the Flagstaff Chamber of Commerce Economic Development Committee. These groups were requested to forward the email to their members. Interviews with KAFF radio have also been scheduled regularly, and posts to the City's Facebook accounts have been posted.

Consistent with state law and the Zoning Code's noticing requirements, a ¼ page display advertisement was printed in the Arizona Daily Sun in advance of all public hearings of the Planning and Zoning Commission and the City Council.

Finally, copies of the proposed amendments, and information on meeting dates and times, has been posted to the Zoning Code webpage - www.flagstaff.az.gov/zoningcode. This link was also included in all email correspondence and outreach.

Expanded Options and Alternatives:

1. Adopt Resolution No. 2017-02 declaring that the document entitled “2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),” to be a public record.
2. Do not adopt Resolution No. 2017-02 and, therefore, do not declare the proposed amendments to be a public record.
3. Adopt Ordinance No. 2016-07 to amend the Zoning Code, Title 11 of the Flagstaff City Code (except for Division 10-50.100 (Sign Standards).
4. Modify and adopt Ordinance No. 2016-07 to amend the Zoning Code, Title 11 of the Flagstaff City Code (except for Division 10-50.100 (Sign Standards).
5. Do not adopt Ordinance No. 2016-07 and, therefore, make no changes to the existing text in the Zoning Code.

Attachments: Res. 2016-02
2015/2016 Zoning Code Amendments
Ord. 2016-07

RESOLUTION NO. 2016-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "*2015/2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, EXCEPT FOR DIVISION 10-50.100 (SIGN STANDARDS).*"

RECITALS:

WHEREAS, the City Council wishes to incorporate by reference amendments to Flagstaff City Code, Title 10, The City of Flagstaff Zoning Code except for Division 10-50.100 (Sign Standards), by first declaring said amendments to be a public record; and

WHEREAS, three copies of *"2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),"* have been deposited in the office of the City Clerk and are available for public use and inspection.

ENACTMENTS:

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

The "*2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),"* attached hereto, three complete copies of which are on file in the office of the City Clerk, is hereby declared to be a public record.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 16th day of February, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards)

The amendments included in the "2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards)" attached to Resolution 2016-02 have been organized as listed below based on the number and complexity of the proposed changes to each chapter.

- DOCUMENT A: Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), and Chapter 10-30 (General to All);
- DOCUMENT B:Chapter 10-40 (Specific to Zones);
- DOCUMENT C: Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards); and
- DOCUMENT D: Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps)

DOCUMENT A: Preamble, Chapters 10-10, 10-20 and 10-30

Preamble

Preamble: A Place-Based Approach to Zoning		**P-1**
P.010	Introduction	P-1
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Preamble: A Place-Based Approach to Zoning

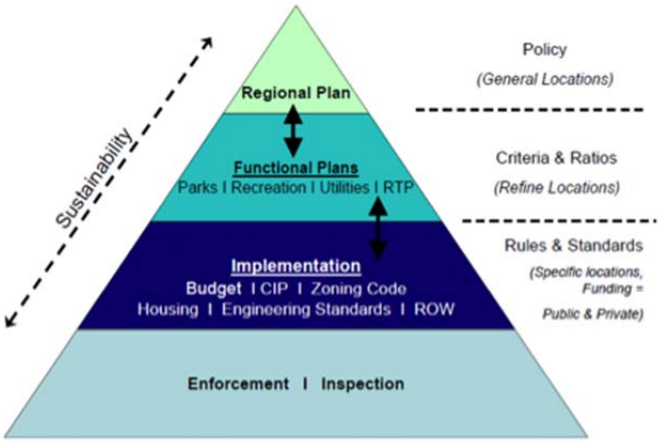
Sections:

P.010	Introduction
P.020	How to Use the Zoning Code
P.030	Steps for Using this Zoning Code
P.040	Classifications of Different Types of Places in Flagstaff
P.050	Form-Based Codes
P.060	The Rural-to-Urban Transect
P.070	The Flagstaff Transect
P.080	The Flagstaff Transect Zones and Intents
P.090	Using the Flagstaff Transect
P.100	History of Zoning Regulations in Flagstaff

P.010 Introduction

This Zoning Code, adopted in October 2011 (See Section 10-10.50.010 (Effective Date)), replaces the former Land Development Code. One of the primary goals of this Zoning Code is to create a code that reinforces the unique character of Flagstaff, instead of taking a "one size fits all" approach used by most conventional zoning codes. The Zoning Code will also ensure the effective implementation of the City's adopted general plan ~~for the City~~, known as ~~the~~ *Flagstaff ~~Area~~ Regional ~~Land Use and Transportation~~ Plan 2030; Place Matters* (General Plan), thereby establishing a foundation for long-term sustainable development within the City.

The relationship between the General Plan and the Zoning Code is clearly defined in the illustration.~~;~~ ~~t~~The General Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through clearly articulated goals, policies and objectives, while ~~.~~ ~~T~~the Zoning Code ~~on the other hand,~~ implements the goals, policies and objectives of the General Plan by providing standards, regulations and tools for land development.



To reinforce this "place-based" approach, i.e., reinforcing Flagstaff's unique character, the first phase of rewriting the code analyzed, documented, and assessed (at a macro and micro scale, i.e. citywide and locally, respectively) the existing physical form of Flagstaff. Using the results of this analysis, and realizing that different types of places should be regulated in different ways, land within Flagstaff was classified into one of three types of places: ~~N~~natural ~~P~~places, ~~W~~walkable ~~U~~urban ~~P~~places, and ~~D~~drivable ~~S~~suburban ~~P~~places, based on ~~their~~ its form and character.

The resource preservation standards applied through the former Land Development Code allowed for the creation of new drivable suburban environments and for the protection of additional natural resources. It did not, however, promote the creation of new walkable urban places or ~~remove obstacles that would~~ encourage the revitalization and preservation of the downtown area and adjacent neighborhoods. See Section P.040 (Classification of Different Types of Places in Flagstaff) for a full description of walkable urban and driveable suburban places. Therefore, one of the intentions of this Zoning Code is to maintain and revitalize existing walkable urban areas and create new ones.
To reinforce this intent and build upon the previously adopted Traditional Neighborhood District, a Form-Based Code framework has been utilized for a portion of this Zoning Code.

~~Throughout this Code s~~Sustainable development principles and practices have been incorporated throughout this Code to direct new development in a manner that is sustainable in the City. These principles are meant to inform developers, planners, architects, landscape architects, engineers and construction managers about sustainable site planning, design and construction practices that encompass long-term economic, social and environmental considerations for Flagstaff. In addition to pursuing the general culture of sustainability, compliance with the principles and referenced standards link natural and man-made systems with community needs. By implementing ~~accomplishing~~ these principles~~goals~~, the community can establish itself as a leader in sustainable development.

Throughout the process of rewriting and updating the City's Zoning Code, residents, City staff and elected officials~~decision makers~~, and many other stakeholders and interested persons were engaged to help guide and develop the new Zoning Code. The Zoning Code was created for, and by the residents of Flagstaff, and it reflects the desired future for those who live in, work in, play in, and love the City of Flagstaff.

P.020 How to Use the Zoning Code

A. **Organization**
The following text is advisory only and is intended to give a brief overview of the overall Zoning Code.

1. **Preamble**
The preamble introduces an overview of Flagstaff's urban form and character. It also provides an overview of the various parts of the Code and illustrates how to use it.

2. **Chapter 10-10 - Intent and Applicability**
   Establishes the legal foundation for the Code ~~document~~ and includes an overview of its~~the~~ purpose, authority, jurisdiction, rules of interpretation, and severability.

3. **Chapter 10-20 - Administration, Procedures, and Enforcements**
   Provides the detailed process by which development will be permitted by the City and the requirements related to specific types of submittals. It also provides the enforcement procedures.

4. **Chapter 10-30 - General to All**
   Provides the general requirements for affordable housing, heritage preservation, improvements, design standard, and sustainability for all property in the City of Flagstaff.

5. **Chapter 10-40 - Specific to Zones**
   Contains regulations for non-transect zones, transect zones, and overlay zones. The application of the transect zones are intended to reinforce a walkable, transit-supportive urban environment, ~~and~~while the non-transect zones are more drivable, suburban environments. This Chapter also contains regulations that apply to specific uses permitted within the zones.

6. **Chapter 10-50 - Supplemental to Zones**
   Establishes development standards for topics such as parking, landscape, and signage. These standards supplement the regulations in Chapter 10-40 (Specific to Zones).

7. **Chapter 10-60 - Specific to Thoroughfares**
   Establishes a collection of pre-approved street designs for ~~intended to be used in~~ the creation of new streets and the transformation of existing streets, which are intended to reinforce a pedestrian-oriented environment in transect zones. These thoroughfare standards supplement other City approved street standards.

8. **Chapter 10-70 - Specific to Civic Spaces**
   Establishes a collection of pre-approved civic space types intended to be integrated into medium and large projects in the transect zones. These civic space standards, which supplement other City civic space or park standards, are only applicable to the transect zones.

9. **Chapter 10-80 - Definitions**
   Provides the definitions used throughout the Code.

10. **Chapter 10-90 - Maps**
    Provides the Zoning Map and Regulating Plan, in addition to a selection of other maps illustrating the standards of this Zoning Code.

P.030 Steps for Using this Zoning Code

In graphic form, this section illustrates the basic steps a user would follow in using this Zoning Code.

Simple Process Diagram

Step	Instructions	Code	Title
1	Find the zone for your parcel	10-90	Maps
2	Comply with all applicable standards in General to All	10-30	General to All
3	Comply with the standards specific to your zone	10-40	Specific to Zones
4	Comply with the supplemental standards that apply ~~general~~ to all zones	10-50	Supplemental to Zones
	Follow the procedures and comply with the requirements for permit application	10-20	Administration, Procedures, and Enforcement

Expanded Process Diagram

Step	Instructions	Code	Title
1	Find the zone for your parcel	10-90	Maps
	Follow the procedures and comply with the requirements for a permit application	10-20	Administration, Procedures, and Enforcement
2	Comply with all applicable standards in General to All	10-30	General to All
3	Comply with the standards specific to your zone	10-40	Specific to Zones
	If applying a transect zone, comply with the standards in Specific to Thoroughfares, Specific to Civic Spaces, and Specific to Private Frontage Types	10-60	Specific to Thoroughfares[1]
		10-70	Specific to Civic Spaces[1]
		10-50.120	Private Frontage Types[1]
	If applying a transect zone, select Building Type(s) from the allowable list in the zone, and comply with the standards for that Building Type(s)	10-50.110	Specific to Building Types[1]
	If the selected use has additional regulations (noted in Allowable Uses table), comply with the standards for that Use	10-40	Specific to Zones
4	Comply with the supplemental standards that apply to all zones	10-50	Supplemental to Zones
5	If you want to subdivide your property, follow the procedures and comply with the requirements in the Subdivision Regulations	City Code Title 11 Chapter 11-20	Subdivision and Land Split Regulations

[1] The standards set forth in the Division may also be used in the non-transect zones with Director approval.

P.040 Classifications of Different Types of Places in Flagstaff

The Traditional Neighborhood District from the former Land Development Code established the Rural-to-Urban Transect as its organizing principle. This Zoning Code expands upon that existing framework~~,~~ by dividing the diverse natural and man-made environment of Flagstaff into three distinct types of places: natural places, walkable urban places and drivable suburban places.

Natural and walkable urban places~~areas~~ are regulated with transect zones, ranging from the most natural and rural to the most urban (within downtown). On the other hand, Drivable suburban areas are regulated in a more conventional way, through use-based non-transect zones. These three classifications provide the framework for the preservation, enhancement, and development of areas found within Flagstaff.

© Keiji Iwai Photography

The natural environment is ever present in Flagstaff. The natural environment creeps into the City and the San Francisco peaks are visible from around town.

A. Natural

Natural areas consist of undeveloped land that is interspersed throughout the City and along its periphery. In these areas a person's experience is dominated by nature, but may include an occasional building or other man-made feature, especially in rural areas. The use of cars is integrated, but does not dominate the character of the natural areas.

The proximity of natural areas to the developed portions of Flagstaff is an important component in defining the City's unique character. The Flagstaff Urban Trails System (FUTS) provides an important link between these natural environments and the developed areas of the City. Examples of natural areas in Flagstaff include forest lands and parks, agricultural areas, and rural ranch-like housing areas.

© Keiji Iwai Photography

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The downtown and older neighborhoods of the City are prime examples of environments that are conducive to walking and cycling.

B. **Walkable Urban**

Walkable urban areas are those in which a person can walk, bike or ride transit to work~~,~~ and to fulfill most shopping and recreation needs. These environments allow for the use of automobiles but do not require the use of a vehicle to accommodate most daily needs.

Walkable urban areas were primarily developed prior to the 1940's in the heart of Flagstaff. Such places developed in a pattern where a person could live with limited reliance on the automobile and were conducive to destination walking and cycling, characteristics which are still prevalent today. Walkable urban areas are largely supported through a network of interconnected, tree-lined streets, a diversity of housing choices and a mix of appropriate commercial and residential uses in a compact form. These areas also support public transit due to their compact nature. Walkable urban areas generally include the downtown, south of downtown, La Plaza Vieja, Flagstaff Townsite and adjacent historic neighborhoods. Many~~ost~~ of Flagstaff's residents and visitors have agreed that these areas help to define the unique character and identity of Flagstaff.

This compact, walkable form and the use of alternative transportation modes encourage an urban pattern that supports the sustainability goals of the City. Walkable urban development should also be integrated into the evolution of older, less walkable neighborhoods and in the creation of new walkable neighborhoods.

Emphasizing the automobile, the historic Route 66 exemplifies the drivable suburban environment.

C. Drivable Suburban

Drivable suburban areas are those in which a person is mostly dependent on the automobile to travel to work or other destinations~~,~~ and to accomplish most shopping and recreation needs. These environments may have areas where it is possible to walk or ride a bike for recreational purposes, but due to the lack of connectivity or nearby amenities~~,~~ they are not favorable for walking or biking as a primary mode of transportation on a day-to-day basis.

Drivable suburban areas were developed primarily after the 1950's on the periphery of Flagstaff. The design and layout of development in these areas is driven by the need to accommodate the automobile. In addition, and characteristic of most suburban areas, land uses are segregated and often buffered, which leaves~~ing~~ large distances between them and ~~further~~ requires~~ing~~ an~~the~~ automobile for day-to-day functions.

Walking and bicycling do occur in these areas, but these activities ~~it~~ are generally for recreational purposes rather than commuting ~~destination~~ purposes.

Examples of these areas are the commercial big box and strip centers such as those located near Milton Road and Route 66, single-family residential subdivisions on the periphery of the City, and outl~~a~~ying industrial areas located near the airport. Drivable suburban areas typically have a higher environmental impact per capita than walkable urban areas.

P.050 Form-Based Codes

A. What is a Form-Based Code (FBC)?

Form-Based Codes (FBC) are an alternative approach to zoning that reinforce walkable, sustainable mixed-use environments and development that~~and~~ builds upon community character. The City of Flagstaff Zoning Code uses ~~a portion of~~ the City's Form-Based Coding approach in order to achieve the community's goals of sustainability and sensitive high-quality infill.

"Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-Based Codes are an alternative to conventional zoning."

~ Form-Based Codes Institute

An important aspect of this definition ~~in terms of~~ that differentiates~~ing~~ FBCs from conventional or Euclidean zoning is the phrase "by using physical form." This does not mean that use is not important, and instead of land use always being the organizing principle for the overall code, within the FBC elements of this Zoning Code the intended physical form or characterisitcs of desired place becomes the primary organizing principle. The naming conventions in FBCs reflect the intended physical form of different zones, so instead of a zone being labeled "single-family residential," it might be called "traditional neighborhood," and instead of a zone being called "commercial" or "mixed use," it might be called "neighborhood main street." The terms "neighborhood" and "main street" tie back to the intended physical form or place, both of which may include a mix of uses and different building types that create vibrant walkable urbanism.

Another important aspect of Form-Based Codes is that where FBCs are implemented they are not just design guidelines. Instead they replace the existing zoning and are standards to be followed.

It is also important to note that while FBCs focus on ~~are allow~~ an intended physical form, they also regulate use. FBCs often allow a range of uses that are carefully chosen to maximize compatibility between uses and the intended physical form of the zone.

B. **How the Form-Based Code is Integrated into this Zoning Code**

1. FBC components are integrated throughout this Zoning Code. The following is an explanation of these components and where they are located in this Zoning Code.

   a. Transect zones provide the basic building form standards and list the allowed building types, sustainable features and permitted uses within a zone. See Division 10-40.40 (Transect Zones).

   b. Building types provide a fine level of detail about the appropriate massing and form of buildings with a zone. See Division 10-50.100 (Specific to Building Types).

   c. Private frontage types provide detail~~s~~ on how a building relates to the street or public realm. See Division 10-50.110 (Specific to Private Frontage Types).

   d. Thoroughfare types provide the components of a thoroughfare that can be used to create walkable streets that balance the needs of vehicles, pedestrians and bicyclists. See Chapter 10-60 (Specific to Thoroughfares).

   e. Civic spaces provide ~~a~~ standards for~~and~~ a broad range of civic spaces and open~~s~~ space. See Chapter 10-70 (Specific to Civic Spaces).

2. Throughout the Zoning Code many divisions~~sections~~ are broken down into standards that are applicable to all zones, ~~applicable to~~ non-transect zones and ~~applicable to~~ transect zones. This framework means that ~~allows~~ standards ~~to be~~ calibrated for ~~to~~ walkable urban areas and drivable suburban areas may be implemented. Examples of divisions that contain standards specific to drivable suburban and walkable urban areas include but are not limited to Division 10-50.80 (Parking Standards), Division 10-50.100 (Sign Regulations) and Division 10-50.60 (Landscaping Standards).

3. Parcels that have both a non-transect zone and a transect zone applied to them may be developed using the regulations of either ~~the non-transect zone or the transect~~ zone, but not a mixture of the two. Examples of areas where the Form-Based Code is an option include downtown and surrounding neighborhoods. See Chapter 10-90 (Maps).

4. The Zoning Code also lays out a process for ~~of~~ applying the Form-Based Code and transect regulations to other parcels within the City. The Traditional Neighborhood Community Plans Division provides the standards and process by which Transect Zones can be applied to other parts of the City. See Division 10-30.80 (Traditional Neighborhood Community Plans).

P.060 The Rural-to-Urban Transect

The Rural-to-Urban Transect is an organizing principle often used in Form-Based Coding that focuses first on the intended character and type of place and second on the mix of uses within. Transect zones are used to reinforce existing or to create new walkable mixed-use urban environments.

"The Rural-to-Urban Transect is a means for considering and organizing the human habitat in a continuum of intensity that ranges from the most rural condition to the most urban. It provides a standardized method for differentiating between the intentions for urban form in various areas using gradual transitions rather than harsh distinctions. The zones are primarily classified by the physical intensity of the built form, the relationship between nature and the built environment, and the complexity of uses within the zone."

~ Form-Based Codes Institute

The model transect for American towns is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6), together with a Special District (SD) designation for areas with specialized purposes (e.g., heavy industrial, transportation, entertainment, or university districts~~, among other possibilities~~). Each T-zone is given a number: higher numbers designate progressively more urban zones, and lower numbers designate more rural zones.

The participants document typical buildings, lots and blocks within Flagstaff.

P.070 The Flagstaff Transect

The consultant team that assisted with ~~As part of~~ the creation of this Zoning Code~~, the consultant team~~ built upon the work of the City in defining and refining the Flagstaff Transect. Extensive documentation was completed to document different elements of the urban form in the ~~different~~ transect zones. ~~Each transect zone has been designated by a number. The higher numbers designate progressively more urban zones; the lower, more rural.~~

The Flagstaff Transect covers the full range of the Rural-to-Urban Transect. ~~, with p~~Preserved lands within the City are designated as T1, the more rural lands are ~~being~~ designated as T2 and~~,~~ T3, much of the ~~and T4 applying to the~~ Flagstaff Townsite neighborhood is designated as T4, ~~T5 is provided for~~ existing and new neighborhood main streets are designated as T5, and ~~T6 applied to~~ downtown Flagstaff is designated as T6.

The transect zones within the Zoning Code ~~are~~ often apply ~~assigned~~ to parcels that also fall within ~~have been assigned to~~ a non-transect zone. When ~~parcels have~~ both non-transect and transect zones apply~~ied~~ to a parcel~~them~~, either the transect zone or non-transect zone regulations may be used, but not both.

~~In t~~This Zoning Code also designates ~~, the~~ special districts which are categorized as non-transect zones. These zones are typically more reliant on automobile and other vehicle use and must be regulated accordingly~~with consideration for this context~~. The~~se~~ non-transect zones have, therefore, been updated to provide clearer standards.

~~All of t~~The development regulations within this Zoning Code have been carefully tailored ~~considered~~ for each transect zone ~~in relation to their context or setting along the Transect~~, including, for example, parking and building form.

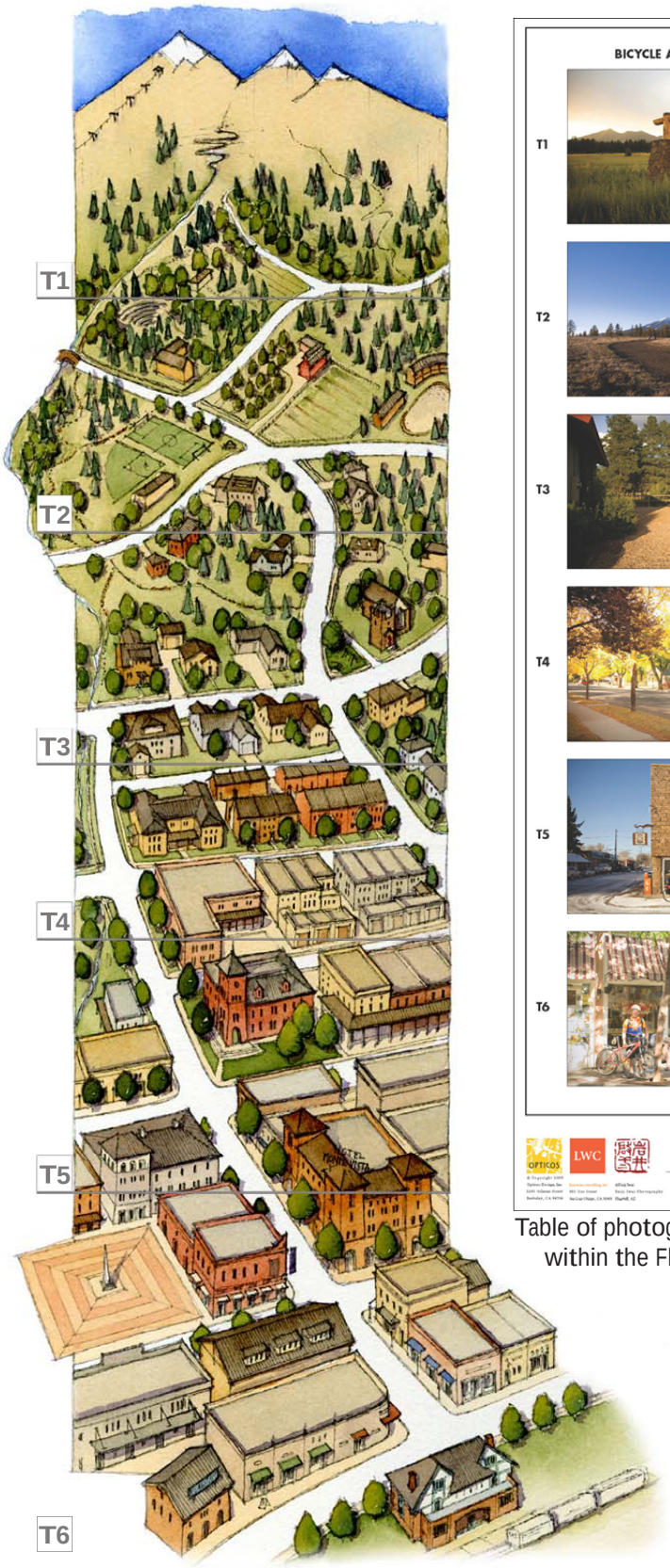

Illustration of the Flagstaff Transect

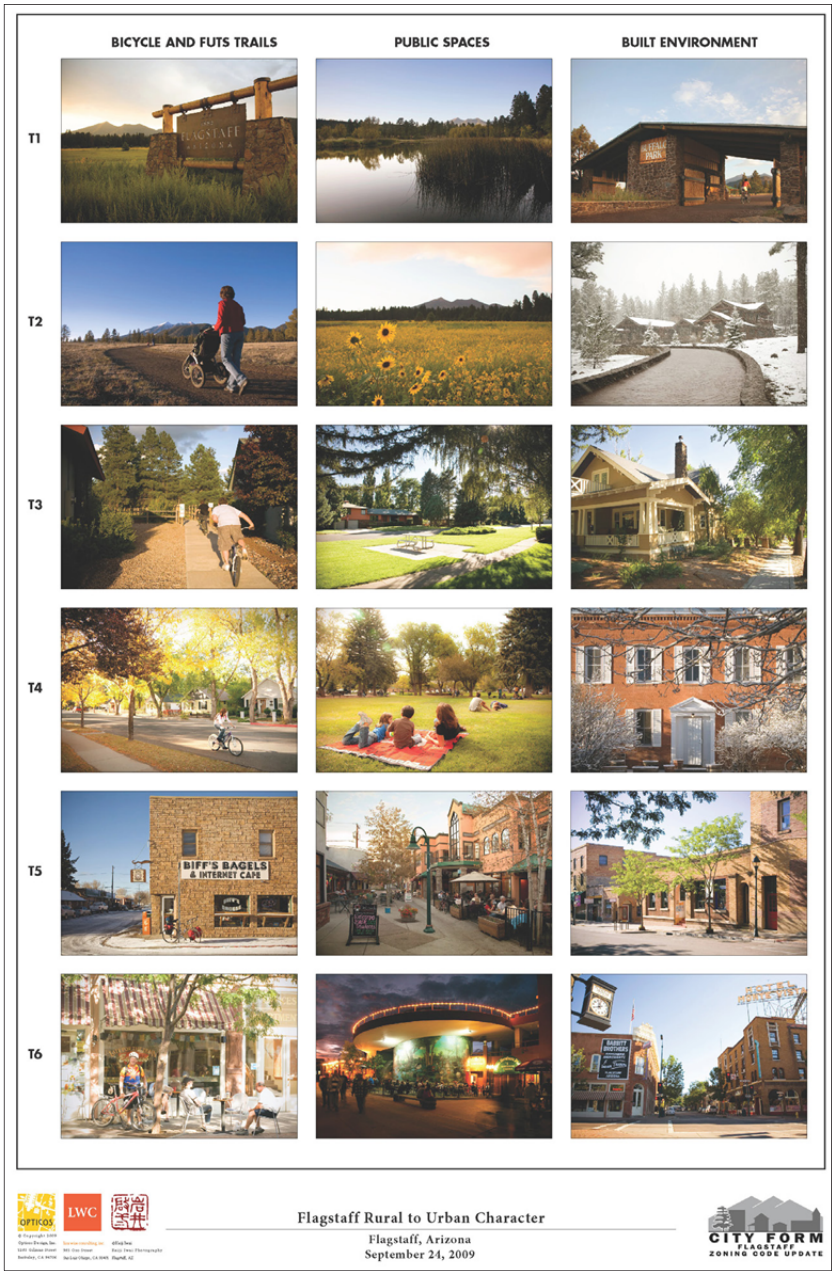

Table of photographs describing the character of each transect zone within the Flagstaff context.

P.080 The Flagstaff Transect Zones and Intents

T1

© Keiji Iwai Photography

Zones

T1 Natural Zone (T1)

Desired Form

Natural

General Use

None

Intent

To preserve lands unsuitable for settlement due to topography, hydrology or vegetation and to promote the management and preservation of habitat types within Flagstaff's unique natural environment.

T2

© Keiji Iwai Photography

Zones

T2 Rural Zone (T2)

Desired Form

Rural

General Use

Residential, Civic, or Recreation

Intent

To provide sparsely settled lands in open or cultivated state. It may include large lot residential where animals are raised, parks, squares, woodland, grasslands, trails, stormwater management features, and open space areas.

T3

© Keiji Iwai Photography

Zones

T3 Neighborhood I (T3N.1)

T3 Neighborhood 2 (T3N.2)

Desired Form

Residential

General Use

Residential

Intent

To protect the integrity and quality of the neighborhoods adjacent to downtown by reinforcing compact, walkable neighborhoods that are in character with Flagstaff's older neighborhoods while maintaining the stability of existing walkable urban areas.

T4	T5	T6
Zones	**Zones**	**Zones**
T4 Neighborhood I (T4N.1) T4 Neighborhood 2 (T4N.2)	T5 Main Street (T5)	T6 Downtown (T6)
Desired Form	**Desired Form**	**Desired Form**
Residential	Commercial/Shopfronts	Commercial/Shopfront
General Use	**General Use**	**General Use**
Residential	Vertical Mixed Use: Retail, general commercial, and services on the ground floors with residential or commercial uses on upper floors.	Vertical Mixed Use: Retail, general commercial, and services on the ground floors with residential or commercial uses on upper floors.
Intent	**Intent**	**Intent**
To provide a variety of housing choices~~,~~ in small footprint, medium-density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving commercial adjacent to this zone, and support public transportation alternatives.	To reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to appropriately transition into existing neighborhoods while providing neighborhood-serving commercial and retail uses in a main street form.	To reinforce and enhance the vibrant, walkable urban, downtown core and to enable it to evolve into a complete neighborhood that provides locally and regionally-serving commercial, retail, entertainment, civic, and public uses, as well as a variety of urban housing choices.

P.090 Using the Flagstaff Transect

The Flagstaff Transect is applied at various scales across the City to meet the following principles:

A. **The City-Guiding Principles**

1. Preserve and enhance community character;
2. Encourage appropriately scaled infill and development;
3. Reinforce, through protection and expansion, the existing extensive trails and bicycle routes, and support patterns of development that encourage more frequent transit service;
4. Preserve agriculture and open space ~~at edges~~ by clearly defining the boundary between rural and urban areas;
5. Reinforce a pattern of walkable neighborhoods by supporting existing walkable neighborhoods and retrofit those that are not walkable; and~~,~~
6. Support a range of vibrant human habitats along the Transect.

B. **The Neighborhood-Guiding Principles**

1. Support a diversity of housing choices appropriate to location along the Transect;
2. Encourage and incubate small local businesses;
3. Place services within a safe, comfortable walking distance of homes; and
4. Create a framework of well-designed streets that are safe and secure for pedestrians and bicycles.

C. **The Block and Building-Guiding Principles**

1. Build upon and reinforce the unique character of Flagstaff;
2. Ensure that each building plays a role in creating a better whole, not just a good building;
3. Meet the changing needs of residents;
4. Ensure that architecture and landscape grow from local climate, history, and building practice; and
5. Put civic buildings in important locations and make sure their form is appropriate to their civic stature.

Early Flagstaff, 1888. Cline Library Archives, NAU

Flagstaff as a regional center at the intersection of two major interstate highways

P.100 History of Zoning Regulations in Flagstaff

A. History Overview

The City of Flagstaff's zoning regulations have an interesting history that in many ways parallel the growth and development of the City from its early years as a wild frontier town located on the continental railroad with its economy based on timber, sheep, and cattle ~~and located on the continental railroad,~~ to a fast growing commercial~~e, trade,~~ and regional center for finance, industry, and government at the intersection of two major interstate highways.

As of early 2010, the zoning ordinance in effect, Title 10 (Land Development Code) of the Flagstaff City Code, included the following:

1. Conventional or Euclidian zoning provisions dating back to 1949 based on the separation of land uses ~~dating back to 1949~~;
2. Certain performance-based zoning provisions added in 1991;
3. Design review guidelines adopted in 2002 for application to multi-family residential, commercial, institutional and business park developments; and,
4. Traditional Neighborhood Development Standards based on the SmartCode requiring adoption of a Form-Based Code were adopted in 2007.

.

B. **Early Ordinances and Codes**

According to the records maintained by~~in~~ the Flagstaff City Clerk~~'s office~~, the Mayor and Councilmen of the Town of Flagstaff adopted the City's first ordinance adopted by ~~the Mayor and Councilmen of the Town of Flagstaff was adopted~~ sometime before 1894, and it required all premises within the town limits to be kept free of "all filth, garbage, refuse, etc." In succeeding months and years, numerous ordinances were passed that sought to bring greater law and order to the community, and while not necessarily zoning regulations, addressed basic needs for "public health, safety, morals and welfare," including for example:

1. June 4, 1894 – Ordinance No. 3 regulated "riots, routs, affrays, disorderly noises, or disturbances, street fights, or broils, appearing in public places in an intoxicated condition...."

2. July 23, 1894 – Ordinance No 7. prohibited stove pipes from being installed through the roof or walls of a building. This was in response to numerous fires in the early town.

3. February 6, 1895 – Ordinance No. 12. established a five-member Common Council for Flagstaff.

4. May 5, 1896 – Ordinance No 19. prevented "the erection of wooden buildings...."

Additional ordinances provided for sidewalks, sought to prevent the fires that were a hallmark of the early years in Flagstaff and ~~that~~ destroyed many buildings, established an early electrical supply and provided regulations for the height of electric supply cables above the ground, established taxes on the sale of liquor, prohibited obstructions of streets by railroad trains, established a permanent water supply, regulated the sale of alcoholic beverages, and as an exercise in early zoning regulation, limited the locations of "bawdy houses within certain limits..." within the town.

C. **1949 Consolidated Zoning Ordinance**

Adopted under Ordinance No. 365 on April 12, 1949, the Consolidated Zoning Ordinance was the first true zoning ordinance for the City of Flagstaff. This Ordinance (officially the "Building Zone Ordinance of the City of Flagstaff, Arizona"), promoted the "public health, safety, convenience and general welfare" by, for example, regulating the location and use of structures and land for various land use designations. This ordinance established the first zoning districts; and established use, height, setback, lot coverage, and density standards for each district.

Many of the development standards adopted~~found~~ in this first zoning ordinance ~~are~~were found in the "E" or Established districts of the 1991 City of Flagstaff Land Development Code.

D. **Revised Flagstaff Zoning Code of 1970**

On August 24, 1971, the Flagstaff City Council adopted Ordinance No. 811, the Revised Flagstaff Zoning Code of 1970. This new zoning code was a comprehensive update of the original 1949 zoning ordinance, and it provided additional zoning districts, new development standards for such elements as parking, signs, and outdoor lighting, and~~as well as~~ an updated zoning map.

E. **1991 Land Development Code**

Realizing that the 1970 code was outdated, in early 1990 the City embarked on a comprehensive effort to update the zoning code assisted by the firm of Lane Kendig and Associates. The Flagstaff City Council adopted the Land Development Code (Title 10 of the Flagstaff City Code) under Ordinance No. 1690 on April 8, 1991. This new Code established a different approach to zoning regulation in Flagstaff. A summary of key features of the Land Development Code are provided below:

1. The former zoning ordinance and subdivision ordinance from the City Code were combined into a consolidated Land Development Code (LDC).

2. The Code was significantly restructured and reformatted.

3. The original 17 conventional zoning districts were retained and were identified as “Established” or “E” districts, such as the C-3-E (Highway Commercial District Established) zoning district. In addition, 18 new zoning districts were added. These districts do not have the “E” designation (e.g., UC (Urban Commercial District)).

4. Certain performance-based zoning techniques were introduced into the LDC for the new zoning districts, which~~that~~ required more refined evaluation and analysis of floodplains, steep slopes, and forest resources. In addition, performance-based landscaping standards were introduced applicable to certain of the Established and new zones~~ were introduced~~.

Since the adoption of the LDC in April 1991, it was~~has been~~ amended numerous times to resolve conflicts, add new provisions, and ensure consistency with Arizona statutes. In addition, three overlay historic zoning districts were~~have been~~ adopted as well as the Traditional Neighborhood District. A list of amendments to the LDC from April 1991 to early 2010 is provided in ~~the~~ Table P.100.A (Amendments to the Land Development Code, April 1991 – February 2011).

Table P.100.A: List of Amendments to the Land Development Code and Zoning Code ~~, April 1991 —~~

Ordinance Number	Adoption Date	Chapter(s) Amended	Description
1690	04/08/1991	-	Adoption
1739	02/18/1992	Chapter 8	Historic Signs
1741	03/17/1992	Various	Miscellaneous Amendments/CHO
1857	02/07/1995	Add Chapter 15	Historic Preservation
1867	09/19/1995	Chapter 3	Avigation Area Zone
1903	12/19/1995	Chapter 3	Non-permitted uses
1946	06/17/1997	Chapters 8 & 14	Sign Regulations
1956	10/07/1997	Chapter 2, App. "A"	Historic Design Review Overlay
1974	05/05/1998	Chapters 2 & 3	Cell Tower Ordinance
1997	06/15/1998	Various	Phase II Amendments
2000-02	02/15/2000	Chapter 8	Sign Code changes
2000-08	06/06/2000	Various	5% amendments
2001-13	07/17/2001	Various	Growing Smarter
2001-14	09/04/2001	Various	Affordable Housing
2001-15	09/04/2001	Add Chapter 16	Design Review
2002-15	11/05/2002	Various	Miscellaneous, BPI zone
2004-03	03/16/2004	Chapter 4	Traditional Neighborhood Design
2007-05	02/06/2007	Chapter 9	Board of Adjustment composition
2007-10	02/06/2007	Chapter 9	Planning and Zoning Commission composition
2007-20 (Supplement 6)	03/20/2007	2, 3, 4, 5, 6, 7, 10 & 14	Revisions promoting housing affordability based on the Housing Policy Task Force proposals
2007-34	06/19/2007	Chapter 15	Townsite Historic Design Review Overlay Zone ("THDRO")
2007-42	11/20/2007	New Chapter 17 and Appendix C; Revisions to Chapters 2, 4, 10, 14 & City Code Title 9	New Traditional Neighborhood District ordinance
2007-44	12/04/2007	Chapter 11, with minor revisions in Chapters 1,3, 7, 9, & 10; and Appendix B	Subdivision amendments – consistency with ARS
2008-03	02/05/2008	Minor revisions in Chapters 2, 3, 4, 8, 9, 10, 14 and 15	Amendments for consistency with ARS – AOBs, CUPs, Historic Districts, Planned projects, and non-conforming signs
2008-10	03/18/2008	Revisions in Chapter 10-02 and 10-15	Amendments to add the LDRO and THDRO districts
2008-25	09/02/2008	Revisions in Chapters 2, 3 and 14	Amendments to building height in the M-H-E zone and related amendments
2008-25	11/18/2008	Insert new Chapter 10-18	New Development Fee ordinance
2009-03	01/20/2009	Revisions in Chapters 10-03 and 10-14	Amendments to allow for accessory wind energy systems (wind turbines)

Table A: Amendments to the Land Development Code, April 1991 – June 2009 (continued)

ORDINANCE NO.	ADOPTION DATE	CHAPTER(S) AMENDED	DESCRIPTION
2009-17	06/16/2009	Revisions in Chapter 10-08	Amendments for the Flagstaff Auto Park Area of Special Designation
2011-02	02/15/2011	Revisions in Chapter 10-08	Amendments for the Flagstaff Auto Park Area of Special Designation
2011-03	02/15/2011	Revisions in Chapters 10-02, 10-03 and 10-14	Amendments relating to medical marijuana
2011-23	09/06/2011	Revision in Chapter 10-09	An amendment allowing the Council to serve as the Board of Adjustment
2013-21	11/05/2013	Division 10-20.50 of Chapter 10.50 (Supplemental to Zones)	Amendments to the zone change process (Amendments to the Zoning Code text and the Zoning Map)
2013-22	11/05/2013	Revisions in Division 10-50.100 (Sign Standards)	Amendments to the Flagstaff Mall and Marketplace District
2014-27	11/18/2014	Revisions in Division 10-50.100 with related amendments to Chapters 10-20 and 10-80.	Comprehensive amendments to the Sign Standards, with related amendments to sign permitting procedures and definitions.
2015-01	03/04/2015	Revisions in Division 10-20.100 (Assurance of Performance for Construction)	Amendments to update the assurances required for performance for construction.
2015-03	05/05/2015	Revisions in Table 10-40.30.050.B with related amendments to Chapter 10-80.	Amendments for trucking facilities in the RD Zone

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Proposed Amendments to the Zoning Code
City Council Public Hearing Draft
Final Planning and Zoning Commission Recommendation

Updated: 9/15/2015 – minor KF edits; 12/16/2015;

The City Council identified no policy issues in this chapter and no additional staff amendments are proposed.

Chapter 10-10: Title, Purpose, and Jurisdiction

Division 10-10-10: Title
10-10.10.020 Zoning Map

- Page 10.30-1

A. **Adoption**

The Zoning Map, which divides the City of Flagstaff (City) ~~is hereby divided~~ into zones, ~~as shown on the Zoning Map which,~~ together with all explanatory notes provided on the Zoning Map, is adopted by reference and declared to be a part of this Zoning Code. ~~The Zoning Map shall be kept on file in the office of the Planning Director (Director).~~

B. **Zone Boundary or Classification Changes**

If, in compliance with the provisions of the Zoning Code, changes are made to~~in~~ zone boundaries, zone classifications, or other matters set forth on the Zoning Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the ordinance adopting the change.

C. **Maintenance of Zoning Map**

The Zoning Map shall be kept on file in the office of the Planning Director (Director), and.~~The Zoning Map~~ shall be maintained in electronic format by the Information Technology Division, as authorized by the Director.

These essentially clerical amendments improve the readability of this Section.

Division 10-10-20: Legislative Intent and Purpose
10-10.20.020 Purpose of Zoning Code

- Page 10.30-4

~~C. This Zoning Code is adopted in compliance with the requirements and authority granted to the City by the Arizona Constitution, Article XIII, Arizona Revised Statutes, Title 9, Chapter 4, and the City Charter in order to carry out the purposes stated in those laws.~~

This text is also included on Page 10.30-1 and, therefore, may be deleted.

Division 10-10.30: Authority
10-10.30.030 Applicability

- Page 10.30-2

C. **Property Owned by Federal or State Agencies**

The provisions of this Zoning Code shall not apply to property owned by the United States of America or any of its agencies, ~~nor to~~ the State of Arizona, or ~~to~~ any local agency not required to comply with this Zoning Code by State law ~~when the proposed~~

~~use or structure is for a governmental purpose~~. All exempt agencies are encouraged to design any new developments in compliance with the standards set forth in this Zoning Code and to cooperate in meeting the goals and objectives of this Zoning Code and the General Plan.

The text shown to be deleted above is redundant and may be deleted.

10-10.30.040 Rules of Interpretation

- Page 10.30-3

C. Whenever any provisions within this Zoning Code impose overlapping or contradictory regulations, or whenever any provisions of this Zoning Code and any other code, rule, or regulation impose overlapping or contradictory regulations, the provision which is more restrictive or imposes higher standards or requirements shall govern, so that in all cases the most restrictive provision shall apply.

This amendment ensures that if there are internal conflicts within the Zoning Code itself, the more restrictive standard or requirement would apply.

D. It is not intended that any provision of this Zoning Code nor any act by an administrative official or Review Authority shall restrict or impair the right of any ~~private or public~~ person to bring ~~any~~ legal or equitable action for redress against nuisances, hazards, or injuries to persons or property.

This essentially clerical amendment removes confusing language from this sentence.

10-10.30.070 Calculation of Fractions

- Page 10.30-4

***(P&Z)**: Following Commission discussion on this Section, no revisions are proposed and staff recommends that the original text should remain unchanged.*

10-10.30.090 Rules of Transition

- Page 10.30-5

The following rules shall apply to all properties in the City on the effective date of this Zoning Code:

B. **Developments with Approvals or Permits**

1. **Building Permit Issued Prior to Effective Date**

Any building, structure, or sign for which a lawful Building Permit has been~~is~~ issued or for which a complete Building Permit or Sign Permit application ~~as determined by the Building Official or Director~~ has been filed at least one day prior to the effective date of this Zoning Code or any subsequent amendment to the Code, may be constructed and completed in conformance with the permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with this Zoning Code or any subsequent amendment to the Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or

sign shall be constructed, completed or occupied only in compliance with this Zoning Code or any subsequent amendment to the Code.

The amendments in this Subsection clarify that any project for which a building permit or sign permit has been filed may be constructed even if the development or sign for which the permit may be issued does not comply with the Zoning Code or any subsequent amendment to the Code.

2. **Final Site Plan Review and Approval Prior to Effective Date**
An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Zoning Code or any subsequent amendment to the Code may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Code or any subsequent amendment to the Code. Upon approval of construction plans for the development, a Building Permit may be issued. ~~Site Plan Review and~~ Approvals granted ~~for developments approved~~ prior to the effective date of this Zoning Code or any subsequent amendment to the Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

These minor amendments eliminate redundant language in this Subsection and update the provisions regarding the effective date of the Zoning Code or any subsequent amendment to the Code.

- Page 10.30-6

C. **Applications Filed Prior to the Effective Date**

1. Complete applications for new developments including, but not limited to Site Plan Review and Approval, Conditional Use Permits, and preliminary plats, that are filed prior to the effective date of this Zoning Code or any subsequent amendment to the Code may be approved under the provisions of the zoning code previously in effect ~~(1991 Land Development Code)~~. Applicants may also elect to develop in compliance with the provisions of this Zoning Code~~, and in that case shall comply with all provisions of this Zoning Code~~. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.

2. Applications for amendments to the Zoning Map filed prior to the effective date of this Zoning Code or any subsequent amendment to the Code shall be governed by the provisions of the ~~1991 Land Development~~ Code previously in effect unless the applicant elects to comply with this Zoning Code.

These minor amendments eliminate redundant language in this Subsection and update the provisions regarding the effective date of the Zoning Code or any subsequent amendment to the Code.

Division 10-10-40: Severability

10-10.40.010 Severability

- Page 10.40-1

B. ~~The invalidation of the application of~~ A determination by order of any court of competent jurisdiction that any section, sentence, clause, phrase, word, portion, or

provision of this Zoning Code does not apply to any particular property or structure, or to any particular properties or structures, ~~by order of any court of competent jurisdiction~~ shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in the court's order.

This minor amendment improves the readability of this sentence.

Division 10-10-50: Effective Date

10-10.50.010 Effective Date

- Page 10.50-1

~~A. As of the effective date of this Zoning Code, all codes, or portions of such codes, applicable to zoning, and land use within the incorporated areas of the City which are inconsistent with the provisions of this Zoning Code are hereby repealed to the extent of such inconsistency.~~

~~B~~. This Zoning Code is hereby enacted as~~and shall be~~ the zoning ordinance for the City~~,~~ and shall be ~~in full force and effect from and after its passage, the~~ effective ~~date being~~ as of 12:01 A.M., December 5, 2011, unless this Zoning Code is referred to a vote of the people, in which case it will take effect, if at all, 10 days after the election approving its adoption~~this Zoning Code~~.

This Section was written to clearly define when the new Zoning Code would become effective following the Code's adoption by the City Council on November 1, 2011. These minor amendments eliminate redundant language, change the tense to the past to reflect that the Code has been adopted and is now in effect, and to improve the readability of this Section. Paragraph A may be deleted as it is now redundant.

Proposed Amendments to the Zoning Code
City Council Public Hearing Draft
Final Planning and Zoning Commission Recommendation

Updated 9/15/2015 – post CC work session; 12/16/2015;

Chapter 10-20: Administration, Procedures and Enforcement

During the City Council's September 15, 2015 public meeting the Council discussed this chapter but did not identify the need for any required amendments. However, Council provided comments on a number of issues, and these have been added as highlighted notes into this document. A short summary of these notes is included in the table below.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-20.30.060 Neighborhood Meeting	20.30-5	F. Record of Proceedings: Include on the Application/Submittal Requirements Form that notice of the neighborhood meeting must be sent via mail and e-mail.	6
10-20.30.060 Neighborhood Meeting	20.30-5	G. Request to Waive the Second or Additional Neighborhood Meetings: Include on the Application/Submittal Requirements Form that weather and other community events may cause people not to attend.	6
10-20.30.080 Notice of Public Hearings	20.30-11	A. Notice Requirements: Include on the Application/Submittal Requirements Form that the envelope is clearly identified as important to minimize the possibility of it being considered junk mail.	8

Division 10-20.30: Common Procedures

Section 10-20.30.020 Application Process

- Page 20.30-2

B. **Application Content**

3. The Director shall specify the form and content of applications required by this Zoning Code. The Director may require supporting materials as part of the application~~,~~ including, but not limited to, legal descriptions, statements, photographs, plans, drawings, renderings, models, material samples, and other items necessary to describe the existing situation and the proposed development. The applicant is~~shall be~~ responsible for the accuracy and completeness of all information submitted to the City. The Director may waive the submission of specific material or information ~~if~~ upon a finding that ~~he finds~~ it is not needed to reach a decision on the application.

4. Prior to and as a condition of final approval of a change to any land use regulation or standard, Zoning Map amendment, or Conditional Use Permit, the Director may require the owner to execute a Waiver of Claims for Diminution in Value (City Code Title 1 (Administration), Chapter 1-17 (City Finances)) in compliance with the A.R.S. § 12-1131 through 12-1138.

(P&Z) *The amendment in paragraph 4 suggested by the P&Z Commission clarifies that the Prop 207 waiver is also required for zone changes and Conditional Use Permits. Upon further consultation with the City Attorney's office, staff recommends that the sample language used by some Valley cities (e.g. City of Buckeye) should not be inserted on the application form, and rather that a cross reference to the Zoning Code Section above should be included on this form. June 24th – Commissioner Turner stated for the record that he felt no applicant should give up their rights by signing a Proposition 207 Waiver.*

- Page 20.30-2

C. **Determination of Administrative Completeness and Substantive Review**

1. After receiving an application accompanied by the required fee (See Appendix 2 (Planning Fee Schedule)), all applications shall be reviewed in compliance with the time frames for administrative and substantive review on file with the Planning Section, as required by A.R.S. § 9-832 et.seq.

2. In order to ~~the Director shall~~ determine if the application is complete within the established administrative review period~~in compliance with the review schedule on file with the Planning Section. In order to make the completeness determination~~, the Director may submit the application to other City ~~departments or~~ divisions, as appropriate. The Director shall notify the applicant if the application is complete and has been accepted for processing. If the application is incomplete, the Director shall identify the items that must be filed to complete the application and return it to the applicant. No application will~~shall~~ be reviewed and no public hearings will~~shall~~ be scheduled until an application is determined to be complete. An applicant may appeal the Director's determination of completeness to the Community Development Director (See Section 10-20.80 (Procedures for Appeals)).

~~1.~~3. When an application has been determined to be complete, it will be considered for substantive review within the established substantive review period for the application. The Director may submit the application to other affected City divisions which shall determine whether the application complies with pertinent standards and regulations. An applicant may appeal a determination of the Director to the Board of Adjustment as set forth in Section 10-20.80.020 (Appeals of Interpretations by the Zoning Code Administrator and Director).

The amendments proposed in this Subsection are necessary in order to ensure that the requirements of A.R.S. § 9.852 et. seq. as approved by the state legislature in SB1598 (The Regulatory Bill of Rights), and as updated by HB2443 in the 2013 legislative session, are included in the Zoning Code.

- Page 20.30-3

E. **Availability of Materials**

Applications and supporting materials are public records pursuant to A.R.S. § 39-121 through 39-128. Public records may be reviewed and copied upon request during normal business hours, unless protected from disclosure. The applicant shall clearly label each page of copyrighted or trademarked materials (e.g., ©, ®, TM) and such materials will be available for public inspection, but copyrighted materials will not be copied.

***(P&Z)**: As a result of the Commission's discussion on this topic, the previous language offered by staff has been replaced by the new text suggested above that more clearly addresses under what conditions materials submitted in support of a development application may be made available for public inspection. The amendment is consistent with similar provisions in most Arizona city's zoning codes.*

10-20.30.050 Concept Plan Review

- Page 20.30-4

A. **Purpose**

~~Concept Plan Review is required for all developments requiring Site Plan Review and Approval (Section 10-20.40.140).~~ Concept Plan Review is an informal review to ensure that the applicant is aware of the procedures and substantive requirements of the City, and to identify any potential problems or concerns prior to submitting for Site Plan Review and Approval (Section 10-20.40.140).

B. **Applicability**

Concept Plan Review is required for the following:

1. All developments requiring Site Plan Review and Approval (Section 10-20.40.140);

2. Any change of use that triggers an increase in required parking;

3. A proposed duplex;

4. Non-structural remodeling of an exterior façade; and

~~1.~~5. A proposed single-family residence located on a parcel that is not part of a platted subdivision.

This amendment which adds an Applicability section is necessary in order to expand the list of new developments that are subject to Concept Plan Review consistent with staff's current practices. In an attempt to simplify the development review process, provide a higher level of customer service, and reduce costs to new development, when it is appropriate to do so staff guides new development through the Concept Plan Review process rather than more time consuming Site Plan Review process. Subparagraph #5 is included as new homes in unplatted areas of the City (e.g. Rain Valley) may require the coordination of infrastructure and other conditions, such as the need for a cistern, non-combustible construction, or the construction of a fire access road. The concept plan review provides the home owner with early notice of issues that need to be addressed, of which they may not have been aware. Renumber all following Subsections.

C~~B~~. **Application for Concept Plan Review**

2. **Application Review**
Upon receipt of an application, the Director shall refer the Concept Plan application to any applicable departments or agencies, which shall review the application for compliance with City standards and regulations. The Director, in compliance with the Review Schedule on file with the Planning Section, shall provide conditions and comments to the applicant~~, in compliance with the Review Schedule on file with the Planning Section~~. Major developments (i.e. those over 20,000 square feet in gross floor area or over 50 dwelling units) may be scheduled for a longer review period.

10-20.30.060 Neighborhood Meeting

- Page 20.30-5

A. **Neighborhood Meetings Required**

1. Applicants for a General Plan amendment, Specific Plan amendment, Zoning Map amendment~~s~~, Conditional Use Permit, annexation or change of use within the PF (Public Facility) Zone shall schedule and conduct at least two neighborhood meetings in compliance with this Section. The applicant is responsible for all costs associated with the neighborhood meetings.

2. The Director may waive the requirement for ~~a~~ neighborhood meetings if it can be demonstrated that there are a limited number of property owners adjacent to the subject property and that other techniques for informing them of the application would be more effective, such as direct mailing with information on the application or one-on-one meetings with affected property owners.

This amendment adds an additional level for citizen engagement and public outreach by requiring applicants for the processes listed to hold at least two neighborhood meetings. Currently only one is required, but the Director may require an additional meeting if substantial changes are proposed after the first meeting was held. As described in Subsection G. below, the requirement for the second neighborhood meeting may be waived if there were no substantive issues raised by the meeting participants or there was minimal public participation in the initial meeting.

C. **Neighborhood Meeting Planning**

1. The applicant's neighborhood meetings shall be scheduled ...

2. A plan for how the applicant intends to conduct the neighborhood meetings shall be submitted ...

   a. Property owners, citizens, jurisdictions and public agencies within 300 feet of the development or that may be affected by the application. The Director may expand the required notification area as stipulated in Paragraph D.3 below;

Consistent with commonly applied practice, the amendment in paragraph 3 codifies that the Director may 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. For example, this is important in areas of the City where parcels are large.

D. **Neighborhood Meeting Notification**

3. Notify by first-class mail all property owners of record within 300 feet of the subject property. Notification within a larger area may be required when ~~,~~ ~~unless~~ the General Plan or other applicable adopted City policy (See Section 10-20.30.070 (Additional Requirements for Citizen Outreach) for example) stipulates ~~requires~~ notification within a larger area. The Director may also expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary;

4. Notify by first-class mail to the situs or actual address of all tenants and residents living on the subject property;

5~~4~~. Notify by first-class mail all Homeowners Associations (HOAs) that govern land within 1,000 feet of the subject property as well as all persons or groups whose names are on the Registry of Persons and Groups described in Section 10-20.30.080.B who are interested in receiving such notice. If it is determined that the potential impact of the development extends beyond the required notification boundary, the Director may expand the notification area; and

Consistent with commonly applied practice, the amendment in paragraph 3 codifies that the Director may 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. For example, this is important in areas of the City where parcels are large.
***(P&Z)**: The amendment in paragraph 4 is in response to public comment provided at the June 10th public hearing. It ensures 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.*

E. **City Staff Involvement**

City staff may attend the neighborhood meetings. The role of City staff ...

F. **Record of Proceedings**

The applicant shall create a written summary of the meetings, which shall be submitted ~~filed with the Director~~with the next formal submission to the Director. This written summary will be attached to the director's report to the Planning and Zoning Commission and City Council. At a minimum, the report shall include the following information:

4. The applicant shall also send a copy of the written summary to all the people who recorded their names on the sign-in sheet for the meeting.

This amendment requires the applicant to also send a copy of the written summary to all meeting attendees who signed-in so that they can be informed of how the applicant recorded their comments and concerns. ***Note to staff – Council Comment:*** *Ensure that the written summary (and indeed the notice announcing the neighborhood meeting) is sent via mail and email as not all residents may have access to email. Add to submittal requirements/application form. Also, include on the submittal requirements/application form a description of what should be included in the written summary of the meeting and what is expected to ensure it is comprehensive.*

G. **Request to Waive the Second or Additional Neighborhood Meetings**

An applicant may submit a written request to the~~The~~ Director to waive the requirement for the second or ~~may require that~~ any ~~one or more~~ additional neighborhood meetings if either no substantive issues were identified by the meeting participants, including but not limited to, density, compatibility, traffic or stormwater issues, or there was minimal participation at the initial neighborhood meeting as documented in the record of proceedings described in Subsection F.~~be held~~. If the application is substantially modified from what was presented at the initial neighborhood meeting, the Director shall~~may~~ require ~~that~~ a second or additional neighborhood meetings in compliance with this Section be held to present the modified application.

This amendment allows the applicant to waive the requirement for the second neighborhood meeting provided there were no substantive issues raised by the meeting participants or there was minimal public participation (recommendation from the P&Z Commission) in the initial meeting. ***Note to staff – Council Comment:*** *Be thoughtful about when there is minimal public participation and consider influences that may cause people not to attend – weather, other events, etc. Add to submittal requirements/application form.*

10-20.30.070 Additional Requirements for Citizen Outreach

- Page 20.30-8

A. **Applicability**

This Section shall apply, in addition to those requirements established in Section 10-20.30.060 (Neighborhood Meeting), to the following developments for which a Zoning Map or General Plan amendment is required:

1. New single-family or multi-family residential developments that exceed 300 units; or

2. New commercial, industrial, and public facility developments that exceed 20 acres or 100,000 square feet of gross floor area.

This amendment is necessary to ensure that industrial and public facility developments are also included in the additional requirements for citizen outreach.

10-20.30.080 Notice of Public Hearings

- Page 20.30-11

A. **Notice Requirements**

3. **Manner of Notification**

Notices of required public hearing shall be sent by first-class mail to the following persons:

b. Each real property owner (if different from the applicant) as shown on the last assessment of the property of any land which is located within 300 feet of the property subject to the application for which the public hearing is required. The Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary.

c. The situs or actual address of all tenants and residents living on the subject property.

d. All local government agencies which have reviewed and commented on the proposed development or Zoning Map amendment or which abut the subject property.

Consistent with commonly applied practice, the amendment in Paragraph 3.b. codifies that the Director may 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. For example, this is important in areas of the City where parcels are large.
The amendment in Paragraph 3.c. ensures that tenants and residents on the subject property are informed of the public hearing through their situs address (i.e. the actual address of the property established by the County Assessor's Office).

5. **Responsibility for Providing Notice**

a. The Director~~City~~ shall be responsible for placing the public hearing notices required by this Section in a newspaper of general circulation within the City.

b. The applicant ~~City~~ shall post the notice(s)~~,~~ as required by this Section on the subject property. ~~, and t~~The applicant is ~~hall be~~ required to maintain the posting and remove the sign within seven days after the public hearing and final action. Failure to remove the sign may~~shall~~ result in the City removing the sign and ~~a~~ charging~~e~~ ~~to~~ the applicant for costs incurred. The applicant shall submit a notarized Affidavit of Posting and photographs of the signs posted on the subject property to the Director no less than 15 days prior to the public hearing date.

c. If notice is required to be provided by mail, the applicant is ~~hall be~~ responsible for ~~providing the City with~~ establishing a list of names and addresses of property owners in compliance with the requirements of Section 10-20.30.060.D.3 and 4~~within 300 feet of the subject property~~, as well as the names and situs addresses of all tenants and residents living

on the subject property, in compliance with this Section. The applicant ~~In addition, the applicant~~ shall mail a public hearing notice to each of the ~~provide a stamped, pre-addressed No. 10 envelope (approximately 4-1/4" x 9-1/2") for each~~ property owners on the list referenced above no later than 15 days prior to the public hearing date. -A notarized copy of the mailing list shall be submitted to the Director prior to or on the fifteenth day prior to the public hearing date.

~~c.~~d. Failure to provide the documentation described in Subparagraphs b. and c. above will result in continuance of the case to the next available public hearing date.~~a complete list or the associated envelopes shall constitute an incomplete application and will delay the public hearing. The City shall be responsible for mailing the required notices.~~

These suggested amendments place the responsibility on the applicant for posting a subject property and sending notices to surrounding property owners. This approach has been implemented by the City of Buckeye for some years now and other Valley cities. By so doing there is less exposure and risk to staff, and will save staff time when processing the application. Note that staff will continue to be responsible for writing the legal notice to be published in the newspaper. Staff will provide a copy of this legal notice to the applicant to be mailed to surrounding property owners as required in Paragraph c. If this amendment is adopted, the City's application forms will be updated to provide useful information to an applicant, including for example, how to develop the list of property owners and how best to install the signs on the property. The amendment also ensures that any persons residing on the subject property are also informed of the upcoming public hearing.
***(P&Z)** At the June 10th public hearing it was suggested that consideration should be given to also providing notice via prevailing technological means, such as the use of QR Codes, Facebook, the city's webpage, etc. Staff agrees, and suggests that instead of incorporating this idea into the Zoning Code, staff's processes and procedures will be updated to include this information.*
One consideration with the amendment proposed above that requires an applicant to mail the legal notices and post the property is that the fee schedule should be revised as these costs are already assumed in the current fee schedule. When the Council reviews proposed changes to the fee schedule in the coming months, this issue will be discussed at that time.
***Note to staff – Council Comment:** Ensure that the envelopes used to mail legal notices to property owners include some statement to help identify it as an important notice so it is not discarded as junk mail. Add to submittal requirements/application form.*

10-20.30.100 Final Decisions

- Page 20.30-13

B. **Notice of Decision**

When a final decision is made by Notice of Decision, the decision made and the findings that were the basis for the decision shall be ~~described~~ documented in writing and sent via first class mail . ~~The Director shall mail the Notice of Decision~~ to the applicant at the mailing address stated in the application, and to any other person or entity requesting such notification in writing.

*Paragraph B (Notice of Decision) requires that when a final decision is made by Notice of Decision, the Director must mail the Notice of Decision to the applicant. This amendment clarifies that the Notice of Decision must be sent via first class mail to the applicant and is in response to public comments at the June 10th public hearing (**P&Z**). In addition, to sending the Notice of Decision via first class mail, the notice may also be provided to the applicant via e-mail or other means.*

10-20.30.110 Effect of Denials

- Page 20.30-13

A new application concerning property for which a previous application has been denied (i.e. it may be the same as the previous application or it may be a different proposal) may only be considered when:

A. The application does not involve the same request for Conditional Use Permit, Variance, Zone Change, Annexation, or General Plan amendment, or allege the same misinterpretation or hardships as the previous application;

B. The subsequent application involves a development proposal which is, in the opinion of the Director, materially different from prior proposals, ~~in the opinion of the Director;~~ or is responsive~~, in the opinion of the Director,~~ to negative findings set forth in the denial of the prior application;

C. A substantial change in the use of adjacent property has occurred since the previous application was denied; or

D. A period of not less than one year has passed since the previous application was denied and all appeals provided by the City have been exhausted.

This amendment is necessary because the list of applicable development applications in Paragraph A is incomplete.

Division 10-20.40: Permits and Approvals

10-20.40.010 Purpose

- Page 20.40-1

B. **Review and Approval**

The Director, in compliance with the Review Schedule on file with the Planning Section, shall review the permit application and supporting documentation for compliance with the standards provided in this Zoning Code, and shall determine whether the permit may be issued or if the applicant must supply additional information to complete the permit application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the permit application is denied, the reason shall be stated in writing.

10-20.40.030 Building Permits and Certificates of Occupancy

- Page 20.40-3

D. **Conditional Certificate of Occupancy**

1. A Conditional Certificate of Occupancy may be issued by the Director provided that:

a~~1~~. The applicant demonstrates that the incomplete components of the building and site (such as landscaping or private or public infrastructure) will not affect the public health, safety and general welfare;

b~~2~~. The applicant demonstrates that completion is impractical at the time the Certificate of Occupancy is sought due to weather or other conditions as

requested~~determined~~ by the applicant and as approved by the Director; and~~or~~

c~~3~~. The applicant secures the completion of the construction with appropriate assurances in a form acceptable to the Director and the City Attorney, and in an amount sufficient to complete the construction, as determined by the applicant and as approved by the Director.

~~4~~2. Requests for Conditional Certificates of Occupancy shall contain:

*(**P&Z**) This essentially clerical amendment corrects the numbering convention for this Subsection, and as all three of the requirements for a Conditional Certificate of Occupancy must be satisfied before it is issued, the incorrect "or" is replaced with "and". The P&Z Commission recommended the clarifying amendment in paragraph b.*

10-20.40.050 Conditional Use Permits

- Page 20.40-7

C. **Application Requirements**

1. **Pre-application Review**

2. **Application Requirements**
An application for a Conditional Use Permit shall be submitted on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process), together with the information and materials requested in the application checklist and the required fee established in Appendix 2 (Planning Fee Schedule).

3~~2~~. **Responsibility**

This amendment provides a cross-reference to the Application Process Section of the Zoning Code. All following paragraphs will be renumbered without any other text changes.

D. **Public Hearings and Procedures**

The Planning Commission shall hold a public hearing on the application for a Conditional Use Permit and shall, at the conclusion of the public hearing, approve, with or without conditions, or deny the application in compliance with the requirements for conditional uses and other applicable requirements of this Zoning Code. The public hearing shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).

This minor amendment provides a cross-reference to the notice of public hearings Section of the Zoning Code.

- Page 20.40-9

H. **Time Limits and Permit Implementation**

1. A Conditional Use Permit will~~shall~~ become null and void one year after the effective date unless one of the following has occurred:

a. A grading permit or building permit has been issued and construction commenced ~~begun~~ and diligently pursued;

b. The approved use has been established; or

c. An extension has been granted by the Planning Commission. Such extension shall ...

A grading permit has been included in subparagraph a. because some conditional uses may require approval of a grading permit before the building permit is issued. Also, this subparagraph has been amended to reflect current practice.

10-20.40.060 Development Agreements

- Page 20.40-12

C. **Consideration and Decision**

1. **Staff Responsibilities**

a. The Director in consultation with the City Attorney shall direct the negotiations with the applicant regarding terms of the development agreement.

~~a.~~b. At such time as impact analyses are accepted by the City Engineer or Utilities Director, negotiations with the applicant regarding the terms of the development agreement may commence. An applicant shall provide a list of conditions, requirements, and stipulations to be included in a development agreement.

~~b.~~c. Once negotiations are completed, the Director shall schedule the proposed development agreement for approval by the Council in compliance with this Division.

This amendment resolves a gap in the current Zoning Code by clearly stating at what stage of the project's review the terms of the development agreement may be negotiated.

10-20.40.070 Home Occupation Permits

- Page 20.40-14

B. **Review and Final Decision**

1. The Director shall review the Home Occupation Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of the Zoning Code.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code.

2. The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Home Occupation Permit can be issued or if additional information is required from the applicant to complete the application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the Home Occupation Permit application is denied, the reason shall be stated in writing.

10-20.40.080 Minor Improvement Permits

- Page 20.40-15

B. **Review and Final Decision**

1. The Director shall review the Minor Improvement Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of the Zoning Code.

This amendment provides a cross-reference to Application Process Section of the Zoning Code.

2. The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Minor Improvement Permit can be issued or if additional information is required from the applicant to complete the application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the application is denied, the reason shall be stated in writing.

10-20.40.090 Minor Modifications to Development Standards

- Page 20.40-15

B. **Applicability**

~~1.~~ The ~~Director or~~ Zoning Code Administrator may approve a Minor Modification for only those items specified in Table A (Types of Minor Modifications Allowed), and only after first making the findings specified in Subsection D.3, below.

~~2. In addition, the Director may approve Minor Modifications to site plans associated with Zoning Map amendments provided that the modifications will not cause any of the following circumstances to occur:~~

~~a. A change in the character of the development;~~

~~b. A significant increase in impacts on utility infrastructure, as well as traffic on roadways adjacent or external to the development;~~

~~c. A change in the external impacts on adjacent property; and~~

~~d. A reduction in the originally approved setbacks from property lines, or modification of structure height.~~

In order to ensure consistency of interpretation and ease of record keeping the Zoning Code Administrator should be the only staff person approving Minor Modifications. As described below, the Planning Director will retain the authority to approve minor modifications to site plans.

This Subsection regarding modifications to site plans was incorrectly placed in Section 10-20.40.090 (Minor Modifications to Development Standards) and instead should be inserted into Section 10-20.40.140 (Site Plan Review and Approval).

Table 10-20.40.090.A: Types of Minor Modifications Allowed

- Page 20.40-16

Types of Minor Modifications Allowed	Maximum Modification
16. To encourage the development of housing units for disabled persons with limited mobility, ~~the Director may allow~~ a reasonable deviation from the prescribed standards of Chapter 10-40 (Specific to Zones) where necessary to install features that facilitate access and mobility of disabled persons may be allowed.	Determined on a case-by-case basis

This minor amendment is suggested to ensure consistency with the preceding amendment in which the Zoning Code Administrator will be responsible for the review of all minor modifications to development standards.

- Page 20.40-17
  Insert as new rows in this table:

Types of Minor Modifications Allowed	Maximum Modification
22. To encourage the preservation of existing healthy trees located more than 25 feet from a building foundation (Section 10-50.60.050.A.1)	100%
23. To encourage the use of passive solar designs and other sustainable practices, a reasonable deviation from the prescribed standards of Chapter 10-40 (Specific to Zones) where necessary to promote energy conservation may be allowed.	Determined on a case-by-case basis
24. A modification of Section 10-40.60.160 (Drive-through Retail), Subsections C.1 through C.5 only, to provide flexibility in the application of these standards when unique site circumstances exist.	Determined on a case-by-case basis
25. A modification of Subsection 10-50.20.030.B.7 (Windows) to allow the use of alternative window design and placement when warranted by unusual site circumstances and the development's context.	Determined on a case-by-case basis
26. A modification of Table 10-40.60.250.A (Site Layout and Development Design Standards). Factors to be considered include: the width and character of the street; if the site is located within a floodplain; if site conditions such as changes in topography make providing pedestrian accessibility difficult; if there is vacant property or existing non-commercial uses on the opposite side of the street; or if the mixed-use development is proposed on a through lot between two primary streets and commercial uses are only appropriate on one such primary street.	Determined on a case-by-case basis

*These amendments provide flexibility to a developer to address circumstances where it may not be possible to meet the standard to allow credits for existing healthy trees, promote energy conservation, provide flexibility for drive-through retail facilities, and allow for alternative window placement and design solutions (**P&Z**).*
*(**P&Z**) – June 10th public hearing: The standard for required commercial space on the ground floor of a mixed use building (#26 in the table above) has been added to this Section so that it may be modified subject to specified criteria. Also, modifications to the site layout and development design standards have been added to the table (#26 above).*
NOTE – rearrange this table so that the standards listed within it are listed in the order they are found in the Zoning Code.

- Page 20.40-17

C. **Decision by the ~~Director or~~ Zoning Code Administrator**
The ~~Director or~~ Zoning Code Administrator may approve Minor Modifications

in compliance with Subsection B above~~,~~ or may ~~defer making a decision and instead~~ refer the application to the Board of Adjustment for review and final decision~~,~~ in compliance with this Section.

Consistent with the amendment proposed in Subsection B. (Applicability) above, in order to ensure consistency of interpretation and ease of record keeping the Zoning Code Administrator should be the only staff person approving minor modifications to development standards.

Ensure that this same change is also completed in Subsection D. (Review and Final Decision) in paragraphs 1, 2, 3, and 5.

D. **Review and Final Decision**

1. The ~~Director or~~ Zoning Code Administrator in compliance with Subsection B above shall review the application for a Minor Modification and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of this Zoning Code. A public hearing shall not be required for the decision on a Minor Modification.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code.

10-20.40.100 Outdoor Lighting Permits

- Page 20.40-19

B. **Review and Final Decision~~s~~**

The Director shall review the application ~~determine whether the~~ for an Outdoor Lighting Permit and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of this Zoning Code. The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Outdoor Lighting Permit may be issued or if additional information is required from the applicant ~~to complete the permit application in compliance with the Review Schedule on file with the Planning Section~~. If the Outdoor Lighting Permit application is denied, the reason shall be stated in writing.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

10-20.40.110 Parking Lot Maintenance Permits

- Page 20.40-20

C. **Review and Final Decision**

1. The Director, in compliance with the Review Schedule on file with the Planning Section, shall review the Parking Lot Maintenance Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of this Zoning Code. To the maximum extent feasible, existing nonconforming parking areas constructed prior to the effective date of this Zoning Code should be restriped consistent with the applicable provisions of Division 10-50.80 (Parking Standards).

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

10-20.40.120 Sign Permits – Permanent Signs

- Page 20.40-21

D. **Review and Approval**

1. **Review**

The Director shall review the Sign Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the standards of Division 10-50.100 (Sign Standards).

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

2. **Determination**

The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Sign Permit may be issued or if additional information is required from the applicant to complete the permit application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the Sign Permit application is denied, the reason shall be stated in writing.

10-20.40.130 Sign Permits – Temporary Signs

- Page 20.40-24

D. **Review and Approval**

2. **Review**

The Director shall review the Temporary Sign Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the standards of Section 10-50.100.070 (Temporary Signs).

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

3. **Determination**

The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Temporary Sign Permit may be issued or if additional information is required from the applicant to complete the permit application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the Temporary Sign Permit application is denied, the reason shall be stated in writing.

10-20.40.140 Site Plan Review and Approval

- Page 20.40-25

B. **Applicability**

1. **Site Plan Review**

Site Plan Review and Approval shall be required for all authorized uses, changes of use and approved conditional uses ~~as determined by the Director~~ in any Zone, except for the following;

a. Detached single-family dwellings (up to two on one lot or parcel, where permitted by the Zone, including a proposed single-family residence located on a parcel that is not part of a platted subdivision), duplexes, and related accessory uses and buildings in approved subdivisions;

b. Interior tenant alterations or improvements which do not affect parking requirements or exterior building appearance;

c. Nonstructural remodeling of a building facade treatment; and

d. Sign permits for properties not otherwise subject to site plan review.

(P&Z) *This amendment clarifies that site plan review and approval is not needed for either a single-family home located on a parcel that is not part of a platted subdivision or a duplex (added by the P&Z Commission).*

- Page 20.40-25

C. **Application for Site Plan Review**

1. **Application Requirements**

An application for a Site Plan Review shall be submitted on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process), together with the information and materials requested in the Site Plan Review application checklist and the required fee established in Appendix 2 (Planning Fee Schedule).

Paragraph 1., Application Requirements, is commonly included in the Zoning Code but was inadvertently omitted from the first version of the Code. All following paragraphs will be renumbered without any other text changes.

~~1~~2. **Standards of Review**

- Page 20.40-26

~~2~~3. **Application Review**

a. **Receipt of Application**

(1) Upon receipt of an application for Site Plan Review, the Director in compliance with the Review Schedule on file with the Planning Section shall refer it ~~the Site Plan Review application~~ to any affected departments or agencies, which shall determine whether the application complies with pertinent City standards and regulations.

(2) The review and administrative approval of charter schools shall be conducted on an expedited basis in compliance with A.R.S. § 15-189.01 to allow for a public hearing or appeal to the Board of Adjustment (See Division 10-20.80 (Procedures for Appeals)).

This amendment is required to ensure that the requirements of A.R.S. § 15-189.01 are included in the Zoning Code to allow for expedited review for charter schools.

b. **Minor Modifications to Site Plans Associated with Zoning Map Amendments**

The Director may approve Minor Modifications to site plans associated with Zoning Map amendments provided that the modifications will not cause any of the following to occur:

(1) A change in the character of the development;

(2) A significant increase in impacts on utility infrastructure or traffic on roadways adjacent or external to the development;

(3) A change in the external impacts on adjacent property; or

(4) A reduction in the originally approved setbacks from property lines or modification of structure height.

This Subsection regarding modifications to site plans was incorrectly placed in Section 10-20.40.090 (Minor Modifications to Development Standards) and has been moved into Section 10-20.40.140 (Site Plan Review and Approval) where it is more logically placed. All following paragraphs will be renumbered without any other text changes.

10-20.40.150 Temporary Use Permits

- Page 20.40-29

B. **Review and Final Decision**

1. The Director shall review the Temporary Use Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of Section 10-20.40.150 (Temporary Use Permits).

2. The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Temporary Use Permit can be issued or if additional information is required from the applicant to complete the application. If the application is denied, the reason shall be stated in writing.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter. Renumber all following Subsections.

- Page 20.40-29

~~B~~C. **Time Limits**

1. Unless otherwise provided for in Subsection ~~C~~D below, a Temporary Use Permit shall be valid for up to 180 days in any given calendar year.

2. The same temporary use may only be established at a maximum of three different locations, each for a maximum of 180 days in any given calendar year (~~i.e. a total of 18 months maximum~~).

This amendment clarifies that the 180 day time frame is counted within a calendar year.

- Page 20.40.30

~~C~~D.3 **Food Vendors**

a. The food vendor shall provide written authorization from the private property owner(s) or property management company(s) representing the

property owner(s) to utilize the property on which they intend to locate. No food vendor shall be permitted to operate on more than five~~three~~ properties within a calendar year.

Staff recommends that the number of locations where mobile food vendors may be located should be increased to five consistent with the way a number of these vendors operate. This will allow them to cover more of the City in approved locations, provide additional options for food service, and hopefully increase their sales.

c. The location of the vendor's equipment, structures and display(s) shall be a minimum of 10 feet inside the ~~private~~ property line and shall conform to an approved site drawing.

The word "private" may be removed from this sentence as it is unnecessary.

h. Temporary food vendors that operate within the City for a total of 60 days or less per calendar year at a single or multiple locations may continue to use the same location(s) for subsequent calendar years.

i. Temporary food vendors whose business is ~~seasonal (i.e.~~ limited to a maximum of nine months per calendar year~~)~~ that operate within the City for more than 61 days per calendar year at a single or multiple locations shall be limited to two consecutive years at the same location(s). A one-time extension of the Temporary Use Permit may be granted for a maximum of one additional year. When issuing a renewal of a Temporary Use Permit, the Director shall ensure that the following conditions are satisfied:

The word "seasonal" can be removed from this sentence as it is unneeded and has caused confusion.

- Page 20.40-32

D~~C~~.4 **Merchandise and Service Vendors**

c. The location of the vendor's equipment, structures and display(s) shall be a minimum of 10 feet inside the ~~private~~ property line and shall conform to an approved site drawing.

The word "private" may be removed from this sentence as it is unnecessary.

- Page 20.40-35

D~~C~~. **Allowed Temporary Uses**

13. **Temporary Occupancy of a Recreational Vehicle**

In any residential zone with a lot or parcel area of at least 0.5 acre, a recreational vehicle may be used as a temporary residence while a new single-family home is under construction subject to the following conditions:

a. Only the property owner may live in a recreational vehicle while the new residence is under construction. As soon as construction has been concluded (i.e. a Certificate of Occupancy has been issued), the

recreational vehicle must be vacated and the owners must move into the completed residence;

b. The construction of the residence must be diligently pursued to completion, i.e. the residence must be constructed within the typical time frame for constructing such a building. If the residence is not completed within a reasonable period of time the Temporary Use Permit allowing temporary residence may be terminated by the Zoning Code Administrator.

14~~3~~. **Similar Temporary Activities**
The Director may authorize other temporary activities that are similar to the ~~other~~ activities listed in this Subsection and that are compatible with the applicable zone and surrounding land uses.

City staff has frequently been asked whether an RV may be occupied while a residence is under construction. Two sections of the Zoning Code support a decision to allow this temporary use subject to approval of a Temporary Use Permit – 10-20.40.150.A (Purpose) and 10-20.40.150.C.13 (Similar Temporary Activities). This amendment further addresses and clarifies this issue.

10-20.40.160 Zoning Verification

- Page 20.40-36

A. **Purpose**
Zoning Verification Letters may be requested from the Director by a property owner or a representative for a property owner who is seeking verification of the zoning status for a property. Other associated information may also be requested and provided, if available, such as any development approvals granted by the City, existing nonconformities or violations.

B. **Process for Review**
Upon receipt of a complete zoning verification request, the Director, in compliance with the Review Schedule on file with the Planning Section, shall:

Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map

10-20.50.040 Procedures

- Page 20.50-2

B. **Citizen Review**
All applications to amend the text of this Zoning Code or the Zoning Map shall include a process for ~~be subject to a~~ citizen participation~~review process~~. ~~The Director may establish additional procedures for the citizen review process. The c~~Citizen participation ~~review process~~ shall, at a minimum, consist of a Neighborhood Meeting or a work session of the Planning Commission, as set forth below. The Director may implement additional procedures for citizen participation.

1. **Zoning Map Amendments**
The applicant shall schedule and conduct a Neighborhood Meeting in compliance with the procedures set forth in Section 10-20.30.060

(Neighborhood Meeting). For requests to designate property as a Landmark, Historic Property or Historic District a public meeting of the Heritage Preservation Commission held prior to any public hearing on the request shall satisfy the requirement for a Neighborhood Meeting.

2. **Text Amendments to this Zoning Code**

a. A citizen review session shall be held at the~~a~~ Planning Commission work session that is scheduled for the consideration of any proposed text amendment. ~~in compliance with the Review Schedule on file with the Planning Section~~. ~~A work session of the Heritage Preservation Commission on a request to designate property as a Landmark, Historic Property or Historic District held prior to any public hearing on the request shall satisfy the requirement for a citizen review session.~~ Landowners and other citizens potentially affected by the proposed text amendment will~~shall~~ have an opportunity to comment on the proposed text amendment~~al~~.

This amendment eliminates the term "citizen review process" which has caused some confusion, and instead refers to what is really intended by this phrase, "citizen participation". The confusion between a work session and a public meeting of the Heritage Preservation Commission is also corrected to correctly refer to the requirement for a neighborhood meeting, rather than a citizen review session.

- Page 20.50-4

C.2.c. **Large Scale Zoning Map Amendments**

These are applications for Zoning Map amendments that meet the following thresholds:

(1) Include residential developments over 100 units, or all commercial developments over 50,000 sq. ft. or 15 acres, or all industrial and research and development uses over 150,000 sq. ft. or 20 acres; or

(2) Require a major amendment to the General Plan as defined in Section 11-10.20.020 (Major Plan Amendments and New Elements).

For such applications, the minimum submittal requirements for a concept zoning plan are required, as well as infrastructure analyses as required by the *Engineering Standards*. Compliance with the requirements of Section 10-20.30.070 (Additional Requirements for Citizen Outreach) may also be required depending on the size of the proposed development. In addition a development agreement ~~(See Section 10-20.40.060 (Development Agreements)) is required~~ that~~o~~ defines applicant/City obligations such as offsite infrastructure improvements, affordable housing, or open space is required to be submitted at such time as impact analyses have been accepted by the City Engineer or Utilities Director (See Section 10-20.40.060 (Development Agreements)).

These amendments provide a cross reference to the Additional Requirements for Citizen Outreach and Development Agreement Sections of the Code.

10-20.50.040 Procedures

- Page 20.50-9

M. **Protest Procedures**

A protest against a proposed amendment may be filed in writing by~~If~~ the owners of 20 percent or more of~~,~~ either;

1. ~~of t~~The area of the parcel(s) of land included in the proposed zoning map amendment~~,~~; or

2. The area of those parcel(s) of land immediately adjacent in the rear or any side of the subject property(ies) extending 150 feet from the subject property(ies)~~,~~; or

3. The area of those parcel(s) of land directly opposite the subject property(ies) extending 150 feet from the street frontage of the opposite parcels of land.~~, file a protest in writing against a proposed amendment~~

Such protest shall be hand-delivered to the City Clerk by no later than 12:00 noon five business days after the City Council first considers the application at a public hearing.~~,~~ If a timely protest is filed, the amendment shall not become effective except by a favorable vote of three-fourths of all members of the Council. If any member of the Council is unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.

Most Arizona cities include language in their Codes that prescribe the time frame within which a protest of a proposed zone change application should be filed with the City. This amendment is, therefore, proposed as the City Clerk agrees that the Flagstaff Zoning Code should have a similar provision.

- Page 20.50-10

N. **Conditions of Approval**

2. Such conditions of approval may include, but are not limited to:

c. Limitations on the height, setbacks, FAR, or other standards specific to the approved Zone which are more restrictive than the applicable requirements of Division 10-40.30 (Non-Transect Zones) or 10-40.40 (Transect Zones);

h. A stipulation that if the subject property is not located within the Resource Protection Overlay Zone (see Section 10-40.50.030 (Overlay Zones)), then compliance with the resource protection standards established in Division 10-50.90 (Resource Protection Standards) is required.

The amendment in paragraph c. is suggested to also include transect zones. The amendment in subparagraph h. was suggested by the former Planning Director and staff. It allows a condition of

approval to be added that would require compliance with Division 10-50.90 (Resource Protection Standards) when a zone change is requested in areas of the City that are not subject to the Resource Protection Overlay Zone.

Division 10-20.60: Nonconforming Provisions

10-20.60.010 Purpose

- Page 20.60-1

A. **Purpose**
This Division provides regulations for nonconforming land uses, structures, parcels, landscaping, manufactured home parks, parking, signs, and outdoor lights that were lawful before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated or restricted differently in compliance with the current regulations.

This minor amendment completes the list of nonconforming issues included within in this Division.

10-20.60.070 Nonconforming Manufactured Home Parks

- Page 20.60-5

A. Existing manufactured home parks located outside of the MH Zone prior to the effective date of this Zoning Code are considered legal nonconforming uses. All new or replaced manufactured home units placed within legal nonconforming manufactured home parks shall meet the standards ~~of Section 10-40.60.210 (Manufactured Home) and the standards~~ provided in Subsection C below.

The reference to the standards in Section 10-40.60.210 is incorrect as the standards regarding separation between manufactured homes are already established in Subsection C.

B. A nonconforming manufactured home may be replaced by ~~a travel trailer or a recreational vehicle that has dimensions of eight feet by 32 feet or greater, or~~ a park home permitted in accordance with Building Code requirements.

Staff suggests that it is not appropriate to allow travel trailers or RVs to replace nonconforming manufactured homes.

10-20.60.090 Nonconforming Parcels or Lots

- Page 20.60-7

B. **Subdivision of a Nonconforming Parcel or Lot**

3. Owners of single, nonconforming lots or parcels, or lots or parcels combined in compliance with Subsection 2 above that are nonconforming, may be granted a Building Permit upon approval by the Director. In granting the approval, the Director may authorize only development that complies with all relevant zoning requirements, except for minimum area requirements for the parcel and its dimensions. ~~The lots or parcels described in Subsection 4 below shall not be eligible for a Building Permit.~~

The last sentence of this paragraph should be deleted as it is unnecessary because Subsection 4 was deleted at the time of the Code's adoption.

Proposed Amendments to the Zoning Code
City Council Public Hearing Draft
Final Planning and Zoning Commission Recommendation

Updated: 9/16/2015; 12/16/2015;

Chapter 10-30: General to All

During the City Council's December 15, 2015 public meeting the Council discussed this chapter and provided policy direction on a number of specific sections as summarized in the table below. This table also summarizes other minor technical amendments identified by staff. All new proposed amendments are highlighted throughout this document.

Note that Division 10-30.30 (Heritage Preservation) is included in a separate document. The Council did not provide any policy direction on amendments in this Division.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-30.50.010 Purpose	30.50-1	**Council –** Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	2
10-30.50.020 Responsibilities	30.50-1	**Council –** Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	3
10-30.50.030 Public Improvements Defined	30.50-1	**Council –** Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	3
10-30.50.060 Minimum Requirements	30.50-3	**Council –** Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	3
10-30.60.060 Building Placement	--	**Council –** New section based on former standards in the LDC establishing standards for building placement. Updated to reflect Council and citizen comments.	14
10-30.70.040 Minimum Standards	30.70-3	**Staff** – Clarifies how the HERS reference home rating is applied.	18

Division 10-30.20: Affordable Housing Incentives

10-30.20.040 Affordable Housing Incentives

- Page 30.20-7

3. **Parking Incentives**
   a. The number of required parking spaces for affordable housing is reduced as specified in Table 10-50.80.040.A (Number of Motor Vehicle Parking Spaces Required); and,

   b. Modifications to parking requirements for affordable housing developments within one-quarter mile of a transit stop may be reduced up to 15 percent~~ in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)~~.

4. **Adjustment of Building Form Standards**
   a. Affordable housing can utilize Planned Residential Development (Section 10-40.60.250) in any zone to provide flexibility in the application of building form requirements and to increase the potential building types.

   b. Minor modifications to building form standards for affordable housing developments (e.g. setbacks, height, coverage, area, lot size, or other lot requirements) may be modified up to 15 percent~~ in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)~~.

5. **Landscaping Standards Reductions**
   Minor modifications to landscaping standards for affordable housing developments may be reduced by no more than 10 percent~~ in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)~~.

   Staff recommends that the phrase "in compliance with Section 10-20.40.090 (Minor Modifications to Development Standards)" should be deleted from these Subsections. The rationale for this recommendation is that this Section provides incentives for affordable housing projects and, therefore, they should not be subject to the standards for granting a minor modification which are based on hardship or unusual site circumstances.

10-30.20.050 Density Bonus

- Page 30.20-7

C. In determining the number of density bonus units to be granted pursuant to this Section, before the density bonus is added the maximum residential density for the site shall be multiplied by the percentage of density bonus listed in Table A (Percentage of Affordable Units and Corresponding Density Bonus), below, based on the percentage of affordable units provided for each category. All density calculations resulting in fractional units shall be rounded ~~up~~ to the next whole number. For example:

   For a site that has a maximum density of 100 units and provides 12 units (12 percent) affordable to category 2 households, the density bonus would be 22~~11~~ percent. The density bonus would be calculated as: 100 x .22~~11~~ = 22~~11~~ units. The total units constructed would be 122~~11~~ units (100 units + 22~~11~~ density bonus units).

The density bonus calculation used as an example here is incorrect – the allowed density bonus from Table 10-30.20.050.A. for 12% affordable units results in a 22% density bonus, not 11% as stated in the example.

Division 10-30.30: Heritage Preservation

The amendments in this Division are included in a separate document.

Division 10-30.50: Public Improvements

10-30.50.010 Purpose

- Page 30.50-1

  It is the intent and purpose of this Section to set forth the minimum acceptable standards for public improvements that are required to mitigate the impacts of new development as determined by an appropriate impact study (see Section 10-30.50.060); to define the responsibility of the applicant in planning, constructing and financing public improvements; and to set forth the City's responsibilities in the review and acceptance of public improvements.

  This minor amendment provides an important clarifying cross reference when public improvements are required to mitigate the impacts of new development.

10-30.50.020 Responsibilities

- Page 30.50-1

  This responsibilities Section has been divided into two parts – responsibilities associated with all subdivisions, and responsibilities associated with all other development.

  A. **Responsibilities – All Single-family Residential Subdivisions**

  1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with and required to mitigate the impacts of the subdivision of land, unless a Development Agreement specifically provides otherwise.

  2. The applicant must have an engineer registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans shall be based on the approved preliminary plat, zoning case, and/or staff approved stipulations. The applicant must prepare these plans in conjunction with and in conformance to the subdivision plat.

  3. The Building Official may only accept a Building Permit application for review no less than 30 days after the final plat for the subdivision has been recorded subject to the provisions of City Code Section 11-20.70.030.G. When the Building Permit is ready to be issued, a condition of its approval shall state that construction activity authorized by the Building Permit may not commence until any uncompleted streets to be used by construction or residential traffic satisfy the requirements of Section 13-10-013-0001 (Use of Uncompleted Streets within a Subdivision) in the *Engineering Standards*. Such Building Permit application shall be submitted at the applicant's risk, and the City will not be responsible for delays in the issuance of the permit or increases in applicable fees including, but

not limited to, changes required to the submitted plans as a result of Building Code amendments that may be in effect.

This amendment allows a building permit to be accepted 30 working days after the final plat for a subdivision has been recorded. The 30 day time period is based on the time needed for parcel numbers to be released from the County and entered into the City's permit tracking software and GIS. It requires a condition of approval of the permit stating that construction may only commence once compliance with Section 13-10-013-0001 of the Engineering Standards has been achieved. Staff acknowledges this is unusually early in the process of constructing a subdivision, (most cities only accept building permits after a subdivision has been completed and accepted), yet it provides an opportunity for home builders to submit their plans for review so that they can be ready for issuance and construction started in a more timely manner than if they waited for the subdivision to be completed and accepted. It is staff's experience that this is particularly important in Flagstaff because of the short construction season that is typical here.

4. The applicant shall be responsible for ensuring that all public improvements are constructed in compliance with applicable federal, state, county, and City requirements. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a conditional or final Certificate of Occupancy for any building or structure within the subdivision.

This is a new paragraph that clarifies that the applicant is responsible for ensuring that all agencies sign off before a certificate of occupancy may be issued.

5. The applicant may meet the requirements of this Division by participating in a City-approved improvement district.

B. **Responsibilities – All Other Development**

1. It shall be the responsibility and duty of the applicant to plan, construct and finance all public improvements associated with and required to mitigate the impacts of new ~~subdivisions and~~ land development, including commercial subdivisions and all developments subject to Site Plan Review and Approval (see Section 10-20.40.140), unless a Development Agreement specifically provides otherwise.

2. ~~These public improvements must be completed and formally accepted before the City will issue a certificate of occupancy for any building or structure within the subdivision or on the property.~~ The Building Official may issue a Building Permit in accordance with the requirements of Section 10-20.40.030 (Building Permits and Certificates of Occupancy) when;

   a. The required Engineering Design Report and/or construction plans for public improvements have been conditionally approved by the City Engineer and found to be in substantial compliance with City standards and specifications; and

b. An assurance has been provided pursuant to Division 10-20.100 (Assurance of Performance for Construction).

This language in paragraph 2 comes from former Ord. 1925 (Section 8-08-001-0011 (Building Permits)) that was repealed in 2011 with the addition of the cross-reference to Section 10-20.40.030 (Building Permits and Certificates of Occupancy).

3. The applicant must have an engineer who is registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans must~~shall~~ be based on the approved preliminary plat (if applicable), zoning case, site plan, and/or staff approved~~al~~ stipulations. The applicant must prepare these plans in conjunction with and in conformance to~~with the subdivision plat~~an approved site plan. ~~Improvement plans shall be subject to City approval prior to recordation of the subdivision plat.~~

The last sentence in the paragraph above has been deleted as this requirement is already included in the Subdivision Regulations, Section 11-20.70.030.G regarding Final Plat Approval.

4. All public improvements must be completed and formally accepted by the agencies from which construction permits were issued before the City will issue a certificate of occupancy for any building or structure on the property. A Conditional Certificate of Occupancy may be issued if the Building Official and City Engineer determine that no life safety concerns are present.

This paragraph describes long-standing practice originally included in Ord. 1925 to confirm that a certificate of occupancy is only issued after public improvements have been formally accepted.

5. The applicant may meet the requirements of this Division by participati~~o~~ng in a City approved improvement district.

10-30.50.030 Public Improvements Defined

- Page 30.50-1

Public improvements mean any right-of-way, easement, access right or physical improvement that is required to mitigate the impacts of new development, as determined by an appropriate impact study, and which, upon formal acceptance by the City, becomes the responsibility of the City for ownership, maintenance and repair, unless provided by others including the maintenance of sidewalks and certain landscaping (See City Code Chapter 8-01). Such public improvements may include, but are not limited to, roadways and alley sections including pavement, base course, street lights, curbs and gutters, sidewalks or urban trails and FUTS trails, traffic control improvements, right-of-way landscaping and irrigation systems, drainage facilities, fire hydrants and utilities, including water, sewer, gas, electric power, telephone, and cable television, and all other improvements, which upon completion, are intended to be for the use and enjoyment of the public.

This minor amendment provides an important clarifying cross reference when public improvements are required to mitigate the impacts of new development.

10-30.50.040 Public Improvement Agreement

- Page 30.50-2

~~If, pursuant to Section 10-30.50.020 (Responsibilities), above, the applicant's subdivision, zoning change or development, either new development on existing, vacant or undeveloped property or an addition or expansion to existing developed property, creates the need for the dedication, acquisition, installation, construction or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvement agreement prior to the City's approval and/or issuance of the preliminary plat, site plan or Building Permit. The public improvement agreement shall be in a form approved by the City and shall provide for the dedication and/or construction of necessary public improvements by the applicant. If appropriate, the terms of the public improvement agreement may be incorporated into a City-approved development agreement. The public improvements agreement may, if approved by the City Engineer, provide that the installation, construction or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this Division shall apply to each phase as if it were a separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained development consisting of all public improvements necessary to serve the property to be developed as part of said phase.~~

The City Engineer and City Attorney's office recommends that this section be deleted as it is not needed because there are other mechanisms currently in place in the Engineering Standards as part of the review process for public improvements that made this requirement redundant. This was discussed with the Council some months ago. Note that all following sections in this Division will need to be renumbered and all cross-references checked.

10-30.50.0~~5~~40 Exemptions

- Page 30.50-2

The following ~~exceptions~~ are exempt from all the requirements of this Division: ~~except for the installation, construction or reconstruction of water and sewer line extensions, drainage improvements, and street and traffic control related improvements.~~

A. An expansion or alteration of an existing nonresidential or multi-family residential use that results in a 25 percent or less increase in the intensity of the use in terms of additional dwelling units, gross floor area, seating capacity or parking spaces, either with a single or cumulative addition(s) or expansion(s); or~~.~~

B. An expansion or alteration of an existing nonresidential or multi-family residential use that results in a change of ~~less than~~ 50 percent or less of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by an appraiser licensed by the State of Arizona; or~~.~~

C. Construction of or alteration to~~of~~ a single-family detached residence or a duplex ~~residence~~ of any value ~~or an addition or alteration to an existing single-family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the *Engineering Standards*~~.

The qualifying clause in the opening sentence of this Section is unnecessary and has been deleted. As this Section does not apply to single-family residences, the term "multi-family residential" has been added throughout as a clarification.
The reference in Subsection C. is unnecessary, and has been deleted.

10-30.50.0560 Impact Analysis Required

- Page 30.50-3

A. Pursuant to Chapter 13-05 (Engineering Design Reports) of the *Engineering Standards* and the *Stormwater Regulations*, the City Engineer and Stormwater Manager shall require the applicant to furnish impact studies to assess the impact of new development on the City's existing streets, public utilities and drainage infrastructure. The Utility Director shall assess the impact of new development on the City's utility infrastructure.

These amendments are necessary as the standards for a stormwater impact analysis are established in the City's Stormwater Regulations which are administered by the Stormwater Manager.

B. When an impact study identifies impacts to the City's public infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.

C. Impact analyses shall be valid for the period of time as defined in the *Engineering Standards* and the *Stormwater Regulations.*

This amendment provides a cross-reference to the Engineering Standards and Stormwater Regulations for when an impact analysis is no longer valid.

D. The requirements of this Subsection may be waived with the consent of both the City and the applicant.

10-30.50.0670 Minimum Requirements

- Page 30.50-3

The public improvements required pursuant to this Division shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision or land development as determined by the studies described in Section 10-30.50.060 (Impact Analysis Required)~~,~~ above. The presumptive minimum requirements ~~that are required~~ for public improvements as described in Section 10-30.50.030 (Public Improvements Defined) are:

A. **Right-of-Way**

1. If, as determined by the City Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate the ~~proposed or contemplated~~ public improvements that are required to mitigate the impacts of the new development, then necessary right-of-way ~~shall~~must be dedicated~~granted~~ to the City.

2. The City Engineer may impose special requirements, such as imposing additional setbacks, to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.

a. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remainder~~ing portion~~ will~~shall~~ be considered a legal nonconforming lot.

~~a.~~b. When it is necessary for a development to improve a street and~~, after application of the requirements of Section 10-30.50.040.B,~~ sufficient right-of-way is not available from other area property owners not subject to the provisions of this Division, the Director, with the approval of the Council, may pursue all legally permissible steps in order to obtain the property necessary for the right-of-way, provided there is a demonstrated public need for the additional right-of-way. All costs associated with the dedication of such right-of-way, including all legal fees, shall be the responsibility of the applicant.

The amendments in Subsection A.1 provide an important clarifying cross reference when public improvements are required to mitigate the impacts of new development. Further, the standards in Subsection A have been divided into two new paragraphs to make a distinction between (1) required dedication as a result of impacts created by a new development and (2) dedication necessary because of right-of-way needs contemplated in the General Plan or a similar document. The cross reference deleted in Paragraph 2.b is incorrect, and is not needed.
The City Attorney and the City Engineer, consistent with long-standing City practice, recommend that a statement be included to confirm that all costs, including legal fees, associated with right-of-way dedication should be the responsibility of the applicant rather than the City.

Division 10-30.60: Site Planning Standards

Staff has identified that important standards from Chapter 10-16 (Design Review Guidelines) of the former LDC were inadvertently not included in the new Zoning Code. As these are important tools used by staff in the review of new development projects, they are recommended for inclusion into the Zoning Code without further modification. In order to accomplish this, two new Sections have been added into the Division, and an existing Section has been moved (unchanged) to a more logically appropriate location within the Division. The new organization of Division 10-30.60 (Site Planning Standards) is listed below:

- Page 30.60-1

10-30.60.010 Purpose
10-30.60.020 Applicability
10-30.60.030 General Site Planning Standards
10-30.60.040 Natural Features and Site Drainage
10-30.60.050 Compatibility
10-30.60.060 Building Placement
~~10-30.60.070 Pedestrian and Bicycle Circulation Systems~~
10-30.60.07~~8~~0 ~~Compatibility~~ Parking Lots, Driveways and Service Areas
10-30.60.080 Pedestrian and Bicycle Circulation System
10-30.60.090 Open Spaces, Civic Spaces and Outdoor Public Spaces
10-30.60.100 Private Streets

10-30.60.020 Applicability

- Page 30.60-1

D. **Exemptions**

The standards found within this Division shall not apply to:

1. Industrial uses not located in the Research and Development Zone; ~~not defined as business park uses; and~~

2. Any change of use of a building or property that does not affect site design or layout.

This amendment more precisely and correctly exempts industrial uses from the requirements of this Division except if an industrial use is located within the RD Zone. Further, consistent with established practice, staff recommends that a change of use of a building or property that has no effect on site design should also be exempt from the requirements of this Division.

10-30.60.030 General Site Planning Standards

- Page 30.60-4

Project siting has the greatest impact on how effectively sustainable development principles can be addressed. Careful planning, design, and construction enables new development to take advantage of Flagstaff's climate to reduce energy usage and costs, thereby providing long term economic sustainability as energy prices fluctuate. On the other hand, poor project siting and design can detrimentally impact the potential to harvest solar energy, create a less automobile dependent environment, and address economic and agricultural sustainability. The optimal layout of any project site requires an in-depth understanding of local context and completion of a detailed site analysis plan.

A site analysis plan is particularly important in Flagstaff, where widely varying terrain, scenic views, natural watercourses, preservation of existing vegetation, and relationships to existing development, especially residential development, must be considered in site planning. All development proposals shall to the maximum extent feasible demonstrate a diligent effort to retain significant existing natural features characteristic of the site and surrounding area. Therefore, a completed site analysis plan must be included with an application for new development submitted to the Director. All new development proposals will be reviewed with respect to their response to the physical characteristics of the site and the contextual influences of the surrounding area. These should be considered early and throughout design development. Special attention should be given to maintaining the Urban Growth Boundary and proximity to sensitive areas as defined in the General Plan, such as Walnut Canyon or Picture Canyon.

The following items as illustrated below are essential components of a~~n~~ site analysis plan for a~~of~~ potential development site~~s~~:

This simple revision clarifies that the site analysis must be completed as a site analysis plan (a new term defined in Chapter 10-80 (Definitions)) and submitted with a development application.

- Page 30.60-4

B. **Solar Orientation or Aspect**

Clerical Note: Add Figure A. Components of a Site Analysis *and* Figure B. Diagram showing areas with high potential for using solar power and solar water heating based on the orientation of slopes *to the existing illustrations on Pages 30.60-2 and 30.60-3 respectively.*

2. The use of solar collectors for the purpose of providing energy for heating or cooling is permitted in all zones, whether as part of a principal structure or as an accessory structure.

3.~~2~~. The forest resources required to be protected within a new development site (See Division 10-50.90 (Resource Protection Standards)) that are located on the south or west side of any proposed building~~(s)~~ may be removed to ensure that the buildings, as well as any associated solar collectors maximize~~s~~ their~~its~~ solar access potential, provided:

a. It can be demonstrated to the satisfaction of the Director that such tree removal is essential to the solar efficiency of the building(s) and any associated solar collectors; and,

b. There are additional forest resources on the site to compensate for the forest resources removed~~ to ensure solar access potential to the building(s)~~. If there are insufficient forest resources on the site to allow for such tree removal, an additional deciduous tree (minimum 2.5-inch caliper) may be planted on the south or west side of the building for each existing ponderosa pine tree removed.

4~~3~~. Within a multi-building development approved ...

The amendment in paragraph 2 permits solar collectors on principal and accessory buildings in all zones.
The minor amendments in paragraph 3 include solar collectors on a building or structure with its solar access potential as a consideration for the removal of otherwise required forest resources.

- Page 30.60-6

H. **Built Environment and Land Use Context**

1. The context of the site should be taken into account in the design of the new development. Key contextual influences that should be identified, analyzed, and considered in the planning process include:

   a. Land use and site organization in relation to building form, character and scale of existing and proposed development;
   b. Sensitivity and nature of adjoining land uses in order to avoid unreasonable ~~for example,~~ noise, odors, or traffic impacts;
   c. Location of property boundaries and setbacks;
   d. Location of adjacent roads, driveways, off-street vehicular connections, pedestrian ways, access points, bicycle facilities, and easements;
   e. Locations of existing or proposed transit facilities;
   f~~e~~. Existing structures and other built improvements;
   g~~f~~. Prehistoric and historic sites, structures, and routes, and
   h~~g~~. Other features of the site and/or surrounding area that may be impacted by or may impact the proposed development.

2. Developments shall adhere to~~follow~~ the standards in Section 10-30.60.060 (Open Spaces, Civic Spaces, and Outdoor Public Spaces) and Section 10-30.60.040 (Pedestrian and Bicycle Circulation Systems).

Bicycle facilities and transit facilities are important elements of a site analysis and should have been included in this Section.

10-30.60.040 Natural Features and Site Drainage

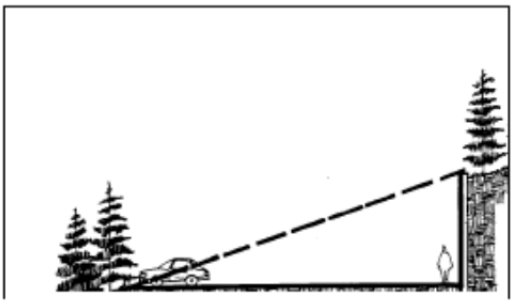
- Page 30.60-6

The standards that follow are intended to ensure that site work is planned to protect the natural features of a development site and to ensure that natural features are incorporated as an amenity into the overall site plan.

A. **Applicable to All Zones**

1. **Topography**

   a. The extent and visual impacts of cut and fill on a site shall be minimized, and large grade changes must be divided into a series of benches and terraces, where feasible. [Add illustrations from LDC, Chapter 16 – Middle and bottom of Page 35]



Inappropriate: excessive cut and tall retaining wall.

Figure A.

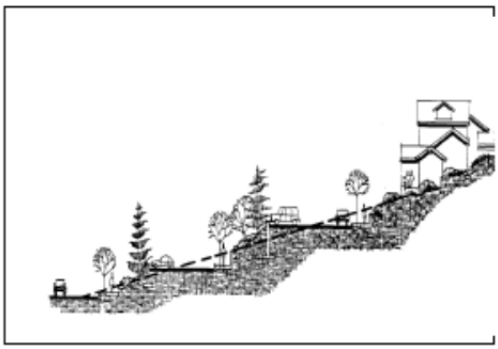
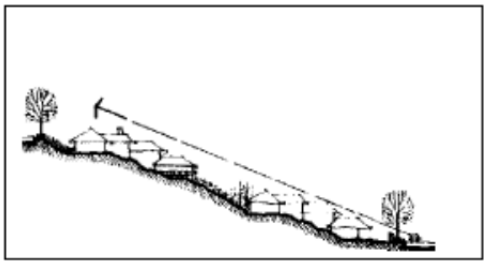


Figure B.

(P&Z) *A majority of the P&Z Commissioners recommended that both of these drawings need to be updated and improved so that they relate to each other in a more meaningful way. Also, it would be helpful to add a building to show that cuts behind a building are acceptable.*

b. Roads and driveways shall follow existing contours, where feasible.

c. Building foundations shall be stepped so that finish floor elevations mimic natural grade. If stepping the finish floor is not feasible, cut slopes must be disguised with appropriate placement of the building and/or the placement of screen walls and landscape buffers. [Add revised illustration (Karl E.) from LDC, Chapter 16 – top of Page 35]



Design a building foundation to conform to the existing topography

Figure C.

d. Retaining walls shall blend with the natural features of the site and shall be constructed with native rock or masonry that conveys a scale, color, and texture similar to that of traditional rock walls, such as split-face block or scored and textured concrete.

e. The height of exposed retaining walls and retaining walls visible from the public right-of-way shall be limited to no more than five feet where feasible. Where greater heights are needed to retain cut or fill conditions, a series of terraced or stepped walls shall be used or a building shall be placed to screen the cut slope so it is not visible from public rights-of-way. [Add illustration from LDC, Chapter 16 – Top of Page 36]

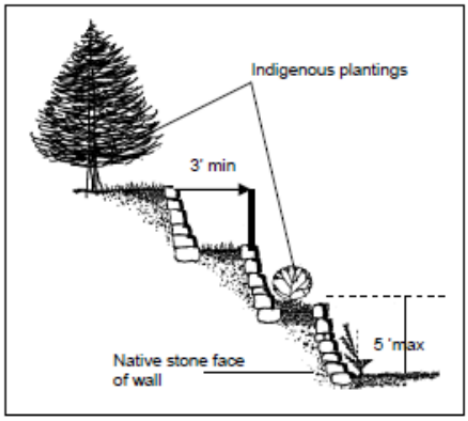


Figure D.

f. The width of a retaining wall terrace must be no less than three feet.

2. **Site Drainage**

The *City of Flagstaff Stormwater Management Design Manual* and *City of Flagstaff LID Manual* provide standards for the protection of natural drainage systems as well as standards for stormwater runoff and the design of detention and retention facilities.

(P&Z) *This is a new section added to this Division that incorporates design standards from the former LDC that were inadvertently omitted from the new Zoning Code. Many of the former design standards have been consolidated and simplified, and the drawings from the LDC's design standards will be included in this Division to better illustrate these concepts. The P&Z Commission recommended that additional language regarding whether the cut slope is visible from public right-of-way should also be added.*

10-30.60.05~~8~~0 Compatibility

- Page 30.60-12

Compatibility is important to ensure that the characteristics of different uses, activities or designs allow them to be located near or adjacent to each other in a harmonious manner. Compatibility does not mean "the same as." Rather, it refers to how well a new development is sensitive to the character of existing development. The following basic design elements shall be considered when assessing the compatibility of a new development project which is~~-~~ subject to approval of a Conditional Use Permit or for which a Zoning Map amendment is requested relative to adjacent existing development:

Staff suggests that this Section should be moved (unchanged except for the amendment inserted above) from its current location at the end of Division 10-30.60 to this location where it more logically applies.
The amendment to the introduction to this Compatibility Section seeks to clarify that the compatibility standards established in the Zoning Code must be applied to projects that are seeking a Conditional Use Permit or are requesting a Zoning Map amendment. While it would be desirable to also apply these compatibility standards to all other development, such as new projects seeking Site Plan Review and Approval, legally this would be problematic given that the existing entitlements of the property would make it hard to require a lesser standard to ensure compatibility.

10-30.60.060 Building Placement

Building placement on a development site is important because it establishes the form and pattern for the development along a street which in turn affects the human-scale of a site layout, its economic vitality, and how well the site functions with the connections between buildings, parking areas, and adjacent development.

A. Building–forward design solutions that ensure the building front is located at or near the sidewalk edge are required. Display windows and other architectural features that provide interest to pedestrians shall also be incorporated into the design. See also Section 10-50.20.030 (Architectural Standards) with specific reference to the Location and Orientation of Building Entrances and Windows Subsections.

B. When buildings are located at or near a sidewalk edge, the following standards apply to allow flexibility with site layout:

1. Required building foundation landscaping (See Section 10-50.60.050 (Landscaping Standards)) is not required along a street frontage and only peripheral buffer landscaping is required;

2. Forest resource protection standards (See Section 10-50.90.060 (Forest)) may be reduced by 5 percent; and

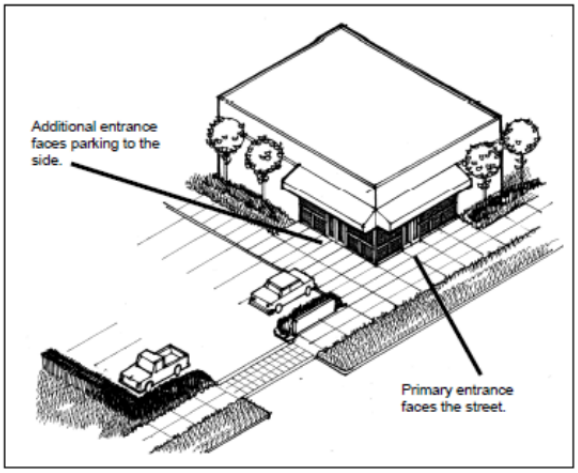
3. When there is a requirement for both open space (See Section 10-40.30.030 (Residential Zones)) and civic space (See Section 10-30.60.060 (Open Spaces, Civic Spaces and Outdoor Public Spaces) on a development site, the civic space will be counted towards the open space requirement.

Figure A. A good example of a building placed close to a public street with strong pedestrian connections between the sidewalk and building entracnes.

~~A.~~C. The primary entrance to a building shall be located to face a street or be connected to a street through the design of a building entry zone. The primary entrance to a building may also face a plaza or pedestrian way. When it is not possible to locate the primary entrance to face the street , plaza, or pedestrian way, a secondary entrance should be designed to connect to these public spaces.

[Add illustration from LDC, Chapter 16 – Middle of Page 54]

Figure B.



Update this illustration to make it clearer and to illustrate all concepts coded in the Section.

D. If it is not feasible to locate a building at the sidewalk edge (e.g. to accommodate a drive through lane), a screen wall designed to match the building materials of the primary building on the site or similar landscape feature is required. If the prevailing building placement of a block is characterized by building forward design, then the provisions of this Subsection shall not apply.

This is a new section to this Division that incorporates design standards from the LDC that were inadvertently omitted from the new Zoning Code. Staff has consistently required building forward design through the application of Section 10-30.60.050 (Parking Lots, Driveways and Service Areas) – see below – in which parking areas are required to be behind or to the side of a building. Examples of some successful projects in recent years are included in an attachment to the staff summary for the December 1, 2015 work session. The former LDC standard requiring a building entrance to face a street has been modified to include the building entry zone, a concept introduced in 2014 into the Zoning Code with the amendments to Division 10-50.100 (Sign Standards).

Subsection B. has been inserted to provide additional standards that make it easier to place a building forward on a development site. Based on recent staff experience one of the issues is the need for reduced landscaping in such a situation and hence required building foundation along a street frontage is not required because otherwise an excess amount of landscape materials are needed. Further incentives include reductions in forest resources and the ability to overlap civic space with open space. These relaxed standards provide more flexibility to developers and make it easier to meet the intent of building forward design.

The amendment proposed in the second sentence of Subsection C. acknowledges that if the primary entrance to the building cannot face a street/sidewalk, then a secondary entrance should be designed to make this connection. This is also possible by applying the "building entry zone" concept so that signage can direct customers to the entrance to the building.

New Subsection D. provides a new standard that permits a building not to be placed close to a property line (such as when a drive-through lane needs to be accommodated), in which case a screen wall is required.

Many of the former design standards have been consolidated and simplified, and the drawings from the LDC's design standards will be included in this Division to better illustrate these concepts.

COUNCIL: *At the November 10th work session the Council directed a number of comments and questions to staff on the amendments proposed above in response to comments received at that work session from two members of the public. Staff has carefully reconsidered the amendments based on this feedback, the result of which is the changes highlighted and explained above. Note that no amendments are necessary in Section 10-20.40.090 (Minor Modifications to Development Standards) as suggested by staff in an email to Council dated November 13, 2015.*

Note that an amendment is also proposed in Section 10-40.60.160 (Drive-through Retail or Service Facility) that would allow a drive through lane to be placed between the property line and the front of the building. The current Zoning Code prohibits this practice.

COUNCIL: *Council and staff further discussed this Section in the December 15th work session.*

10-30.60.07~~5~~0 Parking Lots, Driveways and Service Areas

- Page 30.60-9

A. **Applicable to All Zones**

3. To the maximum extent feasible, parking lots on a primary frontage shall be completely ~~or mostly~~ located to the side or behind a building rather than in front to reduce the visual impact of the parking lot.

This amendment more precisely and clearly defines the requirement for a parking area to be placed behind or to the side of a building on a primary frontage only consistent with staff's application of the former LDC. This means that on a secondary frontage this standard would not apply. This standard is directly related to the standard in new Section 10-30.60.060 (Building Placement) paragraph A regarding building forward design. Staff has analyzed a number of developments recently approved in the City and they would meet this standard, some with minor modifications to the site design. Insert a new illustration.

6. ~~Parking lots shall also meet the standards established in Section 10-50.80.080 (Parking Spaces, Lot Design and Layout).~~Drive-through aisles and stacking areas shall meet the design standards established in Section 10-40.60.160 (Drive-through Retail or Service Facility).

The provision proposed to be deleted in this paragraph is already stated in Paragraph 1 of this Section, and is therefore, redundant. The new text in the proposed amendment provides a useful cross reference to the standards for drive-through aisles and stacking areas in Section 10-40.60.160 (Drive-through Retail).

7. Developments shall minimize the number of curb cuts onto a public street along a property edge by sharing driveways with an adjacent property to the maximum extent feasible.

8. Direct vehicular access via ~~R~~roads or driveways shall ~~be~~ connect~~linked with the~~ overall site circulation patterns with ~~of~~ adjacent parcels.

This minor amendment based on language in the former LDC's Design Guidelines reinforces the need for connections between adjoining parcels.

9. Driveways that connect to parking areas or service areas shall not be located between the front of a building and the property line adjacent to the public right-of-way.

This amendment ensures that driveways (as well as parking areas – see #3 above) are not placed between a building and a public right-of-way. Refer also to the amendments proposed in Section 10-40.60.160 (Drive-through Retail or Service Facility) that would allow a drive-through lane to be located between the front of a building and the property line adjacent to a public right-of-way. Such driveways are currently prohibited in the current Zoning Code but are frequently necessary, for example, in the Trax development where site conditions would otherwise prohibit drive-through facilities.

10~~9~~. Service entrances, waste disposal areas, and other similar uses shall be oriented toward service lanes and away from major streets.

Renumber all following paragraphs.

10-30.60.09~~6~~0 Open Spaces, Civic Spaces, and Outdoor Public Spaces

- Page 30.60-911

B. **Applicable to Non-Transect Zones**

1. **Civic or Public Space Requirement**

c. Development sites that provide civic spaces are allowed the following:

(1) A five percent reduction of on-site forest and/or slope resource protection standards as required by Division 10-50.80 (Resource Protection Standards) is permitted when on-site design conforms to the *Flagstaff Area Open Spaces and Greenways Plan* and public non-motorized pedestrian and bicycle access is included when applicable.

This minor amendment clarifies that the resources reduction would also apply to a FUTS trail.

Renumber the following sections:

10-30.60.08~~7~~0 Pedestrian and Bicycle Circulation System
10-30.60.09~~6~~0 Open Spaces, Civic Spaces, and Outdoor Public Spaces
10-30.60.10~~7~~0 Private Streets

Division 10-30.70: Residential Sustainable Building Standards

10-30.70.040 Minimum Standards

- Page 30.70-3

B. **Transportation/ Air Quality**

2. The development is located within at least ¼ mile of a FUTS trail or~~and~~ connected to it.

This minor amendment corrects the intent of this requirement, i.e. the development must be either within ¼ mile of a FUTS trail or is connected to the FUTS trail.

D. **Energy Efficiency**

1. In order to qualify for the density incentive established in Table 10-30.20.050.A (Percentage of Affordable Housing Units and Corresponding Density Bonus) an efficiency standard that is 50 percent of the ~~current~~ HERS Reference Home rating established in the 2003 International Energy Conservation Code as measured on the HERS (Home Energy Rating System) index shall be met. Solar collectors, including solar thermal and photovoltaic systems may be installed to ensure that the residence qualifies.

This minor amendment clarifies that the HERS Reference Home rating is based on the 2003 International Energy Conservation Code.

Updated: 12/16/2015;

To make the proposed amendments in Division 10-30.30 (Heritage Preservation) easier to follow and understand, the entire Division is included here with all changes made in Track Changes format accepted.

The City Council identified no policy issues in this chapter and no additional staff amendments are proposed.

Division 10-30.30: Heritage Preservation

Sections:

10-30.30.010 Purpose
10-30.30.020 Applicability
10-30.30.030 General Provisions
10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones
10-30.30.050 Cultural Resources
10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone
10-30.30.070 Violations and Enforcement
10-30.30.080 Appeals

10-30.30.010 Purpose

The purpose of this Division is to protect and enhance the cultural, historical, and archaeological heritage of the City of Flagstaff by recognizing, preserving, enhancing, and perpetuating the use of those objects, structures, sites, and landscape features that represent distinctive elements of the City's cultural, political, architectural, and archaeological history. The Council finds and intends that preservation of the City's heritage is in the interest of the health, economic prosperity, education, cultural enrichment, and general welfare of the public. This Division implements the City's General Plan and is implemented pursuant to the provisions of the *National Historic Preservation Act of 1966*, as amended, the Certified Local Government program (16 U.S.C. 470a 101(c)(1)), and A.R.S. § 9-462.01, providing the standards and procedures for heritage preservation. Information on the benefits to a property owner and the various incentive programs that are available to assist a property owner to preserve and protect cultural resources on their properties is available from the City Historic Preservation Officer.

10-30.30.020 Applicability

A. In addition to all other development standards provided in this Zoning Code, compliance with the requirements of this Division, and review and approval pursuant to this Division is required for the following:

1. Designation of Landmark Properties or Historic Overlay Zones (Section 10-30.30.040);

2. Cultural Resource Studies (Section 10-30.30.050.A); and

3. Development of a Landmark Property and Property within a Historic Overlay Zone (Section 10-30.30.060).

B. **Exceptions**
Compliance with the requirements of this Division is not required for the following:

1. Work that the Building Official certifies as correcting an imminent hazard, for which no temporary corrective measures will suffice in protecting the public safety;

2. Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and,

3. Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.

10-30.30.030 General Provisions

A. **Conflicting Provisions**
When the provisions of this Division conflict with any other laws, codes, or regulations, then the provisions of this Division shall govern, except for matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

B. **Application Requirements**
In addition to any specific provisions, for all reviews, considerations, or approvals sought by this Division, an applicant shall submit a completed application on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the submittal checklist, together with the required fee established in Appendix 2, Planning Fee Schedule.

C. **Consent Approval**

1. **Applicability**
The Historic Preservation Officer may review and approve or conditionally approve the following:

a. Cultural Resource Studies that are Letter Reports; and

b. Certificates of No Effect for minor work that has a limited impact in relation to the total cultural resource, including:

(1) Conforming signs excluding comprehensive sign programs;

(2) A remodel, addition, deck or porch that does not expand the floor area or any outdoor activity area by more than 10 percent or 200 square feet;

(3) An accessory structure that is not more than the lesser of 10 percent of the main building's footprint or 400 square feet;

(4) Minor alterations such as storefront windows or doors, other fenestration, awnings, shutters, gutters, porch rails, accessible features and facilities, paint colors, lighting, roofing, fencing, retaining walls, walkways, driveways, or landscaping;

(5) Demolition or removal of inappropriate features that are non-original , including additions, accessory structures, and structures that are not cultural resources; and

(6) Modifications to support systems (mechanical, electrical, satellite dishes, and so forth) that are properly sited and screened.

c. Any matter that the Heritage Preservation commission refers to the Historic Preservation Officer for approval.

2. **Process**
Consent approval by the Historic Preservation Officer is an administrative review and approval that occurs outside of a public meeting.

a. **Referral to Heritage Preservation Commission**
The Historic Preservation Officer may refer any matter to the Heritage Preservation Commission for any reason, and shall refer any matter to the Heritage Preservation Commission when a denial appears appropriate.

b. **Heritage Preservation Commission Oversight**
The Historic Preservation Officer shall regularly review consent matters with the Heritage Preservation Commission.

D. **Concurrent Development Application Review**
At the applicant's option, development proposals that require an approval pursuant to this Division may proceed concurrently with other development reviews and processes. However, no permit shall be granted, and no work shall commence, until an approval pursuant to this Division has been granted and mitigation measures have been incorporated into the final design and documentation of the development.

E. **Expiration of Approvals**

1. Any approval pursuant to this Division shall automatically expire if the plans are altered or construction proceeds in a manner such that the documentation submitted as the basis of the approval no longer accurately represents the work. See also Section 10-30.30.070 (Violations and Enforcement).

2. Any approval pursuant to this Division automatically expires one year after the date of approval, unless the work associated with the approval is underway and due diligence toward completion of the work can be demonstrated.

F. **Unknown or Undiscovered Conditions**
During the course of any work all work that could impact a cultural resource shall be stopped immediately and the Historic Preservation Officer shall be notified if;

1. A potential cultural resource is discovered which was previously unknown; or

2. Any conditions are discovered that prohibit conformance with any approval or conditional approval issued pursuant to this Division; or

3. Any conditions are discovered that warrant any deviation from plans that served as the basis of any approval or conditional approval issued pursuant to this Division.

The work shall remain stopped until the applicant has obtained new, additional, or revised approvals pursuant to this Division.

G. **Flagstaff Register of Historic Places**
The Flagstaff Register of Historic Places identifies properties or zones designated by the Council as Landmark Properties or Historic Overlay Zones, which are depicted as such on the official Zoning Map of the City.

Supplemental to the Flagstaff Register of Historic Places, the Historic Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties believed to be eligible for designation as Landmark Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).

Information concerning the nature and/or location of any archaeological resource shall not be made available to the public, pursuant to Federal and State laws.

10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones

A. **Purpose**
Designation of a property as a Landmark Property or Historic Overlay Zone formally recognizes its significance, and the need to preserve its historic features.

B. **Applicability**

1. **Landmark Property:** An individual property, object, structure, site, sign, or landscape feature may be designated as a Landmark Property within the Landmark Overlay Zone if it is significant in accordance with the provisions of this Division.

2. **Historic Overlay Zone:** A group of properties may be designated as a Historic Overlay Zone if a majority of the properties are significant in accordance with the provisions of this Section or if they provide the necessary setting for a Landmark Property.

C. **Process for Designation of a Landmark Property**
The designation of a Landmark Property shall follow the procedural steps represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and described below:

1. An application for designation of a Landmark Property, or an amendment to a Landmark Property, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Landmark Property requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Landmark Property.

2. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. Property owner consent is required for designation of a Landmark Property.

3. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:

(1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and

(2) A recommendation on whether the proposed Landmark Property designation should be granted, granted with conditions to mitigate any anticipated impacts, or denied.

4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.

5. Prior to the Planning Commission public hearing as required in Section 10-20.50.040.H (Planning Commission Public Hearing), the Heritage Preservation Commission shall conduct a public meeting which shall serve in lieu of the required neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). Notice of the Heritage Preservation Commission's public meeting shall be in compliance with Section 10-20.30.060 (Neighborhood Meeting).

6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.

7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

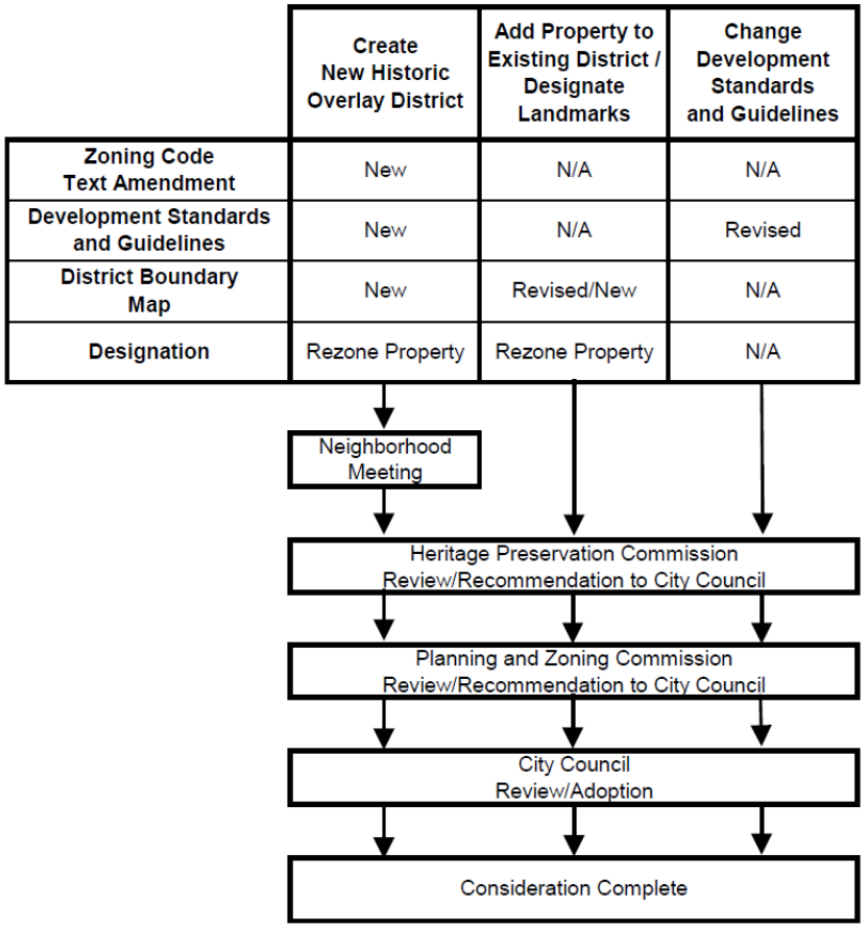


Figure A. Processes for the Designation of a Landmark Property and Historic Overlay Zone

D. **Process for Designation of a Historic Overlay Zone**
The designation of property or properties as a Historic Overlay Zone is represented in Figure A (Processes for Designation of a Landmark Property and Historic Overlay Zone) and shall follow the procedural steps described below:

a. An application for designation of property or properties as a Historic Overlay Zone, or an amendment to a Historic Overlay Zone, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Historic Overlay Zone requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Historic Overlay Zone.

b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels;

c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:

(1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and

(2) A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

4. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.

5. Prior to the Heritage Preservation Commission public meeting, the applicant shall conduct a neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). The Heritage Preservation Commission's public meeting shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).

6. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.

7. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

8. In addition to the above procedures, new Historic Overlay Zones also require a text amendment to the Zoning Code to create the new zone following the procedures outlined in Section 10-20.50.040.B.2.

9. Modification(s) to the boundaries of designated Historic Overlay Zones by including or excluding properties shall be adopted in accordance with this process.

10. New Historic Overlay Zones require the adoption of development standards and design guidelines that are specific to the district.

    a. Adoption of development standards and design guidelines associated with a new Historic Overlay Zone shall be a fully integrated part of the process for designation of the zone and adopted by an ordinance of the Council.

    b. Modification(s) to adopted development standards and guidelines shall be adopted in accordance with the process for designation of a new zone, except that the application requirements exclude the need for all other documentation.

11. **Interim Protection for Nominations**
    Commencing with the Historic Preservation Commission making a recommendation for approval of a Historic Overlay Zone, Building or Demolition Permits for any property within the proposed Historic Overlay Zone shall not be issued until any one of the following occurs:

    a. The Historic Preservation Officer has reviewed the proposed work and determined that the proposed work is not subject to the provisions of this Division, or will clearly not have a major impact on a significant resource.

    b. The Council has approved or denied the proposed Historic Overlay Zone. In the case of zone approval, all work in the new Historic Overlay Zone shall be subject to the provisions of this Division.

    c. Six months have transpired since the Historic Preservation Commission's recommendation for approval of the Historic Overlay Zone with no approval or denial.

E. **Individual Signs of Historic or Cultural Significance**

1. Signs which may be unusual, significant, or meaningful to the City streetscape and the City's history may be worthy of special recognition and may be designated as a Landmark Property in accordance with the provisions of this Division if they meet the following criteria:

    a. The sign has been in continuous existence at its present location for not less than 50 years;

    b. The sign is of exemplary technology, craftsmanship or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation;

    c. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance;

d. If the sign has been altered, it must be restorable to its historic function and appearance; and

e. The sign complies with movement, bracing, and illumination requirements contained in Section 10-50.100.050.D (Structure and Installation).

2. **Effect of Designation**
When a sign is found to be significant, designated as a Landmark Property (Section 10-30.30.040.C), and restored to its historic function and appearance, the sign shall not be subject to the provisions of Division 10-50.100 (Sign Regulations).

10-30.30.050 Cultural Resources

Cultural Resources are an important consideration in an application for development. Professionally prepared Cultural Resource Studies are therefore a requirement of an application for development. The type and format of studies required are determined based on the particular circumstances of the property on which development is proposed. Cultural Resource Studies assess the significance and integrity of potential resources, major impacts that would result from the proposed work, and mitigation measures that could eliminate or offset any major impacts. This Section provides detailed requirements for Cultural Resource Studies and explains how such assessments are performed.

A. **Cultural Resource Studies**

1. **Purpose**
To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

2. **Applicability**

a. Cultural Resource Studies are required for all public and private developments involving:

(1) Properties listed on the Flagstaff Register of Historic Places; or

(2) Properties listed on the Arizona Register of Historic Places; or

(3) Properties listed on the National Register of Historic Places; or

(4) Undeveloped land; or

(5) Structures over 50 years old at the time of application.

b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a Cultural Resource Study is not required based on the following conditions:

(1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or

(2) The structure is not significant or lacks integrity; or

(3) The proposed work is excepted from this Division pursuant to Section 10-30.30.030.C.1; or

(4) The proposed work does not have major impacts, diminish the significance or integrity of the resource, is reversible, or is temporary; or

(5) The structure is post World War II (1945) production housing; or

(6) Other circumstances under which it is reasonable to conclude that a Cultural Resource Study is not warranted.

c. The requirement to prepare a Cultural Resource Study does not in and of itself mean that the resources are significant (See Subsection B below).

3. **Specific Application Requirements**

a. **Types of Studies**
Upon consultation with the Historic Preservation Officer and based on the resources that are known or likely to be present, the applicant shall provide an Archeological Resource Study and/or a Historic Resource Study.

b. **Preparation**
Cultural Resource Studies shall be prepared by professionals qualified in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (36 CFR 61 Appendix A)* as currently amended and annotated by the National Park Service.

c. **Report Format**
The Historic Preservation Officer will work with the professional conducting the study to determine which one of the following report formats, it is appropriate:

(1) **Letter Reports**
A Letter Report is appropriate when;

(a) Site conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or

(b) The integrity of a cultural resource is already severely compromised; or

(c) The proposed work will not compromise the significance or integrity of the cultural resource; and

(d) When no mitigation measures are warranted.

The report need only demonstrate that one of these conditions exists.

(2) **Phase 1 Cultural Resource Studies**
When a Letter Report is not appropriate, a Phase 1 Cultural Resource Study shall be prepared. A Phase 1 Cultural Resource Study shall;

(a) Identify the presence of cultural resources;

(b) Evaluate the potential for additional cultural resources being discovered:

(c) Assess the significance of identified and potential cultural resources;

(d) Assess the integrity of identified resources;

(e) Assess identified and potential impacts proposed;

(f) Provide measures to mitigate major impacts on cultural resources; and

(g) Advise whether Phase 2 or Phase 3 Cultural Resource Studies will be required.

(3) **Phase 2 Cultural Resource Studies**
A Phase 2 Cultural Resource Study is required when major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that would maintain the significance and integrity of the resource. A Phase 2 Cultural Resource Study includes all of the contents of a Phase 1 Cultural Resource Study plus complete text descriptions, as-built plans, and archival grade photography that fully document all physical aspects of the resource(s), including its setting. For Archeological Resource Studies, the required field research shall also include sampling subsurface exploration to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

(4) **Phase 3 Cultural Resource Studies**
A Phase 3 Cultural Resource Study is only used for archeological resources and requires complete data recovery, which must be systematically excavated, inventoried, recorded, and mapped. The planned recovery must be designed to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

(5) **National Historic Preservation Act Section 106 Documentation**
Documentation prepared pursuant to Section 106 of the National Historic Preservation Act of 1966 and approved by the Arizona State Historic Preservation Officer may serve as one of the above report formats. This alternate format is appropriate when the level of review and content of the Section 106 documentation meets the requirements of this Division.

d. **Content**
A Cultural Resource Study shall be submitted as a bound document and in an electronic format in a form as determined by the Historic Preservation Officer, and shall contain text, plans, photographs, and other appropriate documentation.

4. **Process**

(1) **Heritage Preservation Commission Review**
The Heritage Preservation Commission shall review and accept Cultural Resource Studies, and may approve or conditionally approve proposed mitigation measures. Alternatively, the Heritage Preservation Commission may require additional research, documentation, or mitigation measures prior to acceptance. Letter Reports may be accepted by a consent approval process described in Section 10-30.30.030.C.

(2) When a Cultural Resource Study has been accepted, it shall be offered for curation to the appropriate repository as directed by the Historic Preservation Officer or the State Historic Preservation Office, and in accordance with the standards set forth in 36 CFR 79.9 and 79.10.

(3) The processes for consideration of cultural resources are provided in Figure B (Processes for Consideration of Cultural Resources).

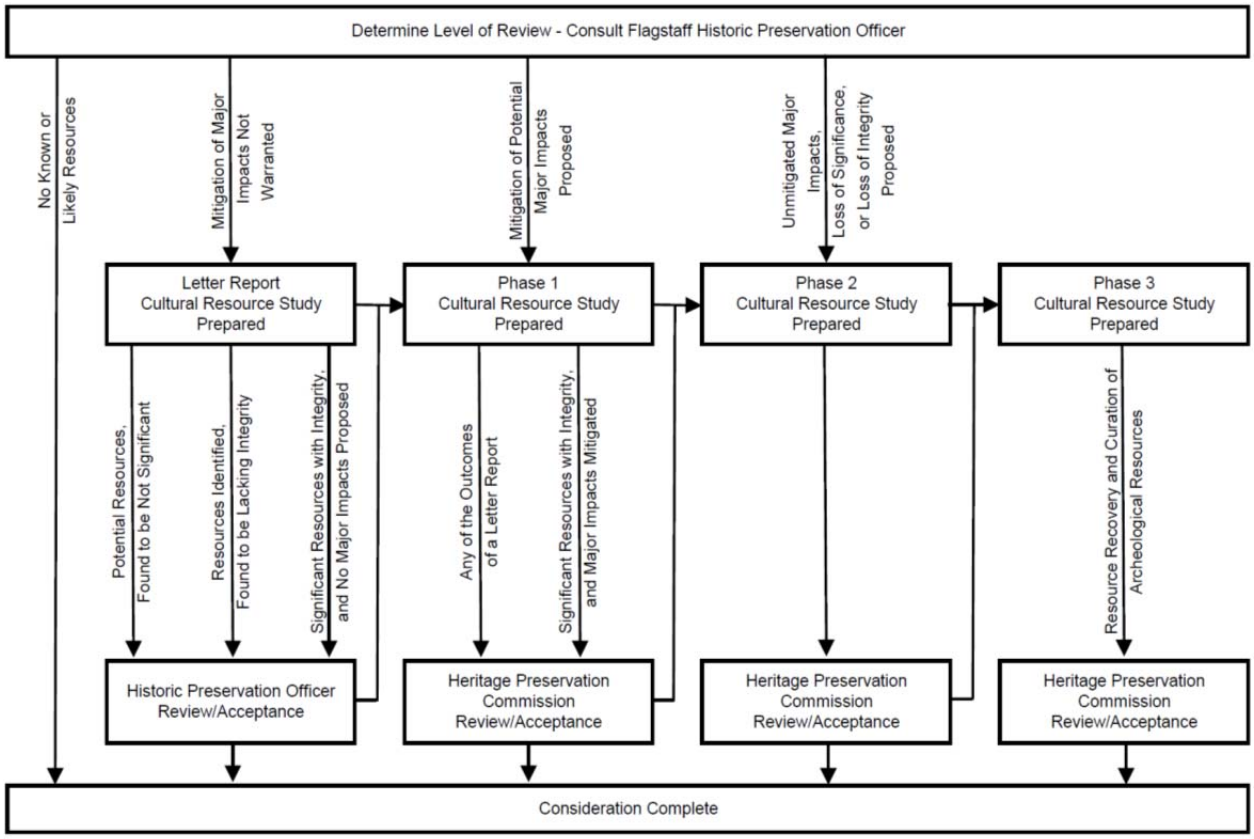


Figure B. Processes for Consideration of Cultural Resources

5. **Required Recommendations by the Report Preparer**

a. A Phase 1 Cultural Resource Study shall include a recommendation for the preparation of a Phase 2 Cultural Resource Study when:

(1) The assessment of whether a cultural resource's presence or significance is indeterminate; or

(2) Major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that maintain the significance and integrity of the resource.

b. A Phase 2 Cultural Resource Study shall include a recommendation for the preparation of a Phase 3 Cultural Resource Study when:

(1) Significant archeological resources are present in the development area; and

(2) Actual or potential impacts are major impacts; and

(3) When no other mitigation measures are proposed that maintain the significance and integrity of the resource.

B. **Determination of Significance of Cultural Resources**
The criteria for determining the significance of a cultural resource is based on the potential of the cultural resource to contribute to our understanding of the past.

1. A cultural resource is significant if:

   a. It is listed or eligible as a National Historic Landmark, or for the National Register of Historic Places, or the Arizona Register of Historic Places; or

   b. It is associated with events or persons in the architectural, engineering, archeological, scientific, technological, economic, agricultural, educational, social, political, military, or cultural annals of the City, the State of Arizona, or the United States of America; or

   c. It represents the work of, or for, an important individual; or

   d. It embodies distinctive characteristics of type, period, region, artistic values or methods of construction, including being the oldest of its type or the best example of its type; or

   e. It has yielded, or may be likely to yield, information needed for scientific research, such as important archaeological resources.

2. A resource is generally not significant if:

   a. It is less than 50 years old at the time of application; or

   b. The features, materials, patterns and relationships that contributed to its significance are no longer present or no longer have integrity.

3. Requirement to Meet the Criteria, Regardless of Age: Properties that are 50 years old are not automatically significant. In order to be significant, all resources, regardless of age, must be demonstrated to meet the criteria for determining the significance of a cultural resource.

C. **Determination of Integrity**
Integrity is the ability of a property to convey its significance and is based on significance, i.e. why, where, and when a property is important. Integrity is the authenticity of a property's physical identity clearly indicated by the retention of characteristics that existed during the property's period of significance. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant.

1. Historic properties either retain integrity (convey their significance) or they do not.

2. The historic physical features that represent the significance of a property must remain and must be visible enough to convey their significance. However, it is not necessary for a property to retain all its historic physical features or characteristics. The property must retain sufficient physical features, historic character, and appearance that enable it to convey its historic identity and the reasons for its significance.

3. To retain historic integrity a property will always possess several, and usually most, of the following seven aspects of integrity:

   a. **Location:** The place where the historic property was constructed or the place where the historic event occurred.

   b. **Design:** The combination of elements that create the form, plan, space, structure, and style of a property. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

   c. **Setting:** The physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.

   d. **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. A property must retain the key exterior materials dating from the period of its historic significance.

   e. **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

   f. **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

   g. **Association:** The direct link between an important historic event or person and a historic property.

4. Integrity is not the same as condition. Integrity relates to the presence or absence of historic materials and character defining features. Condition relates to the relative state of physical deterioration of the property. Integrity is generally more relevant to the significance of a property than condition. However, if a property is in such poor condition that original materials and features may no longer be salvageable, then the property’s integrity may be adversely impacted and compromised.

5. To be considered authentic, a property must incorporate a substantial amount of the original features and materials. While new material can exactly copy significant features, if too much historic material is replaced with new material, the integrity of the property is lost and integrity can never be re-created. The precise replication of features with new materials may produce a building that looks like a historic building, but without substantial retention of actual historic materials, the integrity of the property is lost.

D. **Determination of Major Impacts to Cultural Resources**
Impacts to resources are major when they directly or indirectly alter or destroy any of the characteristics that make the resource significant, including when they may diminish the integrity of the resource including its location, design, setting, materials, workmanship, feeling or association.

1. Major impacts include:

   a. Physical destruction or damage to all or part of the resource;

   b. Alteration to all or part of the resource that is not consistent with applicable standards and guidelines;

   c. Relocation or isolation of the cultural resource from its setting;

   d. Excessive replacement of original materials;

   e. Alteration of the character of the cultural resource's setting;

   f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or

   g. Neglect of a cultural resource resulting in its deterioration or destruction.

2. An impact is generally not major if:

   a. It does not alter the resource; or,

   b. It is reversible; or,

   c. It is temporary.

E. **Mitigation Measures**

1. **Purpose**
To the greatest extent feasible, mitigation measures minimize or offset major impacts on resources with a general threshold of reducing the impacts to a level that is less than a major impact.

2. **Applicability**
All proposed work that will or may have a major impact on a significant cultural resource, as determined by an appropriate Cultural Resource Study shall incorporate mitigation measures.

3. **Professional Design Required**
The preparer of a Cultural Resource Study shall design the appropriate mitigation measures. These may include alternative projects, alternative designs, additional work, or other means. The appropriate type and scope of measures varies depending on the cultural resource and impacts, and shall be recommended based on the professional expertise of the preparer and the following:

a. **For Potential Resources or Potential Impacts**
Construction monitoring by the report preparer is an acceptable mitigation measure. If monitoring indicates that the work will produce a major impact to a significant cultural resource, construction shall cease in the area of the resource and the report preparer, subject to approval pursuant to this Division, shall develop and apply appropriate mitigation measures.

b. **For Identified Major Impacts**
The following mitigation measure designs are presented in order of general preference:

(1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;

(2) Preservation of cultural resources in place;

(3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;

(4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements;

(5) Data recovery.

c. **Human Remains**
Federal and State laws provide standards and regulations for the handling, care and removal of human remains.

F. **Standards and Guidelines**
The following standards and guidelines apply to the preparation, review, and acceptance of Cultural Resource Studies pursuant to this Section;

1. *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.

2. The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

3. *Preservation Briefs* and other similar best practice documents published by the National Park Service

10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone

A. **Purpose**
This Section provides standards and procedures for the preservation, reconstruction, rehabilitation, or restoration of designated Landmark Properties and properties within a Historic Overlay Zone.

B. **General Applicability**
Except as provided in Section 10-30.30.020.B, all proposed work on a Landmark Property and within a Historic Overlay Zone, whether or not any other approval or permit is required, including demolition, shall be approved pursuant to this Division.

C. **Process**
Except as provided in Section 10-30.30.030.B, prior to the granting of any required approvals or permits and prior to the commencement of any work on a Landmark Property or within a Historic Overlay Zone, the Heritage Preservation Commission or the Historic Preservation Officer shall review all work proposed and approve or conditionally approve the work in the form of a Certificate of No Effect, Certificate of Appropriateness, or Certificate of Economic Hardship. The process for review and approval of work within a Historic Overlay Zone is represented in Figure C (Processes for Review of Development in a Landmark Property and Historic Overlay Zone).

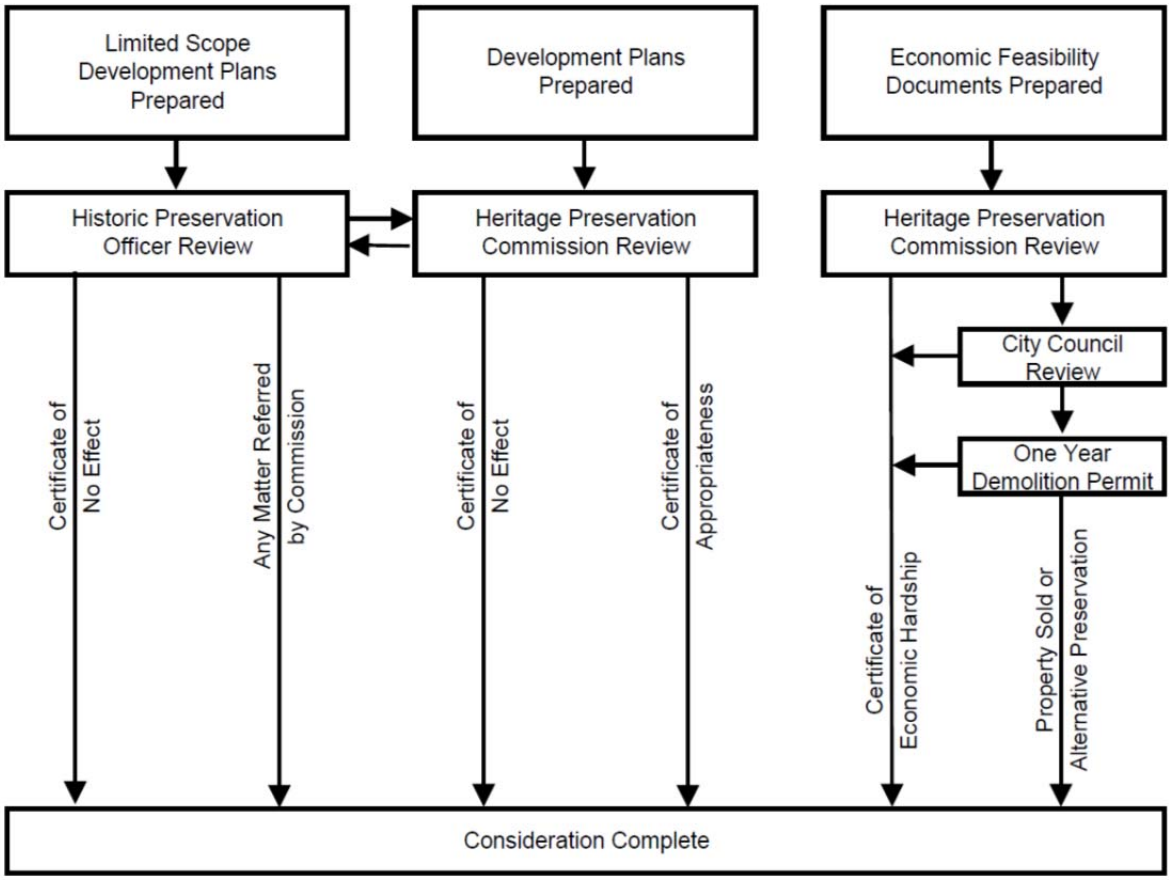


Figure C. Processes for Review of Development in a Landmark Property and Historic Overlay Zone

D. **Certification of No Effect**

1. **Applicability**
   This approval is appropriate if the proposed work is compatible with the historic or archaeological character of a cultural resource, such that there will be no major impact on the resource, thereby not diminishing, eliminating, or adversely affecting the significance or integrity of the resource.

2. **Criteria for Approval**
   When approving a Certification of No Effect, the Historic Preservation Officer or Heritage Preservation Commission shall find that:

   a. The proposed work is consistent with the purpose and intent of this Division;

   b. The proposed work is compatible with its context:

(1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;

(2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;

c. The cultural resources associated with the proposed work have been sufficiently identified and evaluated;

d. There are no major impacts to any on-site cultural resources; and

e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G - Development Standards and Guidelines).

E. **Certification of Appropriateness**

1. **Applicability**
This approval is appropriate if the proposed work alters a cultural resource, but does so in such a way that is compatible with the historic or archaeological character of the resource and all major impacts are mitigated such that the work does not diminish, eliminate, or adversely affect the significance or integrity of the resource.

2. **Criteria for Approval**
When approving a Certification of Appropriateness, the Heritage Preservation Commission shall find that:

a. The proposed work is consistent with the purpose and intent of this Division;

b. The proposed work is compatible with its context:

(1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;

(2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;

c. The cultural resources associated with the proposed work have been sufficiently sought, identified, and evaluated;

d. Major impacts on cultural resources are sufficiently mitigated; and

e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G).

F. **Certification of Economic Hardship**

1. **Applicability**
This approval is appropriate if the proposed work, including demolition, and appropriate mitigation measures, will deprive the property owner of reasonable use of or a reasonable economic return on the property; or, will result in a substantial reduction in the economic value of the property; or, will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form.

2. **Criteria for Approval**
When approving a Certification of Economic Hardship, the Heritage Preservation Commission shall find that:

a. The cultural resources associated with the proposed work have been sufficiently identified, and evaluated;

b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);

c. Preservation is economically infeasible;

d. The economic hardship is not a self-created hardship;

e. Alternative development has been fully explored; and

f. Alternative financing has been fully explored.

3. **Temporary Delay of Demolition**
If a Certificate of Economic Hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, state and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative, and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.

G. **Development Standards and Guidelines**
The following standards and guidelines apply to all approvals granted pursuant to this Section:

1. **City Code, Title 10 Zoning Code**
The Heritage Preservation Commission and the Historic Preservation Officer shall apply the development standards and guidelines provided in

Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal.

2. **Industry Standards and Guidelines**

   a. The *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.

   b. The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

   c. *Preservation Briefs* and other similar best practice documents published by the National Park Service.

3. **Zone Specific Development Standards and Guidelines**
   These standards and guidelines are available from the Planning Section.

   a. *Design Handbook for Downtown Flagstaff (1997)*;

   b. *Townsite Historic Overlay Zone Design Standards and Guidelines (June 2007)*;

   c. *Landmark Zone Design Standards and Guidelines (March 2008)*; and,

   d. Others as may be adopted in association with any designation of a new Historic Overlay Zone.

10-30.30.070 Violations and Enforcement

A. All work authorized as a result of an approval granted pursuant to this Division shall conform to any requirements included with it. Deviations from the plans that served as the basis of the approval of a Certificate of Appropriateness, or from any conditions of approval, constitute a violation of the provisions of this Division. Violations shall be governed by the provisions of Division 10-20.110 (Enforcement).

B. It shall be the duty of the Heritage Preservation Officer and/or the City Building Inspector to inspect periodically and assure compliance of any work performed pursuant to the provisions of this Division. Enforcement shall be governed by the provisions of Division 10-20.110 (Enforcement).

10-30.30.080 Appeals

Any person, firm, or corporation aggrieved by a decision of the Historic Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this Division, may file an appeal in accordance with the appeal provisions established in Section 10-20.80.030 (Appeals of Permits and Other Approvals).

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Updated: 12/16/2015;

To make the proposed amendments in Division 10-30.30 (Heritage Preservation) easier to follow and understand, the entire Division is included here in Track Changes format. While the scope of the amendments looks large, the majority are clerical in nature intended to improve the readability of the Division. A clean version of this Division with all changes accepted is available as a separate document.

The City Council identified no policy issues in this chapter and no additional staff amendments are proposed.

Division 10-30.30: Heritage Preservation

Sections:

10-30.30.010 Purpose
10-30.30.020 Applicability
10-30.30.030 General Provisions
10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones
10-30.30.050 Cultural Resources
10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone
10-30.30.070 Violations and Enforcement
10-30.30.080 Appeals
~~10-30.30.010 Purpose~~
~~10-30.30.020 Applicability~~
~~10-30.30.030 General Provisions~~
~~10-30.30.040 Flagstaff Register of Historic Places~~
~~10-30.30.050 Cultural Resources~~
~~10-30.30.060 Development of Property within a Historic Overlay Zone~~
~~10-30.30.070 Violations and Enforcement~~
~~10-30.30.080 Appeals~~

Note that explanations in italic font are only included for significant changes in this draft.

10-30.30.010 Purpose

The purpose of this Division is to protect and enhance the cultural, historical, and archaeological heritage of the City of Flagstaff by recognizing, preserving, enhancing, and perpetuating the use of those objects, structures, sites, and landscape features that represent distinctive elements of the City's cultural, political, architectural, and archaeological history. The Council finds and intends that preservation of the City's heritage is in the interest of the health, economic prosperity, education, cultural enrichment, and general welfare of the public. This Division implements the City's General Plan and is implemented pursuant to the provisions of the *National Historic Preservation Act of 1966*, as amended, the

Certified Local Government program (16 U.S.C. 470a 101(c)(1)), and A.R.S. § 9-462.01, providing the standards and procedures for heritage preservation. Information on the benefits to a property owner and the various incentive programs that are available to assist a property owner to preserve and protect cultural resources on their properties is available from the City Historic Preservation Officer.

10-30.30.020 Applicability

A. In addition to all other development standards provided in this Zoning Code, compliance with the requirements of this Division~~Section~~, and review and approval pursuant to this Division ~~by the Heritage Preservation Commission~~ is required for the following:

1. Designation of Landmark ~~s, Historic~~ Properties~~,~~ or Historic Overlay Zones (Section 10-30.30.040~~.B~~);

2. Cultural Resource Studies (Section 10-30.30.050.A); and

~~3. Mitigation Measures (Section 10-30.30.050.D); and~~
As mitigation measures are included in the Section on Cultural Resource Studies staff recommends that this reference may be deleted.

~~4.~~3. Development of a Landmark Property and Property within a Historic Overlay Zone (Section 10-30.30.060).

B. **Exceptions**
Compliance with the requirements of this Division is not required for the following:

1. Work that~~which~~ the Building Official certifies as correcting an imminent hazard, for which ~~and that~~ no temporary corrective measures will suffice in protecting the public safety;

2. Ordinary maintenance or repair of a property or structure, including public infrastructure, that does not involve a change in any element of design and that does not have an impact that is greater than that of the original construction; and,

3. Changes to the interior of structures that do not alter the exterior, the site, or the setting of the cultural resource.

10-30.30.030 General Provisions

A. **Conflicting Provisions**
When ~~it is not feasible for proposed development to comply with~~ the provisions of this Division conflict with ~~and~~ any other laws, codes, or regulations, then the provisions of this Division shall govern, except for

matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

~~C.~~B. **~~General~~ Application Requirements**

In addition to any specific provisions, for all reviews, considerations, or approvals sought by this Division~~e Heritage Preservation Commission~~, an~~the~~ applicant shall submit a completed application on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the submittal checklist, together -with the required ~~payment of appropriate~~ fees established ~~as stipulated~~ in Appendix 2, Planning Fee Schedule. ~~Specific application requirements are established in the following Sections~~:

~~1. Designation of Landmarks, Historic Properties, or Historic Overlay Zones (Section 10-30.30.040.B);~~

~~2. Cultural Resource Studies (Section 10-30.30.050.A);~~

~~3. Certificate of No Effect (Section 10-30.30.060.D);~~

~~4. Certificate of Appropriateness (Section 10-30.30.060.E); and,~~

~~5. Certificate of Economic Hardship (Section 10-30.30.060.F).~~

~~D.~~

This Subsection on Application Requirements has been moved to the beginning of this Section where it is more logically placed. Text referring to the City's standard application process has also been inserted to make this Section easier to understand.

~~E.~~C. **Consent Approval ~~Process~~**

~~In lieu of review and approval by the Heritage Preservation Commission, the Historic Preservation Officer may review and approve the following:~~

1. **Applicability**

   The Historic Preservation Officer may review and approve or conditionally approve the following:

   a. Cultural R~~r~~esource S~~s~~tudies that are ~~l~~Letter ~~r~~Reports; and

   b. Certificates of No Effect ~~for building permits~~ for minor work that has a limited impact in relation to the total cultural resource, including:

      (1) Conforming signs excluding comprehensive sign programs;

      (2) A remodel,~~n~~ addition, deck or porch that does not expand the floor area or any outdoor activity area by more than 10 percent or 200 square feet ~~and that is not visible from any public right-of-way~~;

(3) An accessory structure that is not more than the lesser of 10 percent of the main building's footprint or 400 square feet and that is not visible from any public right-of-way;

(4) Minor alterations such as storefront windows or doors, other fenestration, awnings, shutters, gutters, porch rails, accessible features and facilities, paint colors, lighting, roofing, fencing, retaining walls, walkways, driveways, or landscaping;

(5) Demolition or removal of inappropriate features that are non-original and lacking in integrity, including additions, accessory structures, and structures that are not cultural resources; and

(6) Modifications to support systems (mechanical, electrical, satellite dishes, and so forth) that are properly sited and screened.

(6)c. Any matter that the Heritage Preservation commission refers to the Historic Preservation Officer for approval.

2. **Process**

a. Consent approval by the HistoricHeritage Preservation Officer is an administrativeinformal review and approval that occurs outside of a public meeting.

b.a. **Referral to Heritage Preservation Commission**
The Historic Preservation Officer may refer any matter to the Heritage Preservation Commission for any reason, and shall refer any matter to the Heritage Preservation Commission when a denial appears appropriate.

c.b. **Heritage Preservation Commission Oversight**
With the discussion serving to guide future considerations, tThe Historic Preservation Officer shall regularly review consent matters with the Heritage Preservation Commission.

F. **General Application Requirements**
In addition to any specific provisions, for all reviews, considerations, or approvals by the Heritage Preservation Commission, the applicant shall submit a completed application on a form prescribed by the City, with payment of appropriate fees as stipulated in Appendix 2, Planning Fee Schedule. Specific application requirements are established in the following Sections:

1. Designation of Landmarks, Historic Properties, or Historic Overlay Zones (Section 10-30.30.040.B);

2. Cultural Resource Studies (Section 10-30.30.050.A);

3. Certificate of No Effect (Section 10-30.30.060.D);

~~4. Certificate of Appropriateness (Section 10-30.30.060.E); and,~~

~~5. Certificate of Economic Hardship (Section 10-30.30.060.F).~~

~~G.~~D. **Concurrent Development Application Review**

At the applicant's option, development proposals that require ~~Heritage Preservation Commission~~ an approval pursuant to this Division may proceed concurrently with other development reviews and processes. However, no permit shall be granted, and no work shall commence, until ~~Heritage Preservation Commission~~ an approval pursuant to this Division has been granted and mitigation measures have been incorporated into the final design and documentation of the development.

~~H.~~E. **Expiration of Approvals**

1. Any approval pursuant to this Division ~~by the Heritage Preservation Commission or the Heritage Preservation Officer~~ shall automatically expire if the plans are altered or construction proceeds in a manner such that the documentation submitted as the basis of the approval no longer accurately represents the work. See also Section 10-30.30.070 (Violations and Enforcement).

2. Any approval pursuant to this Division ~~by the Heritage Preservation Commission or Heritage Preservation Officer~~ automatically expires one year after the date of approval, unless the work associated with the approval is underway and due diligence toward completion of the work can be demonstrated.

F. **Unknown or Undiscovered Conditions**

During the course of any work~~, if a potential cultural resource is discovered which was previously unknown,~~ all work that could impact a ~~the~~ cultural resource shall be stopped immediately and the Historic ~~Heritage~~ Preservation Officer shall be notified if~~.~~;

1. A potential cultural resource is discovered which was previously unknown; or

2. Any conditions are discovered that prohibit conformance with any approval or conditional approval issued pursuant to this Division; or

3. Any conditions are discovered that warrant any deviation from plans that served as the basis of any approval or conditional approval issued pursuant to this Division.

~~If the Heritage Preservation Officer determines that the cultural resource is potentially significant, t~~The work shall remain stopped until ~~and~~ the applicant has obtained new, additional, or revised approvals pursuant to this Division.~~shall submit (or re-submit) a plan for the treatment of the resource for Heritage Preservation Commission review and approval~~.

The new text inserted above provides clarity by describing under what conditions work must be stopped and the HPO notified if an impact to a cultural resource has been identified.

G. **Flagstaff Register of Historic Places**

The Flagstaff Register of Historic Places identifies properties or zones designated by the Council as Landmark Properties or Historic Overlay Zones, which are depicted as such on the official Zoning Map of the City.

Supplemental to the Flagstaff Register of Historic Places, the Historic Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties believed to be eligible for designation as Landmark Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).

~~1.~~ Information concerning the nature and/or location of any archaeological resource shall not be made available to the public, pursuant to Federal and State laws.

This Subsection has been moved to this location without any changes as it did not make sense as a separate Section 10-30-30.040.

~~10-30.30.040 Flagstaff Register of Historic Places~~

~~A. The Flagstaff Register of Historic Places consists of properties or zones designated by the Council as Landmarks, Historic Properties or Historic Overlay Zones and depicted as such on the official Zoning Map of the City.~~

~~Supplemental to the Flagstaff Register of Historic Places, the Heritage Preservation Officer shall maintain lists, maps and other data of areas likely to contain cultural, historic, or archaeological resources and properties believed to be eligible for designation as Landmarks, Historic Properties or Historic Overlay Zones but not yet designated as such (Refer to Map 10-90.20.010 (Cultural Resource Sensitivity Map)).~~

~~The Historic Preservation Officer shall not make available to the public information concerning the nature and/or location of any archaeological resource, pursuant to Federal and State laws.~~

10-30.30.040 Designation of Landmark Properties~~,~~ or Historic Overlay Zones

~~1.~~A. **Purpose**

Designation of a property as a Landmark~~, Historic~~ Property~~,~~ or Historic Overlay Zone formally recognizes its significance, and the need to preserve its historic features.

This new Section helps to clearly explain how Land Properties and Historic Overlay Zones are designated.

2. **Applicability**

   a. **Landmark Property:** An individual property, object, structure, site, sign, or landscape feature may be designated as a Landmark Property within the Landmark Overlay Zone if it is significant in accordance with the provisions of this Division~~ and the Development Standards and Guidelines of the Landmark Zone are applicable~~.

   ~~*b.* An individual property, object, structure, site, or landscape feature may be designated as a Historic Property if it is significant in accordance with the provisions of this Division and individualized Development Standards and Guidelines are warranted.~~

   The term "Historic Property" is the same as a "Landmark Property", and therefore, has been removed from this Division.

   ~~c.~~b. **Historic Overlay Zone:** A group of properties may be designated as a Historic Overlay Zone if a majority of the properties are significant in accordance with the provisions of this Section or if they provide the necessary setting for a Landmark Property.

A number of important revisions are proposed in Subsection 3 below. In order to simplify and clarify the Code for the end user, the process for designation a Landmark Property (Subsection 3) has been separated from the process for designation of a Historic Overlay Zone (Subsection 4). Further, a much clearer and more comprehensive explanation of the process for each of these designations is included consistent with similar process explanations in the Zoning Code.

3. **Process for Designation of a Landmark Property**
   The designation of ~~property as~~ a Landmark~~, Historic~~ Property~~, or Historic Overlay Zone is accomplished through adoption of a Historic Overlay Zone as represented in Figure A (Processes for Historic Overlay Zones), and~~ shall follow ~~all of~~ the procedural steps represented in Figure A (Processes for Designation of a Landmark Property) and described below~~requirements of an application for a zoning map amendment specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following~~:

   a. An application for designation of a Landmark Property, or an amendment to a Landmark Property, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Landmark Property requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map)

and as modified by the submittal requirements established for an application for designation of a Landmark Property.

b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. Property owner consent is required for designation of a Landmark Property;

c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:

(1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and

(2) A recommendation on whether the proposed Landmark Property designation should be granted, granted with conditions to mitigate any anticipated impacts, or denied.

d. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.

a.e. Prior to the Planning Heritage Preservation Commission public hearing as required in Section 10-20.50.040.H (Planning Commission Public Hearing), the Heritage Preservation CommissionOfficer shall conduct a public meeting which shall serve in lieu of the the required neighborhood meeting pursuant to Section 10.20.30.067 0 (Neighborhood Meeting). Notice of the Heritage Preservation Commission's public meeting shall be in compliance with Section 10-20.30.060 (Neighborhood Meeting).

f. Prior to, or jointly with, the Planning Commission public hearing, tThe Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. conduct a public hearing and shall cause its The Heritage Preservation Commission may recommendation for approval, approval with conditions, or denial of the Landmark Property request. of the proposed Historic Overlay Zone to be forwarded to the Planning Commission and Council.

g. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 0 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

b.

~~c. In addition to the above procedures, new Historic Overlay Zones may also require a text amendment to the Code to create the new zone following the procedures outlined in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map).~~

~~Modification(s) to the boundaries of designated Historic Overlay Zones, including or excluding properties, shall be adopted in accordance with this process.~~

~~d.~~

4. **Process for Designation of a Historic Overlay Zone**
The designation of property or properties as a Historic Overlay Zone is represented in Figure B (Processes for Designation of a Historic Overlay Zone) and shall follow the procedural steps described below:

a. An application for designation of property or properties as a Historic Overlay Zone, or an amendment to a Historic Overlay Zone, shall be submitted to the Historic Preservation Officer, and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section. The designation of a Historic Overlay Zone requires submittal of the application requirements for a Small Scale Zoning Map amendment as specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map) and as modified by the submittal requirements established for an application for designation of a Historic Overlay Zone.

b. The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation. If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels;

c. The Historic Preservation Officer's recommendation shall be transmitted to the Heritage Preservation Commission in the form of a staff report prior to a scheduled public meeting. The staff report shall include the following:

(1) An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and

(2) A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

d. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.

e. Prior to the Heritage Preservation Commission public meeting, the applicant shall conduct a neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). The Heritage Preservation Commission's public meeting shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).

f. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.

g. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

h. In addition to the above procedures, new Historic Overlay Zones also require a text amendment to the Zoning Code to create the new zone following the procedures outlined in Section 10-20.50.040.B.2.

~~e.~~i. Modification(s) to the boundaries of designated Historic Overlay Zones by including or excluding properties shall be adopted in accordance with this process.

~~4. **Specific Application Requirements**~~
~~The designation of property as a Landmark, Historic Property, or Historic Overlay Zone requires a Zoning Map amendment of the property to a Historic Overlay Zone and shall follow all of the application requirements of a Zoning Map amendment application specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following:~~

~~**The Council, Heritage Preservation** Commission, or an owner of affected real property may initiate designation;~~

~~a. Applications for designation do not require an assessment of natural resources otherwise required in Division 10-50.80 (Resource Protection Standards), any public facilities and service impact analysis, a site plan, or a Development Master Plan; and~~

~~b. In addition to the other specified submittal requirements, applications for designation require the submittal of:~~

~~(1) A description of the proposal that includes descriptions of the cultural resources (including significance and integrity), the context (including text, maps, and photographs), a map and legal description of the proposed boundaries and how the proposed boundaries were determined;~~

~~(2) Proposed zone specific development standards and guidelines (if any); and~~

~~(3) If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels.~~

Throughout the Zoning Code all submittal requirements applicable to permits or process applications have been removed and are included instead on each application form as a check list. Consistent with this philosophy, the application requirements for a Landmark Property and Historic Overlay Zone have been removed from this Division and will be added to updated application forms.

~~5. **Process**~~

~~The designation of property as a Landmark, Historic Property, or Historic Overlay Zone is accomplished through adoption of a Historic Overlay Zone as represented in Figure A (Processes for Historic Overlay Zones), and shall follow all of the procedural requirements of an application for a zoning map amendment specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following:~~

~~a. Prior to the Heritage Preservation Commission public hearing, the Heritage Preservation Officer shall conduct the required neighborhood meeting pursuant to Section 10.20.30.070 (Neighborhood Meeting).~~

~~a. Prior to, or jointly with, the Planning Commission public hearing, the Heritage Preservation Commission shall conduct a public hearing and shall cause its recommendation for approval or denial of the proposed Historic Overlay Zone to be forwarded to the Planning Commission and Council. Public hearings shall be noticed and conducted in accordance with Section 10.20.30.0100 (Public Hearing Procedures).~~

~~b. In addition to the above procedures, new Historic Overlay Zones may also require a text amendment to the Code to create the new zone following the procedures outlined in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map).~~

~~c. Modification(s) to the boundaries of designated Historic Overlay Zones, including or excluding properties, shall be adopted in accordance with this process.~~

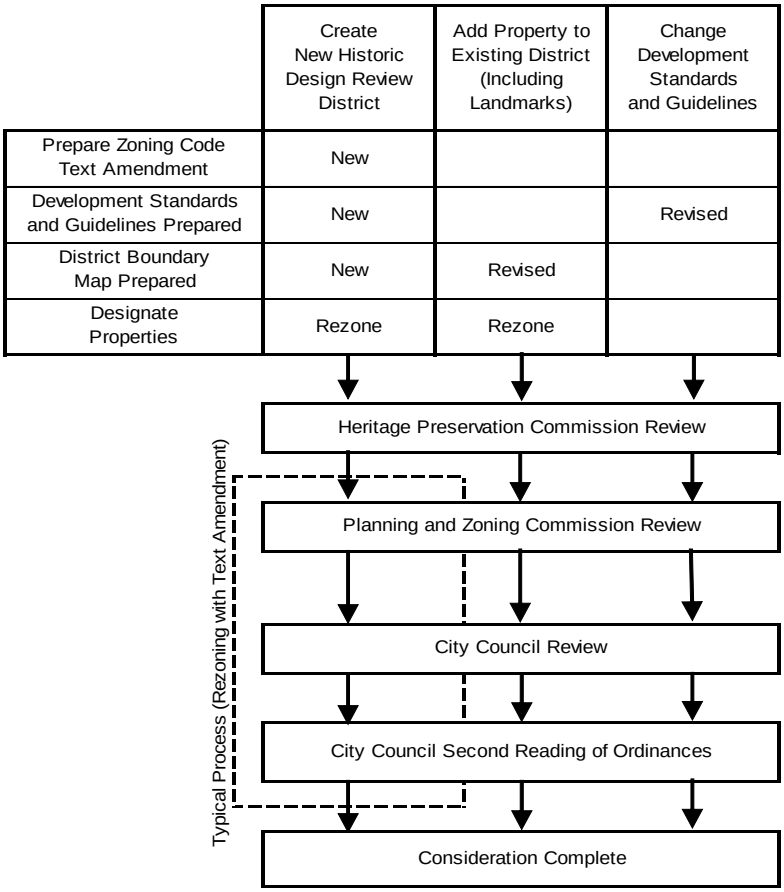

Figure B~~A~~ - Processes for Historic Overlay Zones

Add a new Figure A for Landmark Properties and amend Figure B.

10. ~~Zone Specific Development Standards and Guidelines~~ New Historic Overlay Zones require the adoption of development standards and design guidelines that are specific to the district.

~~d.~~a. Adoption of development standards and design guidelines associated with a new Historic Overlay Zone shall be a fully integrated part of the process for designation of the zone and adopted by an ordinance of the Council.

~~e.~~b. Modification(s) to adopted development standards and guidelines shall be adopted in accordance with the process for designation of a new zone, except that the application requirements exclude the need for all other documentation.

11. **Interim Protection for Nominations**
Commencing with the Historic Preservation Commission making a recommendation for approval of a Historic Overlay Zone, Building or

Demolition Permits for any property within the proposed Historic Overlay Zone shall not be issued until any one of the following occurs:

~~f.~~a. The Historic Preservation Officer has reviewed the proposed work and determined that the proposed work is~~would~~ not ~~be~~ subject to the provisions of this Division, or~~, that the proposed work~~ will clearly not have a major impact on a significant resource.

~~g.~~b. The Council has approved or denied the proposed Historic Overlay Zone. In the case of zone approval, all work in the new Historic Overlay Zone~~delayed permits~~ shall be ~~fully~~ subject to the provisions of this Division~~, including any zone specific development standards and guidelines and approval by the Heritage Preservation Commission~~.

~~h.~~c. Six months have transpired since the Historic Preservation Commission's recommendation for approval of the Historic Overlay Zone with no approval or denial.

E. **Individual Signs of Historic or Cultural Significance**

1. Signs which may be unusual, significant, or meaningful to the City streetscape and the City's history may be worthy of special recognition and may be designated as a ~~l~~Landmark Property in accordance with the provisions of this Division if they meet the following criteria:

   a. The sign has been in continuous existence at its present location for not less than 50 years;

   b. The sign is of exemplary technology, craftsmanship or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity, or innovation;

   c. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance;

   d. If the sign has been altered, it must be restorable to its historic function and appearance; and

   e. The sign complies with movement, bracing, and illumination requirements contained in Section 10-50.~~9~~100.050.D (Structure and Installation).

2. **Effect of Designation**
   When a sign is found to be significant, designated as a Landmark Property (Section 10-30.30.040.C~~B~~), and restored to its historic function and appearance, the sign shall not be subject to the provisions of Division 10-50.~~9~~100 (Sign Regulations).

10-30.30.050 Cultural Resources

Cultural Resources are an important consideration in an application for development. Professionally prepared Cultural Resource Studies are, therefore, a requirement of an application for development. The type and format of studies required are determined based on the particular circumstances of the property on which development is proposed. Cultural Resource Studies assess the significance and integrity of potential resources, major impacts that would result from the proposed work, and mitigation measures that could eliminate or offset any major impacts. This Section provides detailed requirements for Cultural Resource Studies and explains how such assessments are performed.

A. **Cultural Resource Studies**

1. **Purpose**
   To identify significant cultural resources and potential impacts of proposed development so that mitigation measures can be established for major impacts prior to development of the property.

2. **Applicability**

   a. Cultural Resource Studies are required for all public and private developments involving:

      (1) Properties listed on the Flagstaff Register of Historic Places; or

      (2) Properties listed on the Arizona Register of Historic Places; or

      (3) Properties listed on the National Register of Historic Places; or

      (4) Undeveloped land; or

      (5) Structures over 50 years old at the time of application.

   b. When warranted by the specific conditions of the site or proposed work, the Historic Preservation Officer may determine that a Cultural Resource Study is not required based on the following conditions:

      (1) The land, while undeveloped, is relatively small, surrounded by development, and unlikely to contain resources; or

      ~~(1)~~(2) The structure is not significant or lacks integrity; or

      ~~(2)~~(3) The proposed work is excepted from this Division pursuant to ~~meets the consent approval process criteria (~~ Section 10-30.30.030.C~~B~~.1~~)~~; or

      ~~(3)~~(4) The proposed work does not have major impacts, diminish~~alter~~ the significance or integrity of the resource, is reversible, or is temporary; or

(5) The structure is post World War II (1945) production housing; or.

(4)(6) Other circumstances under which it is reasonable to conclude that a Cultural Resource Study is not warranted.

This amendment clarifies and expands on the conditions when a cultural resource study is not needed.

c. The requirement to prepare a Cultural Resource Study does not in and of itself mean that the resources are significant (See Subsection B below).

3. **Specific Application Requirements**

a. **Types of Studies**
Upon consultation with the Historic Heritage Preservation Officer and based on the resources that are known or likely to be present, the applicant shall provide an Archeological Resource Study and/or a Historic Resource Study.

b. **Preparation**
Cultural Resource Studies shall be prepared by professionals qualified in accordance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (36 CFR 61 Appendix A)* as currently amended and annotated by the National Park Service.

c. **Report Format**
With the concurrence of tThe Heritage Historic Preservation Officer will work with the professional conducting the study to determine which, a preparer may select one of the following report formats when, in their professional opinion, it is appropriate:

(1) **Letter Reports**
A Letter Report is appropriate when;

(a) sSite conditions, historic records, or previous research or studies indicate that cultural resources are not likely to be present; or

(b) , tThe integrity of a cultural resource is already severely compromised;, or

(c) tThe proposed work will not compromise the significance or integrity of the cultural resource;, and

(d) wWhen no mitigation measures are warranted.

(1) The report need only content can be abbreviated to that necessary to demonstrate that one of these conditions exists. If on-site inspection or other investigation it appears that

~~cultural resources may be present, the applicant shall conduct and file a Phase 1 Cultural Resource Study.~~

(2) **Phase 1 Cultural Resource Studies**
When a Letter Report is not appropriate, a Phase 1 Cultural Resource Study shall be prepared. A Phase 1 Cultural Resource Study shall;

(a) ~~i~~Identify the presence of cultural resources~~,~~;

(b) ~~e~~Evaluate the potential for additional cultural resources being discovered~~,~~;

(c) ~~a~~Assess the significance of identified and potential cultural resources;~~,~~

(d) Assess the integrity of identified resources;

(e) ~~a~~Assess identified and potential impacts proposed~~,~~;

(f) ~~p~~Provide measures to mitigate major impacts on cultural resources~~,~~; and

~~(2)~~(g) ~~a~~Advise whether Phase 2 or Phase 3 Cultural Resource Studies ~~should~~ will be required.

(3) **Phase 2 Cultural Resource Studies**
~~When a~~ A Phase 2 Cultural Resource Study is required when major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that would maintain the significance and integrity of the resource.~~,~~ A Phase 2 Cultural Resource Study ~~the field research shall~~ includes all of the contents of a Phase 1 Cultural Resource Study plus ~~the preparation of~~ complete text descriptions, as-built plans, and archival grade photography~~,~~ that fully document ~~of~~ all physical aspects of the ~~cultural~~ resource(s), including its setting. For Archeological Resource Studies, the required field research shall also include sampling subsurface exploration to the satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

This amendment clarifies the conditions under which a Phase 2 Cultural Resource Study is required.

(4) **Phase 3 Cultural Resource Studies**
A Phase 3 Cultural Resource Study is only used for archeological resources and requires ~~includes~~ complete data recovery, which must be systematically excavated, inventoried, recorded, and mapped. ~~, with t~~The planned recovery must be designed to the

satisfaction of the State Historic Preservation Office and coordinated with an appropriate repository.

~~(4)~~(5) **National Historic Preservation Act Section 106 Documentation**
Documentation prepared pursuant to Section 106 of the National Historic Preservation Act of 1966 and approved by the Arizona State Historic Preservation Officer may serve as one of the above report formats. This alternate format is appropriate when the level of review and content of the Section 106 documentation meets the requirements of this Division.

This is an important addition to this Section as it refers to a currently in effect process that is currently used by the State HPO in cooperation with the City Historic Preservation Officer.

~~d.~~ d. **Content**
A Cultural Resource Study shall be submitted as a bound document and in an electronic format in a form as determined by the Historic Preservation Officer, and shall contain text, plans, photographs, and other appropriate documentation. ~~, to provide:~~

~~(1) Introductory information (identification of the development, property owners, clients, study preparers, contents, and index);~~

~~(2) A description of the study area and context and a description of the study area boundaries and how these were determined;~~

~~(3) A description of existing conditions;~~

~~(4) A description of proposed work;~~

~~(5) A summary of research results; reviews of literature and records (AZSITE, ASLD, Government Land Office Maps, and Sanborn Maps, land use records and so forth);~~

~~(6) A detailed description of the site history;~~

~~(7) A complete description and evaluation of the significance and integrity of actual and potential cultural resources;~~

~~(8) An evaluation of potential impacts of proposed work on actual or potential cultural resources, including any indirect or residual impacts;~~

~~(9) Specific recommendations for mitigation of major impacts on actual or potential cultural resources;~~

~~(10) When appropriate, specific recommendations for additional research and documentation; and~~

~~(11) Appendixes: A description of the field research methods (including disposition of recovered data when appropriate), a bibliography, and summary of the report preparer's professional qualifications and experience.~~

Throughout the remainder of the Zoning Code all submittal requirements applicable to permits or process applications have been removed and are included instead on each application form as a check list. Consistent with this philosophy, the application requirements for a Landmark Property and Historic Overlay Zone have been removed from this Division and will be added to updated application forms.

~~4.~~d. **Process**

~~a.~~(1) **Heritage Preservation Commission Review**
The Heritage Preservation Commission shall review and accept Cultural Resource Studies, and may approve or conditionally approve proposed mitigation measures. Alternatively, the Heritage Preservation Commission may require additional research, documentation, or mitigation measures prior to acceptance. Letter Reports may be accepted by a consent approval process described in Section 10-30.30.030.C~~B~~.

~~(1)~~(2) ~~Following~~ When a ~~Phase 2 or Phase 3~~ Cultural Resource Study~~, documented resource data or recovered data~~ has been accepted, it shall be offered for curation to the appropriate repository as directed by the ~~Heritage~~ Historic Preservation Officer or the State Historic Preservation Office, and in accordance with the standards set forth in 36 CFR 79.9 and 79.10.

~~(2)~~(3) The processes for consideration of cultural resources are provided in Figure C (Processes for Consideration of Cultural Resources).

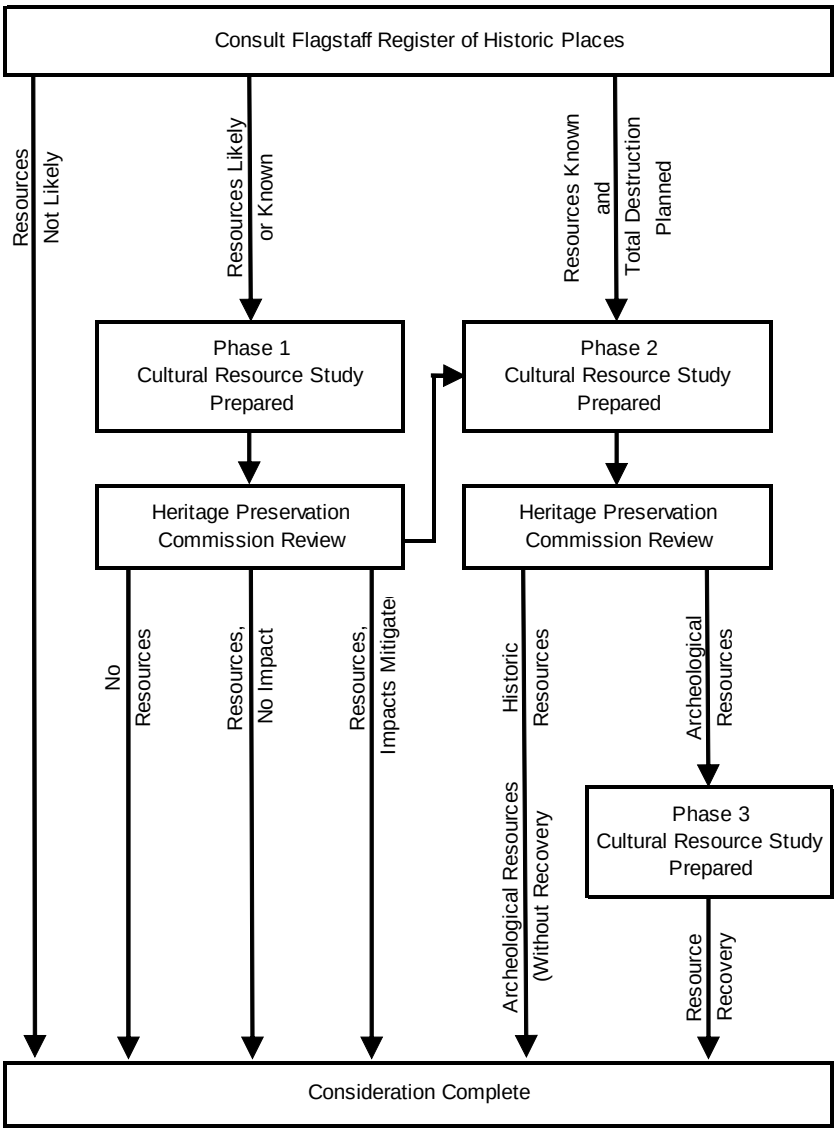

Figure B - Processes for Consideration of Cultural Resources

5. **Required Recommendations by the Report Preparer**

a. A Phase 1 Cultural Resource Study shall include a recommendation for the preparation of a Phase 2 Cultural Resource Study when:

(1) The assessment of whether a cultural resource's presence or significance is indeterminate; or~~,~~

(2) ~~Identified or potential cultural resources are determined to be significant and total destruction (demolition) is proposed~~Major impacts are proposed for a significant resource that has integrity and when no other mitigation measures are proposed that maintain the significance and integrity of the resource.

This amendment clarifies the need for a Phase 2 Cultural Resource Study when major impacts to a resource are proposed.

b. A Phase 2 Cultural Resource Study shall include a recommendation for the preparation of a Phase 3 Cultural Resource Study when:

(1) Significant archeological resources are present in the development area; and~~or,~~

(2) Actual or potential impacts are major impacts; and~~or,~~

(3) When no other mitigation measures are proposed that maintain the significance and integrity of the resource~~Avoidance is not an option~~.

This amendment clarifies the need for a Phase 3 Cultural Resource Study.

B. **Determination of Significance of Cultural Resources**
The criteria for determining the significance of a cultural resource is based on the potential of the cultural resource to contribute to our understanding of the past.

1. A cultural resource is significant if:

a. It is listed or eligible as a National Historic Landmark, or for the National Register of Historic Places, or the Arizona Register of Historic Places; or

b. It is associated with events or persons in the architectural, engineering, archeological, scientific, technological, economic, agricultural, educational, social, political, military, or cultural annals of the City, the State of Arizona, or the United States of America; or

c. It represents the work of, or for, an important individual; or

d. It embodies distinctive characteristics of type, period, region, artistic values or methods of construction, including being the oldest of its type or the best example of its type; or

e. It has yielded, or may be likely to yield, information needed for scientific research, such as important archaeological resources.

2. A resource is generally not significant if:

a. It is less than 50 years old at the time of application; or

b. The features, materials, patterns and relationships that contributed to its significance are no longer present or no longer have integrity.

3. Requirement to Meet the Criteria, Regardless of Age: Properties that are 50 years old are not automatically significant. In order to be significant, all resources, regardless of age, must be demonstrated to meet the criteria for determining the significance of a cultural resource.

C. **Determination of Integrity**
Integrity is the ability of a property to convey its significance and is based on significance, i.e. why, where, and when a property is important. Integrity is the authenticity of a property's physical identity clearly indicated by the retention of characteristics that existed during the property's period of significance. Ultimately, the question of integrity is answered by whether or not the property retains the identity for which it is significant.

1. Historic properties either retain integrity (convey their significance) or they do not.

2. The historic physical features that represent the significance of a property must remain and must be visible enough to convey their significance. However, it is not necessary for a property to retain all its historic physical features or characteristics. The property must retain sufficient physical features, historic character, and appearance that enable it to convey its historic identity and the reasons for its significance.

3. To retain historic integrity a property will always possess several, and usually most, of the following seven aspects of integrity:

a. **Location:** The place where the historic property was constructed or the place where the historic event occurred.

b. **Design:** The combination of elements that create the form, plan, space, structure, and style of a property. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

c. **Setting:** The physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.

d. **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. A property must retain the key exterior materials dating from the period of its historic significance.

e. **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

f. **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

g. **Association:** The direct link between an important historic event or person and a historic property.

4. Integrity is not the same as condition. Integrity relates to the presence or absence of historic materials and character defining features. Condition relates to the relative state of physical deterioration of the property. Integrity is generally more relevant to the significance of a property than condition. However, if a property is in such poor condition that original materials and features may no longer be salvageable, then the property's integrity may be adversely impacted and compromised.

To be considered authentic, a property must incorporate a substantial amount of the original features and materials. While new material can exactly copy significant features, if too much historic material is replaced with new material, the integrity of the property is lost and integrity can never be re-created. The precise replication of features with new materials may produce a building that looks like a historic building, but without substantial retention of actual historic materials, the integrity of the property is lost.

Staff recommends that this new Subsection should be included as it provides more detail on what defines the integrity of a cultural resource consistent with the existing Code's criteria used to define "significance" and "major impacts". This is also consistent with standards for placing a property on the National Registry.

D. **Determination of Major Impacts ~~T~~to Cultural Resources**
Impacts to resources are major when they directly or indirectly alter or destroy any of the characteristics that make the ~~cultural~~ resource significant, including when they may diminish the integrity of the resource~~'s~~ including its location, design, setting, materials, workmanship, feeling or association.

1. Major impacts include:

   a. Physical destruction or damage to all or part of the resource;

   b. Alteration to all or part of the resource that is not consistent with applic*a*ble standards and guidelines;

   c. Relocation or isolation of the cultural resource from its setting;

   ~~c.~~d. Excessive replacement of original materials;

   ~~d.~~e. Alteration of the character of the cultural resource's setting;

   ~~e.~~f. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting; or

   ~~f.~~g. Neglect of a cultural resource resulting in its deterioration or destruction.

2. An impact is generally not major if:

   a. It does not alter the resource; or,

   b. It is reversible; or,

   c. It is temporary.

E. **Mitigation Measures**

1. **Purpose**
   To the greatest extent feasible, mitigation measures minimize or offset major impacts on resources with a general threshold of reducing the impacts to a level that is less than a major impact.

2. **Applicability**
   ~~For a~~All proposed work ~~for which a Cultural Resource Study has identified~~ that ~~the work~~ will or may have a major impact on a significant cultural resource, as determined by an appropriate Cultural Resource Study ~~such proposed work~~ shall incorporate mitigation measures.

3. **Professional Design Required**
   The preparer of a Cultural Resource Study shall design the appropriate mitigation measures. These may include alternative projects, alternative designs, additional work, or other means. The appropriate type and scope of measures varies depending on the cultural resource and impacts, and shall be recommended based on the professional expertise of the preparer and the following:

   a. **For Potential Resources or Potential Impacts**
      Construction monitoring by the report preparer is an acceptable

mitigation measure. If monitoring indicates that the work will produce a major impact to a significant cultural resource, construction shall cease in the area of the resource and the report preparer, subject to ~~Heritage Preservation Commission~~ approval pursuant to this Division, shall develop and apply appropriate mitigation measures.

b. **For Identified Major Impacts**
The following mitigation measure designs are presented in order of general preference:

(1) Avoidance of significant cultural resources or impacts by not taking a certain action or parts of an action;

(2) Preservation of cultural resources in place;

(3) Minimizing major impacts by limiting the degree or magnitude of the action and its implementation;

(4) Allow other parties to acquire cultural resources, cultural resource sites, or conservation easements; ~~and,~~

(5) Data recovery.

c. **Human Remains**
Federal and State laws provide standards and regulations for the handling, care and removal of human remains.

F. **Standards and Guidelines**
The following standards and guidelines apply to the preparation, review, and acceptance of Cultural Resource Studies pursuant to this Section;

1. *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* as currently amended and annotated by The National Park Service.

2. The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*

~~c.~~3. *Preservation Briefs* and other similar best practice documents published by the National Park Service.

This addition establishes the industry recognized standards and guidelines used to evaluate all applications submitted for review pursuant to this Section.

10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone

A. **Purpose**
This Section provides standards and procedures for the preservation, reconstruction, rehabilitation, or restoration of designated Landmark~~s, Historic~~ Properties~~,~~ and properties within a Historic Overlay Zone.

B. **General Applicability**
Except as provided in Section 10-30.30.020.B, all proposed work on a Landmark Property and within a Historic Overlay Zone, whether or not any other approval or permit is required, ~~all proposed work,~~ including demolition, shall be approved pursuant to this Division~~by the Heritage Preservation Commission~~.

C. **Process**
Except as provided in Section 10-30.30.030.B, prior to the granting of any ~~other~~ required approvals or permits and prior to the commencement of any work on a Landmark Property or within a Historic Overlay Zone, the Heritage Preservation Commission or the Historic Preservation Officer shall review all work proposed and ~~shall~~ approve or conditionally approve the work in the form of a Certificate of No Effect, Certificate of Appropriateness, or Certificate of Economic Hardship. The process for review and approval of work within a Historic Overlay Zone is represented in Figure D~~C~~ (Processes for Review of Development in a Historic Overlay Zone).

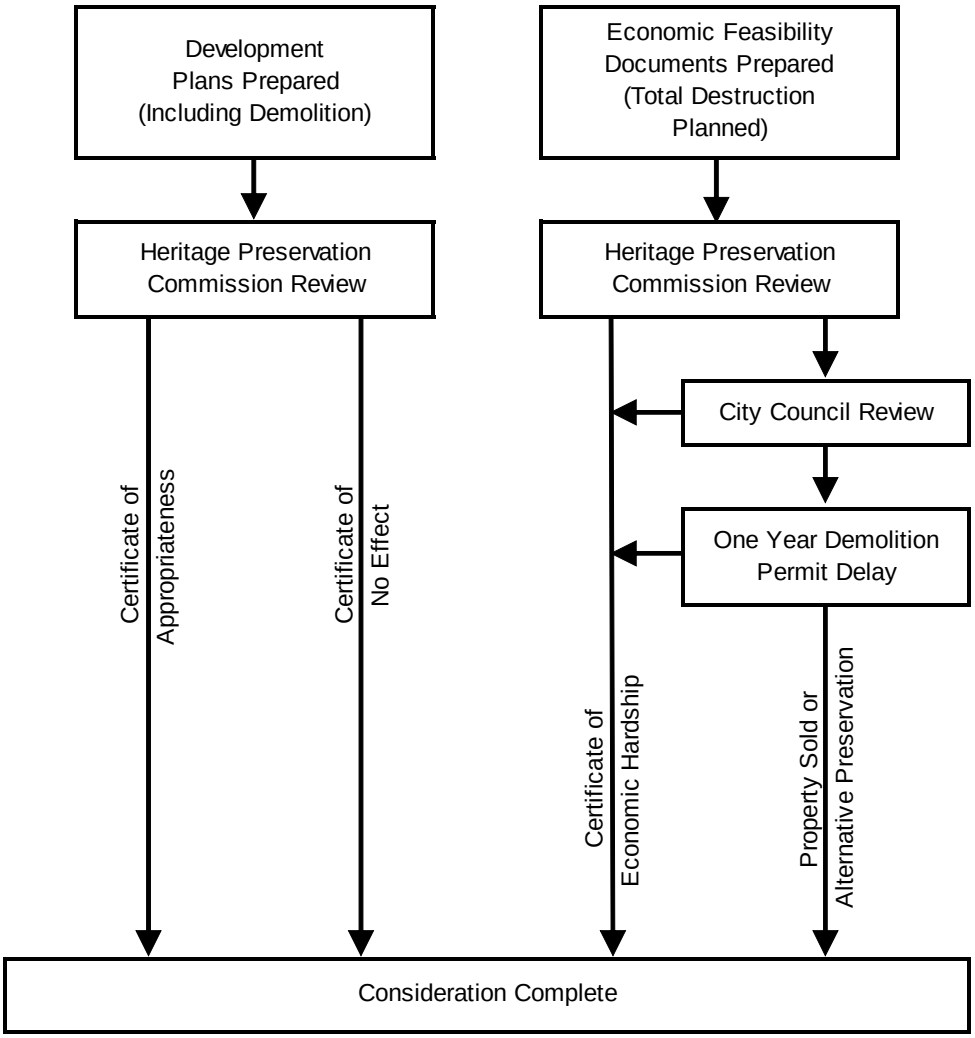

Figure C - Processes for Review of Development in a Historic Overlay Zone

D. **Certificatione of No Effect**

1. **Applicability**
This approval is appropriate if the proposed or work that is compatible with the historic or archaeological character of a cultural resource, such that there will beis no major impact on the resource, thereby not diminishing, eliminating, or adversely affecting the significance or integrity of the resource.

2. **Specific Application Requirements**
The following information is required. All drawings shall be drawn to scale and clearly dimensioned, and shall clearly and accurately represent the development, including existing, demolished, and proposed work.

a. **Site Plan**
Include property lines; topography; existing trees; outlines of neighboring buildings; public ways and improvements; building footprints with front, side, and rear yard dimensions; garages and parking, driveways, and curb cuts; locations of fences, walls, and other structures; signage; and exterior lighting;

b. **Floor Plans**
While interiors are not subject to review, floor plans greatly aid the Heritage Preservation Commission in understanding proposals;

c. **Exterior Elevations**
Elevations should indicate windows and doors, materials, railings and other details and features. Height and elevation marks shall be indicated, including heights from grade to top of eaves, ridge, roof, parapet, etc.;

d. **Exterior Details**
Additional details shall be provided as necessary. Building sections may be required;

e. **Landscape Plan** (If required);

f. **Colors**
Color board depicting the colors of all exterior materials and finishes; and

g.a. **Photographs**
Photographs of the development's context, including the elements of basic design compatibility from the property itself, the surrounding properties and the neighborhood as appropriate.

Throughout the remainder of the Zoning Code all submittal requirements applicable to permits or process applications have been removed and are included instead on each application form as a check list. Consistent with this philosophy, the application requirements for a Landmark Property and

Historic Overlay Zone have been removed from this Division and will be added to updated application forms

~~3.~~2. **Criteria for Approval**
When approving a Certificatione of No Effect, the Historic Preservation Officer or Heritage Preservation Commission shall find that:

a. The proposed work is consistent with the purpose and intent of this Division;

b. The proposed work is compatible with its context:

(1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;

(2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;

c. The cultural resources associated with the proposed work have been sufficiently ~~sought,~~ identified~~,~~ and evaluated;

d. There are no major impacts to any on-site cultural resources; and

e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G - Development Standards and Guidelines).

E. **Certificatione of Appropriateness**

1. **Applicability**
This approval is appropriate if the proposed~~or~~ work ~~that~~ alters a cultural resource, but does so in such a way that is compatible with the historic or archaeological character of the resource and all major impacts are mitigated such that the work does not diminish, eliminate, or adversely affect the significance or integrity of the resource.

~~2. **Specific Application Requirements**~~
~~The application information required for a Certificate of Appropriateness is the same as that required for a Certificate of No Effect (See Section 10-30.30.060.D)~~

~~3.~~2. **Criteria for Approval**
When approving a Certificatione of Appropriateness, the Heritage Preservation Commission shall find that:

a. The proposed work is consistent with the purpose and intent of this Division;

b. The proposed work is compatible with its context:

(1) The appropriate context for a Landmark or a Historic Property is the property itself and to a much lesser extent, the surrounding properties, and neighborhood;

(2) The appropriate context of work in a Historic Overlay Zone is the significant portions of the property itself, the surrounding properties, and the neighborhood;

c. The cultural resources associated with the proposed work have been sufficiently sought, identified, and evaluated;

d. Major impacts on cultural resources are sufficiently mitigated; and

e. The proposed work is consistent with applicable Development Standards and Design Guidelines (Subsection G).

F. **Certificatione of Economic Hardship**

1. **Applicability**
This approval is appropriate if the proposed ~~when~~ work, including demolition, and appropriate mitigation measures, will deprive the property owner of reasonable use of or a reasonable economic return on the property; or, will result in a substantial reduction in the economic value of the property; or, will result in a substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form.

~~2. **Specific Application Requirements**~~
~~The following information is required:~~

~~a. Cost estimates for the work and any required mitigation measures;~~

~~b. Appraisals of the property as it exists, as proposed, and incorporating any required mitigation measures;~~

~~c. Economic feasibility studies, including for rehabilitation or reuse of the existing structure on the property, statements of the property's historic gross income, and maintenance expenses;~~

~~d. Evidence of any alternatives that were explored;~~

~~e. Evidence that the applicant has sought preservation assistance from available sources;~~

~~f. Evidence that the owner has been unable to sell the property; and~~

~~g.~~a. ~~Other information considered necessary by the Heritage Preservation Commission.~~

~~3.~~2. **Criteria for Approval**

When approving a Certification~~e~~ of Economic Hardship, the Heritage Preservation Commission shall find that:

a. The cultural resources associated with the proposed work have been sufficiently ~~sought,~~ identified, and evaluated;

b. An economic hardship exists (a lack of reasonable use or return, a substantial reduction in the value, or a substantial burden);

c. Preservation is economically infeasible;

d. The economic hardship is not a self-created hardship;

e. Alternative development has been fully explored; and

f. Alternative financing has been fully explored.

~~4.~~3. **Temporary Delay of Demolition**

If a Certificate of Economic Hardship is denied by the Heritage Preservation Commission, no demolition shall be permitted for a period of one year from the date of the public meeting when the request was denied. During the temporary delay period, the applicant shall consult in good faith with the Heritage Preservation Commission, state and local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation or sale of the property. The property owner shall advertise the property for sale at a fair market value based on appraisals. Following the temporary delay period, if no other plan demonstrates a reasonable alternative, and no purchaser has been found, the proposed demolition will be allowed, subject to the issuance of the appropriate permit by the Building Official.

G. **Development Standards and Guidelines**

~~The Heritage Preservation Commission shall apply the development standards and guidelines provided in Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal.~~ The ~~Heritage Preservation Commission shall also apply the~~ following ~~additional~~ standards and guidelines apply to all approvals granted pursuant to this Section:

1. **City Code, Title 10 Zoning Code**

The Heritage Preservation Commission and the Historic Preservation Officer shall apply the development standards and guidelines provided in Section 10-30.60.080 (Compatibility) as criteria for determining the appropriateness of a development proposal.

~~1.~~2. **Industry Standards and Guidelines**

a. ~~**Archeology and Historic Preservation**~~

The *Archeology and Historic Preservation: Secretary of the Interior's*

Standards and Guidelines as currently amended and annotated by The National Park Service.

b. The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*

~~b.~~c. *Preservation Briefs* and other similar best practice documents published by the National Park Service.

These amendments clarify how standards and guidelines apply to approvals granted pursuant to the Section.

~~2.~~3. **Zone Specific Development Standards and Guidelines**
These standards and guidelines are available from the Planning Section.

a. *Design Handbook for Downtown Flagstaff (1997)*;

b. *Townsite Historic Overlay Zone Design Standards and Guidelines (June 2007)*;

c. *Landmark Zone Design Standards and Guidelines (March 2008)*; and,

d. Others as may be adopted in association with any designation of a new Historic Overlay Zone.

10-30.30.070 Violations and Enforcement

A. All work ~~performed pursuant to a Certificate of Appropriateness and a Certificate of No Effect~~ authorized as a result of an approval granted pursuant to ~~issued in compliance with~~ this Division shall conform to any requirements included with it. Deviations from the plans that served as the basis of the approval of a Certificate of Appropriateness, or from any conditions of approval, constitute a violation of the provisions of this Division. Violations shall be governed by the provisions of Division 10-20.11~~2~~0 (Enforcement).

B. It shall be the duty of the Heritage Preservation Officer and/or the City Building Inspector to inspect periodically and assure compliance of any work performed pursuant to the provisions of this Division. Enforcement shall be governed by the provisions of Division 10-20.11~~2~~0 (Enforcement).

10-30.30.080 Appeals

Any person, firm, or corporation aggrieved by a decision of the Historic~~Heritage~~ Preservation Officer or the Heritage Preservation Commission in interpreting, applying, or enforcing this Division, may file an appeal in accordance with the

appeal provisions established in Section 10-20.80.030 (Appeals of Permits and Other Approvals).

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DOCUMENT B: Chapter 10-40 (Specific to Zones)

Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

CITY of FLAGSTAFF
2015 Zoning Code Amendments

Updated: 12/16/2015

Chapter 10-40: Specific to Zones

During the City Council's December 8, 2015 work session the Council concluded their policy discussion on this chapter and provided policy direction on a number of specific sections as summarized in the table below. This table also summarizes other minor technical amendments identified by staff. All new proposed amendments are highlighted throughout this document.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-40.30.040 Commercial Zones	40.30-15 &-16	**Council** – Table 10-40.30.040.B Allowed Uses: Permits a single-family dwelling in the CC zone. Updated End Notes to make it easier to develop a single-family residence in the CC Zone.	8
10-40.30.050 Industrial Zones	40.30-26	**Staff** – Miscellaneous Requirements – LI-O and HI-O Zones: Delete the Max. Net FAR column as it is unnecessary.	14
10-40.40.070 T4N.1 Neighborhood Standards	40-40.25	**Staff** – Table C. Allowed Building Types: Also add Stacked Triplex as it was inadvertently omitted.	15
10-40.40.080 T4N.2 Neighborhood Standards	40-40.31	**Staff** – Table C. Allowed Building Types: Also add Stacked Triplex as it was inadvertently omitted.	16
10-40.40.090 T5 Main Street Standards	40-40.27	**Staff** – Table C. Allowed Building Types: Also add Stacked Triplex as it was inadvertently omitted.	16
10-40.60.160 Drive Through Retail or Service Facility	40.60-31	**Council** – C. On-Site Circulation Standards: Amendment allows a drive-through lane to be located between the front of a building and the street.	23
10-40.60.250 Mixed Use	40.60-49	**Staff** – E. Site Layout and Development Design Standards: Clarifying amendment on density limitations in mixed-use developments.	28
10-40.60.300 Secondary Single-Family Dwelling	40.60-57	**Council** - A. Applicability and throughout the Section: All references to the R1N Zone have been removed.	33
10-40.60.310 Telecommunication Facilities	40.60.60	**Staff** - B. Permitting Applicability: Minor amendment to include emergency services and public facilities.	35

Division 10-40.20 Establishment and Designation of Zones

Table 10-40.20.020.A: Zones

- Page 40.20-2

  Change BP to "RD" and Business Park to "Research and Development".

  The "Business Park" zone was combined into the RD zone with the adoption of the Zoning Code in 2011. It was inadvertently misstated in the current Zoning Code as BP instead of RD.

  Insert at the bottom of this table a new row for the POS (Public Open Space) land use category.

  This category was inadvertently omitted when the Zoning Code was updated.

Division 10-40.30: Non-Transect Zones

10-40.30.030 Residential Zones

- Page 40.30-3

  1. **RR**

     The Rural Residential (RR) Zone applies to areas of the City appropriate for both housing and limited agricultural uses that preserve the area's rural character. This Zone is predominantly large lot single family development. However, it does allow for cluster and planned residential developments, which provide opportunities for higher densities. The RR Zone applies to those non-urban areas of the City that cannot be economically and efficiently provided with City services associated with urban living. As such, it is designed for the utilization and enjoyment of the City's unique mountain environment with a minimum amount of municipal services and improvements. ~~These areas are designated Very Low Density Residential (VL) on the Land Use Map in the General Plan.~~ This Zone is also intended to be used to protect against premature development in areas on the fringe of the urban service area.

     This amendment removes a reference to the former 2001 Flagstaff Regional Plan.

  4. **R1N**

     The Single-family Residential Neighborhood (R1N) Zone applies to those neighborhoods that are located between the City's Historic Downtown District and outlying areas of more recent suburban development. The R1N Zone, therefore, helps to maintain and enhance the historic character, scale, and architectural integrity of the downtown and surrounding area. Single-family residential development is the primary use type, and more than one single-family residence per lot is permitted where allowed by the applicable density standard. This Zone is intended to preserve and build upon the existing development patterns inherent to Flagstaff's oldest neighborhoods. New development, renovations, and additions should, therefore, be in character and scale with the existing architectural characteristics of this Zone.

     This amendment clarifies that more than one (typically it will only be two) single-family residences may be permitted on a lot or parcel in the R1N Zone.

- Page 40.30-4

  7. **MH**

     The Manufactured Housing (MH) Zone is applied to areas of the City appropriate for orderly planned development of manufactured housing parks and subdivisions to accommodate manufactured houses as a primary use. This Zone also accommodates

conventionally framed or constructed single-family residences ~~secondarily~~ and accessory uses that ~~as~~ are related or incidental to the primary use and not detrimental to the residential environment.

This amendment includes clarifying language from the former LDC.

10-40.30.030 Residential Zones
Table 10-40.30.030.B Allowed Uses

- Page 40.30-5

Ranching, Forestry & Animal Keeping	**RR**	**ER**	**RI**	**RIN**	**MR**	**HR**	**MH**
Schools – Public & Charter	See Section 10-40.60.070						
Ranching	--~~P~~	--	--	--	--	--	--

Livestock such as horses, cattle, etc. are permitted in the RR and ER zones subject to certain limitations as defined in the soon-to-be adopted amendments to City Code, Chapter 6-03 (Animal Keeping). Therefore, ranching which is typically a commercial use, should not be listed as a permitted use in the RR zone.

Recreation, Education & Assembly	**RR**	**ER**	**RI**	**RIN**	**MR**	**HR**	**MH**
Schools – Public & Charter	P[3]	P[3]	P[3]	P[3]	P~~[3]~~	P~~[3]~~	P[3]

End Notes

[3] Charter Schools proposed in existing single-family residences shall be located on residential lots 1 acre or greater. Charter schools shall be subject to the review processes established in A.R.S. §15-189.01.

ARS 15-189.01 was updated and amended by the legislature in 2013 (SB1103). This statute essentially requires charter schools to be classified the same as public schools for the purposes of zoning, and requires that they be treated the same in terms of the assessment of fees, review and approval processes, etc.

Residential	**RR**	**ER**	**RI**	**RIN**	**MR**	**HR**	**MH**
~~Dwelling: Secondary Single-family~~	~~--~~	~~--~~	~~--~~	~~P~~	~~P~~	~~P~~	~~--~~

A Secondary Single-Family Dwelling as described in Section 10-40.60.300 is a process and not a use, and should, therefore, be deleted from this use table.

Table 10-40.30.030.B Allowed Uses (continued)

- Page 40.30-6

Residential (continued)	**RR**	**ER**	**RI**	**RIN**	**MR**	**HR**	**MH**
~~Dwelling: Two-family~~Duplex	P[4]	P[4]	P[4]	P	P	P	--
~~Rooming and Boarding Facilities~~Dormitories	--	~~UP~~--	--	--	UP	UP	~~UP~~

Single Room Occupancy, Fraternities and Sororities	--	--	--	--	UP	UP	--

Throughout this chapter the term "Dwelling, Two-family" is being replaced with the term "Duplex" to eliminate redundancy as these are the same use/building type.
The Rooming and Boarding Facilities as defined in the current Zoning Code are not an appropriate use in the ER (Estate Residential) Zone or MH (Manufactured Home). This use was incorrectly carried forward from the former LDC. Furthermore, staff recommends that this use should be deleted and instead, the individual uses that are currently included within it should be listed separately. Refer to the explanation in Chapter 10-80 (Definitions) for rooming and boarding facilities.

Public Services	**RR**	**ER**	**RI**	**RIN**	**MR**	**HR**	**MH**
Public Services Minor	P	P	P	P	P	P	P
Public Services Major	--	--	--	--	--	--	--

The Public Services Major land use category includes such uses as a wastewater treatment facility or water treatment facility, which are not appropriate in residential zones.

- Page 40.30-8

Table 10-40.30.030.C Building Form Standards

In previous drafts of amendments to this table staff had suggested that a reference to FAR (Floor Area Ratio) standards for non-residential uses in the MR and HR Zones should be included because these zones include such uses as offices and hospitals such as the Flagstaff Medical Center which is located in the HR Zone. After further consideration, staff has determined that this proposed amendment was redundant and, therefore, unnecessary, and as a result has been removed.

Density Requirements See Division 10-30.20 (Affordable Housing Incentives)							
	RR	**ER**	**RI**	**RIN**	**MR**	**HR**	**MH**
Density: Gross (units/acre)							
Min.	--	--	2	2	6	10~~13~~	--
Max. Outside the RPO	1	1	6	14	14	29[6]	11
Max. Within the RPO	1	1	5	--	9	22	4

This amendment provides a cross reference to the affordable housing incentives Division of the Zoning Code.
Staff recommends that the minimum density in the HR Zone should be lowered from 13 units per acre to 10 to close the gap that exists in the current code between a maximum density of 9 in the MR Zone and a minimum density of 13 in the HR Zone. This gap precludes a property owner from seeking to develop their property in an HR Zone at 10, 11, or 12 units per acre.

End Notes

[3] One or two story residential buildings and decks attached to those buildings may be built to 15' from the rear property line, provided that any portion of the structure located closer than 25' to the rear property line does not exceed 50% of the lot width.

This simple amendment clarifies that this provision also applies to a deck attached to a residential building.

- Page 40-30.9

Table 10-40.30.030.C Building Form Standards (continued)

Lot Requirements	RR	ER	RI	RIN	MR	HR	MH
Area							
Gross (min.)	1 ac[7]	1 ac[7]	6,000 sf	6,000 sf	6,000 sf	6,000 sf	5 ac
Per Unit (min.)	1 ac[7]	1 ac	6,000 sf	3,000 sf	~~3,000 sf~~ Endnote [6]	~~3,000 sf~~ Endnote [6]	4,000 sf

End Notes

[6] The maximum number of units for each lot is based on the following:

Area of Lot	Required Lot Area Per Dwelling Units
5,000 to 14,000 square feet	2,500 square feet
14,001 to 24,000 square feet	2,000 square feet
24,001 square feet and over	1,500 square feet

This amendment fixes an error in the current code as the 3,000 sq. ft. per unit standard in the MR and HR Zones is incorrect and a reference to End Note #6 should be inserted instead.

Other Requirements	RR	ER	RI	RIN	MR	HR	MH
Open Space (% of Gross Lot Area)	--	--	--	--	~~15%~~ [12] See Table 10-40.30.030.A	~~15%~~ [12]	~~15%~~ [12]

As this standard is duplicated in Table 10-40.30.030.A it can be deleted and a cross reference to Table 10-40.30.030.A on Page 40.30-10 inserted instead.

- Page 40.30-10

D. Miscellaneous Requirements – All Residential Zones

4. The cultivation of vegetable gardens for home use is permitted in all residential zones.

This simple amendment explicitly states that vegetable gardens are permitted for home use.

Table 10-40.30.030.A: Common Open Space Requirements

- Page 40.30-10

Table 10-40.30.030.A: Common Open Space Requirements	
Area[1]	15% of gross lot area; at least one open space area shall be no less than 400 sq. ft. ~~min.~~
Width	15~~20~~' min.
Depth	15~~20~~' min.
No private open space is required.	

End Notes

[1] Roof decks and courtyards may be included in the open space area calculation, but not driveways or vehicle parking areas.

This amendment provides more flexibility in the requirement for open space. This is especially important on small parcels where it has proven hard to provide realistic open space in which children may play. At least one open space area must be a minimum of 400 sq. ft. with a minimum dimension of 15 feet, and it may be located on a roof or on the ground.

- Page 40-30.11

H. **Open Yard Requirements – MR and HR Zones**

As an alternative to the minimum rear setback area~~s~~ provided in Subsection C, at least 350 square feet~~.~~ of open yard area per dwelling unit may be provided. An open yard area may be approved in compliance with the following conditions:

1. Open yard area may be established as a single area (i.e. the area per dwelling unit combined) with a minimum dimension of 15~~20~~ feet measured perpendicular to the boundary of the yard, or it may be established as separate areas each with a minimum dimension of 15 feet measured perpendicular to the boundary of the yard;

2. The rear setback ~~yard~~ may be reduced to no less than six feet;

3. The open yard area shall be located behind the front ~~yard~~ setback line; and

4. The open yard area shall not include any driving or parking surface for use by motor vehicles or trailers.

(P&Z) *This amendment clarifies that the reduction in setback to allow for an open yard area only applies to the rear setback. This amendment is supported by the existing End Note 4 on Page 40.30-8. The P&Z Commission further recommended that the minimum width of the open yard area should be reduced to 15 feet consistent with the amendment in Table 10-40.20.040.A (Common Open Space Requirements).*

10-40.30.040 Commercial Zones
Table 10-40.30.040.B Allowed Uses

- Page 40.30-15

Industrial, Manufacturing, Processing & Wholesaling

	SC	CC	HC	CS	CB
Manufacturing and Processing, Incidental	--	P	P	P	P
Micro-brewery or Micro-distillery	--	P	P	P	P

This amendment permits micro-breweries and micro-distilleries as permitted uses in the zones where the rather obtusely named "manufacturing and processing, incidental" use is also permitted. This latter use, formerly used to include a brewery, is not being deleted as it would allow for a coffee roaster, as an example.

Also, add the new Section 10-40.60.240 in the "Specific Use Regulations" column. Renumber all following Sections, and check for and correct all cross references.

Recreation, Education & Assembly

	SC	CC	HC	CS	CB
Meeting Facilities, public or private	[5]				
Regional	--~~P/UP[5]~~	P/UP[5]	P/UP[5]	P/UP[5]	P/UP[5]
Neighborhood	P[5]~~/UP[5]~~	P/UP[5]	--	--	--

End Notes

[5] A Conditional Use Permit is required if liquor is sold, or if facilities exceed 250 seats.

The Suburban Commercial (SC) Zone is established to provide neighborhood serving land uses only. Staff, therefore, recommends that a regional meeting facility is inappropriate in the Suburban Commercial (SC) Zone.

- Page 40.30-16

Residential [7]

	SC	CC	HC	CS	CB
Dwelling: Single-family	--	P[9]~~--~~	--	--	--
~~Dwelling: Two-family~~Duplex	P[6]	P[6][9]	P[6]	P[6]	P[6]
Planned Residential Development	P/UP	P/UP[9]	UP	UP	UP
~~Rooming and Boarding Facilities~~Dormitories	UP[6]	UP[6]	UP[6]	UP[6]	UP[6]
Fraternities and Sororities	UP[6]	UP[6]	UP[6]	UP[6]	UP[6]
Single Room Occupancy	UP	--	P	--	P

- Page 40.30-15 & 16

End Notes

[6] Residential uses with more than 2 units are ~~only~~ allowed as part of a mixed-use development located above or behind the commercial uses subject to the development standards established in the HR Zone and as a Planned Residential Development (Section 10-40.60.270). New developments that include residential uses with more than 2 units shall provide a minimum of 15% of the gross lot area in the form of common open space.

[9] Single-family and duplex building types (see Division 10-50.110) are permitted by right on lots ≤9,000 sf existing prior to November 1, 2011 subject to the Building Placement and Building Form Requirements of the MR Zone. A Conditional Use Permit is required for all other building types and multi-family residential uses with 3 or more units regardless of the size of the lot or parcel.

Many of the areas of the City that in the Community Commercial (CC) Zone are characterized by small lots developed with existing small single-family homes. This includes most of the Sunnyside and Southside neighborhoods, as well as areas to the north and west of the Downtown. Under current Code standards, a property owner may not build a single-family home in the CC Zone unless a Planned Residential Development approach is pursued which requires approval of a Conditional Use Permit from the Planning and Zoning Commission. This can be a time consuming and expensive process that makes it very hard for a family to build a new home. Staff recommends that the process to build a single-family home in the CC Zone should be simplified by allowing a single-family dwelling as a permitted use in the CC Zone. The amendment to End Note #6, therefore, ensures that a single-family dwelling and a duplex may be established in the CC zone by right without the need for additional commercial uses on the property.

CITY COUNCIL: *A minor amendment to this standard is proposed following the Council's October 19th work session by adding that a project with more than 2 units in the CC Zone may also be developed as a Planned Residential Development. Also, the inclusion of the standard referring to the building form and building placement requirements of the MR Zone applies a setback that makes the development of a single-family residence or duplex in the CC Zone more practical.*

The addition of End Note #9 (which is only applied within the CC Zone) further clarifies that existing single-family and duplex building types are permitted by right on lots ≤ 9,000 sq. ft. in area without having to go to the Planning and Zoning Commission for Conditional Use Permit approval. This is especially important in the Sunnyside neighborhood where over 50 percent of the neighborhood has CC zoning yet is developed predominantly with single-family homes, and is also relevant in such neighborhoods as Southside. Note that this is not a more restrictive standard than the standard currently in this table as the latter standard required a Conditional Use Permit for a single-family residence or a duplex established with a PRD in the CC Zone.

The former LDC allowed residential uses in commercial zones subject to the development standards of the HR Zone. This standard was not included in the Zoning Code.

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted (i.e. SC, HC and CB).

Retail Trade

	SC	CC	HC	CS	CB
Bars/Taverns	P	P~~–~~	P	P	P

This amendment was requested by a local inn-keeper who requested that bars and taverns should be considered as a permitted use in the CC Zone. Staff supports the amendment as micro-

breweries and micro-distilleries (formerly categorized as "Manufacturing and Processing, Incidental") are already permitted in this Zone and are allowed in Transect Zone T5 (Main Street).

- Page 40.30-16

End Notes

[7] Residential uses in the CC, HC, CS and CB Zones, and residential uses and properties listed on the National Historic Registry or within the Landmarks Overlay Zone~~, in the CC, HC, CS and CB Zones~~ existing prior to the effective date of this Zoning Code are considered legal, nonconforming uses. Residential uses in the CC, HC, CS and CB Zones shall be subject to the development standards established in the HR Zone.

This amendment clarifies the former confusing language to ensure that residential uses in the listed zones as well as residential uses and properties that have defined historic characteristics are considered as legal conforming uses.

Further, an amendment at the end of this End Note codifies staff's current practice from the former LDC by stating that residential uses in the commercial zones are subject to the development standards of the HR Zone.

Table 10-40.30.040.B Allowed Uses (continued)

- Page 40.30-17

Retail Trade (continued)

	SC	CC	HC	CS	CB
Farmers Markets and Flea Markets	--	P	P	P	--P

This amendment permits a farmers market in the Flagstaff downtown area.

Table 10-40.30.040.B Allowed Uses (continued)

- Page 40.30-18

Transportation & Infrastructure

	SC	CC	HC	CS	CB
Passenger Transportation Facilities	--	--	~~--~~UP	UP	UP

The former LDC listed Passenger Transportation Facilities as an Unclassified Use in the C-3-E zone (now called the HC Zone), and they were only allowed in this Zone with a Conditional Use Permit. An error was made in this use table in the new Zoning Code as Passenger Transportation Facilities were listed as not permitted in the HC zone, which is incorrect. This use should be consistent with the former LDC, and listed as conditionally permitted (UP) in the HC zone.

Table 10-40.30.040.C Building Form Standards

- Page 40.30-19

Building Placement Requirements	SC	CC	HC	CS	CB
Setback					
Front (See also10-50.60.040.B)	15' min [1]	0'	0 [2]	0'	0'
Side Adjacent to Residential Use	---------- 15' min.[10] ----------				

Section 10-50.60.040.B (Non-Residential Zone Buffers) requires a minimum of 5 feet of

landscaping in the front setback area between a building and the property line. This standard, therefore, eliminates the 0′ front setback established in the Table C (Building Form Standards) in the CC, HC, CS, and CB Zones. Consistent with other Sections of the Zoning Code that require building-forward design, and to accommodate a developer who may wish to locate a new building on the property line, staff recommends that a cross-reference be included in this Table that refers to the front yard buffer standards in the Landscaping Division (10-50.60). Note that an amendment to Section 10-50.60.040.B (Non-Residential Zone Buffers) is also proposed.
The addition of the word use clarifies that the side setback is measured to an adjacent residential use rather than a zone.

End Notes
[10] Except that the setback from a proposed residential use in a commercial zone to other residential uses shall be 5' min.

Staff recommends that when a residential use is proposed in a commercial zone it is appropriate to reduce the side setback to adjoining residential uses to 5′ min.

Building Form Requirements	SC	CC	HC	CS	CB
Building Height (max.)	~~2~~35'	60' [4] [11]	60' [4]	60' [4]	60' [4]
Gross FAR (max.)	0.8[5]	2.5[5]	3.0[5]	2.0[5]	No max.

Staff recommends that the maximum building height in the SC Zone should be increased because this is consistent with the overall height requirement of residential zones (which are the most likely zones surrounding a SC Zone). The former LDC allowed a total height of 35 feet for mixed use with two floors. This is also the maximum height for a Live/Work Unit, which is allowed in the SC Zone.

As the standards for FAR are building form standards and not density requirements, it is recommended that the Gross FAR row be moved into the Building Form Requirements section of this table.

End Notes
[11] Single-family dwellings and duplexes in the CC Zone shall be limited to a maximum height of 35 feet consistent with the height standard for the MR Zone.

This end note is needed to ensure that single-family dwellings (which are proposed to be allowed as a permitted use in the CC Zone – see Page 8) are not constructed to 60 feet in height. Max. building height in the R1 Zone is 35 feet. Updated for clarity on November 16, 2015.

Density Requirements

	SC	CC	HC	CS	CB
Gross Density (units/acre) (max.) (Not applicable to Mixed Use)	13	~~13~~	~~13~~	~~13~~	~~13~~
		----------Refer to HR Zone----------			
~~Gross FAR (max.)~~	~~0.8[5]~~	~~2.5[5]~~	~~3.0[5]~~	~~2.0[5]~~	~~No max.~~

The statement about mixed use clarifies that mixed use is not subject to density standards. This is because as stated in Section 10-40.60.250 (Mixed Use), only FAR standards apply.

The density stated in the current Zoning Code is incorrect because when residential uses are developed in commercial zones, consistent with the LDC, the standards of the HR Zone should be applied. For this reason this correction to the density standard is recommended.

D. Miscellaneous Requirements – All Commercial Zones

- Page 40.30-20
  1. Storage shall be limited to accessory storage of commodities sold at retail on the premises and shall be within an enclosed building except as permitted in Section 10-40.60.030.E (Permanent Outdoor Accessory Uses).

This minor amendment provides a needed cross reference to this Section where under certain conditions outdoor storage and display is permitted.

6. The cultivation of vegetable gardens for home use is allowed in all commercial zones where residential uses are permitted.

This simple amendment explicitly states that vegetable gardens are permitted for home use.

10-40.30.050 Industrial Zones

- Page 40.30-21
  1. **RD**
     The Research and Development (RD) Zone applies to areas of the City appropriate for the development of a mix of professional and administrative facilities, research and testing institutions, light ~~industrial/~~manufacturing uses, green technology facilities, and offices. The uses are grouped in a campus or park like setting in keeping with the natural scenic beauty of the City. This Zone is intended to promote the provision of ample off street parking, loading areas, and landscape buffers to protect residential and commercial zones from incompatible land uses. In addition, this Zone accommodates residential uses as a secondary use to allow for more housing options.

     The RD Zone is better described as including light manufacturing uses rather than light industrial uses consistent with the allowed uses for the Zone established in Table B.

Table 10-40.30.050.B Allowed Uses

- Page 40.30-22

Industrial, Manufacturing, Processing & Wholesaling

	RD	LI	LI-O	HI	HI-O
Construction Storage/Supply Yards	--	P[2]	P[2]	P	P

The addition of End Note 2 ensures that this use is also screened in the LI and LI-O Zones.

	RD	LI	LI-O	HI	HI-O
Micro-brewery or Micro-distillery	--	P/UP[8]	P[7]	--	--

End Notes

[8] Conditional Use Permit is required if a taproom is associated with the micro-brewery or micro-distillery.

This amendment, originally requested by a local brewery owner, allows for the establishment of a micro-brewery or micro-distillery in the LI and LI-O Zones subject to additional stipulations established in the End Notes.

Also, add the new Section 10-40.60.240 in the "Specific Use Regulations" column. Renumber all following Sections and check for and correct all cross references.

	RD	LI	LI-O	HI	HI-O
Outdoor Storage or Display	P[2]	P[2]	P[2]	P[2]	P[2]

Staff recommends that consistent with other uses permitted in the HI and HI-O Zones where no screening requirements apply to outdoor storage and display, End Note #2 may be removed.

Recreation, Education, & Assembly

	RD	LI	LI-O	HI	HI-O
Indoor Commercial Recreation	--	--	UP[7]	--	--
Trade Schools	UP	P	P	P--	--P

On June 21, 2011 when Council was approving final amendments to Chapter 10-80 (Definitions) "Fitness Facilities" was included as an example of general services use in the General Services definition on Page 80.20-35 under the Personal Services column of this table. This use was inadvertently omitted and not included within the final Zoning Code when it was published. On reflection though, and based on staff discussion, it is suggested that it would be cleaner and better practice to instead include the "Indoor Commercial Recreation" use in the LI-O zone (this was previously the LI Zone in the LDC subject to performance standards) as it provides for fitness facilities as well as other indoor recreation uses. The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone consistent with the former LDC and the Regional Plan.

Staff recommends that because Trade Schools are allowed in the LI and LI-O Zones, it is also appropriate to allow this use in the HI and HI-O Zones.

Table 10-40.30.050.B Allowed Uses (continued)

- Page 40.30-23

Residential

	RD	LI	LI-O	HI	HI-O
Live/Work	P	P	P[7]	--	--

This amendment provides consistency in the application of this standard as it ensures that the live/work use is also subject to the FAR limitations applicable to other commercial uses (see Subsection 10-40.30.050.F) in the LI-O industrial zone. The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone consistent with goals and policies in the former LDC and the former and current Regional Plan.

Retail Trade

	RD	LI	LI-O	HI	HI-O
Drive-Through Retail	P[4]	--	~~U~~P[7]	--	--
General Retail Business	P[4]	UP	~~U~~P[7]	UP	UP[7]
Heavy Retail/Service	--	--	~~U~~P[7]	--	UP[7]
Restaurant or Café	P[4]	UP	~~U~~P[7]	--	UP[7]

Staff recommends that the need for Conditional Use Permit approval for these retail uses in the LI-O Zone is not necessary as this Zone is intended for these uses.

Staff further recommends that End Note #4 should be added to the RD zone for general retail business uses as it was erroneously omitted when the Code was drafted. This End Note provides a limit on the amount of retail uses (10% of the primary use).

Services

	RD	LI	LI-O	HI	HI-O
Adult Entertainment	P	P	P[7]	P	P[7]
Crematorium	--	P	P[7]	P	P[7]
Kennel, Animal Boarding	UP	UP	UP[7]	UP	UP[7]
Medical Marijuana Offsite Cultivation Location	--	P	P[7]	P	P[7]

The End Note #7 is important as it provides a limitation on the amount of commercial uses that can be established in an industrial zone. This is consistent with similar non-industrial uses listed in the LI-O and HI-O Zones and with the standards in the former LDC and the goals and policies in the former and current Regional Plan.

Table 10-40.40.040.C Building Form Standards

- Page 40.30-25

Building Form Requirements	RD	LI/LI-O	HI/HI-O
Building Height (max.)	60' [2]	60' [2]	60' [2]
Coverage (max.)	25%	--	--
Gross FAR (max.)	0.5	1.5[3]	2.5[3]
~~**Density Requirements**~~	~~**RD**~~	~~**LI/LI-O**~~	~~**HI/HI-O**~~
~~Gross FAR (max.)~~	~~0.5~~	~~1.5[3]~~	~~2.5[3]~~

Consistent with the change made in the commercial zones, Gross FAR has been moved from the Density Requirements section of this table to the Building Form Requirements section of the table where it is more logically placed. Note that the Density Requirements section of this table may, therefore, be deleted.

- Page 40.30-26

F. Miscellaneous Requirements - LI-O and HI-O Zones

Allowed ~~retail~~ uses found in Table B are required to meet the following FAR standards:

Area of Lot	Max. Gross FAR	~~Max. Net FAR~~
Retail	0.25	~~0.35~~
Office/Lodging	0.38	~~0.55~~
Heavy Retail/Service	0.30	~~0.42~~
General Services	0.25	~~0.42~~

This amendment is necessary because the Max. Net FAR standard is a hold-over from the former LDC that is no longer used in the current Zoning Code, and is therefore unnecessary. Also the word "retail" in the opening sentence can be deleted as the Max. Gross FAR values apply to non-retail uses as well.

10-40.30.060 Public and Open Space Zones

Table 10-40.30.060.B Allowed Uses

- Page 40.30-28

Retail Trade	PF[2]	PLF	POS
Farmers Markets and Flea Markets	P	--	--

This amendment will enable the establishment of a farmers market or flea market in the Public Facility Zone. As many properties zoned PF are owned by the City, if somebody desired to establish a farmers market or flea market they would need a Special Event Permit issued by the City's Recreation Services Section.

Division 10-40.40: Transect Zones

10-40.40.050 and -060 T3N.1 and T3N.2 Neighborhood (T3N.1 and T3N.2) Standards

- Page 40.40-15 and 40.40-21

Table F. Required Parking

Retail Trade, Services Uses	2 spaces/1,000 sf min.

A parking standard for the retail trade use was inadvertently omitted from this table. It is necessary because retail trade uses are permitted in these transect zones.

10-40.40.050 and -060 T3N.1 and T3N.2 Neighborhood (T3N.1 and T3N.2) Standards

- Page 40.40-17 and 40.40-23

Table H. Allowed Uses

Residential	T3
~~Dwelling, Secondary Single-family~~	~~P~~
~~Rooming and Boarding Facilities~~Dormitories and Fraternities/Sororities	

The Secondary Single-family Dwelling Section (10-40.60.300) refers to a process for subdividing a property, rather than a use or building type, and as such it should be removed from this Section. Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted, and therefore, are not permitted in T3N.1 and T3N.2 Transect Zones.

10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards

- Page 40.40-25

  Table C. Allowed Building Types[1]

  Add Single-Family Cottage and Courtyard Apartment to this table. Also add Stacked Triplex to this table.

  In Division 10-50.110 (Specific to Building Types) a new Stacked Triplex building type is proposed to be added (see Page 50-45 of the proposed amendments to Chapter 10-50 (Supplemental to Zones)). This new building type is appropriate in the T4N.1, T4N.2, and T5 transect zones but was not included in the Allowed Building Types tables for these zones as described above.

- Page 40.40-26

  Table D. Building Placement

  Setback (Distance from ROW/Property Line)

  Side[2] 5' min.; 12~~5~~' combined

  Staff recommends that the combined side setback standard should be reduced from 15 feet to 12 feet to provide more flexibility for the placement of buildings in the T4N.1 Transect Zone.

10-40.40.070 and -080 T4N.1 and T4N.2 Neighborhood (T4N.1 and T4N.2) Standards

- Page 40.40-29 and 40.40-35

  Table I. Allowed Uses

Residential	**T4N.1**	**T4N.1-O**
~~Dwelling, Secondary Single-family~~	~~P~~	~~P~~
~~Rooming and Boarding Facilities~~Dormitories, Fraternities/Sororities and SRO (≤ 15 rooms)	UP	UP

The Secondary Single-family Dwelling Section (10-40.60.300) refers to a process for subdividing a property, rather than a use or building type, and as such it should be removed from this Section. Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are only allowed in those zones where lodging uses are permitted, and therefore, are only permitted in T4N.1 and T4N.1-O Transect Zones where lodging uses are max. 15 rooms.

10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards

- Page 40.40-29

  Table I. Allowed Uses (Continued)

Retail Trade	T4N.1	T4N.1-O
Bars/Taverns	-	P
Micro-brewery/Micro-distillery	-	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.1 Zone consistent with bars and taverns which are already allowed.

10-40.40.080 T4N.2 Neighborhood (T4N.2) Standards

- Page 40.40-31

  Table C. Allowed Building Types[1]

  Add Courtyard Apartment, Apartment Building and Commercial Block to this table. Also add Stacked Triplex to this table.

  In Division 10-50.110 (Specific to Building Types) a new Stacked Triplex building type is proposed to be added (see Page 50-45 of the proposed amendments to Chapter 10-50 (Supplemental to Zones)). This new building type is appropriate in the T4N.1, T4N.2, and T5 transect zones but was not included in the Allowed Building Types tables for these zones as described above.

- Page 40.40-35

  Table I. Allowed Uses

Residential	**T4N.2**	**T4N.2-O**
~~Rooming and Boarding Facilities~~Dormitories, Fraternities/Sororities and SROs)	UP	UP

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T4N.2 and T4N.2-O Transect Zones as lodging uses are permitted.

Table I. Allowed Uses (Continued)

Retail Trade	T4N.2	T4N.2-O
Bars/Taverns	-	P
Micro-brewery/Micro-distillery	-	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.2 Zone consistent with bars and taverns which are already allowed.

10-40.40.090 T5 Main Street (T5) Standards

- Page 40.40-37

  Table C. Allowed Building Types[1]

  Add Apartment House and Apartment Building to this table. Also add Stacked Triplex to this table.

  In Division 10-50.110 (Specific to Building Types) a new Stacked Triplex building type is proposed to be added (see Page 50-45 of the proposed amendments to Chapter 10-50 (Supplemental to Zones)). This new building type is appropriate in the T4N.1, T4N.2, and T5 transect zones but was not included in the Allowed Building Types tables for these zones as described above.

- Page 40.40-39

  Table E. Encroachments and Frontage Types

  Allowed Private Frontage Types

  Add Terrace Shopfront to this table.

The terrace shopfront frontage type is appropriate in the T5 Transect Zone consistent with Table 10-50.120.020.A (Private Frontages General).

- Page 40.40-41

Table I. Allowed Uses

Residential	**T5**	**T5-O**
~~Rooming and Boarding Facilities~~Dormitories, Fraternities/Sororities and SROs)	UP[4]	UP

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T5 and T5-O Transect Zones as lodging uses are permitted.

Retail Trade	**T5**	**T5-O**
Bars/Taverns	P	P
Micro-brewery/Micro-distillery	P	P

Staff recommends that micro-breweries and micro-distilleries should also be permitted in the T4N.1 Zone consistent with bars and taverns which are already allowed.

10-40.40.100 T6 Downtown (T6) Standards

- Page 40.40-45

Table E. Encroachments and Frontage Types

Allowed Private Frontage Types

Remove Stoop from this table.

A stoop is not an appropriate frontage type in the T6 Transect Zone and was included in this table in error. This correction also ensures consistency with Table 10-50.120.020.A (Private Frontages General).

- Page 40.40-41

Table I. Allowed Uses

Residential	**T6**
~~Rooming and Boarding Facilities~~Dormitories, Fraternities/Sororities and SROs)	UP[4]

Consistent with the amendments proposed in Section 10-40.30.030 (Residential Zones), the rooming and boarding facility use has been deleted and the uses included within it have been listed separately. SROs are permitted in the T6 Transect Zone as lodging uses are permitted.

- Page 40.40-47

Table H. Allowed Uses (Continued)

Retail Trade	
Micro-brewery and Micro-distillery	P

Consistent with revisions made in the Commercial Business (CB) Zone (refer to Section 10-40.30.040) staff recommends that should also be permitted in the T6 Transect Zone consistent with bars and taverns which are already allowed.

- Page 40.40-48

Services

Office	P-[4]

Staff recommends that End Note #4 should be removed as in the downtown it may be appropriate to have offices on the ground floor. A good example of such an office use is the proposed new magistrate court building.

Transportation & Infrastructure

Passenger Transportation Facilities	P-[4][8]

End Notes

[8] Passenger facilities shall be on the ground floor with access to a public street or a public space.

Staff recommends that End Note 4 should be removed and a new end Note 8 added as in the downtown it would be appropriate to have passenger facilities associated with a passenger transportation facility on the ground floor with access to a public street or public space.

Amendments that apply to multiple Transect Zones:

A comparison of Table 10-50.110.030.A in Division 10-50.110 (Specific to Building Types) revealed inconsistencies between the Table A and the Allowed Building Type Tables in most of the Transect Zones. While these are technically clerical errors, they are identified here as the amendment will allow the addition of a building type into the following transect zones:

- Page 40.40-13

10-40.40.050 T3N.1 Neighborhood (T3N.1) Standards
Table B. Allowed Building Types[1]

Add Single-Family Cottage to this table.

- Page 40.40-25

10-40.40.070 T4N.1 Neighborhood (T4N.1) Standards
Table C. Allowed Building Types[1]

Add Single-Family Cottage and Courtyard Apartment to this table.

- Page 40.40-31

10-40.40.080 T4N.2 Neighborhood (T4N.2) Standards
Table C. Allowed Building Types[1]

Add Courtyard Apartment, Apartment Building and Commercial Block to this table.

- Page 40.40-37

10-40.40.090 T5 Main Street (T5) Standards
Table C. Allowed Building Types[1]

Add Apartment House and Apartment Building to this table.

- Page 40.40-43

10-40.40.100 T6 Downtown (T6) Standards

Table B. Allowed Building Types[1]

Add Live/Work to this table.

Table D. Building Form[1 2 3]

Applicable to Transect Zones: T2, T5, and T6

End Notes

[1] See Divisions 10-50.30 (Building Height) and 10-50.110 (Specific to Building Types) for additional building form regulations.

Applicable to Transect Zones: T3N.1

End Notes

[3] See Divisions 10-50.30 (Building Height) and 10-50.110 (Specific to Building Types) for additional building form regulations.

Applicable to Transect Zones: T3N.2, T4N.1, and T4N.2

End Notes

[3] See Divisions 10-50.30 (Building Height) and 10-50.110 (Specific to Building Types) for additional building form regulations.

These minor amendments establish a cross reference to Division 10-50.30 (Building Height) where additional standards for building height applicable to transect zones are established.

Transect Zones – T3N.1, T3N.2, T4N.1, and T4N.2:

Change Dwelling: ~~Two-family~~ to Duplex in these transect zones consistent with the remainder of the Zoning Code.

Transect Zones – T5 and T6:

Add Community Gardens as a Permitted use in these transect zones.

Community gardens are permitted in the Commercial Services (CS) and Central Business (CB) Non-Transect Zones. This simple amendment provides consistency.

Division 10-40.60: Specific to Uses

10-40.60.010 Purpose and Applicability

- Page 40.60-2

Table 10-40.60.010.A Zone Applicability

Add Micro-brewery and Micro-distillery.

This amendment ensures consistency with changes made in this Division by adding new standards for a micro-brewery or micro-distillery.

10-40.60.020 Accessory Buildings and Structures

- Page 40.60-3

A. **Applicability**

Accessory buildings and structures shall be permitted in all zones in compliance with this Section, provided each is incidental and subordinate to the principal use or structure. There must be a primary use established and either a principal structure on

the parcel or a building permit for a principal structure issued prior to, or simultaneously with, the issuance of a building permit for an accessory building or structure. Children's play houses and tree houses ~~that do not exceed 120~~ less than 200 square feet in floor area are not considered accessory structures and do not require a Building Permit. Sheds less than or equal to ~~120~~200 square feet in floor area also do not require a Building Permit.

This amendment is proposed to ensure that the Zoning Code is consistent with the adopted Building Code for the City (2012 International Building Code) which only requires a building permit for structures 200 sq. ft. or more in area.

- Page 40.60-5

Table 10-40.60.020.A: Accessory Structure Height and Location Standards

Table 10-40.60.020.A: Accessory Structure Height and Location Standards	
Location	**Max. Height (feet)**
Non-livable structures (e.g. garage, workshop, carport, shed, greenhouse)	
Within Buildable Area	24'
Min. 5' Setback to Rear and~~, On~~ Interior Side Property Line, and 0' Setback to~~On~~ Rear Property Line with Alley[1]	16'
Livable structures (e.g. ADU, studio or home office)[2]	
Within Buildable Area	24'
Min. 5' Setback to Rear and ~~on~~ Interior Side Property Line	16'

This minor amendment clarifies and simplifies existing confusing language in this table to ensure that a 5-foot setback is maintained to an interior side property line.

- Page 40.60-5

D. **Temporary and Permanent Storage Containers**

1. **Residential Zones**

The following standards apply to the temporary and permanent use of storage containers located in all residential zones.

a. **Temporary Use**

(1) In the case of fire, flood, or other emergency situation, storage containers may be placed, stored, or used for temporary storage on property zoned for residential use, provided the owner has applied for~~obtained~~ a Temporary Use Permit from the Director within three days of the emergency. The duration of the temporary storage use shall be limited to a maximum of 90 days within a calendar year, with the option to renew the permit one time, for a period not to exceed 90 days.

This amendment ensures that in the event of an emergency a Temporary Use Permit only needs to be "applied for" within three days, not "obtained" which implies that it has to be submitted, reviewed, approved, and issued within that time frame, which is not practical.

Note that the same language needs to be amended in the following sections:

- Paragraph 2., **Commercial and Research and Development Zones**, subparagraph a. (1) on Page 40.60.6
- Paragraph 3., **Industrial and Public Lands Zones**, subparagraph a. (1) on Page 40.60.8.

10-40.60.030 Accessory Dwelling Units

- Page 40.60-11

Table 10-40.60.030.A Design and Development Standards

Size	An ADU, excluding any garage or carport area and other non-living areas such as workshops or greenhouses~~, shall not exceed 33% of total floor area of principal residence and ADU combined. The ADU~~ shall be no less than 300 square feet in gross floor area and shall not exceed 600 square feet in gross floor area, except that on residential lots one acre or more in size, the area of an ADU may be increased to a maximum of 1,000 square feet. The area of ADUs that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall be measured based on the interior dimensions of the walls.

Staff recommends that the maximum percentage requirement should be eliminated as we have reviewed projects where this standard has precluded the construction of an ADU on a lot with a small house.

- Page 40.60-12

Table 10-40.60.030.A Design and Development Standards

Building Form Standards	ADUs shall meet the same building form standards as a principal building in the zone. See Table 10-40.60.020.A (Accessory Structure Height and Location Standards).

This minor amendment provides an important cross reference.

Table 10-40.60.030.B Building Form Standards Exceptions[1]

- Page 40.60-12

	Parcel/Lot Size (Min.)	Setback (Min.)
Detached	6~~7~~,000 sf	In compliance with Table 10-40.60.020.A

This amendment ensures consistency with the minimum lot size for residential zones. This is a smaller standard which may make it easier to establish an Accessory Dwelling Unit.

10-40.60.030 Accessory Dwelling Units

- Page 40.60-13

E. **Findings for Approval of ADUs**

6. Major access stairs, decks, entry doors, and major windows on one and one-half and two story structures face the primary residence to the maximum extent it is feasible, or the rear alley, if applicable. Windows that face neighboring side or

rear setbacks are installed so the bottom of the window is a minimum of six feet above the floor.

This minor amendment corrects an error in this sentence which as written did not make sense.

10-40.60.070 Animal Keeping

- Page 40.60-24

Standards for the keeping of animals, including but not limited to, hoofed animals, fowl, and bee keeping~~, domestic animals, hoofed animals and fowl~~, are provided in City Code ~~Title 7 (Health and Sanitation)~~Chapter 6-03 (Animal Keeping).

This amendment provides the correct cross reference to the Animal Keeping provisions in the City Code which is being updated by staff from the Sustainability Program for submittal to the Council for adoption later this year.

10-40.60.110 Bed and Breakfasts

- Page 40.60-25

~~A bed and breakfast may only provide commercial lodging for guests in up to four bedrooms within a single-family residence.~~

A. A bed and breakfast shall be operated by the property owner/manager living on the site.

B. Bed and breakfasts shall be limited to a maximum of four guest bedrooms, plus accommodations for the property owner/manager.

C. Food may only be served to registered overnight guests. Guest room cooking facilities are prohibited.

D. Parking shall be provided in compliance with Division 10-50.80 (Parking Standards).

E. Signs shall comply with the standards established in Division 10-50.100 (Sign Standards).

These amendments provide clearer standards for bed and breakfasts. The definition of a bed and breakfast in Chapter 10-80 has also been corrected.

10-40.60.140 Community Gardens

- Page 40.60-28

B. **Community gardens are subject to the following regulations:**

4. No building or structures shall be permitted on the site, with the exception of the following:

a. Sheds for storage of tools limited in size to 200~~120~~ square feet;

b. Greenhouses, limited in size to 200~~120~~ square feet and designed in compliance with setbacks for accessory structures, consisting of buildings made of glass, plastic or fiberglass in which plants are cultivated; and,

This amendment increases the area limitation for sheds and greenhouses from 120 sq. ft. to 200 sq. ft. consistent with the Building Code's threshold for when a building permit is required.

7. The sale of fresh produce and cottage foods (i.e. baked, pickled, canned or similarly produced foods grown in the community garden) is permitted subject to compliance with all state and local regulations.

Consistent with the standards now in effect in many US cities, this amendment allows for the sale of produce grown in a community garden. Note that no permit would be required for this activity.

10-40.60.160 Drive-through Retail or Service Facility

- Page 40.60-31

A. **Design Objectives**

A drive-through retail or service facility shall only be permitted if the Director first determines that the design and operation will avoid congestion, excessive pavement, litter, and noise.

B. **Limitation on Location**

The drive-through shall only be located along the ~~retail~~ building's façade away from a street frontage.

C. **On-site Circulation Standards**

The drive-through retail or service facility shall be provided internal circulation and traffic control as follows.

1. **Drive-through Lane~~Aisle~~ Design**
   a. The entrance/exit of any drive-~~-~~through lane~~aisle~~ shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs).

   b. The drive-through lane~~aisle~~ shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.

   c. To the maximum extent feasible drive-through lanes~~aisle~~ shall not be located between a property line and the front of the building. Where this is not practical, the drive-through lane shall be screened by a wall designed to match the building materials of the primary building(s) on the site.

These minor amendments ensure that these standards apply to both drive-through retail (e.g. fast food restaurant) and service (e.g. bank) facilities.
CITY COUNCIL: *At the December 15th work session staff and the City Council discussed a proposal to amend paragraph c. to allow a drive-through lane to be placed between the property line and the front of the building.*

[Insert a new illustration showing a screen wall based on a photograph – perhaps the McDonalds on S. Milton Road.]

C. **On-site Circulation Standards**

~~6. **Exceptions**~~

~~The Director may approve alternatives to the requirements of Subsections C.1 through C.3 upon finding that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.~~

6~~7~~. **Visual Buffer**

Move the language shown deleted above from this Chapter to Section 10-20.40.090 (Minor Modifications to Development Standards) and renumber the following paragraph.

10-40.60.180 Home Occupations

- Page 40.60-33

E. No stock, goods, and/or materials shall be displayed or sold at the location of the home occupation~~,~~ except as permitted in Subsection F. below, provided that this provision shall not be interpreted to prevent pick up of orders made either through the telephone or at sales meetings outside of the dwelling in which the home occupation is located.

F. The sale of fresh produce and cottage foods (i.e. baked, pickled, canned or similarly produced foods grown in a vegetable garden at the location of the home occupation) is permitted subject to compliance with all state and local regulations.

~~F~~G. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation.

I. The home occupation shall not be conducted in such a manner or advertised in such a way as to generate more pedestrian or vehicular traffic than typical for the zone within which it is located based on the standards in the current edition of the *Trip Generation* Manual published by the Institute of Transportation Engineers.

P. No home occupation permit is needed for a business located within a residence in any commercial zone.

A growing number of US cities allow the sale of fresh produce grown within a vegetable garden at a residence as a home occupation. This amendment permits these sales.
The amendment in paragraph I. provides an appropriate cross-reference to the standards used by the City Engineering Section to determine total daily trips for various land uses.
Also, the minor amendment in paragraph P. clarifies that no home occupation permit is needed for a business in a residence in a commercial zone.

10-40.60.210 Manufactured Homes

- Page 40.60-40

C. **Manufactured Home Subdivisions**

Additional standards for manufactured home subdivisions are included in City Code, Chapter 11-20 (Subdivision and Land Split Regulations).

~~1. Recreational facilities incidental to a manufactured home shall be permitted in manufactured home subdivisions as accessory structures.~~

~~2. No more than one manufactured home unit is permitted per lot in a subdivision.~~

~~3. The preliminary plat for a manufactured home subdivision shall include the dimensions of the buildable area within each lot.~~

~~4. Not less than 10 percent of the gross site area shall be reserved for common areas or open space. The ownership of the common area shall be transferred to a homeowners association. As an option, an applicant may request that the open space requirement be waived if an additional minimum of 10 percent of the total number of lots are provided as developable permanently affordable lots (See Section 10-30.20.040.B.6).~~

On the recommendation of the City Attorney, the text shown as deleted above should rather be included in the Subdivision Regulations (City Code Title 11) than here in the Zoning Code, as they are specific to manufactured home subdivisions.

10-40.60.220 Medical Marijuana Uses

- Page 40.60-45

G. A medical marijuana ~~dispensary~~ offsite cultivation location not associated with a medical marijuana dispensary located in Flagstaff is prohibited ~~in Flagstaff~~.

This amendment clarifies the intent of this paragraph and removes the ambiguity in the existing sentence to ensure that an offsite medical marijuana cultivation location in Flagstaff must be associated with a medical marijuana dispensary located in Flagstaff., i.e. an offsite cultivation location in Flagstaff may not provide medical marijuana to a dispensary located elsewhere in the state. This was the intent of this section when originally adopted.

10-40.60.230 Meeting Facilities, Public and Private

- Page 40.60-46

B. **Neighborhood Meeting Facilities**

1. Neighborhood meeting facilities include such uses as small community centers, social halls, union halls, and clubs that directly service the surrounding residential neighborhood.

2. Neighborhood meeting facilities are limited to less than 250 seats. Such facilities with 250 seats or more shall require a Conditional Use Permit in compliance with Section 10-20.40.050 (Conditional Use Permits).

3. A Conditional Use Permit ~~shall be required~~ in compliance with Section 10-20.40.050 (Conditional Use Permits) is also required to serve alcohol in a meeting facility in a residential or commercial zone.

The amendment proposed in paragraph 2 above acknowledges the standards established in Table 10-40.30.030.B (Allowed Uses) in which neighborhood meeting facilities over 250 seats are permitted subject to the approval of a Conditional Use Permit.

10-40.60.240 Micro-brewery or Micro-distillery

- Page 40.60-46

Micro-breweries and micro-distilleries shall meet the following development and performance standards:

A. Micro-breweries and micro-distilleries shall comply with all applicable state and local regulations.

B. A taproom is permitted within the micro-brewery or micro-distillery where customers for a fee may sample and consume the product without food service. The taproom shall be no more than 15 percent of the gross floor area of the structures on the premises.

C. An eating and drinking establishment is permitted as an accessory use to the micro-brewery or micro-distillery provided that eating and drinking establishment shall be limited to 25 percent of the gross floor area of the structures on the premises.

D. Parking shall be provided in compliance with Division 10-50.80 (Parking Standards).

This amendment provides development standards for a micro-brewery or micro-distillery. The taproom is intended to allow for the sampling and consumption of the beer or spirits without any food service. This is different from a larger eating and drinking use associated with the micro-brewery or micro-distillery where food and beverages made on site may be purchased and consumed.
Also, renumber all following Sections and check for and correct all cross references.

10-40.60.250 Mixed Use

- Page 40.60-47

A. **Purpose**

The Regional Plan promotes the concept of a more compact development pattern for the City by mapping and describing activity centers in urban, suburban, and rural area types, and encouraging mixed-use development. Mixed use is intended to encourage~~d~~ reinvestment of under-utilized parcels and infill development of vacant parcels with a compatible and balanced mix of residential, commercial, and institutional uses within close proximity to each other, rather than the separation of uses. Mixed use is also encouraged in new developments in Greenfield locations. Mixed-use developments ~~in order to~~ foster pedestrian-oriented residential and commercial development by providing~~e~~ more housing options, reducing~~e~~ traffic congestion, providing~~e~~ a stronger economy in commercial areas, and encouraging~~e~~ pedestrian trips. Mixed use also has the potential to provide increased opportunities for affordable housing. In order to accomplish these goals, higher intensities of land use are permitted for mixed-use structures than for the individual uses permitted in a zone.

These amendments expand the purpose of the Mixed Use Section of the Code to add emphasis to reinvestment possibilities and to clarify the benefits of mixed use.

B. ~~General~~**Mix of Uses**

1. A mixed-use development combines residential and nonresidential uses, or different types of nonresidential uses, on the same site~~,~~ with the residential units

either ~~typically~~ located above the nonresidential uses (vertical mixed use) or ~~.~~ ~~Residential units may be~~ allowed at ground level behind street-fronting non-residential uses (horizontal mixed use) ~~only~~ under the limited circumstances specified by this Section. ~~Upper floors may also be occupied by office uses.~~ Examples of vertical and horizontal mixed use are illustrated ~~given~~ in Figure A.

2. A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor provided there is at least one more floor above the second floor that has a different use from the first two floors. At least one of the floors shall contain residential units. See Figure B.

3~~1~~. Mixed-use development shall incorporate a minimum of two uses.

4. The minimum depths of pedestrian-oriented commercial space in mixed-use developments within activity centers determined in the Regional Plan are provided in Table A:

Table 10-40.60.250.A: Standards for Pedestrian-Oriented Commercial Space	
Activity Center	**Min. Depth of Pedestrian-Oriented Commercial Space**
Urban Activity Center	20' Min.
All other locations	60' Min.

*(**P&Z**) Staff originally suggested a minimum depth of 24 feet for pedestrian-oriented commercial space in urban activity centers and 60 feet for such spaces in suburban and rural activity centers. Some members of the Commission correctly pointed out that not all mixed-use developments would occur in an activity center, and that they could occur in parts of the Sunnyside or Southside neighborhoods, or along any arterial such as Route 66. The Commission also recommended reducing the depth of the commercial space in an activity center to 20 feet.*

~~2. Residential uses are not required to be part of the mixed-use development.~~

5~~3~~. If any one of the uses of the mixed-use development requires the approval of a Conditional Use Permit then the development in its entirety shall be subject to the Conditional Use Permit ~~in compliance with~~ (see Section 10-20.40.050 (Conditional Use Permits)).

6~~4~~. Only uses allowed in the underlying zone shall be permitted in the mixed-use development.

Figure B. Examples of use mixes that meet the requirements of Subsection B. (Mix of Uses)

The amendments proposed in this Subsection provide clarification and eliminate redundancy. The inclusion of Figure B helps to illustrate examples of mixed use in a building scaled to Flagstaff's form and character, and clarify that mixed use should include some residential dwelling units. Further, the amendments provide a cross-reference to the activity centers described in the Regional Plan and based on the area type in which the activity centers are located, minimum depth standards for pedestrian-oriented commercial space are established.

- Page 40.60-49

~~D. **Mix of Uses**~~

~~A mixed-use development may combine residential uses with any other use allowed in the applicable zone where allowed by Division 10-40.30 (Non-Transect Zones) in compliance with Subsection B.~~

This Subsection is redundant (it is included in new paragraph 5. above) and may, therefore, be deleted.

- Page 40.60-49

E. **Site Layout and Development Design Standards**

1. Each proposed mixed-use development shall comply with the property development standards of the applicable zone, and the requirements of Table B~~A~~ (Site Layout and Development Design Standards).

2. There is no density limitation established for residential uses in mixed-use developments. Instead, applicable floor area ratio, building height, parking, landscaping, etc. standards will apply to provide a control on the bulk and mass of the development and the number of residential units permitted.

The current Zoning Code and proposed amendments to the Code do not establish a maximum density for mixed-use developments. Instead, the number of residential units in a mixed-use development is limited by such standards as parking, landscaping, FAR and building height. This amendment explicitly states this principle.

Table 10-40.60.250.B~~A~~: Site Layout and Development Design Standards	
Pedestrian-oriented Commercial Space	(1) Pedestrian-oriented commercial space includes a lobby serving other uses in the building or uses not open to the general public (e.g. a private gymnasium). (2) Ground floor commercial space shall have a customer entrance opening directly onto the sidewalk. (3) Depth of the ground floor commercial space must be no less than the standard established in Table A. (4) Floor to ceiling height of the ground floor commercial space of min. 14 feet. (5) Private frontage must be in compliance with Division 10-50.120 (Specific to Private Frontages) as determined by the Director.
Location of Residential Units[1]	Residential units shall not occupy the ground floor street frontage space adjacent to a primary ~~public or private~~ street~~. The ground floor street frontage space within a mixed-use building shall be reserved for commercial uses, except for a lobby or other entry feature providing access to the residential units.~~
Parking	To encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed-use developments in compliance with Section 10-50.80.060 (Parking Adjustments).
Loading Areas	Commercial loading areas shall be located away from residential units and ~~shall be~~ screened from view from the residential portion of the development to the maximum extent feasible, in compliance with Table 10-50.60.040.B (Buffer and Screening Requirements).
Refuse and Recycling Areas	Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
Open Space	A mixed-use development shall be designed to provide residential uses with common or private open space, which may be in the form of roof gardens, individual balconies, or other means as approved by the Director.

End Notes

[1] The Director may waive or modify the requirement for pedestrian-oriented commercial space on the ground floor of a mixed use building. See Section 10-20.40.090 (Minor Modifications to Development Standards).

The inclusion of this new row into Table 10-40.60.260.A establishes appropriate standards for pedestrian-oriented commercial spaces on the ground floor of a mixed-use building. It will help staff to review and approve such a building based on clearly defined standards, which are currently absent.
(P&Z) *Following discussion and a suggestion from the Commission at the June 10th hearing, the new End Note #1 has been added to provide the Director with flexibility to waive or modify this requirement under the Minor Modification of Development Standards provision of the Code.*

10-40.60.260 Outdoor Commercial Recreation Structures

- Page 40.60-50

Outdoor structures such as bleachers, movie screens, permanent rides, and outdoor seating areas shall be a minimum of 100 feet from any property~~setback~~ line.

This standard from the former LDC was incorrectly stated in the Zoning Code. The placement of outdoor structures should be measured from a property line rather than a setback line.

10-40.60.270 Planned Residential Development

- Page 40.60-50

A. **Applicability**

1. This Section provides a mechanism to allow the building types listed in Table A below (See Division 10-50.110 (Specific to Building Types) for additional standards) in the non-transect zones and for achieving gross densities on undeveloped lands where substantial natural resources are present on the site. (See Division 10-50.90 (Resource Protection Standards)).

2. Affordable housing developments (Refer to Division 10-30.20) may utilize Planned Residential Development standards in any zone where residential uses are allowed.

3. Site Plan Review and Approval (Refer to Section 10-20.40.140) is required for all building types that include three~~two~~ or more units, including the ~~duplex,~~ bungalow court, townhouse, apartment house, courtyard apartment and commercial block building types.

This amendment ensures consistency with the Building Code and other proposed amendments to the Zoning Code regarding review thresholds for site plan review and approval.

B. **Building Types for Planned Residential Development**

1. Planned Residential Developments may integrate different building types as identified in Table A (Planned Residential Development Building Type Options)~~;~~. ~~however, they~~ Planned Residential Developments shall be planned with ~~as~~ an integrated site plan ~~ning process~~ as~~under~~ one comprehensive development or as a Traditional Neighborhood Community Plan in compliance with Division 10-30.80 (Traditional Neighborhood Community Plans).

2. **Building Types not Specifically Listed**

a. The Director may approve the integration of building types not specifically listed in Table A provided that the building type;

i. M~~m~~eets the intent of the zone;

ii. Is compatible with the form, scale and character of other on-site buildings; and

iii. Is compatible within the context of existing and proposed development in the vicinity of the site. ~~For example, within a MR~~

~~or HR Zone or the commercial zones, an apartment building is also an appropriate building type.~~

b. An example of a building type that is appropriate in a non-transect zone such as the MR or HR Zone or any of the commercial zones is an apartment building more typically associated with suburban environments described in Section P.040 (Classifications of Different Types of Places in Flagstaff, Subsection C. (Driveable Suburban)).

This amendment provides criteria to assist the Director with the approval of building types not specifically listed in Table A.

3. **Determination of Building Types**

a. The building types that may be utilized in the non-transect zones as a Planned Residential Development are established in Division 10-50.110 (Building Types).

b. Each Section of Division 10-50.110 establishes unique standards for each building type, including lot size, number of units, pedestrian and vehicle access, allowed frontages, etc.

c. Building placement and form standards (i.e. building height, setbacks, etc.) for the building types selected for development as a Planned Residential Development are determined by the transect zone in which the building type is permitted from Table 10-50.100.030.A (Building Types General). When a building type is allowed in more than one transect zone, the Director shall determine which transect zone's building placement and form standards should apply based on the form, character and scale of existing and proposed development, and the compatibility of the proposed building type within the context of existing and proposed development in the vicinity of the site.

This new Subsection provides an explanation of where to find the standards for a selected building type as this is not clear in the existing Zoning Code.

Table 10-40.60.270.A: Planned Residential Development Building Type Options											
Building Type	**Residential Zones** See Section 10-40.30.030.C for Building Form Standards						**Commercial Zones** See Section 10-40.30.040.C for Building Form Standards				
	RR	**ER**	**RI**	**R1N**	**MR**	**HR**	**SC**	**CC**	**HC**	**CS**	**CB**
Carriage House	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	--
Single-family											
Estate	✓	✓	✓	--	--	--	--	--	--	--	--
House	✓	✓	✓	✓	✓	✓	--	✓	--	--	--
Cottage	✓	✓	✓	✓	✓	✓	--	✓	--	--	--
Bungalow Court	✓	✓	✓	✓	✓	✓	--	✓	--	--	--
Duplex											
Side-by-Side	✓	✓	✓	✓	✓	✓	✓	✓	--	--	--
Stacked	✓	✓	✓	✓	✓	✓	✓	✓	--	--	--
Front-and-Back	✓	✓	✓	✓	✓	✓	✓	✓	--	--	--
Stacked Triplex	--	--	--	--	✓	✓	✓	✓	--	--	--
Townhouse	~~✓~~	~~✓~~	✓	~~✓~~	✓	✓	✓	✓	✓	✓	--
Apartment House	~~✓~~	~~✓~~	~~✓~~	~~✓~~	✓	✓	✓	✓	✓	✓	--
Courtyard Apartment	~~✓~~	~~✓~~	~~✓~~	~~✓~~	✓	✓	✓	✓	✓	✓	--
Apartment Building	--	--	--	--	✓	✓	--	--	✓	--	--
Live/Work	~~✓~~	~~✓~~	~~✓~~	--	✓	✓	✓	✓	✓	✓	✓
Commercial Block	--	--	--	--	~~✓~~	~~✓~~	--	✓	✓	✓	✓

Table A above has been amended to correct the residential non-transect zones in which certain building types may be applied (e.g., the townhouse, apartment house, or courtyard apartment building types are not appropriate in the low and medium density residential zones where they were originally placed in the current code). Staff recommends this amendment based on the mass and scale of these more "multi-family residential" building types that are certainly appropriate in the MR and HR Zones where they would be compatible with existing building forms, but they are not as compatible with a single-family residence or duplex. This statement is further justified by the underlying density standards in zones such as RR where it is highly unlikely that a property owner would develop, for example, a courtyard apartment building, because the density permitted in this zone is so low (1 dwelling unit per 5 acres). If such a building type was proposed, a zone change to a higher density zone (MR perhaps) would be more logical. Residents of the La Plaza Vieja neighborhood have clearly stated that they do not want to see townhomes or similar buildings in the R1N portion of the neighborhood, and this desire has been documented in the adopted La Plaza Vieja Specific Plan.

The table has also been amended to allow various additional building types in the commercial zones.

This table also includes two new building types, the Stacked Triplex and Apartment Building – see the amendments in Division 10-50.110 (Specific to Building Types).

- Page 40.60-51

C. **Open Space Requirement**

Planned residential developments must designate ~~shall include~~ a minimum of 15 percent of the gross site area as common open space. Such open space can be included ~~that is in addition~~ within ~~to~~ any areas of the site with natural resources such as floodplains, slopes or forests that may be required to be protected as stipulated in Division 10-50.90 (Resource Protection Standards).

This amendment clarifies a standard that is incorrectly stated in the current Code. Rather than stating that required open space is in addition to any protected areas of the site, consistent with the former LDC and current practice established elsewhere in the Zoning Code, required open space is allowed to be included in areas protected for floodplains, slopes or forests.

10-40.60.300 Secondary Single-Family Dwelling

- Page 40.60-57

A. **Applicability**

This section applies to existing detached residential units (except for Accessory Dwelling Units) established prior to November 5, 2002 on lots located in the MR and HR Zones not subject to the Resource Protection Overlay~~, and the R1N Zone~~. Where two existing detached residences are located~~established~~ on a ~~n existing~~ lot, following the procedures established in Division 11-10.90 (Modified Subdivision Process) or Division 11-10.100 (Land Splits and Combinations) two new lots may be created subject to the standards provided below.

B. **Standards**

~~Two detached dwellings may exist and be maintained as principal buildings on a lot that has frontage on, and access to, a public street.~~ If the lot with two existing detached residential units is proposed to be divided pursuant to this Section, each ~~remaining~~ resulting lot shall have frontage on, and/or legal access to, a public street or alley. The following standards in Table A (Secondary Single-Family Dwelling) shall also be met.

Table 10-40.60.300.A: Secondary Single-Family Dwelling	
Building Placement Requirements	
	Existing residential units shall maintain building separation requirements of applicable Sections for the ~~R1N,~~ MR and HR Zones~~, to the maximum extent feasible~~. Lots proposed to be divided: the new property line shall be drawn in such a manner as to divide this distance approximately equally between the two new lots, but in no case shall a new property line be drawn between existing structures that would be inconsistent with applicable City Building Code separation requirements.
Lot Requirements	
Lot Size (min.)	5,000 sf in MR and HR Zones If the lot is proposed to be divided: the smaller of the two remaining lots shall be at least 40% of the original lot or 2,000 sf, whichever is larger

Lot Width (min.)	50' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot width of at least 40'
Lot Depth (min.)	75' If the lot is proposed to be divided, the smaller of the two remaining lots shall have a lot depth of at least 40'
Building Form Requirements	
Lot Coverage (max.)	40% If the lot is proposed to be divided, each remaining lot shall have maximum coverage of 40%
Utilities	
	If the lot is proposed to be divided, each residential unit shall be provided with separate utility services in approved locations, subject to the provision of utility easements as necessary.

The amendments suggested above provide an option for resolving challenges with this Section of the Zoning Code. The need for amending the building form standards in Table 10-40.60.300.A was originally identified by concerned residents of the Flagstaff Townsite neighborhood, as they have been worried that if as a result of a Land Division as authorized and approved under this Section, and one or both of the existing homes were demolished, then two primary dwellings could be constructed. This is contrary to the standard established in the Townsite Historic Design Standards that require a careful relationship between a larger "Primary" residence closer to the street, and a smaller "Secondary" residence at the rear typically with access from an alley. This relationship is very important in this Historic District. Note that the amendment proposed only applies in a Historic Overlay Zone (currently only the Townsite neighborhood has such an overlay zone with building height standards), and this new standard would not apply in other R1N, MR, or HR Zones. This is staff's recommended option.

*(P&Z): **At the June 10th public meeting a majority of commissioners indicated they preferred and supported this option.** At the June 24th meeting a minor amendment to the text in the new Building Height" row suggested by a Flagstaff resident was supported by the Commission. This amendment adds "an addition to an existing building" within this standard.*

In the alternative, the R1N Zone could be deleted so that the ability to split a lot under the conditions described in this Section would only apply to the MR and HR Zones. This option would raise Proposition 207 issues.
***CITY COUNCIL:** At the December 8th work session the City Council agreed that the reference to the R1N Zone should be removed from this Section so that it would no longer be applied to the historic districts and neighborhoods within the R1N Zone.*

***NOTE:** This Division should be moved from the Zoning Code to Title 11 (General Plans and Subdivisions) of the City Code because this Section really establishes a process and standards for the subdivision of land under specific conditions. This will be done when the Subdivision Regulations are amended later in 2016.*

C. **Parcel Division**
If two residential units exist on a lot in conformance with Subsection A above, such lot

may be divided, upon application through the Modified Subdivision Process set forth in Division 11-10.10 (Title and Authority), or Land Split procedure outlined in Division 11-20.100 (Land Splits and Combinations), into two separate lots, one for each residential unit, if the following requirements are met:

1. The lot line created between the two residential units shall be substantially perpendicular to the side lot lines if the buildings are located in the front and rear portions of the original lot, or to the front and rear lot lines if the buildings are located side by side;

2. The division complies with the Land Split requirements of Chapter 11-10 (Subdivision and Land Split Regulations), except as modified by this Section for development standards in the ~~R1N and~~ MR and HR Zones not subject to the Resource Protection Overlay;

3. If the proposed property division is a Land Split and the lot boundaries are set by a recorded plat and all public improvements exist along the entire frontage of the property prior to splitting, then the division may be processed as a Land Split in compliance with Division 11.10.10 (Title and Authority); and

4. If the City Engineer determines that as a result of the proposed property division public improvements are required in compliance with Division 10-30.50.070 (Minimum Requirements), then the property division shall follow the Modified Subdivision Process as defined in Division 11-10.90 (Modified Subdivision Process).

10-40.60.310 Telecommunication Facilities

- Page 40.60-60

B. **Permitting Applicability**

2. **Uses Requiring a Conditional Use Permit**

a. **Antenna-supporting Structures**

All new antenna-supporting structures and replacement antenna supporting structures intended for commercial and emergency services or public facility use shall obtain a conditional use permit in compliance with Section 10-20.40.050 (Conditional Use Permits) prior to submittal for building permit approval and the initiation of construction.

This amendment will ensure that a conditional use permit is required for a new or replacement antenna-supporting structure for both a commercial facility as well as for such uses as the Police or Fire Department, Public Works Division, etc.

- Page 40.60-62

C. **General Requirements for Telecommunications Facilities**

6. **Visual Impact**

e. Camouflaged sites may be required by the Director and will be subject to the following minimum standards:

(1) Simulated pine branches must be located from a point that is 25 percent the height of the tower measured from finished grade to the top of the tower.

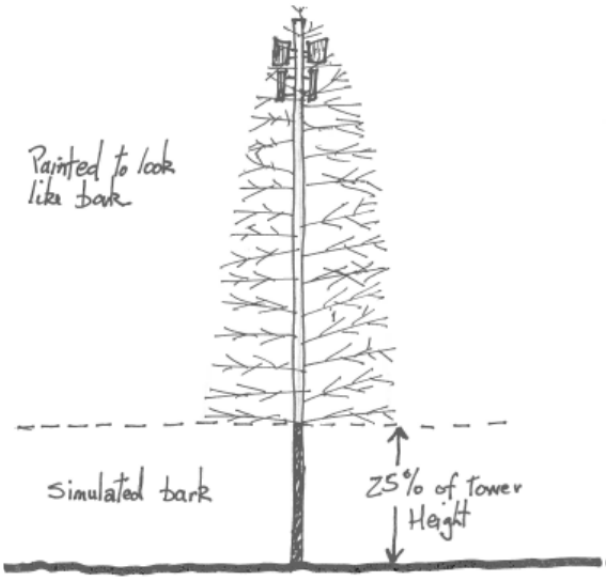
(2) A density of 2.3 simulated branches per one lineal feet of the tower is required. Branches shall be installed on the tower in a random organic pattern.

(3) The minimum length for the lower level simulated branches is 10 feet long. Simulated branches must taper toward the top of the tower to give the appearance of a natural conically-shaped evergreen tree.

(4) The tower shall be painted to emulate a natural tree trunk, while the bottom 25 percent of the height of the trunk shall be covered with a simulated tree bark product.

(5) Antennas shall be fitted with a cover or otherwise camouflaged, and shall not extend beyond the tree branches located immediately adjacent to the antennas.

New subparagraph e provides standards for camouflaged telecommunications facilities that have been applied by staff for many years and are consistent with industry standards. These were inadvertently omitted from the Zoning Code when it was updated in 2011. Also, add an illustration to illustrate these standards.



- Page 40.60-68

G. **Time Limits**

~~The City shall process tower citing applications for co-location facilities within 90 days and all other tower applications within 150 days, in compliance with Section 332(c)(7) of the Communications Act.~~

The Federal Communications Commission recently adopted new rules applicable to states and municipalities regarding approvals of telecommunications towers. The City Attorney's office has recommended that this Subsection can be removed as it is no longer necessary because the City's approval time frames established under SB1578 and HB2443 (The Regulatory Bill of Rights) for the review and approval of telecommunications facilities are significantly shorter (26 working days) than the new FCC standard which is 60 days.

DOCUMENT C: Chapter 10-50 (Supplemental to Zones)

Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

CITY of FLAGSTAFF
2015 Zoning Code Amendments

Updated: 12/17/2015

Chapter 10-50: Supplemental to Zones (Except for Division 10-50.100 Sign Standards)

During the City Council's December 15, 2015 work session the Council concluded their policy discussion on this chapter and provided policy direction on a number of specific sections as summarized in the table below. This table also summarizes other minor technical amendments identified by staff. All new proposed amendments are highlighted throughout this document. Proposed amendments to Division 10-50.100 (Sign Standards) discussed by the Council in the December 8th work session will be presented for review and approval in a separate public meeting following the Planning and Zoning Commission's public hearing and action on this topic.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-50.50.040 General Fencing and Screening Requirements	50.50-3	**Staff** – E. Enclosures for Refuse and Recycling Containers: New section provides standards for refuse and recycling containers. Also requires a minor clarification in 10-50.50.050 (Screen Walls)	9
10-50.80.040	50.80-6	**Staff** – Table 10-50.80.040.A: Number of Motor Vehicle Parking Spaces Required – Retail Trade: Corrects a standard that was improperly stated in this table.	27
10-50.80.080 Parking Spaces, Parking Lot Design and Layout	50.80-19	**Council** – Table 10-50.80.080.B: Min. Number of Accessible Spaces: No amendments to this table regarding the standards for ADA requirements are proposed	30
		Council – F. Location: Clarifies and expands the locations on a lot where vehicles may be parked	33
		Council – L. Trailers, RVs and Boats: Clarifies and expands the locations on a lot where vehicles may be parked and stored. Also, the parking of RVs in commercial parking areas is permitted subject to new standards	34
Division 10-50.100 Sign Standards	50.100-1 and following	**Staff** – All amendments have been removed from this document as they will be considered separately after P&Z review	37

Division 10-50.20: Architectural Design Standards

10-50.20.020 Applicability

- Page 50.20-1

B. The standards found within this Division shall not apply to the following:

1. Individual single-family dwellings;

2. Industrial uses and buildings outside of the RD Zone and business parks; and

3. Buildings within a Traditional Neighborhood Community Plan (See Division 10-30.80) that provide~~s~~ their own architectural standards.

This amendment clarifies that conformance with the architectural design standards is not required in such zones as LI, LI-O, HI, and HI-O.

10-50.20.030 Architectural Standards

- Page 50.20-3

A. **Applicable to All Zones**

1. **Building Materials**

The design traditions of Flagstaff emphasize simplicity in the use of materials. Wood, masonry and metal have been the primary historic building materials used in Flagstaff. Wood has traditionally been used for siding, trim, windows, doors and porches on both commercial and residential buildings while locally quarried stone has commonly been used for both structural and decorative masonry**.** Roofing, support systems and decorative features are often made of metal. It is important, therefore, that new buildings in Flagstaff incorporate these materials in their design. See Figures A through F.

a. **Primary Materials**

b. **Secondary Materials**

c. **Placement of Building Materials**

Typically in the design tradition of Flagstaff only one primary building material is used on a building façade. Accent panels, trim details such as an expression line, and other façade details can utilize either the same primary building material or different materials considered as secondary building materials. In certain applications more than three different materials may be appropriate when they are used to, for example, establish a solid base to a building, reinforce the form of a building, or when used to compose a large building (i.e. over 50,000 sq. ft.) as a series of smaller elements or masses. The Flagstaff tradition also includes the placement of heavier materials with larger grain textures towards the bottom of a façade and lighter materials with smaller more refined textures toward the top. In this context "heavier" and "lighter" are terms describing visual character and texture as opposed to actual weight. Different building forms may include heavier or lighter materials, but heavier materials shall not be placed above lighter materials.

*(P&Z): **OPTION 1:** The amendment in Paragraph 1 recommended by the Commission incorporates new language to better explain the intent behind the Building Materials Subsection*

of this Division. It, therefore, provides a brief explanation of why building materials are important in the City and their historic roots.
A further amendment in Subparagraph c. is intended to clarify and provide a standard for the placement of building materials on new buildings in keeping with Flagstaff's design traditions. ***At the June 10th public meeting a majority of commissioners indicated they preferred and supported this option*** *rather than an alternative that would only allow three primary building materials on large buildings that are over 50,000 sq. ft. in floor area.*

Insert an appropriate photograph or illustration.

- Page 50.20-3

  The windows illustration on the top of Page 50.20-3 is not appropriate in this location and should be moved to Page 50.20-10 as a part of Subsection B.(Building Massing and Scale), and a new paragraph 6. (Windows and Doors) – see below.

- Page 50.20-7

  2. **Color**
     a. Use muted colors and earth tones for building and roof materials.

        (1) Bright colors are appropriate only for accents.

        (2) A minimum of 75 percent~~%~~ of the exterior walls and roofs seen from a public way shall have muted colors and earth tones typical of those found in the Flagstaff area with a light reflectance value (LRV) of 50 percent or less.

This amendment helps to define muted earth tone colors in the Flagstaff area.

- Page 50.20-9

  B. **Building Massing and Scale**
     3. **Roof Form**

        Incorporate at least two of the following features, which are listed in order of most compatible with Flagstaff's design traditions, to add architectural articulation and reduce perceived scale:

        (1) Sloping roofs with a minimum pitch of 4:12~~A flat roof with a parapet~~;

        (2) Overhanging eaves;

        (3) Multiple roof planes;

        ~~(2)~~(4) A cornice or molding to define the top of the parapet; and/or

        ~~(3)~~(5) A flat roof with a parapet~~Overhanging eaves.;~~

        ~~(4) Sloping roofs with a minimum pitch of 4:12; and/or~~

        ~~(5) Multiple roof planes.~~

This amendment is suggested to prioritize preferred roof forms based on Flagstaff's design traditions.

*(**P&Z**): The opening sentence has been modified so that it no longer states that these features are listed in priority order. As Flagstaff design traditions are responsive to climate considerations, this phrase has not been specifically added to this sentence.*

- Page 50.20-10

5. **Location and Orientation of Building Entrances**

A building entrance serves both the building's tenants and customers. In addition to its functionality, it can enliven the building's context, especially when the building entrance provides access directly from the public sidewalk. A city block with buildings that have entrances directly accessible from the public sidewalk encourages walkability and increases the possibilities for pedestrian movement and activities, including shopping and social interactions.

The following standards apply to the design and placement of building entrances:

a. The main entrance to a building that is open to the public shall be clearly identifiable by emphasizing and enhancing the level of architectural details such as a change in plane (e.g. the entrance may be recessed on the street level façade), differentiation in material and color, or enhanced lighting.

b. The primary entrance of a building shall be oriented to face a street, plaza or pedestrian way.

c. Locate utility, mechanical room, or service entrance doors away from the public sidewalks of major and secondary streets.

d. If glass entry doors are used they must have the same solar qualities as those of the storefront window design.

The amendments in this Subsection update the standards for building entrances.
*(**P&Z**): As the Building Code does not specifically require the same solar qualities for doors and windows (windows are generally thicker), staff recommends that subparagraph d should remain.*

Insert this or a similar photograph

7. **Windows**

The placement, pattern, scale, size, and rhythm of windows on building façades, including proportions and details around them are an important aspect of a building's fenestration as they determine its appeal, charm, and character. Buildings with poor fenestration appear visually uninteresting. Scale, proportion, added architectural details, such as appropriate use of materials, trims, bands (i.e. an expression line) and cornices bring visual interest to building façades, enhance the building's design, provide a connection from the outside to the inside of the building through a window, and provide a human scaled backdrop to the street space.

(P&Z)*: The first sentence has been modified to include the former second sentence to enhance the meaning of this opening statement and eliminate redundant language.*

The following standards apply to ensure that traditional façade elements express Flagstaff's design traditions in the design and placement of windows on a building:

a. Maximize the number of street level façade openings for windows.

b. Organize the placement of windows and doors on the building elevation relative to each other and the building's forms to ensure they are balanced and proportionate.

c. Set storefront window frames at a height above the finished grade to reflect traditional main street building qualities, such as display windows.

d. Recess window frames, including storefronts, from the typical wall plane surface to provide a shadow line and to accentuate the storefront. At a minimum, the depth of the recess should be proportionate to the scale of the window.

e. For the upper level façades, provide a fenestration pattern that includes window openings that are greater in height than width.

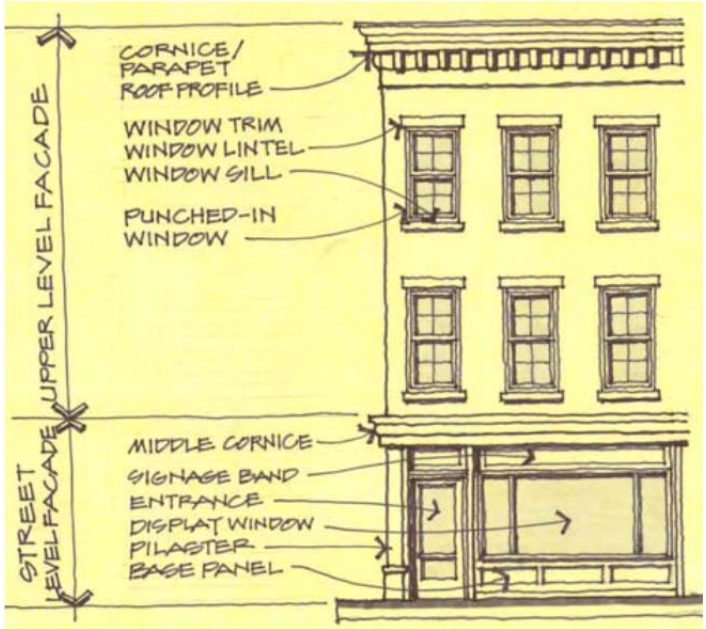
f. Include operable windows on the upper level façade.

g. Delineate changes in surface material by a reveal or a recess detail.

h. At the street level façade display windows must include a signage band (transom panel) above the display window and a base panel below the display window.

This amendment provides standards for the placement and design of windows that are not in the current Zoning Code, and which are an important aspect of the design standards to support Flagstaff's unique design traditions.

Modify this drawing so that it is more appropriate in the context of Flagstaff OR include an appropriate photograph.



8~~7~~. **Parking Lots**

Parking lots shall follow the standards in Section 10-30.60.050 (Parking Lots, Driveways and Service Areas), Division 10-50.80 (Parking Standards)~~,~~ and Division 10-50.60 (Landscaping Standards) ~~and should be located to the side or behind a building, rather than in front, to reduce the visual impact of the parking lot~~.

The standard deleted above is already included in Section 10-30.60.050 in a more comprehensive manner.

9. **Gas Station Service Canopies**

The canopy over a gas station service area shall be designed as a subordinate element of the overall site design using the following strategies:

a. The canopy shall be designed with a low profile section with a maximum height of three feet;

b. A muted earth-tone color shall be used on the perimeter of the canopy. Bright colors are appropriate only for accents; and

c. The mass of the canopy shall be reduced by stepping its form or by dividing it into a set of smaller individual canopies.

[Insert an appropriate new photograph – similar to LDC Chapter 16, Page 60]

This amendment is based on design standards from the former LDC that were inadvertently omitted from the new Zoning Code.

Division 10-50.30: Building Height

10-50.30.030 How Building Height is Measured

- Page 50.30-2

2. **Overall Building Height**

a. Overall building height shall be measured vertically from the natural grade or finished grade adjacent to the building exterior to the highest point of any roof element, including the top of a parapet~~coping of a flat roof~~, the top of a mansard roof, or the highest point of the highest pitched roof, whichever yields the greatest height.

This amendment simplifies this standard and makes it easier to understand, and includes an important phrase that was missing.

b. Overall building height shall not exceed the building height plane, described in Subsection 1 above, except as follows:

(2) The following elements attached to a building shall be excluded from the height measurement with no limitations on the roof area covered by such elements:

(a) Flagpoles; and,

(b) Solar collectors.~~roof paneling; and,~~

~~(c) Solar water heaters.~~

As "solar collector" is defined in the definitions as any solar collecting system (including roof mounted panels and water heaters), these latter terms may be removed from this section.

- Page 50.30-3
  Figure B and Figure C: Change "Existing Grade" in the legend to "Natural Grade".

Section 10.50.30.030.A.1 correctly refers to "natural grade" so for consistency of application the Figures should be corrected as stated above.

Division 10-50.50: Fences and Screening

10-50.20.020 Permit Required

- Page 50.50-2
  Issuance of a Minor Improvement Permit (see Section 10-20.40.080 (Minor Improvement Permits)) is required for the installation of all walls and fences described in this Section.

This minor amendment establishes a cross-reference to the permitting requirements for the installation of a new wall or fence. Renumber all following Sections.

10-50.50.0~~3~~40 General Fencing and Screening Requirements

- Page 50.50-2

Table 10-50.50.020.A: Maximum Height of Fences or Walls	
Location of Fence or Wall	**Maximum Height[1]**
Residential Zones	
Within Front Setback Area[2]	
Solid Fence or Wall	3’
Vinyl Coated Chain Link or Decorative Wrought Iron	4’
Horse Corrals	5’
Within Side or Rear Setback Area	6’
Commercial Zones	
Within Front Setback Area [2]	
~~Street Buffers~~	~~6’ [3]~~
	3½’
Screening along Perimeter of Parking Areas	Not permitted
All Other Front Setback Areas	
Within Side or Rear Setback Area	6’ [3]
Street Buffers	6’ [3]
Industrial and Public Facility Zones	
Within ~~On~~ Front Setback Area~~Property Line~~[2]	6’
On Side or Rear Property Lines	8’

End Notes

[1] Heights shall not conflict with the *Engineering Standards* for sight visibility at street intersections (Refer to the *Engineering Standards*, Section 13-10-006-0002~~10-06-020~~ (Intersection Sight Triangles, Clear View Zones)).

[2] Open wire fencing or a wall may exceed the maximum height in front setbacks of schools, public and quasi-public buildings as approved by the Director.

[3] Fences and walls shall be placed in the rear (interior) of a required street buffer. Refer to Section 10-50.60.040.B.1 for street buffer requirements.

These minor amendments (which do not change any standard applicable to fences) help to provide clarity in how the standards are applied and to eliminate confusion.

Insert two figures, one each for residential zones and commercial zones, to illustrate the standards established in this table and how they are applied.

- Page 50.50-3

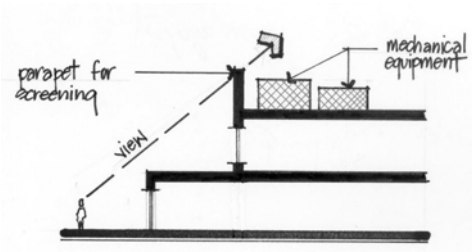
C. **Utility Boxes**

D. **Equipment Screening**

1. In all zones rooftop mounted mechanical and electrical service equipment must be screened from public view to the height of the tallest equipment with materials architecturally compatible with the finishes and character of principal structures.

2. In all zones ground mounted mechanical equipment must be screened from surrounding properties and streets, or enclosed within a building.

[Insert appropriate illustration like this one from the City of Sedona]



*(**P&Z**): This amendment requires that all rooftop mechanical and electrical equipment, and all ground mounted mechanical equipment, must be screened consistent with former language in the LDC. The language regarding screening of ground mounted electrical equipment has been removed.*
Renumber following Subsections.

E. **Enclosures for Refuse and Recycling Containers**

Refuse and recycling containers shall be screened by solid fences or walls constructed to a minimum height of six feet and designed to match the building materials of the primary building on the site and the *Engineering Standards*. Where feasible, enclosures for refuse and recycling containers shall be sited to the rear or side of a building, or in a location where visibility from public rights-of-way is minimized.

This amendment is proposed instead of the amendment previously suggested in Section 10-50.50.040 below that included the need for refuse and recycling containers to be screened by a wall. A new Subsection E is proposed instead to provide specific standards for refuse and recycling containers to ensure that they are screened by walls and fences designed to match the building material of the primary building on the site as well as specific standards for the location of these enclosures. Note that these standards are consistent with existing standards for utility boxes in Subsection C.

F~~D~~. **Use of Chain Link Fences**

1. Chain link fences are allowed in all zones, except that in residential zones ~~O~~only vinyl-~~-~~coated chain link fencing is permitted~~allowed in residential zones~~.

2. Chain link fencing is not permitted in the CB Zone except as temporary fencing during construction.

This amendment clarifies that chain link fencing is permitted in all zones, and in residential zones only vinyl coated chain link fences are permitted.

10-50.50.05~~4~~0 Screen Walls

- Page 50.50-5

A. All outdoor storage areas for materials~~, refuse containers~~, mechanical equipment, or vehicles, and all loading/unloading areas or service bays shall be screened from street view by a screen wall constructed to a minimum height of six feet and designed in compliance with the standards of this Division and the *Engineering Standards*.

B. All screen walls required by this Zoning Code that are greater than 24 feet in length shall be designed and constructed to break up the lineal expanse of such walls with a staggered centerline, pilasters, ~~three-wall enclosures~~ varying heights, the installation of extra plant materials, or varying the landscaped area contours by creating berms to lessen the visual impact of the wall.

Staff had originally suggested that Subsection A. should be amended to include the need for screen walls for recycling containers and to provide a cross-reference to the Engineering Standards which include the dimension requirements for these enclosures. Instead, and as detailed above, a new Subsection has been inserted into Section 10-50.50.030 specifically regarding the design and placement of refuse and recycling enclosures.

In Subsection B. the phrase "three-wall enclosures" in this context does not make sense and should be deleted.

Division 10-50.60: Landscaping Standards

10-50.60.020 Applicability

- Page 50.60-5

A. **New Developments**

All new ~~nonresidential and residential~~ developments, except those listed in Subsection C below, ~~-~~ shall provide landscaping in compliance with this Division.

This amendment clarifies that landscaping and the review of a landscape plan, is required for all developments larger than or equal to a duplex. If two separate single-family dwellings are proposed on a lot or parcel, then no landscape plan review is required.

C. **Exceptions**

The provisions of this Division do not apply to the following:

2. Individual ~~S~~single-family detached residences and accessory structures~~, whether on existing lots in existing single-family subdivisions or in new subdivisions where the landscaping installation and maintenance has been assured as part of a subdivision plat approved in compliance with this Zoning Code~~.

This amendment removes redundant language and simply states that landscaping is not required for single-family dwellings.

10.50.60.030 Landscaping Plans

- Page 50.60-6

A. **Concept Landscape Plan**

1. A concept landscape plan shall be included with an application for concept plan review for a new development in compliance with Section 10-20.30.050 (Concept Plan Review) for review by the Director.

2. The concept landscape plan shall at a minimum identify general landscape areas and include initial calculations on how many trees, shrubs and ground covers will be required to satisfy the requirements of this Division. Submittal requirements for concept landscape plans are included on the checklist included with the application form for Concept Site Plan Review.

B. **Preliminary Landscape Plan**

1. A preliminary landscape plan shall be included with ~~submitted for review and approval by the Director at the same time as~~ an application for site plan review ~~the concept plan is submitted~~ in compliance with Section 10-20.4~~3~~0.140~~50~~ (~~Concept~~ Site Plan Review and Approval) for review and approval by the Director.

2. The preliminary landscape plan shall contain at a minimum the location, description, proposed low impact design measures, and number of proposed materials, including new and existing ground covers, shrubs, and trees, and a brief description of the planting and design actions that are intended to meet the requirements of Section 10-50.60.070 (Water Use and Irrigation). Detailed submittal requirements for preliminary landscape plans are included on the checklist included with the application form for Site Plan Review and Approval.

C~~B~~. **Final Landscape Plan**

A final landscape plan shall be submitted as part of the application for a site grading or a Building Permit ~~Site Plan Review and Approval~~ (Section 10-20.40.030~~140~~). A final landscape plan shall be approved by the Director before the issuance of a Building Permit~~,~~ or any other permit for grading~~,~~ or ~~other~~ construction. Detailed submittal requirements for final landscape plans are included on the checklist included with the application form for Civil Construction Plan Approval.

The amendments proposed in this Section are based on staff's experience with new development applications, and the realization that staff is able to provide better customer service and a higher level of review, therefore making it easier for a developer, if more information is provided with an application sooner in the process. This is especially important through the IDS process when potential conflicts between proposed landscaping and other requirements of the City (such as compliance with stormwater or utilities requirements, or other engineering standards) are required.

***(P&Z)**: The word "detailed" relating to the submittal requirements for concept landscape plans has been removed as it is unnecessary.*

~~C. **Content and Preparation of the Final Landscape Plan**~~

~~Final landscape plans shall contain the following information:~~

~~1. Development name, site address, and Assessor's Parcel Number;~~

~~2. Case number for developments subject to development review at a public hearing;~~

~~3. Designer name, address, phone number, and registration stamp or qualification statement;~~

~~4. Scale (bar and numerical) and north arrow. Show landscape in sufficient detail to be legible. The landscape plan shall be drawn at the same scale as the site plans and/or engineering drawings to the maximum extent feasible;~~

~~5. Property lines, adjacent rights-of-way, building footprints, the edge of all eaves, roof overhangs and cantilevered structures, parking lots, fences, driveways, intersection sight triangles, walkways, easements, utility lines, poles and boxes, drainage structures, and other site improvements. All shall be drawn to scale with appropriate dimensions and labeled as existing or proposed;~~

~~6. Existing and proposed contours based on the proposed grading plan. Contour intervals of one foot are preferred, but a maximum of two-foot contour intervals will be accepted. Exceptions to contours may be made based on site size or if other circumstances require a different interval, as approved by the Director. In addition to contours, spot elevations based on the proposed grading plan shall be added to identify proposed changes in grade;~~

~~7. Significant topographical features on the site, such as drainages and rock outcroppings;~~

~~8. Existing native vegetation on the site indicating native vegetation to be preserved and protected, or removed. Native vegetation must be identified by location, size, and common and botanical name;~~

~~9. The direction of runoff flows with the use of flow arrows and the use of runoff including, but not limited to:~~

~~a. Collected runoff from individual catch basins around single trees, and~~

~~b. Collected runoff from basins accepting flow from an entire vehicular use area or roof area;~~

~~10. Cut and fill areas and areas of the site disturbed by construction activity;~~

~~11. Plant locations and spacing (including staking and soil mix), represented at approximate size at maturity, corresponding to the plant legend;~~

~~12. A plant legend that includes both common and botanical plant names, sizes (i.e. height, trunk diameter, and size or diameter of plant at maturity), and the number of required and proposed trees, shrubs, and ground cover quantities;~~

~~13. Calculations of the total landscape area and plant quantities, including hydrozones, proposed turf areas, and other oasis areas;~~

~~14. Location and areas of active and passive rainwater harvesting systems as required in the *Stormwater Regulations* with a description of the type of measure;~~

~~15. Irrigation design plan identifying system layout and descriptions (e.g., automatic timing devices, backflow protection, moisture sensors, hydrants, sprinkler and bubbler details, drip system layout and specifications, and, seasonal irrigation schedule);~~

~~16. If applicable, delineation of an on-site nursery for short-term storage of native vegetation to be transplanted;~~

~~17. If applicable, indications of proposed common and open space areas on the plan; and~~

~~18. If a development is developed in phases, required landscaping must be completed in sequence with development phases. These phases must be shown on the landscape plan.~~

Consistent with all other applications and procedures listed in the Zoning Code, the submittal requirements for all levels of landscape plans should be established on checklists as part of the application forms, rather than listed in the Zoning Code.

D. **Preparation by Qualified Professional**
Preliminary and ~~F~~final landscape plans shall be prepared by a qualified landscape architect, licensed landscape contractor, certified nurseryman or other professional determined by the Director to be qualified, based on applicant's ability to demonstrate compliance with this Zoning Code.

This amendment ensures that both preliminary and final landscape plans are prepared by a qualified professional.

10-50.60.040 Landscape Location Requirements

- Page 50.60-9
Landscaping shall be provided in all areas of a site that are subject to development with structures, grading, or the removal of natural vegetation, as identified in this Section. Table A (Application of Landscaping Location Requirements in Zones) provides a summary of applicability and identifies exceptions to areas within non-transect and transect zones.

Table 10-50.60.040.A: Application of Landscaping Location Requirements in Zones
Add a new End Note [1] to the "Non-Transect Zones[1]" column and the following End Note at the bottom of this table:

End Note
[1] Required buffer landscaping along a frontage is not required within the non-transect zones where an urban form is present, i.e. buildings are located close to or at the back of the sidewalk or property line, except as provided in Section 10-50.60.040.B.1.

*This amendment provides a cross reference to a new standard that waives landscape buffer requirements in the more urban areas of the City where buildings are placed next to a sidewalk. (**P&Z**): A cross reference to Section 10-50.60.040.B.1 is also more explicitly included.*

B. **Non-Residential Zone Buffers**
1. **Street Buffers**

c. In non-transect zones and Transect Zones T5 and T6, required street buffer landscaping along a frontage is not required where an urban form is proposed and buildings are located close to or at the back of the sidewalk or on a property line.

However, consistent with the standards established for streets (thoroughfares) in Chapter 10-60 (Specific to Thoroughfares), a wider sidewalk to accommodate active pedestrian uses and activities, sidewalk cafes, tree wells, planters, and the placement of such amenities as bike racks, potted plants, or benches is required.

As described in the amendment description above, this amendment provides more flexibility to not require landscaping in the urban areas of the City where better streetscape design may be accomplished through the use of wider sidewalks, tree wells, planter boxes, etc. This approach has already been utilized in the City with a project such as the Village at Aspen Place.

2. **Peripheral Buffers**
Landscaped peripheral buffers (see Figure A~~B~~) shall be located along the outer perimeter of a lot or parcel (i.e. property lines adjacent to other parcels) and shall be provided as determined in Table B (Buffer and Screening Requirements), which ranks land uses and zones based upon their land use intensity and the impact a new use will have on adjacent land uses, except:

g. In non-transect zones and Transect Zones T5 and T6 where an urban form is proposed and buildings are located side by side or on a property line no peripheral buffer landscaping is required.

Refer to the description of the amendments proposed above – End Note #1 and paragraph c.

Note that existing Figure A: (Street Buffer) and Figure B: (Peripheral Buffer) will be deleted and a new Figure A: Location of Required Landscape Areas *inserted.*

10-50.60.050 Landscaping Standards

- Page 50.60-13

Table 10-50.60.040.B: Buffer and Screening Standards

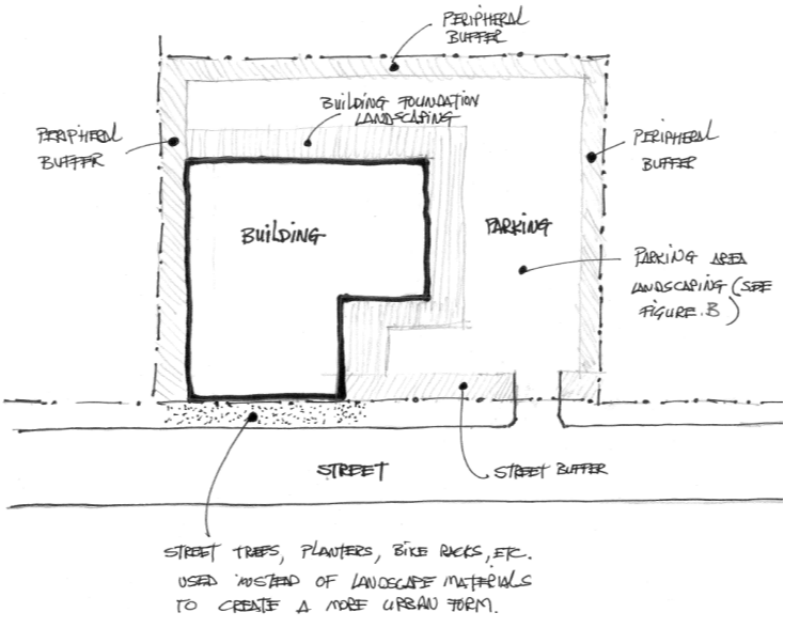


FIGURE A: LOCATION OF REQUIRED LANDSCAPE AREAS

Table 10-50.60.040.B: Buffer and Screening Requirement				
	Min. Peripheral Buffer Width Requirement Based on Adjacent Existing Uses or Zone[2]			
Proposed Use Category[1,4]	Commercial	Industrial	Resources/ Open Space	Residential
Commercial[4]				
Retail Trade	--	Setback for the Zone~~5' wide buffer~~	5'~~ wide buffer~~	15'~~ wide buffer~~
Services – General	--	Setback for the Zone~~5' wide buffer~~	10'~~ wide buffer~~	15'~~ wide buffer~~
Industrial[4]				
Business Park	Setback for the Zone~~15' wide buffer~~	--	15'~~ wide buffer~~	15'~~ wide buffer~~
Industrial, Manufacturing, Processing & Wholesaling	Setback for the Zone~~5' wide buffer~~	--	10'~~ wide buffer~~	15'~~ wide buffer~~
Transportation & Infrastructure[3]	Setback for the Zone~~5' wide buffer~~	~~5' wide buffer~~--	10'~~ wide buffer~~	15'~~ wide buffer~~
Residential				
Residential	15'~~ wide buffer~~	15'~~ wide buffer~~	10'~~ wide buffer~~	Setback for the Zone~~--~~
Resources/Open Space				
~~Ranching,~~ Forestry & Resource Use	--	--	--	--
Urban Agriculture	Setback for the Zone~~5' wide buffer~~	Setback for the Zone~~5' wide buffer~~	~~5' wide buffer~~--	5'~~ wide buffer~~
Other Uses				
Institutional	Setback for the Zone~~5' wide buffer~~	Setback for the Zone~~5' wide buffer~~	5'~~ wide buffer~~	10'~~ wide buffer~~
Mixed Use	Setback for the Zone	Setback for the Zone	10'	15'
Recreation, Education & Public Assembly	Setback for the Zone~~10' wide buffer~~	Setback for the Zone~~10' wide buffer~~	5' ~~wide buffer~~	15'~~ wide buffer~~

End Notes

[1] Use categories are based on the land use categories in the land use tables in Chapter 10-40 (Specific to Zones).

[2] Buffer and screening requirements shall be based on adjacent existing uses. If adjacent sites are vacant, requirements are based on the underlying zone. The minimum width of a required buffer shall be greater than or equal to the required setback for the zone. See Division 10-40.30 (Non-Transect Zones).

[3] With the exception of parking facilities, which are addressed in Subsection D~~C~~.

[4] Parking areas for all commercial and industrial uses adjacent to residential uses shall be screened by a solid fence or wall a minimum of 6 feet in height or a 10-foot wide buffer, to the maximum extent feasible.

This table has been reorganized so that like land uses could be better organized. Also, the minimum buffer yard standards have been updated to better reference the minimum applicable setbacks for the zone in which a new use is proposed. This is necessary because the buffer yard performance standards that were applied in the former LDC are no longer applicable, and may be eliminated.
The End Notes have been amended to better describe the relationship between applicable setbacks and buffer yard requirements.

C. **Foundation Landscaping**
Landscape materials shall be planted within 25 feet around buildings.

This standard has been moved from Page 50.60-17 of the current Landscape Standards so that it is more appropriately placed with other landscape standards.

- Page 50.60-14

~~C~~D. **Parking Area Landscape Standards - Residential and Non-Residential**

2. **Interior Parking Area – Landscape Location Requirements**
Interior parking area includes planter areas between parallel rows of parking spaces, terminal islands, and landscape areas between rows of parking spaces. Where required by Table C (Interior Landscaped Area Required per Number of Off-street Parking Spaces), interior parking area landscaping shall meet the following requirements:

a. **Landscape Islands**
For parking lots with eight or more spaces aligned in a row, the required interior parking area landscaping shall be installed in islands separating adjacent parking spaces or in peninsulas parallel to individual parking spaces (see Figure B~~C~~). Up to 12 back-to-back spaces may be laid out in a row between islands or peninsulas if either a 36 square foot tree well is located midway between them or a landscape strip with a minimum width of five feet is installed between the rows of parking spaces (see Figure B).

*This amendment clarifies the former LDC standard for when landscape islands are required. It further provides for more flexibility in parking area design by allowing for tree wells or the installation of a landscape strip between rows of parking spaces in lieu of a landscape peninsula in certain situations. (**P&Z** recommendation)*
Note that Figure B. (Interior Parking Area – Landscape Location Requirements) needs to be redrawn to better and more accurately illustrate the standards in the Section.

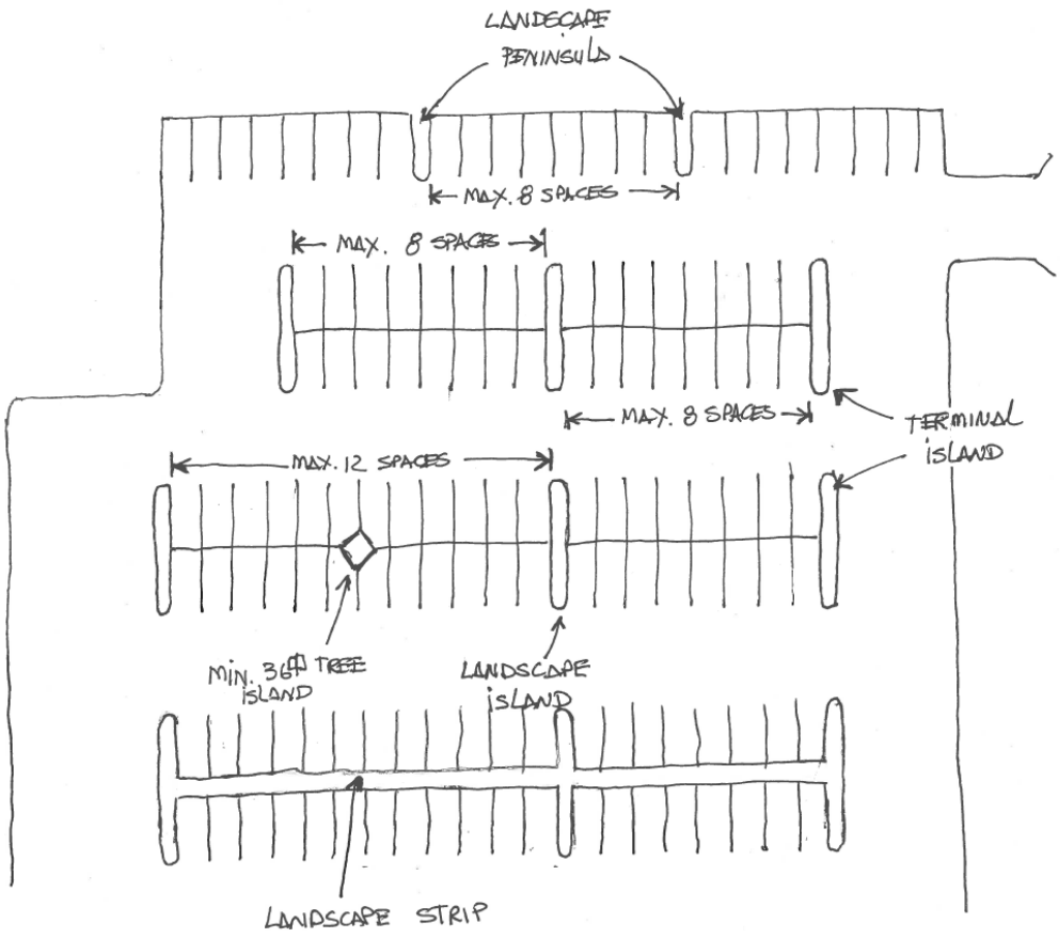


FIGURE B. INTERIOR PARKING AREA - LANDSCAPE LOCATION REQUIREMENTS

- Page 50.60-17

E~~D~~.**Other Landscape Areas ~~--~~ Multi-family Residential and Non-Residential**

~~2. **Landscaping Around Buildings**~~

~~Landscaping areas shall be planted and maintained within 25 feet around buildings (i.e. foundation planting).~~

This text has been moved and inserted as a new Subsection C., Foundation Landscaping.

F~~E~~. **Solar Access**

- Page 50.60-18

10-50.60.050 Landscaping Standards

A. **Landscaping Design**

1. **Plant Material Considerations**

g. Existing healthy trees (i.e. trees that are not diseased, weak, damaged, or infected as determined by the Director) located within 25 feet of a building foundation that are preserved on a development site where the area under the canopy remains relatively undisturbed may be credited toward landscape tree

requirements, subject to the ~~following~~ standards in Table 10-50.60.050.A (Landscape Credits for Existing Trees):

Table 10-50.60.050.A: Landscape Credits for Existing Trees	
Existing Tree Size (DBH)	**No. of Trees not Required**
6 – 10"	1 Tree[1]
10 – 18"	2 Trees [1]
> 18"	3 Trees[1]

End Note

[1] For each tree not required to be planted, the requirement for shrubs and groundcovers associated with that tree shall be waived.

~~(1) Each existing tree that is a minimum of six inches in diameter at breast height (DBH) or 10 feet in height or larger may substitute for the requirement of two evergreen landscape trees.~~

~~(2) For each existing tree retained in a landscape area, the requirement for shrubs and groundcovers associated with that tree will be waived.~~

This amendment is based on a former standard from the LDC that was not included in the Zoning Code. It allows for trees preserved within 25 feet of a building to be credited towards otherwise required trees.
***(P&Z)**: Consistent with the Commission's recommendation, the use of the term "evergreen" tree has been deleted, and the DBH of the existing trees has been divided into three categories rather than the two categories (< 12" and ≥ 12") originally proposed. The minimum size of six inches has been added as this is the smallest tree that is required to be surveyed. The number of trees not required to be planted if an existing 18"or greater tree is preserved has been increased to 3 trees. This decision was based on the thought that the use of landscaping in a project is often primarily for screening purposes and that while there is certainly tremendous value in the preservation of a large ponderosa pine tree, three appropriately placed new evergreen or landscape trees serve a more effective screening function. Further, there are a number of other existing incentives already included in the Zoning Code for the preservation of existing trees (e.g. reduction in parking spaces, or for solar efficiency).*

- Page 50.60-19

B. **Plant Material – Quantities and Placement**

1. **Required Plant Quantities and Size**

a. Landscape areas shall be planted in compliance with Table A (Required Plant Quantities. See also Section 10-30.60.060.B.c.(3) for reductions in required landscaping if civic space is provided.

Table 10-50.60.050.B~~A~~: Required Plant Quantities			
Landscape Area[1]	**Trees (On Average)**	**Shrubs**[2~~1~~,3~~2~~ **(On Average)**	**Groundcover (On Average)**
Street Buffer (Ind. And RD~~Business Park~~ Zones)	1per 15 linear feet	3 per tree	2 per tree
Street Buffer (All other Zones)[4]	1 per 25 linear feet	2 per tree	2 per tree
Peripheral Buffer	1 per 25 linear feet	2 per tree	2 per tree
Residential Zone Buffer	1 per dwelling unit	2 per tree	2 per tree
Building Foundation	1 per 25 linear feet	2 per tree	2 per tree
Parking Area - Interior [5~~4~~]	2 per 8 parking spaces	2 per tree	2 per tree
Parking Lot Screening	Not Required	2 shrubs per parking space adjacent to a street to achieve 80% visual screening[6~~3~~] Min. Height: 3½ feet	
~~Building Foundation~~	~~1 per 25 linear feet~~	~~2 per tree~~	~~2 per tree~~
Unused Areas	Disturbed, unused areas and stormwater detention or retention basins are to be seeded in accordance with the *Engineering Standards* ~~(Title 17)~~.		

End Notes

[1] Where required landscaping overlaps in an area (e.g., Street Buffer and Foundation landscaping), only the most restrictive standard shall be applied.

[2~~1~~] Two one-gallon groundcover plants may be substituted for one required five gallon shrub, unless the shrubs are required for a street buffer or for parking lot screening.

[3~~2~~] Two one-gallon native shrubs may be substituted for one five-gallon shrub.

[4] Required buffer landscaping along a frontage is not required within the non-transect zones where an urban form is present, i.e. buildings are located close to or at the back of the sidewalk or property line, except as provided in Section 10-50.60.040.B.1.

[5~~4~~] In the SC commercial zone, 3 trees per 8 parking spaces shall be required.

[6~~3~~] A solid fence or wall designed and constructed in accordance with Division 10-50.50 (Fences and Screening Standards) may be substituted for required shrubs, or a combination of fencing/wall and shrubs may be substituted.

The amendment in subparagraph a. provides an important cross reference to a standard that incentivizes the provision of civic space.
The Residential Zone Buffer standard has been added to this table as it had previously been omitted. This standard (See Section 10-50.60.040.A) applies rather than a peripheral buffer standard when two residential uses are next to each other. On small sites in particular, the latter standard has resulted in too many trees being required and insufficient space to plant them.

The amendment in End Note #1 clarifies how much landscaping is required to be installed where two overlapping standards might conflict, such as when a building is placed close to a property line.
The inclusion of End Note #4 provides an important cross reference to address the more urban areas of the City and the standards previously described in this document.

- Page 50.60-19
  b. The quantities of p~~P~~lant materials determined in Table A above shall be sized and spaced to achieve immediate effect according to Table B (Plant Sizes).

  This amendment clarifies the relationship between Table A and Table B in this Subsection.

  2. **Trees**
     Tree planting shall comply with the following standards:

     b. ~~A required landscape area that is between 15 and 25 linear feet long shall contain a minimum of one overstory tree.~~

     Staff recommends the deletion of this provision as it is unnecessary.

10-50.60.070 Water Use and Irrigation

- Page 50.60-28
  D. **Stormwater Runoff and Water Harvesting**
     3. **Rainwater Harvesting**
        The *City of Flagstaff Stormwater Management Design Manual* and *LID Manual* include standards for active and passive rainwater harvesting. ~~An active rainwater harvesting system is not required i~~If native/drought tolerant plants are installed and passive rainwater harvesting techniques are utilized, or landscape water demand can be met through other sources of non-potable water, an active rainwater harvesting system is not required. However, if non-drought tolerant plants are installed that are not listed on the City of Flagstaff Landscape Plant List (Appendix 3), then active rainwater harvesting is required.

     This minor amendment clearly describes when an active rainwater harvesting system is required consistent with adopted stormwater standards.
     ***(P&Z)**: At the May 27th work session a suggestion was made to include reclaim water in this paragraph. The City's Stormwater Manager has confirmed that reclaim water may be used in this context, and as it falls under the phrase "other sources of non-potable water" in line 5, staff recommends that no further revisions are necessary.*

10-50.60.080 Maintenance

- Page 50.60-29
  A. **Maintenance Required**
     4. ~~Maintenance of a~~Approved landscaping in rights-of-way, including street trees, shall be maintained in compliance with the *Engineering Standards* (Section 13-18-05~~, Title 18, Chapter 18-05~~ (Maintenance)).

     This minor amendment corrects the cross reference in the Engineering Standards.

Division 10-50.70: Outdoor Lighting Standards

10-50.70.030 Applicability

- Page 50.70-3

B. **New Uses, Buildings and Major Additions or Modifications**

2. If a major addition occurs on a property, the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

   a. Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision; or~~and~~

   b. Single or cumulative modification or replacement of outdoor legally installed lighting fixtures constituting 25 percent or more of the lumens that would be permitted under this Division for the property, no matter the actual amount of lighting already on a non-conforming site, constitute a major addition for purposes of this ~~s~~Section.

This minor but important amendment ensures that either subparagraph a. or subparagraph b. apply, rather than both of them.

10-50.70.050 General Requirements – All Lighting Zones

- Page 50.70-5

B. **Lighting Classes**

2. Class 2 Lighting is lighting used for applications where general illumination for safety or security is the primary concern.

   a. Examples of Class 2 Lighting applications include the following:

      (1) Pedestrian walkways, ~~and~~ driveways and roadways;

      (2) Parking lots;

      (3) Equipment yards; and

      (3) Outdoor security.

   b. Low-Pressure Sodium (LPS) lamps or Narrow-Spectrum Amber LEDs are required in all Class 2 Lighting applications, except that up to 10 percent of all Class 2 lighting ~~of all classes~~ may be non-LPS lighting as noted in Table A (Maximum Total Outdoor Light Output Standards).

Examples of Class 1, 2, and 3 Lighting applications are included in the current Zoning Code both in this Section and in the definitions. The amendments to paragraph a. are consistent with proposed amendments in the definitions chapter to remove all examples of Lighting Classes from the definitions and to only include them in the body of this Division.
The amendment to paragraph b. is needed to ensure that a max. of 10% non-LPS lighting applies only to Class 2 lighting rather than to all lighting classes which did not make sense.

- Page 50.70-6

Table 10-50.70.050.A: Maximum Total Outdoor Light Output Standards			
Land Use	**Zone 1**	**Zone 2**	**Zone 3**
Commercial, Industrial, and Multi-family Residential (lumens per net acre) [1]			
Total (Fully Shielded and Partially Shielded)	25,000	50,000	100,000
Partially Shielded only	0	5,500	5,500
Non-LPS and non-narrow spectrum amber LED	2,500	5,000	10,000
Single-family Residential (lumens per parcel inclusive of accessory structures) [1]			
Total (Fully Shielded and Partially Shielded)	10,000	10,000	10,000
Partially Shielded only	0	4,000	4,000

The amendment to add "non-narrow spectrum amber LED lights" clarifies that lamp types that are non-narrow spectrum amber LED amber are considered the same as non-LPS lamps for the purpose of determining total lumens per acre.

In early May in a meeting with a representative from the Flagstaff Dark Skies Coalition, it was suggested that a new End Note # 1 (see below) should be added to this Table because the light output from LED lights is generally about 30% brighter than for non-LED lights. He explained that the reason for this difference is that the lumen output for lamps such as CFLs (compact fluorescent), Low Pressure Sodium, or High Pressure Sodium lamps is based on the lamp itself, and lenses, reflectors, etc. in which the lamp is housed cause a reduction in total light output. The lumens for LED lamps are calculated based on the fixture, which means they are inherently brighter. The amendment by adding End Note 1 sought to resolve the extra brightness that is typical of LED lights by adding a reduction factor of 1.43 to the lumen output of LED lights. It is not intended to penalize the use of LED lights.

End Note

[1] To determine the allowed lumens per net acre for all LED lamps (i.e. narrow spectrum amber LED and all other LED lamps), divide the total number of lumens permitted in each Lighting Zone by 1.43.

(P&Z) *After some discussion at the May 27th work session it appeared that most commissioners were not supportive of adding this proposed End Note #1. Staff recommended, therefore, that the End Note #1 should not be inserted at this time until the concept behind the proposed amendment has been vetted by the Citizen's Lighting Working Group and possibly a subcommittee of the working group (Standards Subcommittee). This will enable a more public discussion of this idea, and will provide more time to possibly refine the concept.*
At the June 10th public meeting a majority of commissioners indicated they preferred and supported this option, and on June 24th excluded the End Note from their final recommendations.

Table 10-50.70.050.B Lamp Type and Shielding Standards

- Page 50.70-8

	Zone 1	Zone 2	Zone 3
Class 3 Lighting (Decorative):			
All lamp types 2,500 lumens[1] or above per Fixture	X	X~~A~~	FS
All lamp types below 2,500 lumens[1] per Fixture	FS	A[3]	A[3]

This amendment corrects a standard that was incorrectly brought forward from the former LDC where "X" indicates that in Zone 2 the lamp types referenced in this table are prohibited.

- Page 50.70-10

J. **Neon Building Lighting**

Neon building lighting is included in the Total Outdoor Light Output calculations for the site. Lumens for neon lighting are calculated on a per foot basis, rather than per "fixture." ~~Any u~~Unshielded neon lighting is ~~limited by the unshielded lighting limits of Subsection C~~not permitted.

When the Zoning Code was updated in 2011 the Lighting Focus Group recommended, and the Council adopted, updated standards that eliminated all unshielded light fixtures. However, the statement in Subsection J. regarding unshielded lighting as it applies to neon lighting was not corrected. This amendment, therefore, corrects this error and requires that all neon building lighting must be shielded. Reasons for this amendment include the paucity of requests staff receives from property owners for the use of neon lighting on buildings, unshielded lights cause a big impact to the quality of the night sky by contributing to light pollution, and if designed and placed carefully, appropriate shields placed over neon lights can still allow for creative lighting effects on a building, such as a wash of light on a wall.

- Page 50.70-11

L. **Internally Illuminated Architectural Elements**

Any architectural element including walls or portions of buildings that are internally illuminated and that is not a sign or fenestration (windows or doors) shall have 100 percent of the initial lamp output of all lamps used to provide such illumination counted toward partially ~~un~~shielded lighting for the purposes of calculating Total Outdoor Light Output for the site and is subject to the standards of Subsection C.

With the adoption of the 2011 Zoning Code all unshielded lights in all zones were no longer permitted. The reference to unshielded lighting in this Subsection is, therefore, incorrect, and has been corrected to instead limit the amount of light from internally illuminated architectural elements to that permitted for partially shielded lighting.

M. **Architectural/Landscape Lighting**

Architectural lighting used to illuminate the wall of a building or landscape lighting used to illuminate trees or other landscape elements is permitted subject to the following:

1. Architectural and landscape lighting that is directed downward onto a wall, tree or other landscape feature shall be included in the Total Outdoor Light Output

standards provided in Table A (Maximum Total Outdoor Light Output Standards), based on whether a fully shielded or partially shielded light fixture is used; and

2. Architectural and landscape lighting that is directed upward onto a wall, tree or other landscape feature- is not permittedshall be included in the lumen caps for unshielded Fixtures provided in Table A (Maximum Total Outdoor Light Output Standards).

For the same reasons articulated in the previous amendment, all unshielded (up-lighting) should be prohibited.

- Page 50.70-13

10-50.70.060 Special Uses

D. Parking Garages

2. **Inclusion Toward Total Outdoor Light Output**
   The lumen output of light fixtures lamps mounted 15 feet or more from the nearest opening to the outdoors and on or within open parking garages shall not be included toward the Total Outdoor Light Output standards in Section 10-50.70.050.C. All light fixtures mounted less than 15 feet from the nearest opening to the outdoors shall comply with the total outdoor light output standards established in Section 10-50.70.050.C.

3. **Shielding**
   All light fixtures used on or within open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.

This amendment relaxes the standard for light fixtures mounted within a parking structure by not requiring the lumens for light fixtures mounted 15 feet or more from the edge of the parking structure to be counted toward the total outdoor light output for the site.

Update Appendix 4 (Outdoor Lighting Reference Materials) to include examples of LED lights that are appropriate in Flagstaff and that meet the City's standards. Contact the Dark Skies Coalition to see if they will assist with this work.

Division 10-50.80: Parking Standards

10-50.80.030 General Parking Standards

- Page 50.80-3

A. General Parking Standards

2. **Parking of Commercial Vehicles in Residential Zones**
   Under no circumstances shall required off-street parking facilities accessory to residential structures be used for the storage or parking of commercial vehicles associated with a business operation other than for a permitted home occupation at the same location, or a commercial vehicle owned or operated by the resident that is less than or equal to 14,000 gross vehicle weight rating (GVWR). Such residential parking facilities shall not be used for the parking of motor vehicles belonging to the employees, owners, tenants, visitors, or customers of nearby commercial or manufacturing establishments.

This minor amendment clarifies that the vehicle under 14,000 pounds GCWR need not be owned by the operator of the vehicle. This would allow, for example, for parking of the vehicle by an on-call plumber who works for a plumbing firm.

10-50.80.040 Number of Motor Vehicle Parking Spaces Required

- Page 50.80-5

C. **General to All Zones**

1. **Maximum Number of Parking Spaces**
   Developments over 10,000 square feet in floor area or containing 25 or more residential units that provide parking in surface parking lots shall not exceed the minimum number of parking spaces by more than five percent unless provided in a parking structure.

This paragraph was written with the intention of only being applied to surface parking lots consistent with a similar provision in the former Land Development Code – (Chapter 10-16, Design Review Guidelines, J. Parking Lots on Page 45). This amendment clarifies this intent. The second amendment adds language from the LDC that would enable additional parking on a site so long as it is provided in a parking structure.

2. **Motor Vehicle Parking Spaces Required**
   The minimum number of parking spaces required shall be determined from Table A (Number of Motor Vehicle Parking Spaces Required) below. Uses not specifically listed in Table A shall use the parking requirement for the most similar use, or as determined by the Director.

This minor amendment clarifies that the number of parking spaces required in Table A is the minimum number needed for each specific use.

10-50.80.040 Number of Motor Vehicle Parking Spaces Required

- Page 50.80-6

A. **Applicable to All Zones**

Table 10-50.80.040.A: Number of Motor Vehicle Parking Spaces Required	
Use	**Number of Required Spaces**
Residential	
Accessory Dwelling Units	1.0
Market Rate (all dwelling classifications)	
Single-family Dwelling (Attached and Detached)[1]	2.0
Multi-family Dwelling, Duplex[1], and Triplex	
Studio	1.25
1 Bedroom	1.5
2-3~~+~~ Bedrooms	2.0
4 Bedrooms	2.5
5+ Bedrooms	2.5 spaces for the first 4 bedrooms plus 0.5 spaces for each additional bedroom
Guest Spaces for Multi-Family Dwelling, Duplex and Triplex (Includes spaces for boats and RVs)	0.25 for~~per~~ each 2+ bedroom unit

End Note

[1] Parking reductions allowed in Section 10-50.80.060 (Parking Adjustments) shall not apply to single-family dwellings and duplexes.

These amendments 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. Staff proposes that the best solution is to establish separate parking standards for single-family dwellings compared to multi-family dwellings, duplexes and triplexes. The standards suggested 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.

(P&Z) *After some discussion at the June 10th public hearing, the Commission recommended that the number of parking spaces for units with four or more bedrooms should be reduced from 3.0 as originally proposed by staff to 2.5 to ensure that new developments are not over parked.*

Staff further recommends that End Note #1 should be added to state that the parking reduction allowed in Section 10-50.80.060 should not apply to single-family dwellings and duplexes.

Dormitories, Single Room Occupancies, and Fraternities and Sororities ~~Rooming and Boarding Facilities~~	
Private Rooms	1 per bedroom or sleeping room plus 1 for owner or manager
~~No Private Rooms~~	~~1 per 100 gsf plus~~ ~~1 for owner or manager~~

This amendment is necessary because the "rooming and boarding facility" use is recommended for deletion.

- Page 50.80-6

Table 10-50.80.040.A. Number of Motor Vehicle Parking Spaces Required

Use	Number of Required Spaces
Shopping Centers	
< 100,000 gsf with Restaurant(s) Sharing Parking	1 per 250~~300~~ gsf
< 100,000 gsf with no Restaurant(s) or Restaurant Having Separate Counted Parking	1 per 300~~250~~ gsf
≥ 100,000 gsf with Restaurant(s) Sharing Parking	1 per 250 gsf up to 100,000 gsf plus 1 per 300 gsf for gsf over 100,000 gsf
≥ 100,000 gsf with no Restaurant(s) or Restaurant Having Separate Counted Parking	1 per 300 gsf up to 100,000 gsf plus 1 per 325 gsf for gsf over 100,000 gsf

While working with a recent applicant on a large mixed retail/restaurant project staff realized that when the current Zoning Code's parking standards for shopping centers were developed, the standards shown above were inadvertently flipped. This amendment ensures consistency with the former Land Development Code's standards which provide a better parking standard for shared parking.

10-50.80.050 Bicycle Parking

- Page 50.80-11

B. **Required Spaces**

1. Two bicycle parking spaces, or five percent of required off-street parking spaces, whichever is greater, are required for all uses other than single-family residential uses.

2. Bicycle spaces shall be provided in accordance with the following requirements:

   a. Bicycle parking shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a rack to which the bicycle can be locked;

   b. Lockers and racks shall be securely anchored to the pavement or a structure;

   c. Racks shall be designed and installed to support the bicycle upright by its frame in two places in a manner that will not cause damage to the wheels and to permit the frame and one or both wheels to be secure;

   d. Areas containing bicycle spaces shall be surfaced with impervious surfaces such as concrete or pavers. Pervious pavements or gravel may be used where appropriate as determined by the Director;

Insert photograph or drawing illustrating a correctly designed bike rack.

This minor amendment is suggested to ensure consistency with a provision found on page 2-14 of the Bicycle Parking Guidelines – Second Edition from the Association of Pedestrian and Bicycle Professionals which is the industry standard for bike parking. A few years ago the City amended the Engineering Standards to remove the wave-style bike rack from the standard drawings, because they do not provide support in two places. The reason for this is that without proper support, bicycles are somewhat unstable and are likely to fall over, causing damage to bikes on the rack, reducing the capacity and usability of the rack, and generally looking disorganized and unsightly. The bike's instability also makes it difficult to load and remove cargo from bags or panniers. Because of these problems, cyclists will often turn their bike sideways on the rack so it is fully supported, but this reduces the capacity of the rack significantly (see photographs below). Additionally, the League of American Bicyclists' application for Bicycle Friendly Community designation/renewal asks applicants if their bike parking standards conform to APBP guidelines. At present the City's do not conform, but would if the recommended amendment is adopted into the Zoning Code.

Examples of incorrectly designed bike racks

*(**P&Z**): Martin Ince, Multi-Modal Planner for the City attended the June 10th public hearing where he explained the reason for this proposed amendment. The P&Z recommended the insertion of an appropriate photograph or illustration to show a correctly designed bike rack.*

10-50.80.060 Parking Adjustments

- Page 50.80-12

A. **Transit**

~~1. **General to All Zones**~~

In all zones a~~A~~ parking reduction of up to 10 percent may be approved by the Director for any use within one-quarter mile of a bus stop.

*(**P&Z**): Consistent with the Commission's comments, staff has withdrawn the previously suggested amendment that would have lowered the parking reduction to 5% for multi-family residential uses.*

~~2. **Specific to Transect Zones**~~

~~Required parking spaces may be reduced by up to 20 percent maximum, as approved by the Director, for any use located within one-quarter of a mile of a bus stop or other transit stop.~~

Staff recommends that this provision should be deleted because the required number of parking spaces in a transect zone has already been reduced as an incentive for the application of the transect zones. Further, as the transect zones within the City's Regulating Plan are already within at least quarter mile of a bus or transit stop, if this standard was applied, insufficient on-site parking would be provided.

- Page 50.80-16

G. **Motorcycle Parking Reduction**

A reduction of one parking space for multi-family residential and nonresidential uses may be allowed by the Director if one motorcycle parking space for every 25 required motor vehicle spaces is provided, subject to the following standards:

1. Each motorcycle space shall be easily accessible and have adequate space for a standard-size motorcycle, i.e. a minimum dimension of four feet by nine feet.

2. Motorcycle parking areas shall be clearly identified with appropriate striping.

A number of zoning codes in effect allow for a reduction in required parking if motorcycle parking spaces are included in a parking area. The standard of one motorcycle space per 25 vehicle parking spaces is typical. Note that motorcycles may also park in any designated vehicle parking space.

10-50.80.080 Parking Spaces, Parking Lot Design and Layout

- Page 50.80-16

  B. **Design of Parking Lot**

  Table 10-50.80.080.A: Minimum Dimensional Requirements

- Page 50.80-17

  End Notes

  ~~2~~

  [2] Space width shall be increased by 1' when adjacent to a wall~~ny object (including a curb) 6 inches or taller~~. The width of parking spaces on either side of a column or post in a parking garage or supporting an overhead structure shall be measured from the outer edge of the column or post.

The requirement to add 1-foot to the width of a parking space next to a curb is not necessary and has been deleted. A new standard to define how the width of a parking space should be measured next to a column or post supporting, for example, a solar array or additional level of parking is also proposed.
***(P&Z)**: To clarify that this standard does not apply to an enclosed garage typically associated with a residence or duplex, the clarifying phrase "in a parking garage" has been added to this sentence.*

Typographical error: *The One-Way Drive Aisle Width for perpendicular parking needs to be changed from 14' to 24' to be consistent with the former standards in the LDC.*

- Page 50.80-17

  2. Covered off-street parking spaces, such as in a garage for a residence, shall not be less than 10 feet in width and 20 feet in length, and shall have a minimum vertical clearance of seven feet. This standard does not apply to parking spaces in a parking structure.

*(**P&Z**): At the May 27th meeting a suggestion was made to delete paragraph 2 of this Subsection which establishes a standard for the minimum length and width of an enclosed parking space in a garage because of the amendment proposed in End Note #2 above. Staff has reviewed this standard this sentence has been amended to make it clear that the standard in End Note #2 applies to unenclosed parking spaces, whereas the standard in paragraph 2 applies within an enclosed structure or building.*

10-50.80.080 Parking Spaces, Parking Lot Design, and Layout

- Page 50.80-18

  C. **Parking for Disabled Persons**

  Modify the illustration in Figure B so that the length of an accessible space is 18' consistent with federal standards and not 20 feet as shown in this illustration which is incorrect.

  ***COUNCIL:** At the December 15th public meeting the Council agreed that no changes to Table 10-50.80.080.B (Min. Number of Accessible Spaces) were needed.*

- Page 50.80-20

F. **Location**

1. The ~~L~~location of ~~required~~ on-site parking in all zones is regulated by setbacks as set forth in Chapter 10-40 (Specific to Zones) and buffers established in Division 10-50.60 (Landscaping Standards).

2. **All Non-Residential Zones**
   In all non-residential zones, ~~required~~ vehicle parking ~~-~~ is not permitted in the required front and exterior side ~~yard~~ setback areas, except as follows:

   a. Parking in the exterior side yard is permitted when the parking space is a minimum of 20 feet from the exterior side property line and the parking space is located behind the front of the building.

3. **All Residential Zones.**
   a. In all residential zones, vehicle parking is not permitted in the required front and exterior side setback areas, except when the parking space is a minimum of 20 feet from the exterior side property line and the parking space is located behind the front of the building.

   b. ~~Within residential zones,~~ P~~p~~arking is only permitted in the following locations as illustrated in Figure C.;

      (1) Within interior and rear yard areas;

      (2) Within ~~within~~ the front yard ~~setback~~ only on the driveway~~in front of garages and carports~~; and

      (3) ~~as well as~~ Within an area no more than 10 feet in width on the side of the driveway between the driveway and the nearest interior side property line ~~in interior and rear setback~~ area~~s.~~ (see also Section 10-50.80.080.L (Trailers, RVs and Boats), provided that;

         (a) The parking shall only be accessed from the existing driveway serving the residence, and no additional curb cut shall be permitted.

         (b) The surface of the parking area shall be designed and constructed in accordance with the *Engineering Standards.*

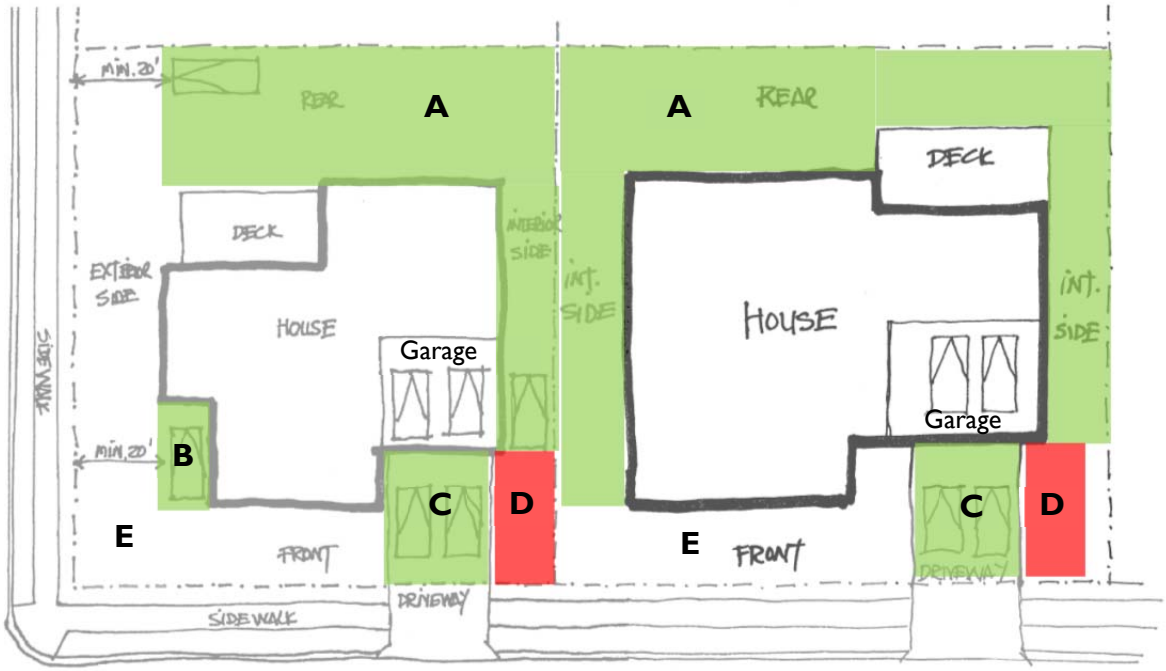
Vehicle parking continues to be a significant problem in certain single-family residential areas of the City where garages have been converted to other livable space and where there may be four or more people sharing a home, each of whom has a vehicle. This is a problem that has plagued many of the City's neighborhoods for many years. The problem is compounded in the summer months when vehicles such as RVs and boats are moved out of winter storage facilities and used over weekends but parked on-site when not in use.

To guide the Planning and Zoning Commission as they made a decision on this issue, a number of options were presented by staff. These were also presented to the Council at the October 19th work session on this topic.

At the June 24th public meeting the Planning Commission moved to recommend that the Council should adopt OPTION 1*, i.e. amend the standard in Paragraph F.2.b to allow vehicles to be parked only to the side of the driveway closest to the side property line, and not in front of the building itself. Staff further recommended that the word "required" be deleted from paragraphs 1 and 2 above to make it clear that all parking is subject to the standards in this Subsection.* ***The Commission also recommended that if vehicles are parked in a rear or side yard area they should be screened from their neighbors by a six-foot high wall or fence.***

CITY COUNCIL: *At the Council's work session on October 19th, the Council agreed with the Planning and Zoning Commission's recommendations regarding vehicle parking. This recommendation was further refined though with by limiting the width of the parking area in the front yard setback to 10 feet (measured from the edge of the driveway to the interior side property line). Also, Council recommended that no new curb cuts should be permitted so that the parking area referred to above had to be accessed from the existing driveway.*
The amendment in paragraph b.(2) permits vehicles to be parked on a driveway to provide off-street parking even if the garage has been converted as livable space.

Insert a new illustration – Figure C.



A: Rear and interior yard - Parking and storage of all vehicles (including RV's, trailers and boats) permitted
B: Limited area in exterior side yard - Parking and storage of vehicles except RVs, trailers and boats permitted
C: Driveway in front of garage or carport - Unlimited vehicle parking, except that RVs, trailers and boats may only be parked for 5 days or less per month
D. Area max. 10 feet wide to side of driveway closest to interior side property line - Unlimited vehicle parking, except that RVs, trailers and boats may only be parked for 5 days or less per month
E. Front and exterior side yard – no vehicle, RV, trailer, or boat parking permitted

Figure C: Parking of Vehicles, RVs, and Trailers

- Page 50.80-20

L. **Trailers, RV~~'~~s and Boats**

1. The p~~P~~arking or placement of a camping or vacation trailer, recreational vehicle, utility trailer or boat in any zone for residential or storage purposes shall be prohibited except as determined by Subsection 2 and 3 below.

2. **Storage of Trailers, RVs and Boats**
   ~~A c~~Camping or vacation trailers, recreation vehicles, utility trailers, or boats may be stored (i.e. parked for any period longer than five days per month) only in the rear or interior side yard ~~setback~~ behind the front of the building, garage, or carport on any parcel in any zone~~,~~ as illustrated in Figure C, provided that:

   a. There is a principal use of the property, to which such storage would be accessory;

   b. No ~~living quarters shall be maintained or any~~ business shall be conducted within a ~~parked or~~ stored trailer or vehicle;

   c. The camping or vacation trailer or recreation vehicle shall not be used for residential purposes; except that guests of the property owner or tenant my stay in the camping or vacation trailer or recreation vehicle for no more than five days per month; and

   c. The minimum number of required parking spaces for~~on~~ the lot or parcel is maintained in addition to the area used for the stored vehicle(s).

3. **Parking of Trailers, RVs, and Boats**
   A camping or vacation trailer, recreation vehicle, utility trailer, or boat may only be parked (i.e. parked for five days or less per month) for maintenance, loading, and unloading purposes in the following locations;

   a. Within the rear or interior side yard behind the front of the building, garage, or carport on any parcel in any zone;

   b. Within the front yard only on the driveway in front of a garage or carport, and;

   c. Within an area no more than 10 feet in width on the side of the driveway between the driveway and the nearest interior side property line, provided that:

      (1) There is a principal use of the property, to which such parking would be accessory;

      (2) No business shall be conducted within a parked trailer or vehicle;

      (3) The camping or vacation trailer or recreation vehicle shall not be used for residential purposes, except that guests of the property owner or tenant my stay in the camping or vacation trailer or recreation vehicle for no more than five days per month; and

(4) The minimum number of required parking spaces for the property is maintained in addition to the area used for the stored vehicle(s).

As explained above, parking and storage of vehicles, as well as trailers, RVs and boats is an ongoing issue in the City's neighborhoods. The amendments proposed make a distinction between where such vehicles may be stored (more than five days) or parked (five days or less).

CITY COUNCIL: *At the Council's work session on October 19th, the Council agreed with the proposal to make a distinction between the "storage" and "parking" of RVs with storage of such vehicles only permitted in the rear and interior side yards. Further, the Council agreed that limited parking of RVs for five days or less in an area 10 feet wide to the side of a driveway nearest to the interior side property line was appropriate.*

4. Overnight parking of travel trailers, motor homes~~, boats~~ or other recreational vehicles is permitted ~~prohibited~~ in commercial and industrial zones where camping activities are not specifically permitted by this Zoning Code provided:

a. The owner, lessee, occupant or person having legal control of the property permits the use of the property for such overnight parking;

b. The property is clearly posted with a sign(s) ~~. Owners of such properties shall be prohibited from posting signs~~ indicating that overnight parking~~camping~~ is permitted subject to the standards provided in this Section;

c. Vehicles are only parked for the purpose of overnight parking for no more than one night and shall be moved from the property by no later than 10:00 am the following morning; and

d. It shall be the responsibility of the property owner to ensure that the property is maintained in a clean and sanitary condition free from litter, trash or other waste in accordance with applicable City standards.

The topic of overnight RV parking in commercial parking lots was originally presented to, and discussed by the City Council in the February 25, 2014 work session when a number of Councilors supported the concept of permitting overnight RV parking. This amendment allows for overnight parking of RVs in commercial parking lots subject to certain conditions. This option is not favored by the Flagstaff Police Department as the short term overnight parking often turns into long term overnight parking which is hard to enforce, and the Department has to rely on the property owners to ask the people to leave. Further, the Police Department has had issues with certain individuals and groups which have led to arrests. Fortunately these have not been as serious as the events in the Cottonwood Walmart parking lot earlier this year in which three people were shot (one deceased and two wounded, including a police officer).

(P&Z)*: Paragraph 4.c has been amended to include a requirement that vehicles parked overnight have to be moved from the premises by no later than 10:00 am the following morning. A former suggested amendment requiring such vehicles to be moved "one hour after the business opens" is not practical when a business is open 24 hours a day.* ***At the June 10th public meeting a majority of commissioners indicated they preferred and supported this option.*** *To guide*

the Planning and Zoning Commission as they made a decision on this issue, a second option that would prohibit the overnight parking of RVs in commercial parking lots was presented by staff.

CITY COUNCIL: *The Council held a work session on October 19th on this issue, and after some discussion agreed to support the Planning Commission's recommendation to permit overnight parking of RVs in commercial parking lots subject to certain conditions.*

10-50.80.1~~9~~0 Development and Maintenance

Division 10-50.90: Resource Protection Standards

- Page 50.90-2

10-50.90.020 Applicability

A. The provisions of this Division apply to proposed development within the Resource Protection Overlay (RPO) Zone (See Section 10-40.50.030 (Overlay Zones)) and Section 10-90.40.050 (Resource Protection Overlay (RPO) Map.) Any perceived conflict between the provisions of this Division and any other section of this Zoning Code shall be resolved in compliance with Chapter 10- 20 (Administration, Procedures, and Enforcement). This Division is meant to apply in conjunction with the Flagstaff Fire Department's implementation of the Flagstaff Forest Stewardship Plan, which occurs before forest resource calculations are completed. See Appendix 5 (Additional Information Applicable to Division 10-50.90 (Resource protection Standards)). The Forest Stewardship Plan will continue to be applied by the Fire Department in coordination with Community Development Division staff so as not to negatively impact any future development options.

B. Resource calculation standards for slope, floodplain, and forest resources do not apply to the area within the public right-of-way of existing or proposed major or minor arterial roads or to the right-of-way of major (i.e. regional distribution) utility facilities.

C~~B~~.- Appendix 5 (Additional Information Applicable to Division 10-50.90 (Resource Protection Standards)) provides useful information on how the Flagstaff Fire Department implements Firewise principles. It also provides a summary and explanation of how to apply the resource protection standards described in this Division.

*(**P&Z**): The amendment in Paragraph A provides a cross reference to Appendix 5. The amendment in Paragraph B includes a standard from the former LDC that allows resource calculations not to apply to the rights-of-way for major or minor arterial roads or for utility rights-of-way. (**P&Z**): The reference to ownership of the land previously included in this standard has been removed as it is not necessary.*

10-50.90.050 Steep Slopes

- Page 50.90-7

C. **Methodology**

3. **Steep Slope Resource Area**

Based on the area calculations in Subsection 2, above, Table A (Slope Protection Thresholds) shows the percentage of slope area that must be included in the resource

protection area. The steep slope areas to be protected shall be included in the survey (Section 10-50.90.070.C.2.).

4. For every 50 sq. ft. of additional slope area that is determined to be protected over and above the minimum required in this Section, then one credit point will be credited towards the minimum required forest resource calculations established in Section 10-50.90.070 (Resource Survey Requirements)

This amendment establishes a credit for forest resources when additional slope resources are protected on a development site.

10-50.90.060 Forest

- Page 50.90-8

B. **Methodology**

3. Where forest resources on a site overlap with steep slope resources, the following standards apply:

   a. For affordable housing developments, refer to the standards in Section 10-30.20.040 (Affordable Housing Incentives).

   b. For all other developments located within the Resource Protection Overlay, up to 25 percent of the forest resources in the steep slope area may be counted towards the required amount of forest resources for the entire site at a ratio of one credit point for forest resources to 50 square feet of slope area.

4~~3~~. Traditional Neighborhood Community Plans (TNCP) ...

*(**P&Z**): This amendment is in response to the Commission's discussion at the May 27th work session where it was suggested that some credit should be given when forest resources are located on a slope resource area. The amendment provides a cross reference to the existing standard for affordable housing where a 100 percent credit is established for forest resources located within a slope resource area. The proposed amendment allows for up to 25 percent of the forest resources that are located within the area of a steep slope resource to be credited toward the total required amount of forest resources for the entire site. Staff settled on the 25 percent value because there are other incentives already in place, including for example, five percent for civic space, five percent for FUTS, and various parking and landscape credits. It is staff's opinion that 25 percent strikes the correct balance so that the incentive for affordable housing is not weakened too much. The City's Housing Section is opposed to this amendment. The concern is that there are already limited incentives available for affordable housing, and the resources credit is the biggest and most frequently applied. Staff fears that if the 25 percent credit proposed in this amendment is approved in addition to the other incentives that exist, then fewer affordable housing projects may result. Also, Subparagraph b. has been revised so that it applies to all uses in the RPO, rather than only multi-family residential uses.*
The ratio of 50 sq. ft. of slope resource to one credit point for forest resources is based on the standard established in Section 10-50.90.050.C.4 above. Only for affordable housing projects is an incentive offered that allows the forest resources on a steep slope to be counted at 100 percent toward total forest resources (see Section 10-30.20.040.B (Incentives Defined). Renumber following paragraphs.

10-50.90.100 Activities Allowed in Natural Resource Areas

- Page 50.90-15

Table 10-50.90.100.A: Activities Allowed in Natural Resource Areas

	Floodplains		Steep Slopes (17 – 35%)	Forest
	Urban	Rural		
~~Ranching~~**Agricultural Uses**				
Recreational				
Active Recreation	Yes	Yes	No	No
Passive Recreation	Yes	Yes	Yes	Yes

The ranching land use has been amended to "agricultural uses" consistent with similar amendments proposed in Chapter 10-40.

The City's Stormwater Section had recommended that the Active Recreation row in this Table should be amended to not permit active recreation uses (i.e. uses such as ball fields, tennis courts, golf courses, etc.) in a rural floodplain.

*(**P&Z**): Some Commissioners at the May 27th work session commented about this amendment, and suggested that it was not needed. The Stormwater Manager has confirmed that this amendment is important and necessary because any changes to the natural land form in rural flood plains for active recreation uses can have consequences to stormwater and floodplain management. Furthermore, the intent of the rural floodplains is to retain them in a natural and undisturbed condition. This question was again discussed at length at the June 10th meeting with the City's Stormwater Manager where he emphasized the need to keep rural floodplains as "natural undisturbed open spaces" (Refer to Section 10-50.90.040.A.2). No grading (such as may be required for athletic fields or golf courses) is permitted in the rural floodplain, although it is possible that small areas of ground may be disturbed for such uses as a FUTS trail. It is important to note that the rural floodplain is typically fairly narrow, and in most circumstances is closely associated with the watercourse's channel. The Rural Floodplain Map (Division 10-90.30) included in the Zoning Code shows the location of the rural floodplains in the City.*

*(**P&Z**): At the June 24th public meeting staff recommended and the Commission unanimously agreed that no amendments to this Table should be made and the Code should remain as it is currently written. This means that the conflict between the text in Section 10-50.90.040.A2 that describes rural floodplains as natural undisturbed open spaces and the text in Table 10-50.90.110A that allows active recreation in rural floodplains will remain. Rural floodplains are generally located on the periphery of the City, are relatively narrow in cross section, and are typically associated with undeveloped lands. Most of these lands are likely to be subject to future zone change requests, and as such through this rezoning process, staff, the Planning and Zoning Commission, and the Council will be able to negotiate with a developer on the potential use of rural floodplains. One such example is the Little America project.*

Division 10-50.100: Sign Standards

All amendments to this Division will be reviewed in a separate hearing by the Council following a public hearing with the Planning and Zoning Commission. This is needed because of the comprehensive amendments proposed in this Division in response to the US Supreme Court's decision in the Reed v. Town of Gilbert *sign case.*

Division 10-50.110 Specific to Building Types

- Page 50.110-2 to -3

Table 10-50.110.030.A Building Types General

A comparison of Table 10-50.110.030.A with the Allowed Building Type Tables in most of the Transect Zones revealed a number of minor inconsistencies. Table 10-50.100.030.A should, therefore, be corrected as follows:

Carriage House:	Add **T5** as a transect zone in which this type is permitted
Duplex, Side-by-Side:	Add **T5** as a transect zone in which this type is permitted
Duplex, Stacked:	Add **T5** as a transect zone in which this type is permitted
Duplex, Front-and-Back:	Add **T5** as a transect zone in which this type is permitted

- Page 50.110-3

Table 10-50.110.030.A Building Types General

Add a new building type, the Stacked Triplex (insert below "Duplex, Front and Back" and above "Townhouse").

Triplex, Stacked: This Building Type is a medium-to-large-sized structure that consists of three dwelling units, stacked on top of each other and typically with one shared entry. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

Add a new building type, the Apartment Building (insert below "Courtyard Apartment" and above "Live/work").

Apartment Building: This Building Type is a medium-to-large-sized structure that consists of up to 32 side-by-side and/or stacked dwelling units, accessed from the exterior of the building through one or more common entries. This Type is appropriately scaled to fit within medium to high density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

- Page 50.110-7

10-50.110.050 Single-Family Estate

Table B. Lot

Lot Size[1]	
Width	100' min.
Depth	100' min.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the single-family estate building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

- Page 50.110-9

10-50.110.060 Single-Family House

Table B. Lot

Lot Size[1]	
Width	50' min.; 75' max.
Depth	75' min.; 150' max.
Area[1][2]	5,000 sf min.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the single-family house building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

[2][1]: Smaller lot size permitted only if the parcel or building type is already existsing at time of eCode adoption.

This amendment clarifies that a smaller lot size than the standard required in this Table is permitted if it existed at the time of the Zoning Code's adoption.

- Page 50.110-11

10-50.110.070 Single-Family Cottage

Table B. Lot

Lot Size[1]	
Width	30' min.; 50' max.
Depth	50' min.; 160' max.
Area[1][2]	2,500 sf min.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the single-family cottage building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

[2][1]: Smaller lot size permitted only if the parcel or building type is already existsing at time of eCode adoption.

This amendment clarifies that a smaller lot size than the standard required in this Table is permitted if it existed at the time of the Zoning Code's adoption.

- Page 50.110-13

10-50.110.080 Bungalow Court

Table A. Description

The Bungalow Court Building Type consists of a series of small, detached single-family residential structures on a single lot, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private open space and becomes an important community-enhancing element of this Type. This Type is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

This minor amendment clarifies that the bungalow court building type is comprised of single-family residential structures.

Table B. Lot

Lot Size[1]

Width 75' min.; 150' max.

Depth 100' min.; 150' max.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the bungalow court building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

Table G. Common Open Space

Area 15% of lot area min. and no less than 400 sf.

Courtyard

Width 15~~20~~' min.

Depth 15~~20~~' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

Table H. Building Size and Massing

Miscellaneous

Height 2~~1½~~ stories max.

Staff recommends that the height of a bungalow court residence should be increased to 2 stories to provide greater opportunity for the use of this important building type.

Table I. Miscellaneous

Buildings shall not be more than 1-½ stories tall in the T3.N1 Z~~z~~one~~s~~.

This amendment more specifically limits the height of a bungalow court building in the T3N.1 Transect Zone which applies in Flagstaff's historic neighborhoods, and allows for up to 2 stories in T3N.2 and other transect zones where this building type is permitted.

- Page 50.110-15

10-50.110.090 Duplex, Side-by-Side

Table B. Lot

Lot Size[1]

Width 50' min.; 75' max.

Depth 100' min.; 150' max.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the duplex, side-by-side building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

Table G. Common Open Space

Area 15% of lot area min. and no less than 400 sf.

Width 15~~20~~' min.

Depth 15~~20~~' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

- Page 50.110-17

10-50.110.100 Duplex, Stacked

Table B. Lot

Lot Size[1]

Width	50' min.; 75' max.
Depth	100' min.; 150' max.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the stacked duplex building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

Table G. Common Open Space

Area 15% of lot area min. and no less than 400 sf.

Width	15~~20~~' min.
Depth	15~~20~~' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

- Page 50.110-19

10-50.110.110 Duplex, Front-and-Back

Table B. Lot

Lot Size[1]

Width	50' min.; 75' max.
Depth	100' min.; 150' max.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the front-and back duplex building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

Table G. Common Open Space

Area 15% of lot area min. and no less than 400 sf.

Width	15~~20~~' min.
Depth	15~~20~~' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

- Page 50.110-20 (new)

10-50.110.120 Stacked Triplex

Insert photographs and illustrations – ODI.

A. Description

The Stacked Triplex Building Type is a medium-to-large-sized structure that consists of three dwelling units, stacked on top of each other and typically with one shared entry. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit in sparingly within primarily single-family neighborhoods or into medium-density

neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

B. Lot

Lot Size[1]

Width	50' min.; 75' max.
Depth	100' min.; 150' max.

C. Number of Units

Units	3 max.

D. Pedestrian Access

Main Entrance Location	Primary Street
Each unit may have an individual entry that faces the street.	

E. Allowed Frontages

Porch
Stoop

F. Vehicle Access and Parking

Where an alley is present, parking and services shall be accessed from the alley.
Parking spaces may be enclosed, covered or open.
Tandem parking is allowed for off-street parking to meet the requirements for a residential unit.

G. Common Open Space

Area	15% of lot area min. and no less than 400 sf
Width	15' min.
Depth	15' min.
No private open space is required.	

H. Building Size and Massing

Main Body

Width	36' max.

Secondary Wing

Width	24' max.

Miscellaneous

Height	See transect zone in which the building is proposed.

End Note

[1] Applies to newly created lots.

A Flagstaff contractor has suggested that a stacked triplex building type would be appropriate in Flagstaff neighborhoods. This building type is common in many mid-west and California communities, and is frequently found in Form-based Codes. Additional illustrations and photographs will need to be inserted.

Other tasks as a result of this change:

1. *Renumber all of the following Building Types in this Division.*

2. **Division 10-40.40 Transect Zones**
   - Page 40.40-25
     10-40.40.070 T4N.1 Neighborhood Standards
     Table C. Allowed Building Types[1]
     Add Stacked Triplex to this table.

   - Page 40.40-31
     10-40.40.080 T4N.2 Neighborhood Standards
     Table C. Allowed Building Types[1]
     Add Stacked Triplex to this table.

- Page 50.110-21

10-50.110.120 Townhouse

Table B. Lot

Lot Size[1]

Width	18' min.
Depth	80' min.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the townhouse building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

Table I. Miscellaneous

End Note:

Front-loaded townhouses shall only be allowed where topography does not allow alley access or within existing developed areas where alleys do not exist.

Staff has encountered a number of situations in the existing developed portions of the City (especially in the older neighborhoods around the Downtown or in Sunnyside) where a townhouse project made sense, but the lack of an alley meant that the developer had to seek a different development approach. This amendment resolves this concern.

- Page 50.110-23

10-50.110.130 Apartment House

Table B. Lot

Lot Size[1]

Width	75' min.; 150' max.
Depth	100' min.; 150' max.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the apartment house building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

Table G. Common Open Space

Area	15% of lot area min. and no less than 400 sf.
Width	15~~20~~' min.
Depth	15~~20~~' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

- Page 50.110-25

10-50.110.140 Courtyard Apartment

Table B. Lot

Lot Size[1]	
Width	100' min.; 150' max.
Depth	100' min.; 150' max.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the courtyard apartment building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

- Page 50.110-25

10-50.110.150 Live/Work

Table B. Lot

Lot Size[1]	
Width	18' min.
Depth	80' min.

End Note

[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the live/work building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

Table G. Private Open Space

Area	15% of lot area min. and no less than 400 sf.
Width	15~~20~~' min.
Depth	15~~20~~' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

- Page 40.40-28 (new)

10-50.110.160 Apartment Building

Insert photographs and illustrations – ODI and Juniper Point.

A. Description

The Apartment Building is a medium-to-large-sized structure that consists of up to 32 side-by-side and/or stacked dwelling units accessed from the exterior of the building through one or more common entries. This Type is appropriately scaled to fit within medium to high density neighborhoods. This Type enables appropriately-scaled, well-designed higher

densities and is important for providing a broad choice of housing types and promoting walkability.

B. Lot

Lot Size[1]

Width	100' min.; 150' max.
Depth	100' min.; 150' max.

C. Number of Units

Units	8 min; 32 max.

D. Pedestrian Access

Main Entrance Location	Primary Street
Each unit may have an individual entry.	

E. Allowed Frontages

Porch	Forecourt
Stoop	

F. Vehicle Access and Parking

Where an alley is present, parking and services shall be accessed from the alley.
Parking spaces may be enclosed, covered or open.
Garages may be detached or tuck-under`.

G. Common Open Space

Area	15% of lot area min.
Width	40' min.
Depth	40' min.
No private open space is required.	

H. Building Size and Massing

Main Body

Width	200' max.

Secondary Wing

Width	40' max.

Miscellaneous

Height	See transect zone in which the building is proposed.

End Note

[1] Applies to newly created lots.

*Staff has been working closely with the developer of the Juniper Point project for a number of years, and as part of the Form-based Code for this development an Apartment Building is proposed as a building type. Staff agrees that there are a few transect zones where such a building type may be appropriately utilized (T4N.2 and T5) as well as certain non-transect zones (MR, HR, and HC). This building type is common in the higher transect zones, and is frequently found in Form-based Codes. (**P&Z**): AT the May 27th work session the Commission discussed a previous standard that implied that access to all units should be from the exterior of the building. Staff has deleted this previous standard, and recommends that it would be appropriate to allow a*

developer to either choose to provide access to all or some apartments directly to the outside of the building or via an internal courtyard or corridor, or a combination. This provides maximum flexibility in the design of the building.

Other tasks as a result of this change:

1. *Renumber all of the following Building Types in this Division.*
2. **Division 10-40.40 Transect Zones**
   - Page 40.40-31
     10-40.40.080 T4N.2 Neighborhood Standards
     Table C. Allowed Building Types[1]
     Add Apartment Building to this table.

   - Page 40.40-37
     10-40.40.090 T5 Main Street Standards
     Table C. Allowed Building Types[1]
     Add Apartment Building to this table.

- Page 50.110-29

10-50.110.160 Commercial Block
Table B. Lot

Lot Size[1]	
Depth	100' min.

End Note
[1] Applies to newly created lots.

This amendment clarifies a concern with the existing lot size standards for the commercial block building type in which the lot sizes in this table assume the creation of new lots through a subdivision process.

~~**Table C. Number of Units**~~
~~Units 2 Min.~~

Staff recommends that this standard should be deleted as it is unnecessary. While the commercial block building type may include residential units as either condominiums or apartments, there may be situations where in the downtown (T6) Transect Zone a multi-story building with only retail and office uses, or lodging uses, makes perfect sense.

Division 10-50.120 Specific to Private Frontages

- Page 50.120-3

  Table 10-50.120.020.A Private Frontages General

  A comparison of Table 10-50.120.020.A with the Allowed Encroachment and Frontage Types in the Transect Zones revealed a minor inconsistency in the T5 Transect Zone. Table 10-50.120.020.A should, therefore, be corrected as follows:

  Gallery: Add **T4** as a transect zone in which this private frontage type is permitted

- Page 50.120-9

  10-50.120-080 Forecourt

  A. Description

  A portion of the main façade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings~~,~~ or as an additional shopping or restaurant seating area within commercial areas when it is designed with a hard surface and landscaping as an edge treatment. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

  This minor amendment clarifies that when a forecourt is used within an urban area for restaurant seating, a hard surface is necessary with landscaping only installed as an edge treatment. In an urban context, large landscaped areas are not appropriate.

  C. **Miscellaneous**

  A short wall, ~~hedge,~~ or fence shall be placed along the BTL where it is not defined by a building.

  Hedges are difficult to grow in Flagstaff because of our climate, and therefore, staff recommends that they be removed from this standard.

DOCUMENT D: Chapters 10-60, 10-80 and 10-90

Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

CITY of FLAGSTAFF
2015 Zoning Code Amendments

Updated: 12/18/2015

Chapters 10-60: (Specific to Thoroughfares), 10-80 (Definitions) and 10-90 (Maps)

During the City Council's December 15, 2015 work session the Council concluded their policy discussion on proposed amendments to the Zoning Code. No specific policy direction was provided on any of the Chapters listed above. The table below summarizes minor technical amendments identified by staff. All new proposed amendments are highlighted throughout this document.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
Chapter 10-80: Definitions			
10-80.20.030 Definitions, "C"	80.20-21	**Staff** – Corridor Plan: Delete this definition as this term is not used in the Zoning Code	4
Chapter 10-90: Maps			
Chapter 10-90, Maps	90-i and following pages	**Staff** – Reorganization of this Chapter so that the maps are easier to locate	10

Chapter 10-60: Specific to Thoroughfares

- Page 60.10-6

Table 10-60.10.080.A Summary of Thoroughfare Components.

1. T3 Movement Type – Travel Lane width for Lots > 1 acre should be 9′ not 8′

2. T4 and T5 Movement Type – Bicycle Facility for Free and Speed 30 thoroughfares should be marked as "S" rather than "P".

3. Add a new symbol in the key – "S" for "When authorized by staff".

4. T6 Movement Type – Travel Lane width for Slow thoroughfares should be 9′ not 8′; and Parking Lane (if provided) should be 8′ not 7′ in both T5 and T6 except on SLOW streets where 7′ is appropriate.

The amendments suggested above ensure consistency with the City of Flagstaff's Engineering Standards and values that were incorrectly brought forward from the TND chapter of the former LDC.

Chapter 10-80: Definitions

Division 10-80.20: Definitions of Specialized Terms, etc.

Section 10-80.20.010 Definitions, "A."

Animal Keeping: ~~Raising or keeping of cattle, goats, horses, sheep, rabbits, poultry, or other animals.~~ The raising or keeping of certain farm animals (including for example, horses, cows, goats, or sheep) as authorized in City Code Chapter 6-03, (Animals). Animal keeping does not include the keeping of common household pets such as birds, dogs, or cats. Does not include shelters or kennels, see "Kennel, Animal Boarding."

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

Apartment: Any real property that has one or more structures and that contains three~~four~~ or more dwelling units for rent or lease ~~including mini-dorms~~.

This minor amendment ensures consistency with the Building Code and the standards for review of apartment buildings. Mini-dorms are not defined in the Zoning Code and are not an identified building type.

As-built Plans: A set of architectural plans and other drawings that document actual existing conditions of a building and site, prepared by a qualified technician who collects accurate data, such as measurements and photographs, to inform the drawings. Unless specified otherwise, the *Historic American Building Survey Guidelines* shall be used to determine techniques for developing the drawings and for required drawing content.

This amendment recommended by the Historic Preservation Commission ensures that a term used in the Zoning Code in Division 10-30.30 (Heritage Preservation) is defined.

Section 10-80.20.020 Definitions, "B."

- Page 80.20-12

Bed and Breakfast ~~**Establishment**~~**:** ~~The use of an owner-occupied single-family residence for commercial lodging purposes.~~ Accommodations offered by a private home, consisting of a room for the night and breakfast the next morning for one inclusive price.

This amendment provides a more general definition for a bed and breakfast and removes all reference to development standards, such as, that the facility must be owner occupied.

- Page 80.20-13

Boat: a small vessel or watercraft propelled on water by oars, sails, or one or more engines. A boat is not considered a recreation vehicle even though it may have facilities for temporary living quarters.

This amendment provides a definition for a term that was not previously defined in the Zoning Code.

Buildable Area:

1. In a manufactured home subdivision, the area where a manufactured home, other structure or automobile parking shall be placed on each lot.

2. The portion of a lot or parcel, exclusive of required setback areas or open space, within which a building or structure may be built.

This amendment provides a more inconclusive definition of buildable area.

- Page 80.20-14
Building-forward Design: The design and layout of a development site in which buildings are placed as close to a primary street frontage as possible so that vehicle parking and circulation areas, including driveways, are located behind or to the side of a building. On a corner lot or parcel an appropriate building-forward design would place the building at the intersection.

This definition helps to clarify and define the concept of building-forward design.

[Insert appropriate illustration]

Section 10-80.20.030 Definitions, "C."

- Page 80.20-16
Cisterns: ~~Storage containers that capture a larger volume of runoff stormwater than a rain barrel.~~Any above or below ground storage container used solely for the collection and storage of rainwater that has a capacity greater than 100 gallons.

The amendment to this definition is recommended by City Stormwater Section staff.

- Page 80.20-19
Composting Facility: A facility in which controlled biological decomposition of organic solid waste, excluding restaurant grease and septage, derived primarily from offsite locations under in-vessel anaerobic or aerobic conditions occurs for commercial purposes.

This simple amendment clarifies that restaurant grease and septage is not permitted in a composting facility.

~~**Concept Plan:** A generalized plan that conceptually illustrates a development proposal, including the identification of proposed land uses, land use intensity, circulation, and open space/sensitive areas. The relationship of the proposed development to existing surrounding development and uses should also be reflected.~~

When Ord. 2013-21 was adopted a new definition of concept plan was adopted by the Council. At this time the old definition shown in strike-out above was inadvertently not deleted. The correct and updated definition was included in the Zoning Code.

- Page 80.20-21
Construction Storage/Supply Yard: An outdoor storage facility operated by or on behalf of a contractor for the storage of large equipment, vehicles, and/or materials commonly used in the individual contractor's type of business, and for the repair and maintenance of the contractor's equipment. May include an accessory office or buildings for the storage and repair of equipment and vehicles.

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

~~**Corridor Plan:** A plan for a highway corridor the boundaries of which are defined by the public right-of-way only, except that consideration for vehicular access to adjoining property may also be included.~~

This definition may be deleted as this term is not used in the Zoning Code.

Coverage: The portion of a lot, expressed as a percentage, that is covered by any and all buildings and structures including accessory buildings and decks~~,~~. The following are not included when determining lot coverage: ~~excepting~~ paved areas, uncovered parking areas, single~~-~~-level unenclosed covered parking areas such as a carport (unless the roof space is used for any use or activity), structures supporting solar collectors, unenclosed covered walkways, driveways, walks, patios~~lanais~~, terraces, swimming pools, and landscape areas

This amendment ensures consistency with the former LDC, and staff's interpretation and practice with implementation of the Zoning Code by including structures and decks within the definition of lot coverage.

Section 10-80.20.040 Definitions, "D."

- Page 80.20-21

Day Care, Center: A facility regulated by the State that provides supervision for less than 24 hours per day for ~~eight~~nine or more children, elderly, or disabled persons in a facility other than a residence. This includes adult day care or adult day health as define in A.R.S 46-191.1.

This minor amendment is needed because a "Day Care, Home" is defined as a facility "that receives no more than eight children, elderly, etc."

- Page 80.20-25

Dormitories: A building or portion thereof that ~~which~~ contains living quarters in individual rooms for nine or more students, staff, or members of a college, university, primary or secondary boarding school, theological school, ~~or~~ other comparable organization, or an organization or business that provides living quarters for its employees~~, provided that such building is either owned or managed by such organization~~. Areas held in common by all tenants within a dormitory include, but are not limited to, common gathering and meeting rooms, cooking facilities, laundry and other facilities. Single-family, ~~and~~ two-family, and multi-family dwellings are defined separately. ~~See "Rooming and Boarding Facilities."~~

This amendment more precisely defines a dormitory. Staff also recommends that the rooming and boarding facility use be eliminated as it is confusing because it incorrectly combines a single room occupancy facility with a dormitory, rooming and boarding facility, and fraternity or sorority.

Driveway: A vehicular lane or lanes within a lot, or shared between two lots, providing access for vehicles ~~usually leading~~ to a garage, carport, parking space, or ~~other~~ parking area.

This amendment clarifies the definition of a driveway.

Drive-through Aisle: A vehicular lane or lanes provided to serve a drive-through retail or service use including the required drive-through stacking area, area in front of order and pick-up windows, and the exit lane or lanes to a public street.

This amendment provides a definition for a term that was not previously defined in the Zoning Code.

- Page 80.20-26

Duplex: A residential building designed to be occupied by two families living independently of each other with two attached dwelling units on one lot or parcel. Said units may be attached front-to-back, side-to-side or stacked one atop the other.

1. **Front-to-Back:** An attached building type with two independent living units with one unit placed behind the other and sharing a common or party wall.
2. **Side-by-side:** An attached building type with two side–by-side independent living units sharing a common or party wall.
3. **Stacked:** An attached building type with two independent living units stacked one on top of the other.

Staff recommends that the definition of "Dwelling, Two-family" should be merged with the definition of "Duplex" as these terms refer to the same building type. This change is reflected in Chapter 10-40 (Specific to Zones) and elsewhere in the Zoning Code where the term two-family dwelling is used.

Dwelling: One or more habitable rooms for residential use that are used as a home, residence, or sleeping place by one or more persons and which ~~may~~shall contain sleeping, sanitary, and cooking facilities. Dwelling includes an apartment or condominium. This does not include a motel or hotel room (see "Lodging") or suite or guest rooms in a boarding house (see "Boarding and Rooming Facilities") or bed and breakfast (see "Bed and Breakfast Establishment").

This minor amendment ensures consistency with the City's adopted Building Code.

Dwelling, Multiple-Family: A dwelling contained in a building comprised of three~~four~~ or more dwelling units.

This amendment provides consistency with the definition of a multi-family building in the Building Code.

~~**Dwelling, Secondary Single-Family:** An existing detached residential unit, secondary in scale and bulk to the primary residence, used either as a second unit on an existing lot or on a separate parcel in connection with a land split. Refer to Section 10-40.60.300 (Secondary Single-Family Dwelling).~~

As this term is being moved from the Zoning Code to Title 11 of the City Code, this definition may be deleted.

Dwelling, Two-Family: ~~A residential building designed to be occupied by two families living independently of each other~~ See Duplex.

Refer to the explanation for the amendment to the definition of duplex on the previous page.

Section 10-80.20.060 Definitions, "F."

- Page 80.20-30
  Fenestration: The arrangement of openings in a building wall, including windows and doors, allowing light and views between the interior and the exterior of a building.

  This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-32
  Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures outside of an enclosed building.

  This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-33
  Floodplain: Any areas in a watercourse that have been or may be covered partially or wholly by floodwater from a one hundred-year flood. For the purposes of this Zoning Code, floodplain areas shall be considered as one of the following types:

  1. **Urban Floodplains:** Delineated floodplain areas that are located in developed urban areas of the City.

  2. **Rural Floodplains:** Delineated floodplain areas that are essentially open space and natural land uses which ~~and~~ are unsuitable for ~~urban development~~ purposes due to poor natural soil conditions and periodic flood inundation.

- Page 80.20-34
  Fraternity, Sorority: Group living facilities of ~~greater than eight~~ for nine or more occupants, owned by an organization of university or college students or their parent organizations for housing members while enrolled in school and recognized as a student group by the university or college. ~~See "Rooming and Boarding Facility."~~

  The reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.

  Frontage: The area~~s~~ between a façade and the vehicular lanes inclusive of its built and planted components of private property and the right-of-way. Frontage also includes civic space such as a square or plaza, located within a block. Frontage is divided into private frontage and public frontage. Includes all the property fronting on one side of a street between the two nearest intersecting streets, excluding alleys, measured along the line of the street or, if dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

  This amendment expands the definition of frontage to include a civic space, such as Heritage Square, located within a block.

FUTS: (Pronounced "foots") The Flagstaff Urban Trails System, a city-wide network of non-motorized, shared-use path ways that are used by bicyclists, walkers, hikers, runners, and other users for both recreation and transportation.

Section 10-80.20.070 Definitions, "G."

- Page 80.20-35
  Garden Wall: A non-structural wall used to retain soil to prevent it from eroding away for which no Building Permit required.

  This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-36
  General Services: Facilities primarily engaged in providing personal services, commercial services, and miscellaneous repair services and shops, including but not limited to the following:

Commercial Services:	Repair Services:	Personal Services:
		Wedding chapels, private
		~~Fitness Facilities~~

On June 21, 2011 when council was approving the final amendments to Chapter 10-80 (Definitions) in the General Services definition on Page 80.20-35 under the Personal Services column of the table "Fitness Facilities" were included as a general services use. This use was inadvertently omitted and was not included within the final published Zoning Code as it should have been. However, following a staff discussion on an application for a rock climbing gym proposed in an LI zone, it was agreed that a cleaner and better way of accomplishing the same goal was to remove fitness facilities from this definition and instead to add "Indoor Commercial Recreation" as "UP[7]" in the LI-O zone.

~~**Government Offices:** Includes governmental office buildings and grounds.~~

This definition has been moved to Section 10-80.20.150, Definitions "O.".

- Page 80.20-37
  Group Home: A residential facility for eight or fewer unrelated persons providing living facilities, sleeping rooms, and meals in a family-like environment. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10. This use shall be considered as a single-family dwelling in terms of applicable building form standards. Residents are supervised by a sponsoring entity or its staff which furnishes rehabilitative services to the group home residents. A group home is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or other individuals who are their legal guardians. A group home imposes no time limit on how long an individual can reside in the group home. A group home is a relatively permanent living arrangement where tenancy is measured in years. ~~This use shall be considered as a single-family dwelling in terms of applicable building form standards. The number listed does not include the operator, members of the operator's family, or persons employed by~~

~~the operator as staff, except that the total number of persons living in a group home shall not exceed 10.~~ This category does not include a home for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities, see "Institutional Residential."

The amendments to this definition more accurately define a "group home" and are based on policy recommendations from the American Planning Association for such uses.

Section 10-80.20.080 Definitions, "H."

- Page 80.20-39

Home Occupation: Any occupation, profession, activity, or use which is ~~customarily, in whole or in part,~~ conducted in a residence and~~,~~ which does not change the exterior of the property~~, or~~ affect the character of the residential use, or bring customer traffic into a residential neighborhood. ~~A home occupation does not include pet grooming, sales offices, automobile repairs, commercial stables, massage businesses, veterinary hospitals or clinics, medical marijuana dispensaries, medical marijuana dispensary offsite cultivation locations, medical marijuana qualifying patient cultivation locations, or other uses that would bring customer traffic into the neighborhood.~~

This amendment improves, clarifies and simplifies this definition by eliminating the uses which are not considered as home occupations.

- Page 80.20-39

Hospital: An institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of ~~two or more unrelated~~ persons admitted for overnight stay or longer in order to obtain medical treatment, including surgical, obstetric, psychiatric, and nursing care of illness, disease, injury, infirmity, or deformity. The term "hospital" also includes:

1. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of ~~two or more unrelated~~ persons suffering from emotional or nervous illness; and

2. All places where pregnant women are received, cared for, or treated during delivery, regardless~~irrespective~~ of the number of patients received.~~; and~~

~~3. General and specialized hospitals, tuberculosis sanitaria, maternity homes, lying-in homes, and homes for unwed mothers in which aid is given during delivery.~~

This amendment updates and clarifies the definition of a hospital.

Section 10-80.20.090 Definitions, "I."

- Page 80.20-41

~~**Internal Illumination:** A source of illumination contained entirely within the sign that makes the contents of the sign visible at night by means of light being transmitted through a translucent material, but wherein the source of the light is not visible.~~

This definition is redundant and can be deleted as there is already a definition for "Sign, Internally Illuminated".

- Page 80.20-42
  ~~**Inn**: A lodging type, owner-occupied, offering six to 12 bedrooms, permitted to serve breakfast in the mornings to guests.~~

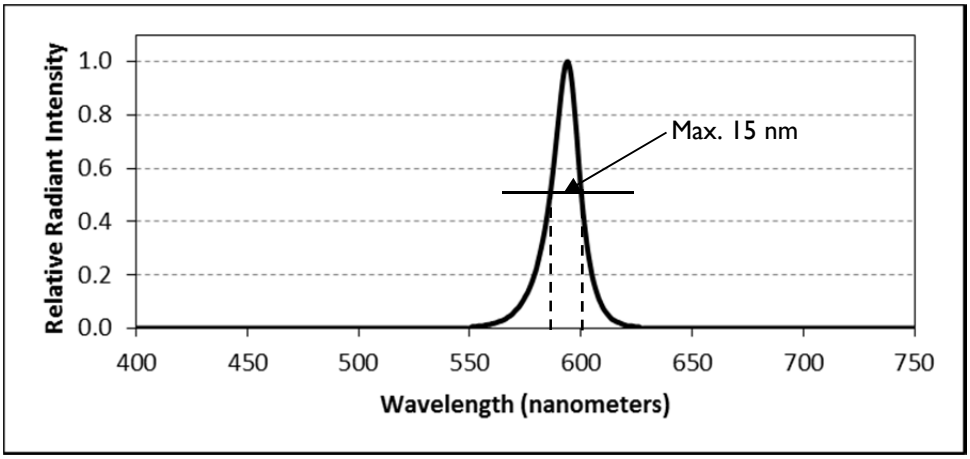
  This definition can be deleted as this term is not used in the Zoning Code.

  Institutional Use: A non-profit or quasi-public use such as a religious institution, library, public or private school, hospital, or government-owned or government-operated structure or land used for public use.

  As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

10-50.20.120 Definitions, "L."

- Page 80.20-44
  LED, Narrow-Spectrum Amber: A light emitting diode (LED) with a spectrum similar to that shown in the graph below, and with a peak wavelength between 585 and 595 nanometers and a full width at 50 percent power no greater than 15 nanometers.



Representative Narrow-Spectrum Amber LED spectrum

  This amendment helps to explain the spectrum characteristics of a Narrow-Spectrum Amber LED lamp.

- Page 80.20-44
  Light Reflectance Value (LRV): A measure of visible and usable light that is reflected from a surface when illuminated by a light source, and conversely how much it absorbs. LRV is typically measured on a scale from 0% to 100% where a LRV of zero is assumed to be an absolute black and an LRV of 100% is assumed to be perfectly reflective white.

  This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-45
  Lighting Class 1: All outdoor lighting used for applications where color rendition is required~~important~~ to preserve the effectiveness of an~~the~~ activity.

Lighting, Class 2: All outdoor lighting used for applications ~~, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security~~ where general illumination for safety or security ~~of the grounds~~ is the primary concern.

Lighting, Class 3: Any outdoor lighting used for decorative purposes~~effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees or bushes~~.

The amendments to the Lighting Class definitions ensure consistency with the use of these terms in Section 10-50.70.050 B. (Lighting Classes). Examples of the application of these lighting classes have been consolidated in this Code Section.

- Page 80.20-46 and -47

Lot Lines: The recorded boundary that legally and geometrically demarcates a lot.~~:~~ Types of lot lines are as follows:

Lot Line, Front: A lot line on the lot's frontage.

1. **Corner Lot:** Either of the two lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line ~~-~~which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.

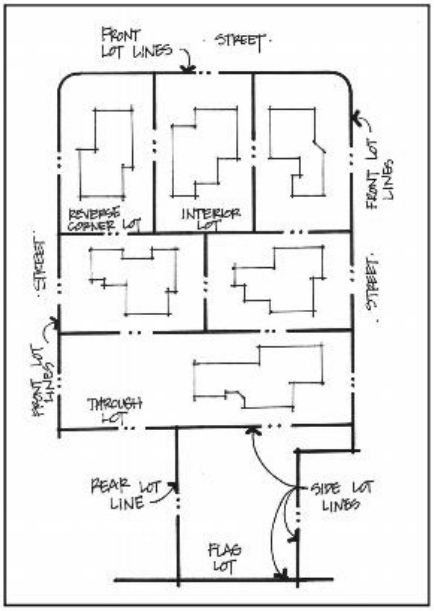
2. **Interior Lot:** The property line separating the lot from ~~bounding~~ the street frontage.

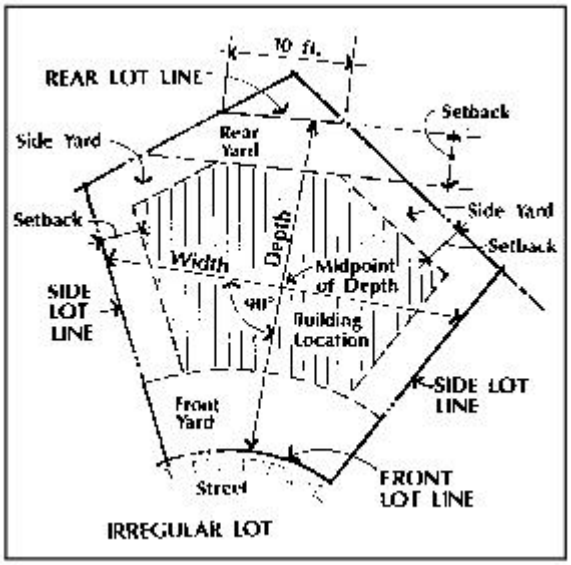
3. **Through Lot:** On a through lot both lot lines are front lot lines and the lot is considered to have no rear lot line~~That line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front lot line is not obviously evident, the Director shall determine the front property line. Such a lot over 200 feet deep shall be considered, for the purpose of this definition, as two lots, each with its own frontage~~.

Lot Line, Rear: The~~at~~ lot line which is most distant from and most closely parallel to ~~opposite~~ the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long lying within the lot and parallel to the front lot line. In the event that the front lot line is a curved line, then the rear lot line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to a line tangent to the front lot line at its midpoint.

Lot Line, Side: Lot lines connecting the front and rear lot lines.

The amendments proposed above are intended to make the definitions easier to understand and apply. Insert illustration(s) to make these definitions clearer.





10-50.20.130 Definitions, "M."

- Page 80.20-52

Manufactured Home: ~~A structure built in compliance with Arizona Revised Statue, Title 41, Chapter 16, Articles 1, 2, 3, 4, and 5, Rules and Regulations A.A.C. R4-34-101 – R4-34-1001, A.A.C. R4-36-201 – R4-36-311, constructed in a factory or axles, and trailer tongue, but is primarily designed to be installed once. A manufactured home can be retro-fitted easily with running gear and moved with a temporary license plate. These units are built to the Housing and Urban Development standards.~~A transportable structure built on a permanent chassis in a factory or manufacturing plant in compliance with the Housing and Urban Development standards that is designed to be used as a dwelling with or without a permanent foundation and under the regulation of the Arizona State Office of Manufactured Housing.

This amendment simplifies, clarifies and updates this definition.

Manufacturing and Processing, Incidental: Facilities that are incidental and subordinate to the allowed primary use ~~manufacturing or processing facility~~ on~~f~~ a site, such as a coffee roaster, brewery or distillery.

This essentially clerical amendment is suggested to clarify the meaning of this sentence.

- Page 80.20-53

Micro-brewery or Micro-distillery: A facility engaged in the production, bottling, and packaging of beer and other fermented malt beverages or spirituous beverages on site that may include a taproom in which guests/customers may sample or purchase the product.

This is a new definition for these uses that is clearer and more straight forward than calling them "Manufacturing and Processing, Incidental".

10-50.20.131 Definitions, "N."

- Page 80.20-57

~~**Nonstructural Sign Trim:** The molding, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure and are nonstructural in nature and do not contribute to the support of the sign.~~

This definition can be deleted as this term is not used in the Zoning Code.

Section 10-80.20.150 Definitions, "O."

- Page 80.20-57

Offices: Premises available for the transaction of general business and services including but not limited to professional, management, financial, legal, ~~health,~~ social, or government offices, but excluding retail, artisan, and manufacturing uses.

Offices, Government: Includes governmental office buildings and grounds.

This essentially clerical amendment moves this definition from Section 10-20.80.070 (Definitions "G.").

Offices, Medical: An office building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-58

Outdoor Storage or Display: The storage or display of any personal or business materials, products, or equipment outside of a building.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-59

~~**Overstory:** Tall trees in excess of 12 feet in height under which other understory trees and shrubs may be planted.~~

This term is no longer used in the Zoning Code and may, therefore, be deleted.

Section 10-80.20.160 Definitions, "P."

- Page 80.20-60

Person: Any individual, firm, partnership, association, joint venture, corporation, limited liability company, or the state of Arizona or any agency or political subdivision of the State.

This minor amendment expands the definition of a person to include a limited liability company.

- Page 80.20-61

Physical Fitness Facility: A facility where active or passive exercises and related activities are performed within an enclosed building for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

- Page 80.20-62

Preliminary Plat: A preliminary map, including~~sketch and~~ supporting data, of a proposed subdivision~~,~~ drawn to scale with sufficient information to allow the ~~Review Authority to review the~~ plat to be reviewed~~,~~ and for ~~to make~~ determinations and recommendations to be made.

Staff recommends this amendment to better define a preliminary plat as it is significantly more comprehensive than a "sketch".

Primary Street: A primary street is a street with the highest classification compared to other streets that front a lot or parcel, as determined by the Director. The primary street may have the most prominent address and it typically will have the majority of buildings fronting it.

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

Section 10-80.20.180 Definitions, "R."

- Page 80.20-64

Rain Barrel~~s~~: Any above or below ground storage container ~~Barrels~~ connected directly to a downspout~~s~~ ~~to capture and store runoff for future use.~~ used solely for the collection and storage of rainwater that has a capacity of 100 gallons or less.

This definition was suggested by City Stormwater Section staff.

Ranching: Includes grazing and ~~ranching activities such as~~ the breeding and raising of horses and other livestock for commercial gain rather than for personal use.

This amendment clarifies the definition of ranching consistent with the way this term is used in the Zoning Code.

- Page 80.20-62

Recreation, Active: Recreational pursuits usually performed with others, ~~and~~ often requiring equipment and taking place at facilities, sites, or fields. Such areas may be intensively used and require ~~which required~~ physical alteration to the area in which they are performed. ~~Such areas are intensively used, and~~ Examples include but are not limited to playgrounds, sport courts, baseball/softball and other field sports, golf courses, and swimming pools.

This amendment better describes active recreation and clarifies that golf courses are considered as active recreation.

- Page 80.20-65

Recreational Vehicle (RV): A mobile structure designed as temporary living quarters for recreation, vacation, camping, or travel use, which is either self-~~-~~propelled or is mounted on or drawn by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, fifth-wheel trailer, truck camper, motor home, or camper van.

Staff recommends that the term van should be clarified as a camper van, (i.e. one that is outfitted for temporary living quarters) as compared to a van that is used for a variety of other purposes, such as deliveries of goods, transporting people, etc.

- Page 80.20-67

~~**Rooming and Boarding Facility:** A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence.~~

Staff recommends that this definition be deleted as it is confusing, and that uses grouped under this term in the Definitions should be listed separately. See related amendments in Chapter 10-40 (Specific to Zones - specifically the Use Tables in non-transect zones) and in the Parking Standards (Division 10-50.80). This amendment also resolves the difficulty of the City enforcing the type of lease arrangement between the lessor and the lessee.

Section 10-80.20.190 Definitions, "S."

- Page 80.20-76

Single Room Occupancy (SRO): A residential facility ~~structure~~ that provides living units with separate sleeping and bathroom facilities which are rented for an extended period of time, such as weekly or monthly. ~~that have separate sleeping areas and some combination of shared bath or toilet facilities.~~ Common facilities and services for laundry, cleaning, and meals may be provided for the residents~~The structure may or may not have separate or shared cooking facilities for the residents~~. Single room occupancy includes buildings~~structures~~ sometimes called residential hotels and rooming houses. ~~See also "Boarding and Rooming Houses."~~

This amendment updates and clarifies the definition of a single room occupancy and the reference to rooming and boarding house is removed consistent with previously described amendments to delete this use type.

Site Analysis Plan: A Site Analysis Plan allows the physical, heritage, natural and other characteristics of a development site to be mapped so that these characteristics may influence how the site will be developed, minimizing site disturbance and environmental damage while preserving features that are valued.

This amendment provides a definition of a Site Analysis Plan.

- Page 80.20-77

~~**Solar Roof Paneling**: Roof paneling that uses the sun's light to create electricity directly through photovoltaic cells (PV).~~

As the definition for "solar collector" includes solar roof paneling, this definition is redundant and may be eliminated.

Sorority: See "Fraternity, Sorority."

- Page 80.20-79

Structure: The result of arranging materials and parts together, such as buildings, towers, tanks (excluding rain barrels and cisterns), and fences (but not including tents or vehicles) and attaching them to the ground. It shall also mean a mobile home, anything constructed

or erected, any building of any kind artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a location on or in the ground, including swimming and wading pools and covered patios. Paved areas, walkways, tennis courts, and similar outdoor areas, and fences or walls 3 feet or less in height are not structures.

The amendment to this definition was suggested by City Stormwater Section staff to ensure that rain barrels and cisterns were not included in the definition for structure.

Section 10-80.20.200 Definitions, "T."

- Page 80.20-80

  Taproom: A retail sales facility where customers may taste and purchase beverages processed on the site, including beer and spirituous liquors. (Syn: Tasting Room).

  As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

- Page 80.20-81

  Trade Schools: A specialized school frequently owned and operated privately for profit providing on-site training of business, commercial, industrial and trade or vocational skills. ~~Includes trade or vocational training schools.~~

  This amendment provides a more comprehensive definition for a trade school.

  Townhouse: A single-family dwelling that shares a party wall with another of the same type placed side by side~~and occupies the full frontage line~~.

  This amendment clarifies that a townhouse does not need to occupy the full frontage line.

Section 10-80.20.210 Definitions, "U."

- Page 80.20-83

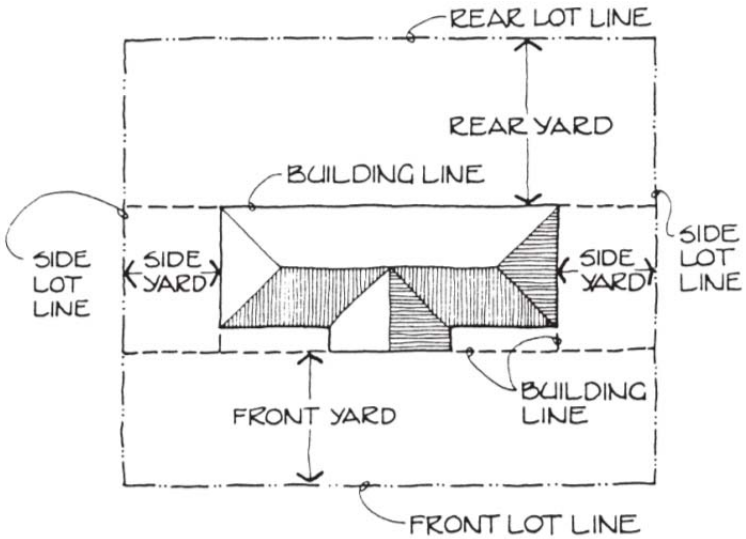
  ~~**Understory:** Small trees and shrubs that may be either deciduous or evergreen, adding structure, texture, color, and multi-season interest when used as a landscape element that grow under taller trees (See overstory trees). Understory trees are usually no more than 10-12 feet in height and are therefore appropriate to be planted under overhead power lines.~~

  This term is no longer used in the Zoning Code and may, therefore, be deleted.

Section 10-80.20.250 Definitions, "Y."

- Page 80.20-86

Yard: An open area at grade between a principal or accessory building or buildings and the nearest lot line that is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Code.



Yard, Exterior: A yard extending from the front yard to the rear yard between any building and the exterior side lot line. On corner lots, the exterior side yard is adjacent to a street other than the one which determines the front yard.

Yard, Front: A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Yard, Interior: A yard extending from the front yard to the rear yard between the principal building and the side lot line adjacent to another lot measured perpendicular from the side lot line to the closest point of the principal building.

Yard, Rear: A yard extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

These amendments provide definitions for these important terms used throughout the Zoning Code that were not carried forward from the LDC. Note that a yard is not synonymous with a setback area as a building may be placed further from a lot line than that required by the required setback. In this case then, the yard would have a greater depth than that required by the setback.

Chapter 10-90: Maps

Content:

Division 10-90.10: Purpose		**90.10-1**
10-90.10.010	Purpose	90.10-1
Division 10-90.20: Cultural Resource Maps		**90.20-1**
10-90.20.010	Cultural Resource Sensitivity Map	90.20-3
10-90.20.020	Flagstaff Southside Historic District (National Register District) Map	90.20-5
10-90.20.030	Flagstaff Townsite Historic Residential District (National Register District) Map	90.20.7
10-90.20.040	North End Historic Residential District (National Register District) Map	90.20-9
10-90.20.050	Railroad Addition Historic District (National Register District) Map	90.20-11
~~**Division 10-90.30: Rural Floodplain Map**~~		~~**90.30-1**~~
Division 10-90.40: Overlay Maps		**90.40-1**
10-90.40.010	Airport Avigation Area Map	90.40-3
10-90.40.020	Airport Overlay Zone Map	90.40-5
10-90.40.030	Downtown Historic District Overlay Zone Map	90.40-7
10-90.40.040	Flagstaff Central District Map	90.40-9
10-90.40.050	Resource Protection Overlay (RPO) Map	90.40-11
10-90.40.060	Townsite Overlay Zone Map	90.40-13
Division 10-90.50: Subject Specific Maps		**90.50-1**
10-90.50.010	Flagstaff Sign Free Zone Map	90.50-3
10-90.50.020	Lighting Zone Map	90.50-5
10-90.50.030	Rural Floodplain Map	90.50-7
10-90.50.040	Placeholder	90.50-9
~~**Division 10-90.50: Lighting Zone Map**~~		~~**90.50-1**~~
Division 10-90.60: Placeholder		**90.60-1**
Division 10-90.70: Placeholder		**90.70-1**
Division 10-90.80: Zoning Maps		**90.80-1**

These non-substantive amendments improve the organization of this chapter. Cross check throughout the Zoning Code to correct all map references.

10-90.80 Zoning Map

10-90.80.010 Zoning Map

B. The Zoning Map comprises two related maps as follows:

1. Zoning Map for the City of Flagstaff showing the non-transect and transect zones (illustrated on a Regulating Plan included as an inset on the Zoning Map) as applied within the City; and,

2. Overlay Zones Map showing the different overlay zones associated with the Zoning Map.

This minor amendment clarifies that the transect zones are mapped on a Regulating Plan which is included as an inset on the Zoning Map.

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, *THE CITY OF FLAGSTAFF ZONING CODE*, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED *"2015/2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, EXCEPT FOR DIVISION 10-50.100 (SIGN STANDARDS)"*; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has determined that amendments to the Zoning Code, Title 10 of the Flagstaff City Code, are necessary in order to ensure, among other things, that known errors are corrected, ease of use through simplified standards, consistency in interpretation and application of standards and procedures, and greater predictability in the application of the Zoning Code; and

WHEREAS, the Mayor and Council have, by resolution, previously declared the *"2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),"* ("Proposed Amendments") to be a public record; and

WHEREAS, the Planning and Zoning Commission at their public meeting on June 24, 2015 recommended that the City Council adopt the proposed amendments, and in special work sessions held on September 15, 2015, October 19, 2015, November 10, 2015, and December 8, 2015, the City Council considered public comment, discussed various options and alternatives, and, after deliberation, directed staff to return with those changes that now comprise the Proposed Amendments; and

WHEREAS, the City Council finds that the City has complied with the statutory notice and meeting requirements.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

That the document entitled *2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),"* three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona and previously declared by Resolution No. 2016-02 to be a public record, is hereby adopted and made a part hereof as if fully set out in this ordinance and its provisions declared to be inserted into the Zoning Code and to replace and supersede the existing relevant provisions of the Zoning Code.

SECTION 2: Penalties.

Whenever the Flagstaff Zoning Code prohibits an act or makes or declares an act to be unlawful or an offense, or whenever in the Code the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished as follows:

Civil Penalty: Any person found responsible for violating the Flagstaff Zoning Code shall be sentenced to a fine of not less than $100. Any person found responsible of a second violation committed within 36 months of a prior violation shall be subject to a fine of not less than $250. Any person found responsible of a third or subsequent violation within 36 months of a prior violation shall be subject to a fine of not less than $500.

Criminal Penalty: Any person found responsible by the Flagstaff Municipal Court for three or more civil violations of the Flagstaff Zoning Code within a 24-month period shall be deemed a habitual offender. A habitual offender who subsequently violates the Flagstaff Zoning Code shall be guilty of a class 1 misdemeanor.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 4: Severability.

That, if any section, subsection, sentence, clause, phrase or portion of this ordinance or any of the amendments adopted in this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect any of the remaining portions thereof.

SECTION 5: Effective Date.

This ordinance shall be effective (30) thirty days after adoption.

PASSED AND ADOPTED by the Council of the City of Flagstaff, this 16th day of February, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Brian Kulina, Planning Development Manager

Date: 01/27/2016

Meeting Date: 02/16/2016

TITLE:

Public Hearing, Consideration, and Adoption of Ordinance No. 2016-08: An ordinance of the Flagstaff City Council amending the Flagstaff Zoning Map Downtown Regulating Plan designation of approximately 0.29 acres of land generally located west of the southwest corner of Mikes Pike and Phoenix Avenue from the T4 Neighborhood 1 - Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone and of approximately 1.35 acres located at 17 S Mikes Pike from the T4 Neighborhood 1 - Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone, conditional. ***(The Hub Zoning Map Amendment)***

RECOMMENDED ACTION:

At the February 16, 2016 Council Meeting:

1) Hold the Public Hearing
2) Read Ordinance No. 2016-08 by title only for the first time
3) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)

At the March 1, 2016 Council Meeting:

4) Read Ordinance No. 2016-08 by title only for the final time on
5) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)
2) Adopt Ordinance No. 2016-08.

Executive Summary:

A direct ordinance Zoning Map Amendment request from Core Campus LLC amending the Downtown Regulating Plan from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres.

Financial Impact:

The proposed Development Agreement deal points (attached) address anticipated contributions for traffic, water and sewer to assure proportionality and requested upgrades to existing infrastructure. A draft Development Agreement will be provided to Council for its review prior to the meeting on March 1, 2016.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:
1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Provide a well-managed transportation system
3) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:
Staff has identified 66 Regional Plan Goals and Policies that could be applied to support or not support the proposed Zoning Map Amendment. For reference, a list of those policies is attached to this report.

Has There Been Previous Council Decision on This:

No previous Council action or discussion has occurred regarding this Zoning Map Amendment request or the Subject Property.

Options and Alternatives:

1) Approve the ordinance with the proposed conditions.
2) Approve the ordinance with no conditions, additional conditions, or modified conditions.
3) Deny the ordinance based on the required findings in Section 10-20.50.040(F)(1)(a) of the Zoning Code.

Background/History:

Core Campus LLC (the "Developer") is requesting a direct ordinance Zoning Map Amendment amending the Downtown Regulating Plan as follows: (1) from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect to allow for ground floor commercial uses and establish a 5-floor maximum building height, located along Mikes Pike and containing approximately 1.35 acres; and, (2) from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect to allow for ground floor residential uses and establish a 4-floor maximum building height, located along Phoenix Avenue and containing approximately 0.29 acres. This proposed conditional amendment, combined with two (2) proposed Conditional Use Permit requests and other entitled parcels, will allow for the development of a 99 dwelling unit per acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres generally located at 17 S Mikes Pike (the "Subject Property"). The Subject Property is currently developed with a mixture of uses including commercial, contractor office and storage yard, automotive lube shop, and single-family residential. There are no natural resources (rural floodplain, slope, or forest) on-site. For additional information regarding the characteristics of the site and reason for the request, please reference the attached Rezone Narrative.

Land use north of the Subject Property is light industrial including the City of Flagstaff Phoenix Storage building and the Northern Arizona Intergovernmental Public Transportation Authority ("NAIPTA") transfer stations. Land uses to the east of the Subject Property are a mixture of commercial and service including restaurant, retail, and office. Land uses to the south of the Subject Property are primarily retail/service and a residential duplex. Land uses to the west of the Subject Property is commercial/service including restaurant, retail, office, and automotive repair.

If the proposed Zoning Map Amendment request is approved, including the two (2) proposed Conditional Use Permit requests, the next steps in the development process will be Civil Improvement Plan submittal and Building Plan submittal. A Development Agreement between the City and the Developer, a draft of which will be provided to Council for its review prior to the March 1 meeting, is being drafted to address parking, affordable housing, required off-site infrastructure improvements (i.e. stormwater, traffic, and pedestrian crossing of Butler Avenue), project management, transect zone election, and Prop207 waiver. The Development Agreement must be approved by the City Council via a resolution prior to the second reading of the Zoning Map Amendment ordinance. The proposed development encompasses

seven (7) separately identified parcels (APN's 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C). All of parcels 100-39-010, 100-39-003, 100-09-008, and portions of parcel 100-39-001C, 100-39-001G, and 100-39-002A are subject to the proposed Zoning Map Amendment; however, all parcels within the proposed development were analyzed for conformance to existing and proposed development standards. As a condition of approval, all parcels must be combined into one parcel prior to building permit submittal.

Due to the size of the file, this project's plans may be accessed at Plans. Please allow time for this document to download.

Key Considerations:

Proposed amendments shall be evaluated based on the following findings: 1) the proposed amendment is consistent with and conforms to the goals of the General Plan and any applicable specific plans; 2) the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City of Flagstaff (the "City") and will add to the public good as described in the General Plan; and, 3) the affected site is physically suitable in terms of design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access, public services, and utilities, to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. If the application is not consistent with the General Plan and any other applicable specific plan, the applicable plan must be amended in compliance with the procedures established in Chapter 11-10 of the City Code (Title 11: General Plans and Subdivisions) prior to considering the proposed amendment.

An amendment to the Planning Commission staff report was made during the Planning Commission meeting. The Zoning Code interpretation mentioned in the report regarding maximum parking allowances was reviewed by the City Attorney's office, at the request of the Developer, and it was determined that the 5% cap of parking currently found within the Zoning Code applies to both surface and structured parking. The applicant objected to staff's interpretation that they could provide more parking than 5% above the minimum requirement as long as it was within a structure.

On February 3, 2016, the Planning Commission concluded their review of the proposed Zoning Map Amendment with a recommendation for Approval, by a vote of 6-1, subject to the following conditions, which have been incorporated into Ordinance No. 2016-08:

1. Unless modified to comply with these conditions, the site shall be developed in substantial conformance to the Site Plan as approved by the Inter-Division Staff (IDS) on December 11, 2015, and as presented to the Planning and Zoning Commission with this Zoning Map Amendment request.
2. The proposed structure located along Mikes Pike shall be limited to 4-stories/52-feet in height adjacent to the street frontage. A fifth story, if desired, shall have all residential units setback at least 40-feet from the property line. Elevators, stairwells, and other utilities may encroach into the 40-foot setback as necessary.
3. Development shall be limited to two hundred thirty-six (236) units and six hundred sixty-four (664) beds. Any increase to either the number of units or beds must be approved by the City Council through the review of a Zoning Map Amendment application.
4. At the time of building permit submittal, the easternmost and westernmost residential entrances along Phoenix Avenue shall be modified to incorporate a covered porch element, or other similar feature, at the first floor entry to emphasize the pedestrian scale and residential character.
5. Prior to building permit submittal, the Developer shall combine Coconino County Assessor parcel numbers 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C.
6. The Developer shall provide one hundred (100) additional parking spaces either on-site, off-site in a private structure, or off-site in a joint public/private structure with the City. Off-site parking shall be located within 600-feet of the Property. In-lieu of providing the parking spaces, the Development

may elect to pay a fee of twenty thousand dollars ($20,000.00) per space to the City for use in construction of an off-site public parking structure.

Community Benefits and Considerations:

Community benefits and considerations related to this Zoning Map Amendment request are addressed in the attached Planning and Zoning Commission staff report dated January 6, 2016

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any Zoning Map amendment request. In accordance with Arizona Revised Statute and City Code, notice of the public hearing must be provided by placing an ad in a newspaper of general circulation within the City, posting a notice on the property subject to the proposed amendment, and mailing a notice to all property owners within 300-feet of the property subject to the proposed amendment. All notifications must be completed at least 15-days prior to the first schedule public hearing. In order to notice as many people as possible, staff ensured that a notice was: published in the Sunday edition of the Arizona Daily Sun; 3 public hearing notice signs were posted on the site (1 on Mikes Pike, 1 on Milton Road, and 1 on Phoenix Avenue); and, a notice was mailed to all property owners within 1000-feet of the site, all tenants within 1,000 feet of the site, all parties on the Registry of Persons or Groups, and anyone who signed-in at any of the Developer's previously held neighborhood meetings. A copy of the publication notice, pictures of the postings, a mailing list, and a copy of the mailing notice are attached to this report.

As of this writing, staff received 16 letters and 45 e-mails from interested parties, which can be divided into three (3) categories: opposed, neutral, and support. Those comments in opposition (56 total) expressed concerns over compatibility, sociological impacts, infrastructure, student behavior, neighborhood character, traffic, unsupportable retail, parking, aesthetics, location, views, shadow cast, building massing, design, impact on tourism, Northern Arizona University's problem to address, neighborhood history, student housing, undesirable part of town for students, density, availability of other housing types, human congestion, density, zone change only benefits developer, security, demise of the neighborhood, complexity of transect zoning, bicycle ridership, not designed for families, student conduct, fire safety, ruin of Downtown, student housing belongs on campus, aesthetic value, visual pollutant, architecture, use and type of retail, impacts on rent, scale, property values, size, increased crime, and becoming a "for profit college town." The neutral comments (2 total) requested additional information and the count of comments in support and nonsupport of the project. Those comments in support (3 total) expressed the need for student housing, location, pedestrian environment, land use, relief for students, and support for NAU. A summary of all comments received is attached to this report for review. Any additional comments received after the date of this report will be compiled, summarized, and transmitted to the Council at the meeting.

Section 10-20.30.060 of the Zoning Code (Page 20.30-5) requires the Developer to conduct a neighborhood meeting prior to the Planning and Zoning Commission public hearing in accordance with an approved neighborhood meeting plan. After completion of the neighborhood meeting, the Developer must prepare a *Record of Proceedings* in accordance with Section 10-20.30.060.F of the Zoning Code (Page 20.30-7). That record is then presented as part of the report to the Planning and Zoning Commission and City Council. The Neighborhood Meeting Plan, a copy of which is attached to this report, was approved by staff on December 3, 2015 and revised on December 29, 2015.

The required neighborhood meeting was conducted on December 21, 2015 at the Pine Forest Charter School located at 1120 W Kaibab Lane. The meeting was noticed in accordance with established City standards. The meeting was conducted in a more traditional speaker/audience format with a presentation given by the applicant followed by a question and answer (Q&A) session. The results of the meeting were submitted on December 30, 2015 in a Neighborhood Meeting Report, a copy of which is

attached to this report. The meeting was attended by 47 people who signed-in. Additional people may have attended but were not accounted for in the report. Based on the submitted meeting minutes (Neighborhood Meeting Summary Tab F), comments during the Q&A session generally revolved around gaining a better understanding of the specifics of proposed development (i.e. number of beds, units, and parking spaces), impacts on the existing infrastructure (including traffic and transit), benefits of the project to the neighborhood and city, and plans for the property if the Zoning Map Amendment is denied.

Attachments:

Ord. 2016-08
DA Deal Points
P&Z Staff Report
Supplement
P&Z Commission Packet Supplement
Public Comments

ORDINANCE NO. 2016-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP DOWNTOWN REGULATING PLAN DESIGNATION OF APPROXIMATELY 0.29 ACRES OF LAND GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF MIKES PIKE AND PHOENIX AVENUE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) AND T5 MAIN STREET (T5) TRANSECT ZONES TO THE T4 NEIGHBORHOOD 2 (T4N.2) TRANSECT ZONE AND APPROXIMATELY 1.35 ACRES LOCATED AT 17 S MIKES PIKE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) TRANSECT ZONE TO THE T5 MAIN STREET (T5) TRANSECT ZONE WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Core Campus Flagstaff LLC (the "Applicant"), applied for a Zoning Map Amendment of approximately 1.64 acres of land generally located south and west of the southwest corner of Mikes Pike and Phoenix Avenue in the City of Flagstaff, Coconino County, Arizona, a legal description of which is provided in Exhibit "A" attached hereto ("the Property"), in order to, when combined with other parcels and entitlements, construct a mixed-use multi-family style student-housing development. The proposed development consists of 236 dwelling units, containing 664 beds, located above and behind 14,096 square feet of commercial uses; and

WHEREAS, the Applicant proposes to develop the Property pursuant to the terms and conditions of this Ordinance and a Development Agreement between Applicant and the City ("Agreement"), which will be presented to the City Council through a proposed resolution at the second reading of this Ordinance; and

WHEREAS, in furtherance of the Applicant's development plans, the Applicant has applied to the City of Flagstaff to amend the transect zoning of the Property from the T4 Neighborhood 1 – Open (T4N.1-O) and T5 Main Street (T5) zones to the T4 Neighborhood 2 (T4N.2) zone for approximately 0.29 acres and from the T4 Neighborhood 1 – Open (T4N.1-O) zone to the T5 Main Street (T5) zone for approximately 1.35 acres; and

WHEREAS, the Planning and Zoning Commission has formally considered the present Zoning Map Amendment application following proper notice and hearings on January 13, 2015 and February 3, 2015, and has recommended Approval of the requested zoning application, subject to the Applicant's compliance with certain conditions set forth below; and

WHEREAS, the Council finds that the Applicant has complied with all application requirements set forth in Chapter 10-20 of the Flagstaff Zoning Code; and

WHEREAS, the staff has recommended approval of the Zoning Map Amendment application, subject to the conditions proposed by the Planning and Zoning Commission, as augmented by staff, as set forth below, and the Council has considered each of the conditions and has found each condition to be appropriate for the Property and necessary for the proposed development; and

WHEREAS, the Council has read and considered the staff reports prepared by the Planning Division and all attachments to those reports, the Applicant's application, the narrative provided by the Applicant, and all statements made by the Applicant during the presentation to Council, and the Council finds that the proposed Zoning Map Amendment, subject to the conditions set forth below, meets the findings required by Section 10-20.50.040(F)(1)(a) of the Flagstaff Zoning Code.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. The amendment requested in the application is consistent with and conforms to the goals of the General Plan.

SECTION 3. The amendment requested in the application will not be detrimental to the public interest, health, safety, convenience or welfare of the City and will add to the public good as described in the General Plan.

SECTION 4. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities to ensure that the amendment requested in the application will not endanger, jeopardize or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 5. The Zoning Map Downtown Regulating Plan designation for the Property is hereby amended from the T4 Neighborhood 1 – Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone for approximately 0.29 acres, as depicted in Exhibit "B", and from the T4 Neighborhood 1 – Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone for approximately 1.35 acres, as depicted in Exhibit "C", through the approval of the application and all other documents attached to the staff summary submitted in support of this ordinance.

SECTION 6. The City is specifically relying on all assertions made by the Applicant, or the applicant's representatives, whether authorized or not, made at the public hearing on the zone change application unless the assertions were withdrawn on the record. Those assertions are hereby incorporated into this ordinance.

SECTION 7 That the Zoning Map Amendment be conditioned on compliance with that Agreement between the City of Flagstaff and the Applicant, approved by the City Council in Resolution No. _____ on _____.

SECTION 8. That the Zoning Map Amendment be further conditioned upon the Applicant's satisfaction of the following conditions proposed by the Planning and Zoning Commission, as augmented by staff:

CONDITIONS:

1. Unless modified to comply with these conditions, the site shall be developed in substantial conformance to the Site Plan as approved by the Inter-Division Staff (IDS) on December 11, 2015, and as presented to the Planning and Zoning Commission with this Zoning Map Amendment request.

2. The proposed structure located along Mikes Pike shall be limited to 4-stories/52-feet in height adjacent to the street frontage. A fifth story, if desired, shall have all residential units setback at least 40-feet from the property line. Elevators and stairwells may encroach into the 40-foot setback as necessary.

3. Development shall be limited to two hundred thirty-six (236) units and six hundred sixty-four (664) beds. Any increase to either the number of units or beds must be approved by the City Council through the review of a Zoning Map Amendment application.

4. At the time of building permit submittal, the easternmost and westernmost residential entrances along Phoenix Avenue shall be modified to incorporate a covered porch element, or other similar feature, at the first floor entry to emphasize the pedestrian scale and residential character.

5. Prior to building permit submittal, the Developer shall combine Coconino County Assessor parcel numbers 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C.

6. The Developer shall provide one hundred (100) additional parking spaces either on-site, off-site in a structure, or off-site in a joint public/private structure with the City. Off-site parking shall be located within 600-feet of the Property. In-lieu of providing the parking spaces, the Developer may elect to pay a fee of twenty thousand dollars ($20,000.00) per space to the City for use in construction of an off-site public parking structure.

SECTION 9. That City staff is hereby authorized to take such other and further measures and actions as are necessary and appropriate to carry out the terms, provisions and intents of this Ordinance.

SECTION 10. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 11. This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this _____ day of _____, 2016.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

Exhibit “A”

Legal Description of Property

Exhibit “B”

Legal Description of New T4N.2 Zoning

Exhibit “C”

Legal Description of New T5 Zoning

PZ-15-00164 The Hub Development Agreement Proposed Deal Points

The following deal points are taken directly out of the approved impact analyses. Specifics related to timing and cost have yet to be determined and/or negotiated.

City Agrees:

1. To participate in the cost to upgrade water, approximately 340-feet, and sewer, approximately 340-feet, infrastructure not immediately adjacent to the Subject Property.

Developer Agrees:

1. Providing for management of the project as a Rooming and Boarding Facility.
2. Participate in the City of Flagstaff Police Department's Crime Free Multi-Housing Program.
3. Traffic mitigation measures including; paying a proportionate share (50%) of the estimated cost of constructing a new 4-leg traffic signal at the intersection of Franklin and San Francisco; and, paying a proportionate share (50%) of the estimated cost of improving the pedestrian crossing at Butler and Humphreys.
4. Address the Planning Commissions recommended condition regarding parking.
5. Construct, at their sole cost and expense, the necessary stormwater infrastructure to serve the proposed development.
6. Elects to utilize and abide by all transect development standards.
7. Waives Prop207 claim for diminution in value.
8. Agrees to use their best efforts in the relocation of the existing historic structure to another location within the City for use as a bed and breakfast.

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING
PZ-15-00164

DATE: January 6, 2016
MEETING DATE: January 13, 2016
REPORT BY: Brian J Kulina, AICP

REQUEST:

A direct ordinance Zoning Map Amendment request from Core Campus LLC amending the Downtown Regulating Plan from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward this Zoning Map Amendment request to the City Council with a recommendation for approval subject to the conditions as noted in the *Recommendation* section of this report.

PRESENT LAND USE:

Commercial, contractor office and storage yard, automotive lube shop, and single-family residential.

PROPOSED LAND USE:

The proposed conditional amendments, combined with two (2) proposed Conditional Use Permit requests and other parcels, will allow for the development of a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres.

NEIGHBORHOOD DEVELOPMENT:

	Current Use	Transect Zoning	Traditional Zoning
North	City of Flagstaff Phoenix Storage Building, NAIPTA Transfer Station, Flagstaff Bicycle Revolution, Pizzicletta	T5 Main Street (T5)	Commercial Service (CS)
East	Flag Tee Factory, Flag Lock, The Toasted Owl Café, Enchanted Spas, Interactive Humanics, Inc., Agassiz Landscape Group	T4 Neighborhood 1 Open (T4N.1-O)	Commercial Service (CS)
South	Residential duplex, Granny's Closet parking lot, Peoples Mortgage	T5 Main Street (T5) T4 Neighborhood 1 Open (T4N.1-O)	Commercial Service (CS Highway Commercial (HC)
West	Granny's Closet parking lot, Mike & Ronda's The Place, Brake Masters, Ruff's Sporting Goods	T5 Main Street (T5)	Highway Commercial (HC)

REQUIRED FINDINGS:

Staff Review

An application for a Zoning Map amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director's recommendation shall be transmitted to the Planning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall include: an evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; the grounds for the recommendation based on the standards and purposes of the zones set forth in Section 10-40.20 (Establishment of Zones) of the Zoning Code (Page 40.20-1); and, whether the amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

Finding for Reviewing Proposed Amendments

Proposed amendments shall be evaluated based on the following findings: the proposed amendment is consistent with and conforms to the goals of the General Plan and any applicable specific plans; the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City of Flagstaff (the "City") and will add to the public good as described in the General Plan; and, the affected site is physically suitable in terms of design, location, shape, size, operating characteristics and the provision of public and emergency vehicle access, public services, and utilities, to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. If the application is not consistent with the General Plan and any other applicable specific plan, the applicable plan must be amended in compliance with the procedures established in Chapter 11-10 of the City Code (Title 11: General Plans and Subdivisions) prior to considering the proposed amendment.

STAFF REVIEW:

Introduction/Background

Core Campus LLC (the "Developer") is requesting a direct ordinance Zoning Map Amendment amending the Downtown Regulating Plan as follows: (1) from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect to allow for ground floor commercial uses and establish a 5-floor maximum building height, located along Mikes Pike and containing approximately 1.35 acres; and, (2) from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect to allow for ground floor residential uses and establish a 4-floor maximum building height, located along Phoenix Avenue and containing approximately 0.29 acres. This proposed conditional amendment, combined with two (2) proposed Conditional Use Permit requests and other entitled parcels, will allow for the development of a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres generally located at 17 S Mikes Pike (the "Subject Property"). The Subject Property is currently developed with a mixture of uses including commercial, contractor office and storage yard, automotive lube shop, and single-family residential. There are no natural resources (rural floodplain, slope, or forest) on-site. For additional information regarding the characteristics of the site and reason for the request, please reference the attached Rezone Narrative.

Land use north of the Subject Property is light industrial including the City of Flagstaff Phoenix Storage building and the Northern Arizona Intergovernmental Public Transportation Authority ("NAIPTA") transfer stations. Land uses to the east of the Subject Property are a mixture of commercial and service including restaurant, retail, and office. Land uses to the south of the Subject Property are primarily retail/service and a residential duplex. Land uses to the west of the Subject Property is commercial/service including restaurant, retail, office, and automotive repair.

If the proposed Zoning Map Amendment request is approved, including the two (2) proposed Conditional Use Permit

requests, the next steps in the development process will be Civil Improvement Plan submittal and Building Plan submittal. Development Agreement deal points between the City and the Development, a copy of which is attached to this report, have been drafted to address required off-site infrastructure improvements (i.e. stormwater, traffic, and pedestrian crossing of Butler Avenue), project management, good neighbor responsibilities, transect zone election, and Prop207 waiver. The Development Agreement must be approved by the City Council via a resolution prior to the second reading of the Zoning Map Amendment ordinance. The proposed development encompasses seven (7) separately identified parcels (APN's 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C). All of parcels 100-39-010, 100-39-003, 100-09-008, and portions of parcel 100-39-001C, 100-39-001G, and 100-39-002A are subject to the proposed Zoning Map Amendment; however, all parcels within the proposed development were analyzed for conformance to existing and proposed development standards. As a condition of approval, all parcels must be combined into one parcel prior to building permit submittal.

Proposed Development Concept Plans

The Developer is requesting this Zoning Map Amendment, along with two (2) proposed Conditional Use Permits parcels, for the development of a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses known as The Hub Flagstaff. This is a direct ordinance Zoning Map Amendment wherein the associated site plan has been reviewed and approved by the Inter-Division Staff ("IDS") team prior to Zoning Map Amendment application submittal. The site plan for The Hub was approved by IDS on December 11, 2015 subject to successfully obtaining approval of the Zoning Map Amendment and Conditional Use Permit requests.

General Plan – Flagstaff Regional Plan 2030

The Flagstaff Regional Plan 2030 (the "Regional Plan") identifies the Subject Property as having a land use designation of Urban and as being located within two (2) Urban Activity Centers and within a Transform – Urban transition area. A Regional Plan Amendment to change the either land use designation, activity center, or transition area in order to accommodate the proposed development is not required. This development, and the corresponding Zoning Map Amendment, utilizes the transect zones identified on the Downtown Regulating Plan, which is a part of the City of Flagstaff Zoning Map. The transect zoning contemplated by this Zoning Map Amendment request is in conformance with the existing land use designation; however, all Zoning Map Amendment requests must be evaluated for consistency and conformance with the goals and policies of the Regional Plan.

The two transect zones contemplated in this Zoning Map Amendment request is the T4 Neighborhood 2 (T4N.2) zone and the T5 Main Street (T5) zone. In accordance with Section 10-40.40.080.A of the Zoning Code (Page 40.40-31), the intent of the T4 Neighborhood 2 (T4N.2) transect zone is to create new walkable urban neighborhoods that are in character with Flagstaff's older neighborhoods in combination with other transect zones. In accordance with Section 10-40.40.090.A of the Zoning Code (Page 40.40-37), the intent of the T5 Main Street (T5) transect zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to provide an appropriate transition into existing neighborhoods.

Applicable General Plan Goals and Policies

Staff has identified 66 Regional Plan Goals and Policies that could be applied to support or not support the proposed Zoning Map Amendment. For reference, a list of those policies is attached to this report. The following Goals and Policies have been selected for further analysis based on feedback received from the community during the review of the associated site plan:

Land Use

Policy CC.3.1. Encourage neighborhood design to be respectful of traditional development patterns and enhance the overall community image. (Regional Plan, Page VIII-23)

Policy LU.5.3. Promote compact development appropriate to and within the context of each type: urban, suburban, and rural. (Regional Plan, Page IX-31)
Policy LU.5.5. Plan for and promote compact commercial development at activity centers with mixed uses, allowing for efficient multi-modal transit options and infrastructure. (Regional Plan, Page IX-32)
Policy LU.7.1. Concentrate urban development in locations that use land efficiently, and are served by roads, water, sewer, and other public facilities and services, and that support transit, reduced vehicle trips, and conservation of energy and water. (Regional Plan, Page IX-32)
Policy LU.18.6. Support increased densities within activity centers and corridors. (Regional Plan, Page IX-68)
Policy NH.1.2. Respect traditions, identifiable styles, proportions, streetscapes, relationships between buildings, yards, and roadways; and, use historically appropriate and compatible building and structural materials when making changes to existing neighborhoods, especially in historic neighborhoods. (Regional Plan, Page XIII-9)
Policy NH.2.3. Continue the tradition of multi-story, multi-use buildings to maintain and increase a stable, mixed-income residential population when planning new structures in the downtown and Southside neighborhoods. (Regional Plan, Page XIII-9)

Infill and Redevelopment

Policy LU.1.3. Promote reinvestment at the neighborhood scale to include infill of vacant parcels, redevelopment of underutilized properties, aesthetic improvements to public spaces, remodeling of existing buildings and steetscapes, maintaining selected appropriate public spaces, and programs for the benefit and improvement of the local residents. (Regional Plan, Page IX-25)
Policy LU.5.2. Promote infill development over peripheral expansion to conserve environmental resources, spur economic investments, and reduce the cost of providing infrastructure and services. (Regional Plan, Page IX-31)
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. (Regional Plan, Page XIII-10)

Transportation and Parking

Policy T.1.8. Plan for development to provide on-site, publicly-owned transportation improvements and provide adequate parking. (Regional Plan, Page X-6)
Policy T.3.4. Actively manage parking, including cost and supply, to support land use, transportation, and economic development goals. (Regional Plan, Page X-9)

Goal/Policy Analysis

Land Use

Land use policies encourage compact development, focused at activity centers with increased densities, that is respectful of traditional development patterns, uses land efficiently, supports transit and reduced vehicle trips, within multi-story multi-use buildings. The proposed Zoning Map Amendment, along with other entitlements, will enable the Subject Property to be developed as a mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres. The Subject Property is located within two urban activity centers (U1 – Downtown and U8 – Milton/Butler), which calls for densities of 8 dwelling units/acre or more with Floor Area Ratio (FAR) of 1.0 or more. At 99 dwelling units/acres with a Floor Area Ratio (FAR) of 3.54, this would become the most dense/intense buildings in the city. However, the density and intensity of the development is achieved through the utilization of a compact land use pattern. The Subject Property is located adjacent to the Northern Arizona Intergovernmental Transportation Authority (NAIPTA) transfer station, which will provide immediate access to the city-wide transit network. In addition to the services provided on-site, the Subject Property is located within walking distance to a range of businesses that service the everyday needs of the proposed population. Compact development and land efficiency is further supported through the site design, which enhances the public realm by practicing "building forward" and locating the buildings adjacent to the public right-of-way. While the architectural style of the buildings follows a theme found locally and within the region, it has become apparent that the proposed bulk and mass of the building adjacent

to Mikes Pike is not fully compatible with the exiting neighborhood. As such, staff supports the addition of a condition of approval that would limit building height adjacent to Mikes Pike to 4-stores/52-feet, which partially addresses the relationship of the building to the neighborhood while acknowledging existing development rights that allow redevelopment of adjacent parcels at 3 ½-stories using transect zoning and 5-stories using traditional commercial zoning. While this condition would result in the removal of 7-dwelling units and 21 beds from the development, it would establish a potential development pattern from Milton Road to Beaver Street in that building height, utilizing the transect development standards, would transition from 4-stories, to 5-stories, to 4-stories, to 3 ½-stories, and back to 5-stories, respectively.

Infill and Redevelopment

In conjunction with land use policies, infill and redevelopment policies promote development that is contextual with surrounding neighborhoods, addresses the needs of existing residents, reduces the cost of providing infrastructure and services, and promotes reinvestment at the neighborhood scale. Map 20 of the Regional Plan (Page IX-23) identifies the Subject Property as being located within a Transform – Urban reinvestment area. In accordance with the Regional Plan (Page IX-19), redevelopment is when new development replaces outdated and underutilized development. The proposed Zoning Map Amendment, combined with other entitlements, will enable to Subject Property to be redeveloped with commercial uses along the ground floor adjacent to Mikes Pike, in order to enhance the commercial character of the street, and residential uses on the ground floor adjacent to Phoenix Avenue, in order to establish a desired pattern of development (i.e. residential internal to the block with commercial on either end). Improvements to the streetscape include the addition of curb, gutter, larger sidewalks, and parkway along all three street frontages. Existing infrastructure, while adequate to serve the proposed development, is aging and will be upgraded in size and material, which will attract other potential redevelopment opportunities in the area. To address the needs of existing residents, the Developer conducted a total of 5 neighborhood meetings, 4 before the filing of the Zoning Map Amendment, to present the proposal to the community and gain feedback. As a result of those meetings, staff has crafted conditions of approval that will shape the project to be more contextual with the surrounding neighborhood as it exists today and as it could redevelop in the future.

Transportation and Parking

Applicable transportation policies address the need for development to plan for adequate parking and manage that parking to support the associated land uses. Transect parking standards are based on an established nationwide standard that is then calibrated to the local condition. The local condition takes into account the availability of on-street parking, publicly owned parking, and the potential for shared parking between on-site uses. Unlike traditional parking standards, which establishes specific standards for specific uses (i.e. market rate housing, affordable housing, institutional residential, rooming and boarding, etc.), transect parking standards are more broad in nature (i.e. residential, commercial). Using the transect standards, the development is required to provide a minimum of 198 parking spaces. The Developer is proposing 231 on-site parking spaces with 204 provided within an enclosed parking garage and 27 provided on-street. This translates to approximately 31% of proposed beds having a dedicated on-site parking space within the garage. Under the traditional parking standards, 100% of the beds would have a dedicated parking space. While it has been contended that providing additional parking on-site is prohibited by the Zoning Code, an interpretation by the Zoning Code Administrator clarifies that limitation on the maximum number of parking spaces identified in Section 10-50.80.040.C.1 of the Zoning Code (Page 50.80-5) applies only to surface parking lots. Parking within a structure is exempt from this standard. The proposed development complies with the parking standards of the Zoning Code and, based on the managing of the parking by the Developer, complies with the Regional Plan. A Traffic Impact Analysis (TIA) was prepared by the Developer to demonstrate the anticipated traffic volumes generated from the proposed development. The City Traffic Engineer reviewed the site plan and TIA and subsequently accepted the results subject to 2 condition outlined in the *Traffic and Access* section of this report.

Many of the Goals and Policies identified above, and those identified on the attached Applicable Goals and Policies list, could be argued in support and nonsupport of the proposed Zoning Map Amendment depending upon the individual perspective taken. In order to provide a thorough analysis, a holistic approach to the Goals and Policies must be taken. When that happens, it is found that the Regional Plan supports targeted infill and redevelopment in compact urban form. Urban Activity Center, especially existing ones like the two encompassing the Subject Property, have the highest

concentration of density/intensity and greatest potential for redevelopment. They offer ideal locations of optimal transit connectivity, increased pedestrian and bicycle use, and infrastructure improvements. The Regional Plan (Page IX-63) states "activity centers around Northern Arizona University could also meet the demand for more multi-family housing units, and student-oriented services and goods."

Specific Plan – The Southside 2005 Plan

The Southside 2005 Plan (the "Plan") was accepted by the City Council on May 3, 2005. The purpose of the Plan is as a guide to make policy and future planning decisions for the neighborhood and to recommend a variety of strategies that respond to the issues and changes the area is facing. The Plan identifies underutilized sites that may be empty, deserted, have little building area, or be a critical site that can act as a catalyst to development and investment. Those portions of the Subject Property fronting Mikes Pike and Phoenix Avenue are identified in the Plan as underutilized sites with the Mikes Pike area specifically identified as being used for semi-industrial uses currently with many empty building. The proposed Zoning Map Amendment furthers the redevelopment of the underutilized land by permitting commercial uses along Mikes Pike, the original alignment of Route 66 and a historically commercial street. The Plan established aspirational development standards for the Subject Property, including, a maximum building height of 60-feet, building facades along streets limited to 2-stories or 30-feet, whichever is less, and additional stories stepped back a minimum of 10-feet from the façade below. These standards were a tool in the creation of the transect standards. While the proposed development does not abide by the 2-stories/30-feet building height adjacent to the street, the building is, with the approval of this Zoning Map Amendment and the conditions of approval, terraced from 4- to 5-stories along all frontages. With the redevelopment of the surrounding properties, this terracing will provide the transition in building form that was anticipated in the Plan.

Zoning – City of Flagstaff Zoning Code

The City of Flagstaff Zoning Code (the "Zoning Code"), which was adopted in November 2011, identifies the Subject Property as being within the Highway Commercial (HC) and the Commercial Services (CS) zone. In addition, the Downtown Regulating Plan, which is a part of the Zoning Map, identifies the Subject Property as being within the T5 Main Street and T4 Neighborhood 1 – Open (T4N.1-O) transect zones. The Developer must elect to utilize transect development standards through the execution of a Transect Zone Form, which will be attached to the Development Agreement as an exhibit and recorded against the Subject Property. The proposed use of the Subject Property is as a mixed-use multi-family style student housing development. Section 10-80.20.180 of the Zoning Code (Page 80.20-66) defines *Rooming and Boarding Facility* as "a residence or dwelling, other than a hotel, wherein three or more rooms are rented to individuals under separate rental agreements or leases, either written or oral, including dormitories, single room occupancy, fraternities and sororities." Traditional student housing developments are leased on a per-bed basis and, therefore, meet the *Rooming and Boarding Facility* definition and are classified as such. In accordance with Sections 10-40.40.090.I and 10-40.40.070.I of the Zoning Code (Pages 40.40-41 and 40-40.29, respectively), development of a *Rooming and Boarding Facility* is a permitted use within the existing T5 Main Street (T5) and T4 Neighborhood 1 – Open (T4N.1-O) transect zones subject to the issuance of a Conditional Use Permit by the Planning and Zoning Commission and conformance to the transect zone development standards (i.e. building placement, building form, encroachments and frontage types, parking, etc.) and specific building type standards. The proposed Zoning Map Amendment would amend the Downtown Regulating Plan by rezoning portions of the Subject Property from the existing T4 Neighborhood 1 – Open (T4N.1-O) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 – Open (T4N.1-O) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres. The primary reasons for the requested Zoning Map Amendment is to allow for ground floor commercial uses and establish a 5-floor maximum building height along Mikes Pike, and to allow for ground floor residential uses and establish a 4-floor maximum building height along Phoenix Avenue. A comparison of the development standards for the current and proposed zoning can be found under the "Building Form and Density Standards" subsection of this report.

As previously mentioned, the proposed development encompasses seven (7) individual parcels. The following subsections will discuss how the overall development meets, or exceeds, the minimum development standards associated with the T5 Main Street (T5) and T4 Neighborhood 2 (T4N.2) transect zones.

Open Space and Civic Space

In accordance with Section 10-30.60.060.C of the Zoning Code (Page 30.60-11), open spaces, civic spaces, and outdoor public spaces within transect zones shall be located and sized according to the standards established in Sections 10-30.80.050 and 10-30.80.060 of the Zoning Code (Page 30.80-8). In accordance with Section 10-30.80.060.B.1.a of the Zoning Code (Page 30.80-9), civic space within infill transect developments should be assigned based on community need. The Subject Property, according to the Flagstaff Regional Plan 2030, is located within the periphery of 2 activity center pedestrian sheds. As such, it is not conducive to the activation of the activity center by placing large amounts of civic space at the periphery; however, this does not completely eliminate the requirement for the development to provide some level of civic space. Based on the urban form achieved, civic space is provided adjacent to the commercial storefronts in areas that can be utilized for outdoor cafes and along Phoenix Avenue in pockets of landscaped area between the building façade. Open space for the residents is provided in a large internal courtyard, which is more fully discussed in the *Parks and Recreation* section.

Building Form and Density Standards

As previously mentioned, the primary reasons for the requested Zoning Map Amendment is to allow for ground floor commercial uses and establish a 5-floor maximum building height along Mikes Pike, and to allow for ground floor residential uses and establish a 4-floor maximum building height along Phoenix Avenue. Building height within transect zones is governed by both the total number of stories and the overall height. Table 1 below outlines and compares development standards for the existing and proposed transect zones. For comparison, Table 2 summarizes the development standards of the underlying traditional zoning.

Table 1 – Comparison of Development Standards (Transect)

Standards	Phoenix Avenue			Mikes Pike	
	Existing T4N1-O	**Existing T5**	**Proposed T4N.2**	**Existing T4N.1 – O**	**Proposed T5**
Maximum Building Height (feet)	45	64	52	45	64
Maximum Building Height (stories)	3-1/2 max	2 min 5max	4 max	3-1/2 max	2 min 5max
Maximum Coverage	60%	80%*	80%	60%	80%*
Building Placement					
Setbacks (feet, min/max)	Front – 15/30 Street Side – 10/15 Side – 5/15 Rear – 15	Front – 2/2 Street Side – 2/2 Side – 0/24 Rear – 3	Front – 5/12 Street Side – 10/15 Side – 3 Rear – 3	Front – 15/30 Street Side – 10/15 Side – 5/15 Rear – 15	Front – 2/2 Street Side – 2/2 Side – 0/24 Rear – 3
Min Front Façade w/n Façade Zone	50%	Front – 80% Street Side – 60%	50%	50%	Front – 80% Street Side – 60%

*100% lot coverage permitted with approval of Conditional Use Permit.

Table 2 – Development Standards (Traditional)		
Standards	**Commercial Service (CS) Zone**	**Highway Commercial (HC) Zone**
Maximum Building Height (feet)	65 (with a pitched roof of 6:12 or greater)	65 (with a pitched roof of 6:12 or greater)
Maximum Coverage	2.0 Floor Area Ratio (FAR)	3.0 Floor Area Ratio (FAR)
Minimum Setbacks (feet)*		
Front (feet)	0	0
Side (feet)	15 (adjacent to residential) 0 (all other uses) 10 (exterior)	15 (adjacent to residential) 0 (all other uses) 10 (exterior)
Rear (feet)	15 (adjacent to residential) 0 (all other uses)	15 (adjacent to residential) 0 (all other uses)
Minimum Open Space	15 (when part of mixed-use development or planned residential development)	15 (when part of mixed-use development or planned residential development)

The maximum permitted building height within the T4 Neighborhood 2 (T4N.2) transect zone is 4-stories/52-feet. The maximum permitted building height within the T5 Main Street (T5) transect zone is 5-stories/64-feet. The 5-foot building height bonus for providing structures with a roof pitch greater than 6:12 is not applicable to development with transect zones. The maximum building height proposed is 4-stories/49-feet stepping back to 5-stories/54-feet along Milton Road, 4-stories/49-feet stepping back to 5-stories/64-feet along Phoenix Avenue, and 5-stories/64-feet along Mikes Pike. The proposed building height are in conformance with the standards of the on-site transect zones; however, the relationship of the development to the Southside neighborhood, and, specifically, the properties to the east of Mikes Pike, which have a transect designation of T4 Neighborhood 1 – Open (T4N.1-O) with a maximum building height of 3 ½-stories/45-feet, could be improved. Staff would, therefore, recommend that a condition be placed on the Zoning Map Amendment request limiting building height immediately adjacent to Mikes Pike to 4-stores/52-feet. While this would result in the removal of 7 dwelling units and 21 beds from the development, it would establish a potential development pattern from Milton Road to Beaver Street in that building height, utilizing the transect development standards, would transition from 4-stories, to 5-stories, to 4-stories, to 3 ½-stories, and back to 5-stories, respectively.

An incentive for development within transect zones is no established density or Floor Area Ratio (FAR) maximums. For comparison purposes, the maximum established density of the High Density Residential (HR) zone is 29 dwelling units/acre and the maximum established Floor Area Ratio (FAR) for the Highway Commercial (HC) zone is 3.0. With a total building square footage of 368,233 (including commercial, residential, and parking), a dwelling unit count of 236, and a site area of 2.39 acres, the proposed development has an Floor Area Ratio (FAR) of 3.54, and a density of 99 dwelling units/acres.

The Subject Property has three street frontages; Mikes Pike, Phoenix Avenue, and Milton Road. Regardless of any additional setback that may required to comply with established landscape buffers and floodplain requirements, the setbacks established by the Zoning Code and applied to the development of this site are as follows: 2-foot along Mikes Pike and Milton Road; 5-foot along Phoenix Avenue ; 4-foot adjacent to Mother Road Brewing Company/Flagstaff Bicycle Revolution/Pizzicletta; 10-foot adjacent to Ruff's Sporting Goods/Brake Masters; and, 1-foot adjacent to the Granny's Closet parking lot.

Parking

Development under transect zone is more focused on building placement and form than development under traditional zoning. The primary incentive given to encourage development within transect zones is a reduction in the required minimum parking. Each transect zone has parking standards uniquely calibrated to that zone and the anticipated building types. Unlike the parking standards found in Table 10-50.40.080.A of the Zoning Code (Pages 50.80-6 through 50.80-11), which identify parking standards for specific and individual uses, transect parking standards are more broad and assume a certain

level of maturity in the urban infrastructure with the availability of public parking and on-street parking regulations, which is currently lacking in the neighborhood. Whereas the proposed *Rooming and Boarding Facility* use would require 1 parking space per bed under traditional parking standards, all residential uses, regardless of density, require 1 parking space per studio/1bedroom unit and 2 parking spaces per 2+ bedroom unit within the T4 Neighborhood 2 (T4N.2) transect zone and 1 parking space per 1,500 square feet of residential development within the T5 Main Street (T5) transect zone. Parking for commercial uses within a transect zone is calculated based on square footage with no parking required for the first 2,000 square feet of ground floor commercial.. Using this standard, the proposed 14,096 square feet of commercial is required to provide 37 off-street parking spaces. In accordance with Section 10-50.80.050.B.1 of the Zoning Code (Page 50.80-11), bicycle parking shall be provided at a minimum of 5% of the required off-street parking spaces. Table 3 below summarizes the off-street parking and bicycle parking requirements under the transect zones. For comparison, Table 4 summarizes the off-street parking and bicycle requirements under traditional zones.

Table 3 – Required Off-Street Parking Calculations (Transect)			
Use	**Parking Standard**	**Square Feet/No. of Units**	**Parking Required**
Retail Trade/Service	1/1,000 gsf above first 2,000 gsf	14,096 gsf	37
Residential			
T4N.2	2/2+ bedroom unit	8 units	16
T5	1/1,500 gsf	218,138 gsf	145
		Total	**198**
Bicycle	5% of required off-street	**Total**	**10**

Table 4 – Required Off-Street Parking Calculations (Traditional)			
Use	**Parking Standard**	**Square Feet/No. of Units**	**Parking Required**
General Services	1/300 gsf	14,096 gsf	47
Rooming & Boarding	1/bed + 1/manager	664 + 1	665
		Total	**712**
Bicycle	5% of required off-street	**Total**	**36**

Section 10-50.80.040.C.1 of the Zoning Code (Page 50.80-5) limits the number of off-street parking spaces provided to 5% above the required minimum for developments over 10,000 square feet in floor area or containing 25 or more residential units. In accordance with an interpretation made by the Zoning Code Administrator, a copy of which is attached to this report, this standard only applies to surface parking lots. Parking provided within a structure can exceed the minimum requirement without limitation. In accordance with Section 10-50.80.040.B.4 of the Zoning Code (Page 50.80-5), on-street parking located along the frontage of a parcel may count towards the required residential guest parking and commercial use parking requirements within transect zones. Table 5 below summarizes the provided parking.

Table 5 – Provided Parking		
Use	**Parking Required**	**Parking Provided**
Retail/Service	37	27 (On-Street)
Residential	162	204 (Garage)
	Total	**231**

The provided level of parking complies with the parking requirements of the Zoning Code; however, staff has come concern over the viability of the commercial space along Milton Road without dedicated parking adjacent to the building. Staff recommends that the Developer negotiate a shared parking agreement with the adjacent land uses (Peoples Mortgage, Granny's Closet, Brake Masters, and Ruff's Sporting Goods) to ensure the success of any future commercial use.

Design Review

Site Planning Standards
The site analysis standards found in Section 10-30.60.030 of the Zoning Code (Page 30.60-2) are generally not applied to the redevelopment of existing sites. However, the principles, including consideration for the topography of the site, solar orientation, existing/native vegetation types and relative quality, view corridors, climate, subsurface conditions, drainage swales and stream corridor, and the built environment and land use context are applied during site plan review.

Pedestrian and Bicycle Circulation Systems
Pedestrian access to the site is provided from Mikes Pike, Milton Road, and Phoenix Avenue. Pedestrian circulation is provided around the site through a network of sidewalks providing connections between several key elements, including residential and commercial building entrances, and the parking garage. In addition, they provide off-site connections to the adjacent public services, which can be used to access nearby transit stops and other non-residential uses. Internal circulation is provided through a series of internal hallways and corridors.

While there is no dedicated on-site bicycle circulation system, bicycles can utilize the adjacent pedestrian system to gain access to residential and commercial building entrances, bicycle parking areas, and the adjoining public sidewalks and bike lanes. In accordance with Section 10-30.60.040.A.3.c of the Zoning Code (Page 30.60-7) and Section 10-50.80.050 of the Zoning Code (Page 50.80-11), 140 bicycle parking spaces are being provided on-site.

Parking Lots, Driveways, and Service Areas
In accordance with Section 10-50.80.020.A.1 of the Zoning Code (Page 50.90-1), all new development shall be required to provide off-street parking. As previously discussed, the calculation for the required number of off-street parking spaces to be provided is based on the use of the site. As such, 231 parking spaces are being provided on-site, the majority of which, 204, are located within an internal parking garage with access from Mikes Pike. The remaining 27 parking spaces are provided as on-street parking, which is permitted to count towards the required residential guest parking and commercial use parking requirements in accordance with Section 10-50.80.040.B.4 of the Zoning Code (Page 50.80-5).

Design standards require new development to minimize the number of curb cuts (i.e. driveways) onto a public street. Currently, access to the Subject Property is provided by 3 existing curb cuts on Mikes Pike, 3 existing curb cuts on Phoenix Avenue, and 2 existing curb cuts on Milton Road. The Developer proposes to reduce the curb cuts to 1, on Mikes Pike, which will be used to access the internal parking garage.

The site plan identifies 2 trash rooms with the parking garage. Public Woks staff as worked with the Developer to ensure that the resulting trash enclosures meet the City standards for operation.

Compatibility and Architectural Design Standards
"Scale" refers to similar or harmonious proportions, overall height and width, the visual intensity of the development, and the building massing. The proposed development, at four and five stories, would be the tallest structures in the immediate area but it would not be as tall as the Drury Inn (6-stories/71-feet) located at the intersection of Milton Road and Butler Avenue/Clay Avenue. While the T5 Main Street (T5) transect zone allows for a maximum building height of 5-stories/64-feet and the T4 Neighborhood 2 (T4N.2) transect zone allows for a maximum building height of 4-stories/52-feet, taken in context to other existing structures in the area and the existing character of the neighborhood, this development has the potential to be out of character based on today's standards, but in character, given the proposed condition to reduce building height along Mikes Pike, with the potential redevelopment of the area to the north, which is currently zoned Commercial Service (CS) and T5 Main Street (T5), to east, which is currently zoned Commercial Service (CS) and T4 Neighborhood 1 – Open (T4N.1-O), and to the west, which is currently zoned Highway Commercial (HC). Based on this, it is staff's recommendation that a condition of approval be placed on the proposed Zoning Map Amendment to limit building height to 4-stories/52-feet along Mikes Pike adjacent to the street frontage. Additional stories may be achieved provided they are setback at least 40-feet from the property line.

In accordance with Section 10-40-40.080.A of the Zoning Code (Page 40.40-31), residential is the primary use type within the T4 Neighborhood 2 (T4N.2) zone. To reinforce this use, buildings should be designed to a residential character with a stoop, porch, or forecourt presenting to the street at the pedestrian level. The primary entrances in the middle of the building along Phoenix Avenue are highlighted by stoops, porches, and landscaping. Conversely, the easternmost and westernmost entrances lack a distinguishing entry feature. To that, staff is proposing a conditional of approval to incorporate a covered porch, or other similar feature, into the design at the time of building permit submittal.

During the review of the site plan, architectural design standards such as building materials, massing, roof form, and scale were applied and approved by staff. Additional information regarding the architectural design of the building can be found on the elevations attached to this report. Staff will confirm that any secondary materials and accent colors comprise less than 25 percent of the exterior walls of each elevation during the review of a more detailed site plan submittal.

Signage

Signage is not included in the review of either the site plan or this Zoning Map Amendment. All signage will be reviewed and approved under a separate sign permit prior to installation on-site. Signage must comply with the standards established in Section 10-50.100 of the Zoning Code (Page 50.100-1), including commercial building mounted signage limited in mounting height to 25-feet and multi-family residential building mounted signage limited in mounting height to 4-feet.

Landscaping

A preliminary landscape plan, a copy of which is attached to this report, was approved by IDS with the site plan application and meets the general intent of the public right-of-way landscaping, open space landscaping, and landscape screening standards found within Section 10-50.60 of the Zoning Code (Page 50.60-1). Staff will ensure that landscaping meets City standards during the review of more a more detailed improvement plan submittal.

Affordable Housing

The proposed Zoning Map Amendment provides certain entitlements to the Subject Property including an increase in possible density as a result of the increase in permitted building height. When an application requests an increase in density, it has been a standing policy of the City Council to request that 10% of the proposed dwelling units be developed as affordable housing units. Understanding this policy and the impacts in the affordable housing stock created by the proposed development, the City approached the Developer about either providing for or contributing to affordable housing. To date, the Developer has not agreed to an affordable housing contribution

Crime Fee Multi-Housing Program

It is the understanding of staff that the Developer has met with the City of Flagstaff Police Department and has agreed to participate in the department's Crime Free Multi-Housing Program (CFMHP). Review of the plans will be necessary at building permit review to ensure that specific building features comply with the program. Memorialization of participation will be ensured as part of the Development Agreement.

PUBLIC SYSTEMS IMPACT ANALYSIS:

Traffic and Access

The Subject Property is bound on the north by Phoenix Avenue, on the east by Mikes Pike, and on the west by Milton Road. Vehicular access to the site is provided by all 3 roadways with access to the parking garage provided by Mikes Pike. Proposed improvements within the right-of-way include: new curb, gutter, sidewalk, and parkway along all frontages; and,

the dedication of right-of-way for a future deceleration and right-turn land on northbound Milton Road to eastbound Phoenix Avenue. It is important to note that Milton Road is under the jurisdiction of the Arizona Department of Transportation (ADOT). As such, ADOT must issue permits for any work performed within their right-of-way in addition to approving any plans/studies related to those improvements.

A Traffic Impact Analysis (TIA) was prepared by the Developer to demonstrate the anticipated traffic volumes generated from the proposed development. The City Traffic Engineer reviewed the site plan and TIA and subsequently accepted the results subject to the following condition:

1. The Traffic Impact Analysis demonstrates that a traffic signal is not warranted at the intersection of San Francisco and Franklin in 2017 background, but is warranted with the site traffic. In lieu of constructing the signal, the City of Flagstaff is requiring the Hub to pay one half of the estimated cost of constructing a new 4-leg signal at this intersection. The total cost of the improvements will be calculated and provided by the City of Flagstaff and used to determine the Hub's proportional share cost, which will be documented in a Development Agreement.
2. The Traffic Impact Analysis estimates the volume of pedestrians crossing Butler Avenue at Humphreys, during peak hour, will increase approximately 100% in 2017, as a result of this development. Consequently, the pedestrian crossing may need to be upgraded in the near future. In lieu of constructing improvements at this time, the City of Flagstaff is requesting that the Hub pay for one half of the estimated cost of these improvements. The total cost of the improvements will be calculated and provided by the City of Flagstaff as used to determine the Hub's proportional share cost, which will be documented in a Development Agreement.

Two methodologies were used to determine the impacts to transportation network:

1. Using trip generation rates from a study performed by the City in 2015 of existing housing developments similar to the proposed development estimated traffic impacts were calculated based on the number of parking spaces that are proposed (231).
2. A more conservative approach was also calculated based on the total number of bedrooms that are proposed (665).

When the analysis was complete, there was no noticeable difference in impacts between the high and low scenarios.

Water and Wastewater

Existing waterlines in the area include an 8-inch case iron line located in Phoenix Avenue, a 6-inch cast iron line in Mikes Pike, and an 8-inch cast iron line in Milton Road. Existing public sewer mains in the area include an 8-inch clay line located in Mikes Pike, an 8-inch clay line in Phoenix Avenue, and an 8-inch cast iron line in Butler Avenue. A Water and Sewer Impact Analysis ("WSIA") was prepared by Civil Design & Engineering, Inc. at the request of the City Utilities Department. The analysis concluded that the existing water and sewer system infrastructure in Mikes Pike needs to be replaced due to ages, size, and material. Specifically, the existing waterline will be replaced and upgraded to a 10-inch PVC pipe and the existing sewer line will be replaced with an 8-inch PCV pipe. The WSIA indicates that the City will participate in the costs associated with the water line improvements not located along the project frontage. The upsizing of the waterline is not needed to service the proposed development. As such, the City of Flagstaff has agreed to participate in the additional costs associated with the upsizing, which will be finalized as part of the proposed Development Agreement.

Stormwater

Stormwater runoff will be detained in an at-grade detention vault located within the parking garage. The vault is designed to properly reduce the peak on-site discharges with adequate storage for Low Impact Development (LID) volumes and rainwater harvesting volumes. The building is currently located within the FEMA delineated floodplain for the Rio de Flag. The Developer has designed the Subject Property to elevate the buildings above the floodplain. The Stormwater Manager

reviewed the site plan, Drainage Impact Analysis, and Preliminary Drainage Report and it was determined that there are no downstream impacts associated with the proposed development; however, the development will require the construction of a new 28"x20" arch stormdrain pipe from the Subject Property to an existing concrete culvert in Butler Avenue. The requirement for these improvements will be ensured through the Development Agreement.

Parks and Recreation

The closest City-owned park to the site is Guadalupe Park located approximately 0.4 miles away. In order to offset the impact of the additional residents on the current park system the Developer has proposed a large courtyard/outdoor amenities areas within the development. These amenities will include a pool, 2 hot tubs, outdoor seating area, barbeques, lawn, and bocce ball court. In addition, other amenities will be provided internal to the building. Staff is confident that the park and recreational needs of the residents of the proposed development will be met through these amenities provided on-site and offset the impacts generated by the proposed development.

OTHER REQUIREMENTS:

Resources

A Phase 1 Cultural Resource Study was prepared for the Subject Property and it was determined that two significant cultural resources were identified in the Direct Area of Potential Effects (APE)—the buildings at 17 and 17 ½ S Mikes Pike. Twelve significant cultural resources were identified in the 1/8-mile Indirect APE—two historic districts and ten individual resources. The project would result in major impacts to the two buildings at 17 and 17 ½ S Mikes Pike located within the Direct APE. The project would result to significant cultural resources in the Indirect APE would be that of no adverse effect. It was determined, with approval by the Heritage Preservation Commission, that the relocation of the building, in lieu of demolition, would be the recommended option. In either case, a Phase 2 Cultural Resource Study for the two buildings was prepared and accepted by the city. The project has no additional impacts on other sites or buildings of historical or cultural significance.

The Subject Property is not located within the Resource Protection Overlay (RPO) zone as defined by Section 10-50.90.020.A of the Zoning Code (Page 50.90-2). As such, the standards found within that section are not applicable to the proposed development.

Citizen Participation

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any Zoning Map amendment request. In accordance with Arizona Revised Statute and City Code, notice of the public hearing must be provided by placing an ad in a newspaper of general circulation within the City, posting a notice on the property subject to the proposed amendment, and mailing a notice to all property owners within 300-feet of the property subject to the proposed amendment. All notifications must be completed at least 15-days prior to the first schedule public hearing. In order to notice as many people as possible, staff ensured that a notice was: published in the Sunday edition of the Arizona Daily Sun; 3 public hearing notice signs were posted on the site (1 on Mikes Pike, 1 on Milton Road, and 1 on Phoenix Avenue); and, a notice was mailed to all property owners within 1000-feet of the site, all tenants within 1,000 feet of the site, all parties on the Registry of Persons or Groups, and anyone who signed-in at any of the Developer's previously held neighborhood meetings. A copy of the publication notice, pictures of the postings, a mailing list, and a copy of the mailing notice are attached to this report.

As of this writing, staff has received 13 letters and 13 e-mails from interested parties, which can be divided into 2 categories: opposed, and support. Those comments in opposition (25 total) expressed concerns over compatibility, sociological impacts, infrastructure, student behavior, neighborhood character, traffic, unsupportable retail, parking, aesthetics, location, views, shadow cast, building massing, design, impact on tourism, Northern Arizona University's problem to address, neighborhood

history, student housing, undesirable part of town for students, density, availability of other housing types, and human congestion. The comment in support (1 total) expressed the need for student housing, location, and need. A table summarizing all public comments received to the date of this writing as well as copies of each comment is attached to this report.

Section 10-20.30.060 of the Zoning Code (Page 20.30-5) requires the Developer to conduct a neighborhood meeting prior to the Planning and Zoning Commission public hearing in accordance with an approved neighborhood meeting plan. After completion of the neighborhood meeting, the Developer must prepare a *Record of Proceedings* in accordance with Section 10-20.30.060.F of the Zoning Code (Page 20.30-7). That record is then presented as part of the report to the Planning and Zoning Commission and City Council. The Neighborhood Meeting Plan, a copy of which is attached to this report, was approved by staff on December 3, 2015 and revised on December 29, 2015.

The required neighborhood meeting was conducted on December 21, 2015 at the Pine Forest Charter School located at 1120 W Kaibab Lane. The meeting was noticed in accordance with established City standards. The meeting was conducted in a more traditional speaker/audience format with a presentation given by the applicant followed by a question and answer (Q&A) session. The results of the meeting were submitted on December 30, 2015 in a Neighborhood Meeting Report, a copy of which is attached to this report. The meeting was attended by 47 people who signed-in. Additional people may have attended but were not accounted for in the report. Based on the submitted meeting minutes (Neighborhood Meeting Summary Tab F), comments during the Q&A session generally revolved around gaining a better understanding of the specifics of proposed development (i.e. number of beds, units, and parking spaces), impacts on the existing infrastructure (including traffic and transit), benefits of the project to the neighborhood and city, and plans for the property if the Zoning Map Amendment is denied.

DISCUSSION:

In accordance with Section 10-40.40.080.A of the Zoning Code (Page 40.40-31), the intent of the T4 Neighborhood 2 (T4N.2) transect zone is to create new walkable urban neighborhoods that are in character with Flagstaff's older neighborhoods in combination with other transect zones. In accordance with Section 10-40.40.090.A of the Zoning Code (Page 40.40-37), the intent of the T5 Main Street (T5) transect zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to provide an appropriate transition into existing neighborhoods. The Subject Property is a part of a larger urban area with a highly connected network of walking, biking, and transit with easy and convenient connections to Downtown, Northern Arizona University, and daily shopping, services, and employment, which supports the proposed increase in density and intensity. Due to the existing multi-modal transportation network and the nature of a student housing development, anticipated increases in vehicular traffic volumes generated from the proposed development are minor. Increases in pedestrian and vehicular traffic will be mitigated prior to building occupancy through proportional share contributions to future infrastructure improvements. Based on the recommended conditions of approval altering the relationship between the proposed buildings and the existing neighborhood, the compatibility of a mixed-use development with the surrounding existing residential and commercial uses, and the City's ability to provide public services to the proposed development as demonstrated in the *Public Systems Impact Analysis* section of this report, the rezoning of the Subject Property from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres is the most logical step to fulfill the redevelopment goals of the Regional Plan and the Southside 2005 Plan.

RECOMMENDATION:

Staff believes that the proposed Zoning Map Amendment has been justified and would recommend in favor of amending the Downtown Regulating Plan from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres and, from the existing T4 Neighborhood 1

(T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres, subject to the following conditions:

1. Unless modified to comply with these conditions, the site shall be developed in substantial conformance to the Site Plan as approved by the Inter-Division Staff (IDS) on December 11, 2015 and as presented to the Planning and Zoning Commission with this Zoning Map Amendment request.

2. The proposed structure located along Mikes Pike shall be limited to 4-stories/52-feet in height adjacent to the street frontage. A fifth story, if desired, shall be setback at least 40-feet from the property line.

3. Development shall be limited to two hundred twenty-nine (229) units and six hundred forty-three (643) beds. Any increase to either the number of units or beds must be approved by the City Council through the review of a Zoning Map Amendment application.

4. At the time of building permit submittal, the easternmost and westernmost residential entrances along Phoenix Avenue shall be modified to incorporate a covered porch element, or other similar feature, at the first floor entry to emphasize the pedestrian scale and residential character.

5. Prior to building permit submittal, the Developer shall combine Coconino County Assessor parcel numbers 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C.

ATTACHMENTS

- Zoning Map Amendment Application with Letter of Authorization
- Vicinity Map
- Public Hearing Legal Advertisements
  - Coconino County Assessor's Parcel map
  - Posting, Publication, and Mailing
- Public Comment Packet (Summary Table and Letters/E-mails Received)
- Draft Development Agreement Deal Points
- Applicable Regional Plan Goals and Policies
- Zoning Code Interpretation—Parking
- Rezone Narrative
- Neighborhood Meeting Plan (Approved December 29, 2015)
- Neighborhood Meeting Report (Submitted December 30, 2015)
- Site Plan, Building Material Spec Sheet and Color Renderings, Elevations, Floor Plans, Landscape Plan, Lighting Plan, and Civil Grading, Drainage, and Utility Plan

CITY OF FLAGSTAFF
CURRENT PLANNING DIVISION
211 West Aspen Avenue
Flagstaff, Arizona 86001
PHONE: (928) 213-2613

Memorandum

To: Planning & Zoning Commission

From: Brian Kulina, Planning Development Manager

CC: Dan Folke, Planning Director

Mark Sawyers, Current Planning Manager

Date: January 28, 2016

Re: PZ-15-00164, The Hub Zoning Map Amendment

At the January 13, 2016 meeting of the Planning Commission, the Commission continued deliberation and action on the requested Zoning Map Amendment to a February 3, 2016 meeting. As a part of that continuation, the following additional information was requested to be presented:

1. A view shed study of the proposed development as seen from the following intersections:
   a. Milton Road/Butler Avenue looking north;
   b. Beaver Street/Phoenix Avenue looking west; and,
   c. Beaver Street/Cottage Avenue look west.
2. A shadow study of the proposed development.
3. A bulk and mass study of the existing zoning.
4. An analysis of Regional Plan Policy CC.2.7.

The view shed study, shadow study, and bulk and mass study were prepared by the Developer and are attached to this memorandum for reference. The view shed, and bulk and mass studies reflect development under existing zoning and development as proposed.

Regional Plan Policy CC.2.7 states "Protect existing historic districts from encroachment by land uses that compromise the historic characteristics of the district." This policy was identified on the larger list of goals and policies that could potentially be used to support or not support the requested application but was not included in the more detailed analysis of the staff report. The reasoning was goals and policies related to heritage preservation are implemented through the Cultural Resource Study (CRS) requirements of the Zoning Code. A CRS was prepared by the Developer and approved by the Heritage Preservation

Commission. Any impacts associated with the proposed development on heritage resources would be mitigated through the CRS review process.

In addition, an e-mail was received from a Commissioner that requested the following information:

1. The total number of beds provided on Northern Arizona University (NAU).
2. The total number of parking spaces reserved for residential parking on NAU.
3. Parking standards, if any, for residential development on NAU, Arizona State University (ASU), and University of Arizona (UA).

On campus, there are 7,694 beds controlled by NAU and approximately 1,500 additional beds controlled by American Campus Communities, a private company. The total number of spaces reserved specifically for on campus residential use is unknown. However, there are approximately 9,200 total parking spaces on campus with approximately 4,800 residential parking permits issued. Neither university (NAU, ASU, or UA) appears to have an established parking standard that is applied to the construction of new residential rooms/beds. This becomes evident when considering that many surface parking lots, statewide, are being converted to new classroom and/or residential developments without associated parking being provided.

As of this writing, staff has received a total of 17 comments from the public regarding the proposed Zoning Map Amendment. A table summarizing those comments, as well as copies of the comments themselves, is attached to this memorandum for review.

Should the Commission have any additional questions in advance of the next meeting, please do not hesitate to contact me at (928) 213-2613 or via e-mail at bkulina@flagstaffaz.gov.

<u>Attachments</u>

- View Shed Study and Bulk/Mass Study of Existing Zoning and Proposed Development
- Shadow Study
- Public Comments Summary

GAMMAGE & BURNHAM
A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
TWO NORTH CENTRAL AVENUE
FIFTEENTH FLOOR
PHOENIX, ARIZONA 85004-4470

TELEPHONE (602) 256-0566
FACSIMILE (602) 256-4475

WRITER'S DIRECT LINE
(602) 256-4471

January 27, 2016

Lindsay C. Schube
lschube@gblaw.com

Members of the Planning and Zoning Commission
c/o Mr. Mark Sawyers and Mr. Brian Kulina
Flagstaff Community Development Department
211 West Aspen Avenue
Flagstaff, Arizona 86001

Re: *The Hub* located at 17 South Mikes Pike
PZ-15-00164, PZ-15-00164-01, and PZ-15-00164-02

Dear Members of the Planning and Zoning Commission:

As you are aware, we represent Core Campus, the developer of *The Hub*, a proposed mixed-use development on the property bounded to the north by Phoenix Avenue, to the east by Mikes Pike, and to the west by Milton Road. Core Campus owns the property. The purpose of this letter and the enclosed exhibits is to supplement the Planning and Zoning Commission's discussion at the January 13, 2016, meeting.

The existing transect zoning on the Property is T5 Main Street (T5) and T4 Neighborhood 1 transect (T4N.1), which permit by right building heights of 64-feet and 45-feet, respectively. The proposed zone change case in front of you simply shifts the T5 and T4 transects to achieve a development that we believe is a more successful and sustainable project for the community, the City of Flagstaff, and Core Campus as the developer.

Core Campus approaches every project with the intent to form a strong working partnership with the community and municipality to enhance the civic community environment. That's no different here in Flagstaff. We have worked extensively with the community, including holding five (5) neighborhood meetings and numerous one-on-one meetings, as well as numerous meetings with the City Community Development Department to make modifications to the development in response to input and comments received.

These modifications include the following:

1. Reduced the building height;
2. Stepped the upper floor along Mikes Pike, Phoenix Avenue, and Milton Road back;

(See **Exhibit 1 – Mikes Pike Original Building Elevation** and **Exhibit 2 – Mikes Pike Building Elevations As Modified By Stipulation**.)

3. "Jogged" the building façade along Mikes Pike and Phoenix Avenue to break-up the perceived massing;
4. Significantly reduced the amount of glass (windows) and incorporated residential-style windows;
5. Utilized flat roofs (as opposed to pitched roofs) to reduce the perceived building height and scale;
6. Incorporated "Flagstaff" architecture;
7. Created a strong "residential feel" along Mikes Pike and Phoenix Avenue; and
8. Provided additional common area open space along Phoenix Avenue.

As a result of our extensive community outreach efforts and close collaboration with the Community Development Department, we believe Core Campus's current development proposal responds to the desires of the community and City Staff, and is a great result of the community and developer working together.

Core Campus, as the owner of the Property, could by right today file a Site Plan Review application to construct a building with height of: (1) 45-feet on Mikes Pike and a portion of Phoenix Avenue; and (2) 64-feet along Milton Road and the balance of Phoenix Avenue. The rezone application in front of you limits the building height to between 49-feet and 52-feet along all three street frontages with the upper floor stepped back at 64-feet and likely not visible from the street frontages. Core Campus has preliminarily determined it could by right construct a building with upwards of 700 beds requiring 250 parking spaces. Under this "by right" scenario, that's a bed to parking ratio consistent with this rezone application. Importantly, any "by right" development only requires administrative approval by the Community Development Department. However, this "by right" development would not provide continuous commercial and residential uses on the ground floor along Mikes Pike and Phoenix Avenue desired by the community and the Community Development Department; it may not provide building step backs; it could have increased building heights along Milton Road and Phoenix Avenue; and it could include a different architectural style.

However, this is not Core Campus's intent here. Core Campus fully intends on pursuing the development proposed in this rezone application. The Community Development Department and Core Campus believe that this rezone application strikes a good balance between the "by right" zoning and the proposed zoning that results in a development that is best and most appropriate for the community and provides the land uses desired in the Flagstaff Regional Plan 2030 and The Southside 2005 Plan within an aesthetically pleasing, compact building form that is compatible with the community and the context of the area.

The Planning and Zoning Commission directed us to prepare perspective views. Additionally, as a supplement to these requested views, Core Campus prepared additional views depicting "by right"

development under the current transects. (As stated on the exhibits, the white line represents the roofline of the building that would not otherwise be visible because of existing buildings, trees, etc.)

The perspective views are as follows:

1. View from Phoenix Avenue and Beaver Street looking west.

   Exhibit 3 – View from Phoenix Avenue & Beaver Street Proposed Zoning.
   Exhibit 4 – View from Phoenix Avenue & Beaver Street Current Zoning.

2. View from Butler Avenue and Milton Road looking north.

   Exhibit 5 – View from Butler Avenue & Milton Road Proposed Zoning.
   Exhibit 6 – View from Butler Avenue & Milton Road Current Zoning.

3. View from Cottage Avenue and Beaver Street looking west.

   Exhibit 7 – View from Cottage Avenue & Beaver Street Proposed Zoning.
   Exhibit 8 – View from Cottage Avenue & Beaver Street Current Zoning.

The Planning and Zoning Commission also directed us to prepare a shadow study. See **Exhibit 9 – Shadow Study**.

In closing, the approval of the requested zone change and Conditional Use Permit applications will result in a development that is much more appealing to community than what could otherwise be developed under the current transect zoning. We are confident the Planning and Zoning Commission will reach the same conclusion that the Community Development Department and the Developer did through the process of evaluating the two different entitlement scenarios: the existing "by-right" zoning and the proposed zoning.

Please do not hesitate to contact me should you have any questions or require additional information before our hearing on February 3rd. Thank you, in advance, I look forward to seeing you next week.

Sincerely yours,

GAMMAGE & BURNHAM, P.L.C.

By Lindsay C. Schube

Lindsay C. Schube

LCS/nas

EXHIBIT 1 - MIKES PIKE ORIGINAL BUILDING ELEVATION

HUB ON CAMPUS FLAGSTAFF

BUILDING MASSING
01.22.2016

MYEFSKI ARCHITECTS

EXHIBIT 2 - MIKES PIKE BUILDING ELEVATION AS MODIFIED BY STIPULATION

HUB ON CAMPUS FLAGSTAFF

BUILDING MASSING
01.22.2016

EXHIBIT 3 - VIEW FROM PHOENIX AVENUE & BEAVER STREET - PROPOSED ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

EXHIBIT 4 - VIEW FROM PHOENIX AVENUE & BEAVER STREET - CURRENT ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

EXHIBIT 5 - VIEW FROM BUTLER AVENUE & MILTON ROAD - PROPOSED ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

MYEFSKI ARCHITECTS

EXHIBIT 6 - VIEW FROM BUTLER AVENUE & MILTON ROAD - CURRENT ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

MYEFSKI ARCHITECTS

EXHIBIT 7 - VIEW FROM COTTAGE AVENUE & BEAVER STREET - PROPOSED ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

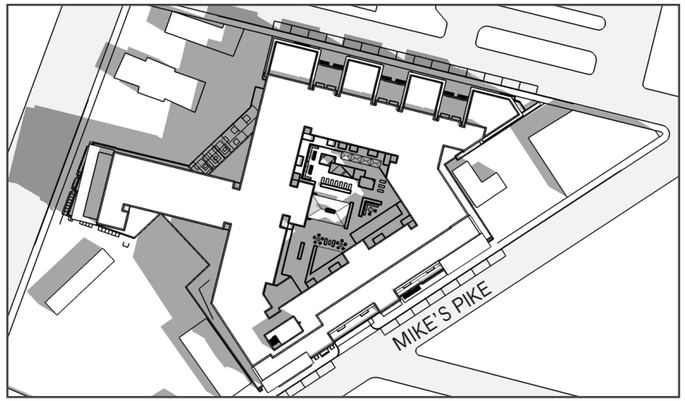
CORE CAMPUS

MYEFSKI ARCHITECTS

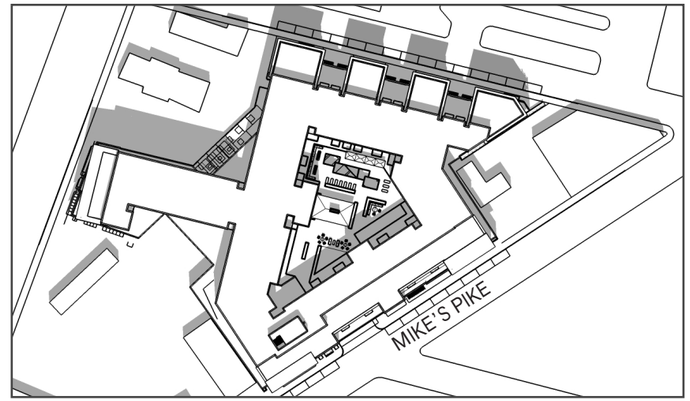
EXHIBIT 8 - VIEW FROM COTTAGE AVENUE & BEAVER STREET - CURRENT ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016



SEPT/MAR 21 - 9AM



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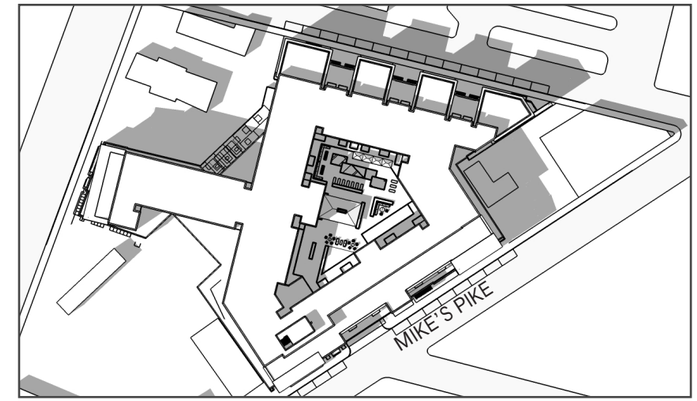

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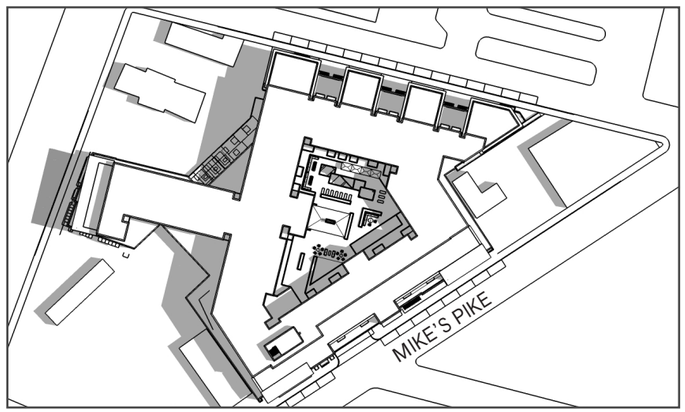
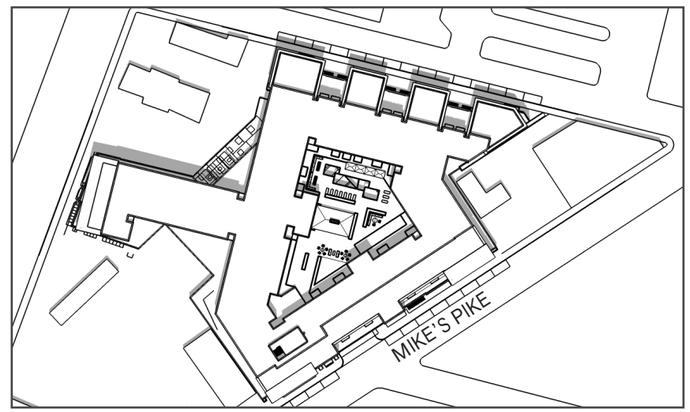
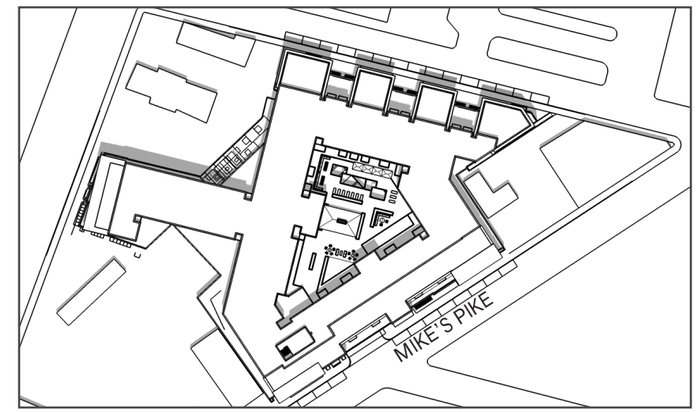


JUNE 21 - 9AM



JUNE 21 - 12 PM



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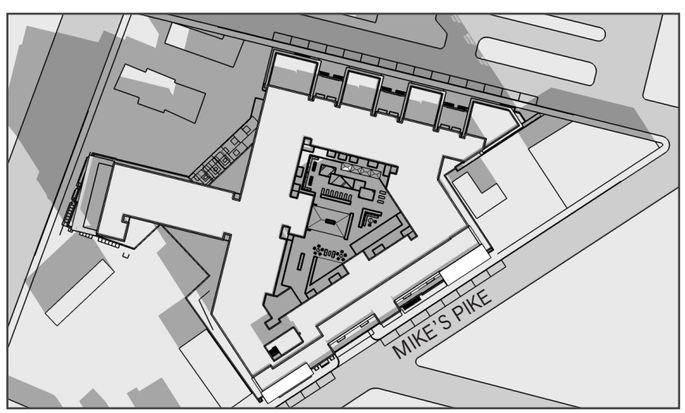
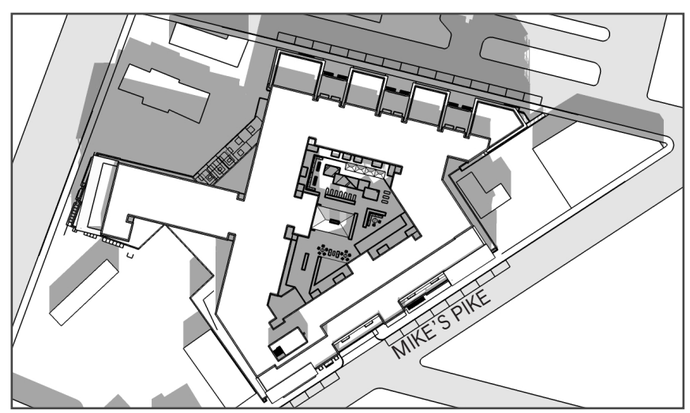
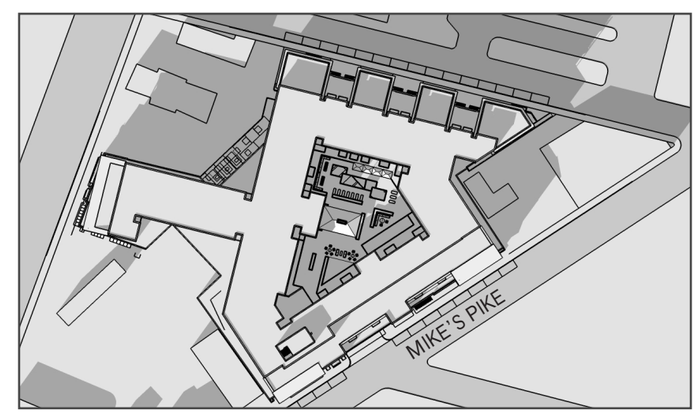


DEC 21 - 9AM



DEC 21 - 12 PM



DEC 21 - 3PM

CORE SPACES

EXHIBIT 9 - SHADOW STUDY

HUB ON CAMPUS FLAGSTAFF

SHADOW STUDIES
01.22.2016

MYEFSKI ARCHITECTS

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 01/28/2016 at 12:00pm

Total: 17	**Opposed: 16**	**Support: 0**	**Neutral: 1**

No.	Date	Name	Type	Comment(s)
1	01/13/2016	Nat White	E-Mail	**Opposition** – Business deal between City and Developer, traffic, parking, demise of the neighborhood, complexity of transect zones, views, snow/ice
2	01/13/2016	Joseph Walka	E-Mail	**Opposition** – Parking, traffic
3	01/13/2016	Duffie Westheimer	E-Mail	**Opposition** – Bicycle ridership in the future, America's love of cars, parking, traffic, bicycle safety
4	01/14/2016	Diana Thorson	E-Mail	**Opposition** – Impact to neighborhood, parking, impact on tourism, not for families, student conduct
5	01/15/2016	Charlie Silver	E-Mail	**Neutral** – Requesting counts for comments in support and nonsupport
6	01/15/2016	Mimi Murov	E-Mail	**Opposition** – Fire safety
7	01/17/2016	Jerry Johnson	E-Mail	**Opposition** – Inappropriate, ruin of Downtown, parking, student housing belongs on campus
8	01/18/2016	Victoria VanPuyvelde	E-Mail	**Opposition** – Decrease aesthetic value, neighborhood character
9	01/18/2016	Rob Trathnigg	E-Mail	**Opposition** – Visual pollutant, parking, transect zoning not appropriate, does not comply with transect purpose
10	01/20/2016	Leyah Huff	Letter	**Opposition** – Traffic, parking, neighborhood character
11	01/26/2016	Walter Salas-Humara	E-Mail	**Opposition** – Architecture, use, type of retail, neighborhood character, traffic, parking, impact on rents
12	01/26/2016	Gisela Kluwin	E-Mail	**Opposition** – Scale, neighborhood compatibility, parking, traffic
13	01/26/2016	Emily Ross	E-Mail	**Opposition** – Property values, size, location, traffic, parking
14	01/26/2016	Janelle Gaun	E-Mail	**Opposition** – Property values, parking, aesthetics, density

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 01/28/2016 at 12:00pm

Total: 17	**Opposed: 16**	**Support: 0**	**Neutral: 1**

No.	**Date**	**Name**	**Type**	**Comment(s)**
15	01/26/2016	Patrick Taylor	E-Mail	**Opposition** – Increased crime, student behavior, "for profit college town"
16	01/27/2016	Kari Maurer	E-Mail	**Opposition** – Community compatibility, parking, density, aesthetics, property values
17	01/28/2016	Richard Fernandez	E-Mail	**Opposition** – Location, density, parking, traffic, policing issues, size
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Brian Kulina

From: Nat White <white@lowell.edu>
Sent: Wednesday, January 13, 2016 3:34 PM
To: Brian Kulina
Subject: HUB
Attachments: Hub Core Campus.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

Here are some rough thoughts I am sending to staff.

Nat

P&Z and Staff, Wednesday, January 13, 2016

After attending one of the public 'HUB' meetings, these are the notes I took from the point of view if I had to make the recommendation followed by comments.

- This is a business deal between Core campus and the people of Flagstaff. Staff, P&Z, and Council represent the people with the purpose of supporting what the regional plan and various other documents spell out including Vision 2020 and various surveys.
- Core, appropriately, sees this as a way to make money by filling a need.
- This particular business decision between Core and the people of Flagstaff should reflect lessons from similar projects. It may set the standard for future projects, that is, high, low or medium standard. This not a single focused decision but part of the evolution of Flagstaff.
- Therefore, we need to be cautious in the approach and set conditions conservatively with the public, long term impacts and costs to the neighborhood and tax payers in mind. We have this one chance because Core's optimal business plan requires some use changes or variations from the city plan.

Concerns brought up in the public outreach with some of my own thoughts.

Traffic and particularly parking was one of the biggest concerns. Core said they are meeting the requirements which is less parking than units and will set rules and monitor the potential problem. Folks felt those were words with no external enforcement and Core admitted if the property sold the rules could be different.

Encroachment and lack of enforcement of NAU workday parking in the neighborhood is currently a problem and this would make it worse.

Hub would be the beginning of the demise of the neighborhood and there was no south side plan. They see this as a piecemeal approach with no long term planning other than high level transect type planning, a concept hard for the average person to understand in terms of impact.

If Core's hope is to encourage pedestrian traffic over car, why aren't they partnering in implementing rights of way and other encouraging pedestrian facilities?

Looks are in the eye of the beholder, but building heights permanently affect view sheds and the town image especially in this location.

Here are some of my thoughts/comments:

Traffic- no left turns on to Milton from Phoenix or off of Milton to Phoenix except for City busses. Traffic designs should be such that Phoenix, Beaver, and Humphreys are the main auto route to and from Campus rather than weaving through residential areas. That may have traffic control costs. Who pays and how does that affect the current traffic circulation and businesses?

The only sure way to mitigate parking problems is to have enough parking for all units. Parking requirements maybe based on a set of city rules, but a set of rules may not meet the needs of special circumstances and locations. Core's good faith approach is to make their own 'house' rules which new owners can change and is a step away from city control.

Transect zoning is too course when it effects old neighborhoods. That requires more detailed planning. Therefore, a request to change the zoning in itself begins a piecemeal planning process of the south side.

Pedestrian/bike encouragement requires forethought and facilities. For example, there is no pedestrian access under the east side of the underpass and no way to cross if the destination is the library, Wheeler or Thorpe Park. The railroad bridge is being used illegally for that access even now and will probably be used more.

Phoenix between Milton and Mikes Pike will be shaded most of the winter because of building heights causing a danger and a maintenance problem for pedestrians, bikes, and motorized vehicles not much different than downtown Aspen St..

Building height and minimal set back will change the Milton view shed and city image and will also delay sun exposure of the sidewalk and road till well after noon in the winter.

I submitted these comments with the idea of being useful in considering opportunities and impacts.

Nat White

Brian Kulina

From: Mark Sawyers
Sent: Thursday, January 14, 2016 8:58 AM
To: Brian Kulina
Subject: FW: The hub

Follow Up Flag: Follow up
Flag Status: Completed

fyf

-----Original Message-----
From: Joseph Walka [mailto:joseph.walka@nau.edu]
Sent: Wednesday, January 13, 2016 6:07 PM
To: Mark Sawyers
Subject: The hub

As a former P and Z member, I would vote against the Hub as currently proposed. The parking for the project is insufficient in an area of high density population. Inadequate attention is being paid to traffic issues as we consider various proposed projects.
Joseph J. Walka
613 W. Cherry Ave.

Sent from my iPad

Brian Kulina

From: Duffie Westheimer <dwestheimer@gmail.com>
Sent: Friday, January 15, 2016 9:59 AM
To: Daniel Folke; Brian Kulina
Subject: important forgotten info

Follow Up Flag: Follow up
Flag Status: Completed

Greetings Dan and Brian,
In my Commission meeting comments the other evening I forgot to make this very important point that I'd like included in the record as another reason the Hub or any similar development is bad for Flagstaff.

As a cyclist for more than 40 years --touring, commuting as well as recreational riding in many parts of the world-- I have seen bicycling in the US *wax and wain in popularity a few times*.

The point is that although *some* students may like to ride a bicycle these days it would be irresponsible to believe that in ten years, if not in five years, they will still want to ride. Americans love cars more than bikes and probably always will. To base development on the idea that students won't have cars (especially if they can afford luxury dorms) is naive at best. That assumption is only a profit windfall for the developer that makes problems for Flagstaff residents and sucks up COF resources dealing with the resulting problems.

Making it difficult to have a car will not eliminate Americans having and using cars.

I think I said this the other evening but it is worth repeating, more traffic on the roads does not make bicycle use increase. Most people do not have the skills and or confidence to ride with traffic, even with a bike lane--bike lanes are a problem at every turn--literally.

Also people need to get across town and Butler, as an example, is really not safe to ride on when we have snow/ice/cinders, etc. piled up on the right side of the road--pushing bikes in and out of traffic. (We have only one car so I ride it anyway but when I have to take the dogs to the vet which I do with a trailer this is a serious problem. Even if riding on the sidewalk is illegal it is not even an option because they are covered in uneven snow.

In short, as Flag has grown over the past 35 years I've lived and ridden here, **riding has not gotten better because the amount of traffic has outpaced the available space, moves faster and bikes are always considered second-class users on the road.**

I hope these comments are taken into consideration.
Thanks for your time.
--Duffie Westheimer

On Thu, Jan 14, 2016 at 4:02 PM, Daniel Folke <DFolke@flagstaffaz.gov> wrote:

Duffie,

I know Brian replied to you on Monday morning. Please let me know if you are unable to get his reply and attachments.

Regards.

Dan Folke

Planning Director

City of Flagstaff

928-213-2630

From: Brian Kulina
Sent: Thursday, January 14, 2016 2:00 PM
To: 'duffie@westheimers.net' <duffie@westheimers.net>; 'dwestheimer@gmail.com' <dwestheimer@gmail.com>
Cc: Mark Landsiedel <MLandsiedel@flagstaffaz.gov>; Daniel Folke <DFolke@flagstaffaz.gov>; Mark Sawyers <msawyers@flagstaffaz.gov>; Brian Kulina <BKulina@flagstaffaz.gov>
Subject: RE: well?

Ms. Westheimer -

I received your e-mail and I provided a response. A copy of the responding e-mail is attached for reference. Perhaps the size of some of the attachments caused it to be automatically sent to you bulk mail folder. If that was not the case, I apologize for you not receiving the response in a timely manner.

Brian J Kulina, AICP

Planning Development Manager

P: (928) 213-2613 | F: (928) 213-2089

From: Duffie Westheimer [mailto:dwestheimer@gmail.com]
Sent: Thursday, January 14, 2016 1:39 PM
To: Brian Kulina
Subject: well?

Mr. Kulina,

I sent an email that would have been in your "box" Monday morning with ten questions relating to zoning in general and the Hub in particular. Those were not rhetorical questions. Will you be sending answers, as requested?

Please let me know.

Thank you,

Duffie Westheimer

--

Lots of new Lanamals! Look here: http://www.lanamals.com

Brian Kulina

From: Diana Thorson <thorsond@commspeed.net>
Sent: Thursday, January 14, 2016 5:35 PM
To: Brian Kulina
Subject: My unspoken words (and more)
Attachments: Di on The Hub.docx

Ms. Diana Thorson
4521 E. Flintwood Ln.
Flagstaff, AZ 86004
January 13, 2016
Mr. Brian Kulina, AICP
Planning Development Manager
Planning & Development Services
211 West Aspen Ave.
Flagstaff, AZ 86001

RE: 17 S. Mike's Pike (The Hub)

Dear Mr. Kulina,

Thank you to you and your committee for your efforts to listen to the concerns of the **citizens** of Flagstaff. I stayed the full 3 hours at the hearing as Richard, whose letter you referred to in your opening remarks, is quite ill. I wanted to listen to others so I wouldn't be redundant if I got the chance to speak, thus time ran out before my name was called. I actually came away with issues to which no one referred. A great deal can be learned by looking at HISTORY. We moved here from Chicago to get away from the urban sprawl. It takes control of your life, more than technology. (Could the developers have a different idea of what a small historic town should look like?)

We have lived here 32 years and owned a business in the MacMillan Bldg. until the downtown parking issue in 1984 was "solved" by building the Flagstaff Mall, pulling business away from downtown and forced us to close in 1986. The new City Hall had not even been built yet. I worked for the Sheriff's Office in the jail in the 1990's. I often had to park up the hill in the neighborhoods, including in front of Babbitt's home. (County Building doesn't even have enough parking for the employees, never mind for those who need to do business there). When I taught at S. Beaver School, I often found myself unable to leave as a student parked behind my car.[1] THE ISSUE HAS BEEN HERE FOR A VERY LONG TIME. Your predecessors as far back as that and longer did not take care of business then; it is now a major crisis and up to you to make better unbiased decisions based on what **the public** is saying (Out-of-state dollars vs. preserving our heritage.) The city and library lots are barely adequate putting the burden on that historic neighborhood. **There is just no question that the proposed Core Campus Development will be the breaking point of the Downtown tourist area, to which tourists have come to experience. If you approve this, it will never go away. Tourists will cease to find Flagstaff charming. Look at Riordan Mansion, our hidden treasure barely surviving. We must be better stewards of our past. The only "winner" here is Core. Whatever dollars the city would collect in taxes would be eaten up by ancillary services—maintenance of the area, policing, traffic control, trash, recycle, etc. House students on campus and NAU would be providing those services (student jobs?) but retail would still benefit.**

I learned much tonight: there are issues that conflict with reality trickling out of the larger issues. Many were mentioned, some were not.

- How is it legal to allow this private enterprise to have dedicated on-street parking overnight when, by Ordinance, October to April there is no on-street parking?
- We have always lived on the East side. How is it equitable for those living in the historic neighborhoods to have required paid permit parking and we do not? The South side residents didn't cause the problem.
- Core Campus Development is in the business of building housing for STUDENTS. Don't be fooled by their false "intention" to recruit families (limiting cars). If they followed through with that emphasis, we'd have to reclaim S. Beaver School, another casualty of NAU sprawl.
- Regarding Core's commitment to "policing and informed student expectations" is a false reality. There was an Eviction Clinic this very day at the Courthouse. Eviction is a nearly impossible resolution for bad behavior as the AZ Revised Statutes favor the renter, not the landlord. At best it can take 2 years or more, depending on the behavior. We know this from personal experience. Providing *Logical Consequences (1968, Dr. Rudolf Dreikurs[2])* for bad student behavior is the college's job. Strong action can only improve the quality of the character of the college student population.

Someone needs to take a stand regarding the extent to which we are going to let students define what Flagstaff is. It might as well be you and better now than later. You can see by the proportion of opponents to advocates you will be very popular if you choose to be defined by our history and natural beauty rather than a college campus. The two venues should be distinct where both students and residents can enjoy the cosmopolitan atmosphere a university provides without destroying the uniqueness of our historical roots and natural environment. The Land Grant College System (Morrill Act) did that for us in the 1860's.

Take the lead and encourage the formation of a committee to lobby the Board of Regents to take responsibility. There is enough bad publicity about college students to go around.

- Has their mandate to increase student population by 10,000 been examined closely enough to know that this community's infrastructure can support that density?
- Nearly all college students are not mature adults. Take a trip to University Surplus and see the damage they do to government property. They need to live on the state land as wards of the college.
- By taking on The Hub, we are enabling the Board of Regents to shirk their duty: to teach good behavior, responsible tenant practices and the respect as guests of our or any city. Academia must include life and social skills.
- Why can't Core Campus run their business as a concession ON STATE PROPERTY? Let them use the state's 80 acres. Tourists definitely are not coming to Flagstaff to mingle with college students.

Per the President of the Chamber of Commerce, it would be interesting to hear from a realtor as to whether The Hub might inflate or decrease property values in the downtown corridor. Certainly, when Internet education takes the lead, Flagstaff will be left with a mighty big, vacant eyesore.

Milton Road is a U.S. Highway, all the way to Rt. 64. They have no obligation to assist the city with the gridlock of traffic from I-40 to the Nordic Center. We are in this alone to control the traffic. The voters missed their chance when they voted against the Ponderosa Parkway over MacMillan Mesa through a corner of Buffalo Park. Add The Hub to the mix and we will send skiers to the White Mountains.

I hope there are people on the committee who have visited other college towns and examined how the student populations are housed. Places like Ogden, UT; Williamsburg, VA; College Park, MD; Savannah, GA; Boston, MA; Denver, CO; Boulder, CO; Charlottesville, VA, etc. should be evaluated to determine the best and worst ways to expand. As a Land Grant College it should be a no-brainer. Use the land set aside for the college. I don't know what it is like now, but my husband and I both went to Southern Illinois University, joined a sorority and fraternity, living in a small group housing area, each with their own house, several miles from downtown Carbondale. We were taught how to respect our housing and the city, and underclassmen were not allowed to have cars unless they were commuters or handicapped. Somehow high behavior standards have been lost. We need to direct the responsibility to the appropriate entity. That is your daunting task, which starts with not only denying **this** code change, but by tightening code and building restrictions, especially adjacent to historic areas. The city buildings need to follow the same design conformity history has left us. Over and over I hear that the library should be the model for new structures. Is anyone listening? Sedona has sure shown the power of design control. We need a MUCH STRONGER Architectural Control Board as I, with design and architectural undergraduate training, see from proposals with other pending projects.

Sincerely,

Diana Thorson

Diana Thorson
(928) 526-4671

[1] Our son owns his home at the intersection of S. Verde and Ellory. The struggle to park on the street or in his driveway is a constant problem. This is "creative student parking" across Verde St. from his home, IN the Rio de Flag.

[2] Child & Family counselor, founder of the Adler Institute of Professional Psychology, Chicago, 1952-1972

Brian Kulina

From: Charlie Silver <cws720@gmail.com>
Sent: Friday, January 15, 2016 9:20 AM
To: Brian Kulina
Cc: Daniel Folke
Subject: Wednesday's P&Z meeting

Hello Brian and Dan,

Would you have a total tally to date of the "not in favor" and "in favor" comments received about the proposed Hub project. I am thinking this would include all the email comments to date as well as the public testimony from Wednesday's P&Z meeting too.

Thanks very much,
Charlie Silver
720 W. Aspen Ave.

Sent from my iPad

Brian Kulina

From: mimimurov <mmurov@qwestoffice.net>
Sent: Friday, January 15, 2016 3:36 PM
To: Brian Kulina
Subject: Core Campus

Follow Up Flag: Follow up
Flag Status: Completed

Dear P&Z,

I recently sent an email concerning The Hub by Core Campus. I attended the P&Z meeting on Jan 14. I appreciated that you mentioned the received emails in this meeting and I appreciate the extra amount of time you allotted to public input. During the presentation by Core Campus I understood them to say that there would be only one entry/exit to the upper apartments. Did I hear this correctly? If so don't you find that to be a safety hazard in case of fire or other emergency?

Again thank you for your thoughtful consideration in hearing the public input. I hope you will deny the CUP and change in zoning for reasons mentioned in my previous email as well as those mentioned at the Jan 14 meeting.

Sincerely,
Mimi Murov

Brian Kulina

From: Jerry Johnson <jljohnson820@juno.com>
Sent: Sunday, January 17, 2016 7:51 PM
To: Brian Kulina
Cc: Daniel Folke
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I attended the last P&Z meeting about the Hub. I did not speak or give a written comment at the meeting, but would like to do so now. I am totally opposed to the Hub. It is inappropriate for Flagstaff and would be the beginning of the ruin of downtown Flagstaff. The lack of available parking can not be overlooked. Student housing belongs on campus where NAU can control the associated problems. NAU has a hundred acres of undeveloped land. Build the student housing there, not in the heart of the city.

Jerry Johnson

Sent from my iPad

Brian Kulina

From: Victoria Vanpuyvelde <vcv5@nau.edu>
Sent: Monday, January 18, 2016 10:54 AM
To: Brian Kulina
Subject: The hub

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brian,

My name is Victoria and I am aware that you are keeping a tally of those in or not in support of the Hub on Mike's Pike. If possible, I would like you to add me to the "not in support" list. I do not support the building of this project.

I have lived in Flagstaff for 6 years now and I cherish this community. I have grown into myself here, and I feel that the community and the overall vibe of Flagstaff has helped contribute to my growth as a young adult. I live at 205 South Beaver Street and I believe that if this building goes up, it will significantly decrease the value, astethic value, and overall feel of my neighborhood. I do not support this and want you (or someone) to hear my voice.

Thank you for your time.

Best,
Victoria VanPuyvelde

Brian Kulina

From: Becky Cardiff
Sent: Tuesday, January 19, 2016 7:53 AM
To: Brian Kulina
Subject: FW: The HUB
Attachments: HUB CUP deny letter final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Can you include this in your next packet to P&Z?

Becky Cardiff
Development Services Supervisor
City of Flagstaff
211 W Aspen
Flagstaff, AZ 86001
Phone-928-213-2618
Fax-928-213-2609

From: Rob T. Construction, Inc/ Robert Trathnigg [mailto:RobTConstruction@commspeed.net]
Sent: Monday, January 18, 2016 9:46 AM
To: Becky Cardiff ; Mark Sawyers
Subject: The HUB

Hi Becky,
Please forward the attached letter to the Planning and Zoning commission members and enter it into public record.
Thanks
Rob

ROB T CONSTRUCTION, Inc.
Robert W. Trathnigg - President
2030 South Ash Lane, Flagstaff AZ 86004
(928) 607-6431 Phone
(928) 525-9700 Fax
robtconstruction@commspeed.net
Licensed, Bonded & Insured

This email has been sent from a virus-free computer protected by Avast.
www.avast.com

To: Flagstaff Planning and Zoning Commission, January 17, 2016

RE:PZ-15-00164 HUB CUP Request

I ask that the Planning and Zoning Commission deny core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I feel this project would be a **Visual Pollutant** and change the look and feel of the downtown area. It will also have a negative effect on parking availability in the downtown area. The Hub will be a major impact to the skyline from the surrounding area and very visible from the intersection at Route 66 and Milton ave. The developer has not provided elevations looking at The HUB, from the south. This one structure will change the look and feel of our walkable neighborhood from individual, separated buildings with varying setbacks from the sidewalk, to a 4/5 story monolithic structure, built to the sidewalk. It deletes the neighborhood feel and replaces it with a sprawling, high density, high rise structure.

It is important to note that the 7 parcels that make up the HUB Property were identified in the original Zoning Maps (Zoning map and Transect Zone Overlay Maps) for their value and best use with consideration of the existing structures and approved use(s) of the adjacent parcels. I do not think re-drawing the Zoning maps, based on the combined parcels, is appropriate.

The current CS zone states, "the development of residential uses in addition to commercial uses is encouraged in this Zone, provided **that residential uses are located above or behind the primary commercial service use**". (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

The current HC zone states, "the development of commercial uses in addition to residential uses is encouraged in the HC Zone to provide diversity in housing choices, provided that residential uses are located above or behind commercial buildings so that they are buffered from adjoining highway corridors. **The provisions of this Zone are also intended to provide for convenient, controlled access and parking, without increasing traffic burdens on the adjacent streets and highway**." (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

I feel it is also important to note that, under the current Zoning (CS and HC) the front, side, and rear setbacks, as well as, increased parking requirements and landscaping requirements would be major factors in regulating building size and overall lot coverage.

In addition, I do not think the HUB project should be considered for transect zoning, or any "form based" code applied to the property. The Flagstaff Zoning Code, Preamble, P .090, "Using the Flagstaff Transect" states in paragraph A, "The City- Guiding Principles, 1. **Preserve** and enhance **community character**; 2. Encourage **appropriately scaled infill and development**". The Hub does not meet this description.

The HUB does not meet the description of the transect zones standards as outlined in 10-40.40.10.010 "Purpose". This section describes transect zones as "optional" but does not describe them as zones applied to the properties they cover "By Right". The property/ project must meet the specific requirements of the transect zone to adopt the transect zone overlay.

The T4 Neighborhood 1 (T4N.1) standards describes the intent of this overlay zone as, "The primary intent is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of **small building footprints and medium density building types. Appropriate building types might include bungalow courts, duplexes, and apartment complexes, which are typically smaller than those found in other zones**". (Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1). It goes on to describe uses as, "homeowner offices and small neighborhood supporting uses, such as music classes and artist studios".

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1 Transect Zoning Standards. Please deny the CUP and rezoning request.

The T5 Main Street Standards states, "the primary intent of this zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to **provide an appropriate transition into existing neighborhoods**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards). I then goes on to state, "the Zone and sub-zone **are intended to preserve and build upon the existing pattern of development. New development, renovations, and additions should be in character and scale with existing valued patterns**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards).

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.090 T5 Main Street Transect Zoning Standards. Please deny the CUP and rezoning request.

The Hub is within a high density area as outlined in the Regional Plan. There is a great example of a property that meets this recommendation, falls within the neighborhood standards and character, and meets the existing Zoning Code requirements at the corner of W Santa Fe and Sitgreves ave, across the street from the city hall parking lot (to the west).

Again, I request that the Planning and Zoning Commission deny Core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

This property can be developed according to the standards outlined in the Zoning Code and Regional Plan, without applying the Transect Overlay Zones. Again, please deny the request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I own the property at 12 South Mikes Pike - corner of Mikes Pike and West Phoenix. If the HUB is built, I will benefit financially with increased rents and increased property value. However, the Downtown area I have worked to revitalize will not, the City I am raising my family in will not, and I feel that outweighs any personal gains I may realize.

Thank you,

Sincerely,

Robert W Trathnigg

2030 S Ash Ln

Flagstaff, AZ 86004

January 20, 2016

To: Planning and Zoning Committee
RE:PZ-15-00164 HUB CUP Request

As a long time resident of Flagstaff, as well as a graduate of NAU, I ask that that the CUP be for The Hub be denied. While attending NAU I lived on Mikes Pike and witnessed the traffic and parking problems first hand. For example, 2 separate accidents occurred to cars backing out of the driveway where I lived. The traffic turning onto Cottage was not visible to the driveway. Both times, the fault was attributed to the person backing out. It became necessary that a person stand at the corner of Mikes Pike and Cottage to prevent accidents. The buses only add to the existing problem. Many others in the neighborhood experience similar problems due to the congestion in the area. Parking for those working in the area was also scarce. It was necessary for a few of my friends to park in my driveway in order to find a spot. The Hub will only increase this problem for those living in the Southside.

I am currently finishing graduate school at UofA and living in the neighborhood opposite The Hub located in Tucson. The character of the neighborhood is dominated by the large structures nearby. For this reason alone, I feel The Hub should not allowed in it's current monolithic form.

I look forward to returning to Flagstaff in May and working as a Nurse Practitioner. I feel of the heart of Flagstaff would be destroyed by a student housing project smack in the middle of what I consider downtown. I watched the Southside neighborhood be revitalized while living there and recognize that this is a very important step in the building of the community and the character that is there should be maintained.

I have been keeping abreast of the development through the Daily Sun online. Please deny The Hub the benefit of the CUP. Let the development of the area be led by projects more in keeping with the feel and character of Flagstaff.

Lezah Huff 3221 N Jackrabbit Lane Flagstaff, AZ (permanent Flagstaff address

Lezah Huff

Brian Kulina

From: Walter Salas-Humara <walter@waltersdogs.com>
Sent: Tuesday, January 26, 2016 9:54 AM
To: Brian Kulina; Mark Sawyers
Subject: The HUB

Follow Up Flag: Follow up
Flag Status: Completed

Hello Council Members,

I have my art studio across the street from the proposed HUB site and have followed the progress and gone to many meetings including the recent zoning hearing.

I'm not against a denser urban core for Flagstaff. It makes perfect sense on may levels - a walkable, livable, lively, and more European style community.
This will be very attractive for visitors and residents alike. To achieve this, you, the city planners, will have to be very careful about the architecture and the use of the new buildings that will eventually dominate the downtown area.

I have been very disappointed in the HUB project. Given it's location, it will become the symbol of the new city of Flagstaff. It will be a very large signal of what Flagstaff will become. Let's have a forward looking project with amazing architecture that will incorporate all walks of life and all types of retail.
Let's not signal to future developers that we are OK with Flagstaff becoming a party town for students full of nothing but restaurants and bars with the inevitable parking problems, DUI's, drunks, fights, etc, etc.

Firstly, it's simply too large for the character of the neighborhood. Yes, I know it's within the city guidelines, but it's too large for the infrastructure of the area, especially the roads and parking.
Secondly, in order to comply with what they think the neighbors will accept, they have dumbed down their design to make it look just like every other faceless building project that signals mediocrity.
Thirdly, it's just gross that they plan to take advantage of the students, our neighborhood, and ultimately drive up rents, and drive normal folks out.

You are elected to protect the future of this awesome city and community.. Please do your job by denying the HUB this location and offering them an alternative location that is more appropriate for their development. A location where they don't have to dumb down their architecture and where the residents can have just as easy access to the University.

Thank you,
Walter Salas-Humara
100 Mikes Pike

Brian Kulina

From: Gisela Kluwin <gkluwin2@gmail.com>
Sent: Tuesday, January 26, 2016 6:08 PM
To: Mark Sawyers
Cc: Brian Kulina
Subject: The Hub

Dear Mr. Sawyer,

I attended the P&Z meeting concerning the Hub project on Jan 13, but neglected to turn in my blue comment card. I think it is very important to make my voice heard in regards to that controversial project, hence my email.
After listening to the developer's proposal and then trying to visualize that mega project in the space between Phoenix Avenue and Mike's Pike, my mind just shut down in horror, overwhelmed by the proposed size and occupancy numbers. I am also very disturbed by the low number of parking spaces built into the project. The proposed parking structure for 30% of the residents may fulfill the letter of the zoning requirements, but does not fit at all the actual neighborhood situation. There is NO PARKING available in the South side neighborhood aside from a very few unregulated spaces and a few 2hr spots. And when these are taken up by students, residents and visitors alike will be further frustrated and businesses will lose customers. Furthermore, the traffic flow in that tight neighborhood will become a nightmare, especially during the snow months, when Phoenix Ave becomes effectively a one lane street, and cars have to dodge buses which frequently enter and exit from the transfer center.
In summary, I think that the current Hub project is too big for the neighborhood, that there is insufficient allowance for in-house parking, and that traffic flow will be negatively impacted. I urge the P&Z commission to deny the rezoning request from T4 to T5 and to deny the request for a CUP.

Thank you for allowing me to comment on this project and to add my concerns to the many eloquent voices heard during the meeting.

Sincerely,
Gisela Kluwin
2333 N Fremont Blvd
Flagstaff, AZ 86001

Brian Kulina

From: Emily Ross <emross05@hotmail.com>
Sent: Tuesday, January 26, 2016 9:17 PM
To: Brian Kulina; Mark Sawyers
Subject: Can you please forward this to the Planning and Zoning Committee?

Dear Sir or Madam,

I am writing in regards to the proposed Hub that the planning and zoning commission has been considering on the corner of Mike's Pike and Phoenix, and am strongly urging you to reconsider!

I moved to Flagstaff ten years ago now, and I have lived in several homes in this specific area during that time. My memories are deeply rooted in this eclectic community which I feel is the heart and soul of the town's entire appeal. I understand the basic economics of growth, and have had exposure to the processes you go through regularly in attempt to grow Flagstaff in the correct manner, as I worked for the City of Flagstaff for several years.

However, I want you to consider how this may impact the renters, home and business owners, and even traffic! I recently purchased my first home in Sunnyside and am so proud to call Flagstaff my home. As a first time home buyer, the market was incredibly difficult for me to afford my own home. I was actually only able to put down roots because I won my home on a deal through the 'Good Neighbor Next Door Program.' I think I understand the need to cater to the growing community of NAU, but I wonder if the decision of location is the best. This area has a lot of potential for expansion in ways that enhance the cozy, quaint, yet still progressive and adventurous vibe that everyone loves. This is how the city has been marketed (with its 'passport stamp' feel), and I worry that all the new additions of high-rise buildings will detract from the image you are trying to project.

The proposed photo I see in the newspaper looks like Phoenix! This is fine, and I think several parts of Flagstaff in the NAU vicinity have a more modernized uptown, classy energy, which I truly appreciate, although it is a bit sterile. People like it! I think this location, however, needs to be protected from negative gentrification with generic high-rise buildings, and instead, should incorporate the space to foster more small businesses- stores and restaurants. This will easily bring in the same appeal as the New Frontiers lot has, and it will encourage incoming student groups to populate the already existing homes within the community. What's more, it will keep some of the home values in the neighborhood affordable so younger generations can afford to integrate after becoming educated here. I think the homes south of the tracks can really be revitalized, much like Sunnyside, to be affordable to a younger home-buying generation like myself.

As a young woman who has worked in numerous jobs within the community, I think the idea is good, but should just be relocated. I propose taking a look at some of the homes in the Lone Tree area. The size and location are wrong for this area, and moving the businesses onto Milton would project a weird image, and most likely destroy them in the long term. This road has high-traffic flow and lack of parking. As you are approaching the heart of Flagstaff's downtown, I do not feel a high rise building is the best introduction! Should a tall building need to go in there, it would be best used as a mixed use building, like a mall's appeal would present, with markets, businesses and eateries stacked on top of each other. Parking and student housing is more appropriate within campus or between the 2 colleges.

I always felt Flagstaff was holding on to an image that separated them from a 'big town feel' such as this initiative would project. Please hold true to this! It is why we make the nation's top 10 lists all the time!

Thank you for your consideration,

Emily Ross

440-241-9251

Emross05@hotmail.com

2521 North 3rd Street

Flagstaff, AZ 86004

Brian Kulina

From: Janelle A Gaun <jgaun@email.arizona.edu>
Sent: Tuesday, January 26, 2016 10:13 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to The Hub zoning project

To Planning and Zoning Comissioners,

I am writing in adamant opposition to The Hub student housing development on mikes pike. I request that you share my email with all the Comissioners prior to the zoning hearing.

As a college student no one understands more than I do the desire for up to date rental properties close to retail and resturaunts. There is very little that students want more than easy access to everything in their immediate needs. But I also know that I am willing to ride my bike or drive just a few short miles to get the "feeling" that makes downtown Flagstaff such a desirable place to live. For the last several years I have been living in Tucson and that city too has been undergoing a revival of their downtown spaces. And like Flagstaff plans for a student development were well underway when I arrived. I quickly saw, against the better wishes of the neighborhoods around the retail streets, a huge development rise towering above the neighborhood. The area now suffers chronic parking shortages and the additional burden of an eyesore. Students choose not to live in the new development because modest, affordable housing is available a few miles away and within an easy comments to the area. Today the complex is decreasing the asthetic of the area as well as the value of the surrounding property because of its close proximity to such a large body of students and the noise and congestion they create.

As a resident, born and raised in Flagstaff I know the inherent value of the small, safe downtown. Those were the streets the ones that my parents brought me to to ride my bike on during the summers because they were free from excessive congestion and cars trying to park. As a preteen and teenager the downtown area was one place where I was swallowed to explore my freedom because of it had the perfect mix of family friendly (important to mom)? but modern and engaging (important to me). As a young adult Our Virgin of Guadalupe historic church provided solace and was a place of refuge for a grieving teen even though I am not a practicing Catholic. I stumbled into it because it was a calm neighborhood to walk into and the church was welcoming. I know, as a Flagstaff resident, that living away from downtown is not a barrier to spending time there. In fact, it's lure was the coupling of beautiful residential and historical areas with the upbeat retail sections.

You can be assured that even as a young adult I will not be visiting the region around Mukes Pike including Macy, fratellis, the breweries, the church, or many of our iconic restaurants if the Hub is built. Downtown flagstaff cannot handle the sheer density of people living in such close quarters while maintaining the integrity of the area. I am of course referencing recent student housing projects in Sawmill plaza and their extensive problems with crime, noise and crowding and that can otherwise be considered relatively benign in that they did not disturb established neighborhoods.

The Hub does not keep with the goals and culture of Flagstaffs downtown. It will only alientate one group of people in an attempt to access another that already enjoys the area anyways.

I fully support student housing. I fully support Flagstaffs growth. But I know that students will not stop spending time there just because they do not live there. This development will only destroy what already makes the area so great. Community, safety, history and accessibility.

I urge you to reject The Hub's proposal including their Conditinal Use Proposal.

I hope you consider my voice and my plea,

Janelle Gaun

Brian Kulina

From: Patrick T <patricktaylor333@gmail.com>
Sent: Tuesday, January 26, 2016 10:23 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to the Hub Development

I oppose the development of the Hub on mikes pike. Flagstaff has grown immensely in the past 20 years but has still held on to its small town feel because its residents care about the community. With the introduction of other student housing developments in sawmill near the police dept. and other areas there was increased crime and general behavior that is not akin to what Flagstaff stands for. By introducing these student housing projects you are taking away from Flagstaffs community and turning it into another dime a dozen for profit college towns. Please do not allow these plans to move forward.

-Patrick Taylor, a citizen of Flagstaff for over 22 years

Brian Kulina

From: Kari Maurer <runkam@gmail.com>
Sent: Wednesday, January 27, 2016 12:54 PM
To: Brian Kulina
Cc: Mark Sawyers
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

To: City of Flagstaff Planning and Zoning

Please forward to entire committee

After attending the planning and zoning meeting regarding The Hub, I find myself extremely disappointed in the fact that the project has been allowed to

progress this far. It is apparent that the project does not fit into the community, lacks parking and is too dense. By allowing The Hub to take advantage of

the City of Flagstaff, a snowball is rolling. Mikes Pike stands to become the most unattractive street in Flagstaff.

The Hub has requested parking permits as an answer to one of the problems. Parking permits are not an answer. Currently there are 2 Hour Parking

signs on the west side of Mikes Pike. I have been informed by a person “in the know” that this parking restriction is not enforced. How can residents

expect violations to be ticketed when a few spots can not even be patrolled. I feel the development of a smaller project with more

diversity could benefit the neighborhood. Property values do not seem to be an issue with many of the surrounding land owners. Flagstaff should

embrace and be proud of those who stand for the integrity of the neighborhood rather than the prospect of increased property values.

Citizens deserve the respect of those that are elected by them. Please listen to the voice of the community and deny The Hub their CUP.

Kari Maurer

Brian Kulina

From: Richard Fernandez <rnfernandez1968@gmail.com>
Sent: Thursday, January 28, 2016 9:59 AM
To: Brian Kulina; Mark Sawyers
Subject: The HUB

Good Morning,

I am writing in reference to the "HUB" development.

My name is Richard Fernandez. I have been a resident of Flagstaff for over 15 years. In the time I have owned several businesses and watched Flagstaff grow from a quaint mountain town to what seems to be a burgeoning mini-metropolis.

I have lived in Manhattan, NYC, Houston, TX and Miami, FL. I am familiar with high density living.

The HUB is beyond the scope of any major metropolitan area, to say nothing of Flagstaff and it's proposed location.

At over 600 potential residents, most of which will be students, it seems the HUB would need more parking than all of the allotted spaces in the entire Southside neighborhood. What about the residents who have lived there for decades? Consider the businesses and their need for access.

Regarding Milton Rd. and Phoenix intersection which is congested most of the year the over ambitious HUB signals a potential traffic disaster.

In the past few years since the student housing development reached maximum capacity the Sawmill area has experienced undue police resources. Why will the HUB be different?

The HUB is not the development for this specific area in it's current proposed size.

Please do not grant them permission to build.

Thank you for your time,

Richard Fernandez
2914 N. Rose St.
Flagstaff, AZ
86004

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	**Date**	**Name**	**Type**	**Comment(s)**
1	06/17/2015	Eric Meeks	E-Mail	**Support** – Location, need, pedestrian environment
2	06/17/2015	Jim Roberts	E-Mail	**Opposition** – Compatibility, sociological impacts
3	06/17/2015	Chris Dennis	E-Mail	**Opposition** – Infrastructure, student behavior, neighborhood character
4	06/18/2015	Jennifer Duis	E-Mail	**Opposition** – Compatibility, traffic, unsupportable retail, parking
5	06/19/2015	Patrick Fleming	E-Mail	**Opposition** – Neighborhood character, traffic, infrastructure
6	06/19/2015	Mike Hudnall	E-Mail	**Opposition** – Neighborhood character, traffic, infrastructure
7	06/20/2015	Robyn Martin	Letter	**Opposition** – Parking, compatibility, aesthetics, location
8	06/22/2015	Leslie Connell	E-Mail	**Opposition** – Compatibility, traffic, parking, neighborhood character
9	06/22/2015	James Hasapis	E-Mail	**Opposition** – Compatibility, traffic, parking, neighborhood character
10	06/22/2015	Kari Tuomisto	Letter	**Opposition** – Location, compatibility, views, shadow cast, traffic, neighborhood character
11	06/22/2015	Sueanne Kubicek	Letter	**Opposition** – Compatibility, traffic, views
12	06/30/2015	Carrie Cowger	Letter	**Opposition** – Building mass, compatibility, traffic, design
13	07/02/2015	Albert and Rose Lopez	E-Mail	**Opposition** – Neighborhood character, parking, NAU's problem, impact on tourism
14	07/02/2015	Kathryn Peterson	Letter	**Opposition** – Compatibility, neighborhood character, NAU's problem, student behavior
15	07/08/2015	Laura and Art Enciso	Letter	**Opposition** – Compatibility, traffic, parking, student behavior, neighborhood history
16	07/09/2015	James Cole	Letter	**Opposition** – Traffic, parking, compatibility

The Hub on Campus Flagstaff – Public Comment Summary Updated: 02/04/2016 at 12:00pm				
Total: 61		**Opposed: 56**	**Support: 3**	**Neutral: 2**
No.	**Date**	**Name**	**Type**	**Comment(s)**
17	07/10/2015	Karen Applequist	E-Mail	**Opposition** – Neighborhood character, compatibility, traffic
18	07/17/2015	Claudine Taillac	Letter	**Opposition** – Compatibility, traffic, neighborhood character, undesirable part of town for students
19	07/17/2015	Marie Jones and Marvin Glotfelty	E-Mail	**Opposition** – Student housing, neighborhood character, compatibility, traffic, parking
20	08/07/2015	Soraya Padilla	Letter	**Opposition** – Compatibility, traffic, other housing available to students, more appropriate in another location
21	08/27/2015	Larry Czarnecki	Letter	**Opposition** – Density, traffic, scale
22	12/21/2015	Andrew Gould	E-Mail	**Opposition** – Scale, neighborhood compatibility, moratorium on student housing development until plan is developed
23	01/04/2016	Mimi Murov and Tom Brownold	Letter/E-Mail	**Opposition** – Neighborhood compatibility, traffic, parking, access, ice on Phoenix Avenue, catering to the needs of NAU, students, noise, conduct
24	01/05/2016	Forest May	Letter	**Opposition** – Not in keeping with the area
25	01/05/2016	Roberta Motter	E-Mail	**Opposition** – human congestion, traffic, parking, noise, design, viewscape
26	01/05/2016	Karen Carswell	Letter	**Opposition** – Compatibility, scale, views, traffic, parking, pedestrians and bicycles crossing Butler, neighborhood character
27	01/08/2016	Betsy and Tyler Hager	E-Mail	**Support** – Land use, relief for students
28	01/08/2016	Ken Berkhoff	E-Mail	**Support** – Support for NAU
29	01/10/2016	Duffie Westheimer	E-Mail	**Neutral** – Requesting additional information

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	Date	Name	Type	Comment(s)
30	01/11/2016	Ellen Ryan	E-Mail	**Opposition** – Location, density, traffic, parking, neighborhood character and compatibility
31	01/11/2016	Richard Thorson	Letter	**Opposition** – Zoning change only benefits developer, neighborhood character, traffic, compatibility, don't "Phoenix" or "Tempe" Flagstaff, security, parking
32	01/13/2016	Nat White	E-Mail	**Opposition** – Business deal between City and Developer, traffic, parking, demise of the neighborhood, complexity of transect zones, views, snow/ice
33	01/13/2016	Joseph Walka	E-Mail	**Opposition** – Parking, traffic
34	01/13/2016	Duffie Westheimer	E-Mail	**Opposition** – Bicycle ridership in the future, America's love of cars, parking, traffic, bicycle safety
35	01/14/2016	Diana Thorson	E-Mail	**Opposition** – Impact to neighborhood, parking, impact on tourism, not for families, student conduct
36	01/15/2016	Charlie Silver	E-Mail	**Neutral** – Requesting counts for comments in support and nonsupport
37	01/15/2016	Mimi Murov	E-Mail	**Opposition** – Fire safety
38	01/17/2016	Jerry Johnson	E-Mail	**Opposition** – Inappropriate, ruin of Downtown, parking, student housing belongs on campus
39	01/18/2016	Victoria VanPuyvelde	E-Mail	**Opposition** – Decrease aesthetic value, neighborhood character
40	01/18/2016	Rob Trathnigg	E-Mail	**Opposition** – Visual pollutant, parking, transect zoning not appropriate, does not comply with transect purpose
41	01/20/2016	Leyah Huff	Letter	**Opposition** – Traffic, parking, neighborhood character
42	01/26/2016	Walter Salas-Humara	E-Mail	**Opposition** – Architecture, use, type of retail, neighborhood character, traffic, parking, impact on rents

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	**Date**	**Name**	**Type**	**Comment(s)**
43	01/26/2016	Gisela Kluwin	E-Mail	**Opposition** – Scale, neighborhood compatibility, parking, traffic
44	01/26/2016	Emily Ross	E-Mail	**Opposition** – Property values, size, location, traffic, parking
45	01/26/2016	Janelle Gaun	E-Mail	**Opposition** – Property values, parking, aesthetics, density
46	01/26/2016	Patrick Taylor	E-Mail	**Opposition** – Increased crime, student behavior, "for profit college town"
47	01/27/2016	Kari Maurer	E-Mail	**Opposition** – Community compatibility, parking, density, aesthetics, property values
48	01/28/2016	Richard Fernandez	E-Mail	**Opposition** – Location, density, parking, traffic, policing issues, size
49	01/29/2016	Mary McKell	E-Mail	**Opposition** – Location, impact on neighborhood and Downtown
50	01/29/2016	Marie Jones	E-Mail	**Opposition** – Does not meet intent of transect zoning, precedent setting, does not fit transect building types, use not appropriate in neighborhood, student behavior, project management, better for families not students, density
51	01/29/2016	Nancy Branham	E-Mail	**Opposition** – Does not meet intent of transect zoning, unruly and illegal behavior of students, parking, traffic, open space does not benefit community, lease agreement only favorable to developer, neighborhood compatibility.
52	01/29/2016	Duffie Westheimer	E-Mail	**Opposition** – Agreement with Marie Jones letter
53	01/29/2016	Charlie Silver	E-Mail	**Opposition** – Agreement with Marie Jones letter
54	01/30/2016	Patrice Giordano	E-Mail	**Opposition** – Agreement with Marie Jones letter
55	01/31/2016	Rose Houk	E-Mail	**Opposition** – Agreement with Marie Jones letter
56	02/01/2016	Juliana Bartlett	E-Mail	**Opposition** – Project jeopardizes history and sense of place, location, width of adjacent streets, no common sense

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	**Date**	**Name**	**Type**	**Comment(s)**
57	02/02/2016	Jen Blue	E-Mail	**Opposition** – Agreement with Marie Jones letter
58	02/02/2016	Diana Thorson	E-Mail	**Opposition** – Impact on tourism, tourist don't want to interact with students, destroys Downtown ambiance, no design appeal, congestion, parking, traffic, financially beneficial to developer, little or no benefit to tourists or residents, Downtown not part of college campus
59	02/03/2016	Carol Hagen	E-Mail	**Opposition** – Agreement with Marie Jones letter
60	02/03/2016	Rick Moore	E-Mail	**Opposition** – Agreement with Marie Jones letter
61	02/03/2016	William Ring	Letter	**Opposition** – Classification of land use, parking, traffic, double occupancy, bulk and mass, intent of Zoning Code

Brian Kulina

From: Daniel Folke
Sent: Wednesday, June 17, 2015 4:02 PM
To: Brian Kulina
Cc: Mark Sawyers
Subject: Fwd: Mikes Pike....yikes!

Not sure if this is official public comment or not; but I believe it is appropriate to share with Core.

Sent from my iPhone

Begin forwarded message:

> **From:** Karl Eberhard <KEberhard@flagstaffaz.gov>
> **Date:** June 17, 2015 at 2:27:04 PM MST
> **To:** Daniel Folke <DFolke@flagstaffaz.gov>
> **Subject: FW: Mikes Pike....yikes!**
>
> FYI
>
> Karl Eberhard, AIA
> Community Design and Redevelopment Manager
> Historic Preservation Officer
> City of Flagstaff, Arizona
> (928) 213-2969
> keberhard@flagstaffaz.gov
>
> By far, the most green building of all is an existing building.
>
> See our place making website:
>
> -----Original Message-----
> From: Jim [mailto:jimroberts@robertsjones.com]
> Sent: Wednesday, June 17, 2015 2:08 PM
> To: Karl Eberhard
> Subject: Mikes Pike....yikes!
>
> Hello Karl,
>
> Hope you are doing well. I am sending you this note because an acquaintance of mine just showed me something of a redevelopment proposal for a large tract on Mikes Pike. I understand it is focused on the student housing market. I'm sure you are intimately familiar with it!
>
> Anyway, I want you to know that I find this sort of "super-block" redevelopment to be totally inappropriate to the downtown Flagstaff context. I actually have my doubts that this sort of massive, homogenous solution is appropriate in any dynamic urban context. A look at the proposed footprint alone is enough to convince one that this sort of solution is clearly

incompatible with its context. I'm sure I don't need to mention to you about the historical significance of Mikes Pike and the potential it holds.

Adjustments to the IBC fire-resistive standards have made these massive, relatively inexpensive stick-built projects possible for developers. And they are rapidly becoming a blight on our cities. One can only imagine what these places will become ten or twenty years from now when their newness wears off! Having one of these at the Gateway to downtown Flagstaff is unthinkable.

I could go on and on about my environmental concerns with such a development, but I would also like to express a concern about the sociological implications of this approach to housing university students. Is this kind of homogenous, mass-living experience what we want to provide for NAU students? Let's wait and see how that monstrosity south of Whole Foods on Butler works out before we clone it!

I imagine I'm preaching to the choir here Karl, but I did want you to hear my views. If you feel it beneficial that I present my thoughts in a formal letter, to whomever, please let me know and I will get it done.

All the best,
Jim

James A. Roberts, AIA
Roberts/Jones Associates, Inc.

Sent from my iPhone

Brian Kulina

From: Christopher Dennis <cd424@nau.edu>
Sent: Wednesday, June 17, 2015 5:24 PM
To: Brian Kulina
Subject: Southside Planned Student Housing

To Whom This May Concern-

As a student of NAU, I can fully understand the need for more student housing as the students are currently put into tight living quarters. However, this proposed community will do nothing to assist in this large on campus population. The local community cannot bear the strain of an ever-growing NAU population without having to restructure the infrastructure of this community (something we definitely cannot afford). This project will turn into another Grove debacle- a constant police presence, loud parties, etc. To approve this plan is to deny local Flagstaff citizens a right to affordable housing and to help strip away what makes Flagstaff so special. If that identity is lost, I don't know if I will be willing to stay in town and teach here and I am certain I'm not the only one who feels that way.

Chris Dennis

Brian Kulina

From: Jennifer Duis <duis015@gmail.com>
Sent: Thursday, June 18, 2015 7:38 AM
To: Brian Kulina
Subject: Mike's Pike student housing proposal

Mr. Kulina,

While I held out some hope for this project I now agree with the Southside locals who are vehemently opposed to the potential development after attending last night's meeting.

Besides the scale of the building being totally out of step with the neighborhood there are greater concerns in the busy (crossing Butler at Phoenix is very dangerous already) & narrow side streets it would be surrounded by (buses and regular traffic already struggle to use Phoenix & Mike's Pike). Additionally, business, though growing in this neighborhood, is unlikely to be able to support the planned additional retail, and even if the retail spaces were successfully filled this too would only increase the strain on Phoenix & Mike's Pike.

Furthermore, parking in the Southside is already at a crisis and this development would likely only exacerbate the growing problem.

NAU has room to build its own housing for its students.

Thank you for your time and consideration.

Jennifer Duis
826 W Summit Ave.

Brian Kulina

From: Patrick Fleming <pat1fleming@gmail.com>
Sent: Friday, June 19, 2015 1:22 PM
To: Brian Kulina
Subject: NAU Student Housing Proposal

Dear Brian,

As a registered Professional Engineer, a LEED Accredited Professional, and a retired employee of the National Park Service who worked on numerous projects for Grand Canyon National Park, I would like to raise several concerns about the NAU Mike's Pike student housing proposal.

While it seems that most of the concerns that have been raised so far, which I share, focus on the historic character of the neighborhood and the traffic congestion of the area, I believe that there are several rather pragmatic issues that must be carefully addressed as well. These include water distribution, fire protection, sewage conveyance and treatment, storm drainage, and waste recycling/disposal. Flagstaff and the surrounding communities have strained all aspects of the infrastructure for delivery of utilities for many years, and it appears that the subject proposal will serve only to exacerbate these problems. Even at the most local level, the ability to provide water and sewer lines to accommodate the development appears to be extremely expensive and impactful.

The renderings that I've seen indicate a development that is completely out of character with the most endearing aspects of the City, and compromise the qualities that make Flagstaff a desirable place to work and live.

I strongly recommend that you require evaluation of other alternatives and carefully examine the impacts and pros and cons of each before selecting a preferred approach and proceeding.

Respectfully submitted,

Patrick A.Fleming, P.E., LEED-AP

Brian Kulina

From: Michael Hudnall <mikehudnall@icloud.com>
Sent: Friday, June 19, 2015 1:30 PM
To: Patrick Fleming
Cc: Brian Kulina
Subject: Re: NAU Student Housing Proposal

Dear Brian,

I am total agreement with Pat's statements below on this issue. I am an NAU graduate and Flagstaff homeowner.

Best regards,

Mike Hudnall

On Jun 19, 2015, at 01:22 PM, Patrick Fleming wrote:

> Dear Brian,
>
> As a registered Professional Engineer, a LEED Accredited Professional, and a retired employee of the National Park Service who worked on numerous projects for Grand Canyon National Park, I would like to raise several concerns about the NAU Mike's Pike student housing proposal.
>
> While it seems that most of the concerns that have been raised so far, which I share, focus on the historic character of the neighborhood and the traffic congestion of the area, I believe that there are several rather pragmatic issues that must be carefully addressed as well. These include water distribution, fire protection, sewage conveyance and treatment, storm drainage, and waste recycling/disposal. Flagstaff and the surrounding communities have strained all aspects of the infrastructure for delivery of utilities for many years, and it appears that the subject proposal will serve only to exacerbate these problems. Even at the most local level, the ability to provide water and sewer lines to accommodate the development appears to be extremely expensive and impactful.
>
> The renderings that I've seen indicate a development that is completely out of character with the most endearing aspects of the City, and compromise the qualities that make Flagstaff a desirable place to work and live.
>
> I strongly recommend that you require evaluation of other alternatives and carefully examine the impacts and pros and cons of each before selecting a preferred approach and proceeding.
>
> Respectfully submitted,

Patrick A.Fleming, P.E., LEED-AP

June 20, 2015

Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001
ATTN: Brian Kulina
Regarding the Core Complex Southside Student Housing complex currently in development:

Dear Mr. Kulina,

This development is inappropriate for the neighborhood as it stands right now and also for the direction that the Southside area hopes to go in the future.

Historically this part of Flagstaff has always been, to put it bluntly, our city sacrifice area—industrially-driven, unpaved in places, flood prone, decaying and downtrodden. But in the past ten years or so a wonderful renaissance has been changing Southside into a optimistic destination, thanks to the property owners (business and home), which improves our attraction to tourists, potential residents, and our tax base.

The latest massive multi-story student housing development now proposed for the Mikes Pike neighborhood is wrong. In addition to the problems already identified in public meetings (lack of parking/unrealistic belief about how students will embrace lack of parking, size of development, and overall look of the development) allowing this structure to move forward truly insults the hard work and emotional investment of the Southside residents and business owners, who have worked hard, sometimes with little support from our city, to transform the area from exploited to a viable part of our larger community.

This housing complex belongs elsewhere, in open space, with access to the Mountain Line. If you are against this development, please continue to fight to keep it from being built. If you are considering supporting this development, I ask you to please, after reading this letter, reconsider your support.

Sincerely,

Robyn Martin

Brian Kulina

From: Leslie Connell <lconnell123@me.com>
Sent: Monday, June 22, 2015 10:59 AM
To: Brian Kulina
Cc: Karl Eberhard; Roger Eastman; Coral Evans; Jerry Nabours; Celia Barotz; Karla Brewster; Jeff Oravits; Scott Overton; Eva Putzova
Subject: Letter regarding Core Campus Project.
Attachments: Community Development.docx

Please see attached, regarding my thoughts on the Core Campus Project. Thanks so much for your time!

Leslie Connell

Brian Kulina

From: James Hasapis <james.hasapis@gmail.com>
Sent: Monday, June 22, 2015 12:57 PM
To: Karl Eberhard; Roger Eastman; Brian Kulina
Cc: Mayor and Council
Subject: Southside Student Housing/Retail Project

Community Development

211 W Aspen Ave.

Flagstaff, AZ 86001

Attn: Brian Kulina

Cc: Karl Eberhard, Roger Eastman, Jerry Nabours, Celia Barotz, Karla Brewster, Coral Evans, Jeff Oravits, Scott Overton, Eva Putzova.

I am writing to you to regarding the Core Campus Development that is being proposed for the Mike's Pike/Phoenix Avenue/Milton Avenue location.

After attending the meeting on June 17th, it's clear to me that this project is not a good fit for the Southside neighborhood.

Referring to Chapter 10-80 of the Flagstaff Zoning Code, this project does not fit the bill. It is not harmonious, agreeable, nor congenial with the neighborhood, it is not using similar design principles, it does not complement the characteristics of context and cohesiveness, and it is definitely not "unobtrusive in terms of the overall patterns of development, scale and continuity".

I believe this project should also be reviewed by the Traffic Commission, as it seems it will highly impact the surrounding streets – Phoenix and Mike's Pike in particular. These are narrow, neighborhood streets that are already being pushed to capacity with the Bus transfer station traffic.

The developers have touted the fact that it's so near public transportation – but is the current infrastructure at Mountain Line going to be able to handle this new concentrated load of students, or will this impact their ability to meet the needs of the public? Will additional buses be needed? If so, who will be paying for this?

I'm still not understanding how 197 parking spots (they mentioned that 30 will be reserved for the 10,000 sq ft. of retail) will serve the needs of 670 beds? I understand that they hope that less students will bring their vehicles, but so far, I haven't seen any serious planning on how they will achieve this. Adding more bicyclists and pedestrians to the neighborhood who will now be crossing Butler in large numbers will also affect traffic there, and doesn't seem like a safe suggestion. Perhaps if they build a pedestrian overpass, and not with taxpayer money.

The Southside is a neighborhood with a rich and important cultural history, with quaint neighborhoods, housing many families who have lived here for generations. It's a neighborhood that's already at risk because of individual student condo's that are popping up with regularity, or other apartment buildings meant for second home buyers. I hope that the City of Flagstaff, and the residents of this town will understand the importance of preserving this history, and not allow the neighborhood to completely succumb to rampant development.

Thank you for your time. If you have any questions, feel free to contact me.

LESLIE CONNELL

--

James (Jamey) Hasapis
928-310-8974

To: Flagstaff Community Development
Attn: Brian Kulina

I am writing in regards to the Hub/Core development that is proposed for Mikes Pike/Phoenix. As a long time resident of Flagstaff, I feel that this type of project in Downtown Flagstaff is not appropriate. The history of Route 66 (Mikes Pike being on the historical walking tour of Flagstaff as well as the original Route 66) must be preserved. Currently, Southside does not have any buildings over 2 stories tall. A 55+ foot tall apartment/retail building would not be compatible with the neighborhood. The building will definitely be visually obtrusive to residents and visitors. Driving up, or waiting in traffic for long periods of time on Milton, the view will no longer be of the Peaks. The scale, a mega block of structure, does not fit the scale of the neighborhood of Southside. Many homes and businesses will loose hours of sunlight during the winter.

As an owner of a home in the neighborhood, everyone realizes that traffic and parking on Mikes Pike can be quite hectic. More cars added to the narrow streets will destroy any chance for a person to walk the historic route and feel comfortable. This complex will do nothing for the long time Southside residents.

Keep Southside a part of historical, vibrant Flagstaff. Do not let the proposed project continue.

Sincerely,

Kari Tuomisto

Sueanne Kubicek, CPA, MBA, EMT

1190 W. Weston Trail
Flagstaff, AZ 86005
(928) 779-2801
Skubicek@aol.com

Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001
Attn: Brian Kulina

Chapter 10-80:definitions:City of Flagstaff Zoning Code
Compatibility: Capable of existing in harmonious, agreeable or congenial combination with other buildings, structures, blocks or streets through the use of similar basic design principles including composition, rhythm, emphasis, transition, simplicity and balance. Work is compatible if it is designed to complement the physical characteristics of the context and is cohesive and visually unobtrusive in terms if the overall pattern of development, scale and continuity.

I moved here in 2003 so I have been here a few years. The development is getting too much for this City. Traffic has been a problem on Milton/Route 66 especially in the area that you are zoning for this development since 2003 and the City has done nothing about it. Now you are proposing adding to the traffic problems with even address the current situation. I work on an ambulance and we run plenty of calls on University students whether it is bicycle accidents, drinking, pedestrian accidents, vehicle accidents, etc. You are going to add chaos to an already congested area.

As to your zoning codes above, there is nothing harmonious about a 5 story building going up in this area. How can a 5 story building in this area not be visually unobtrusive? There has been plenty of new construction, The Grove, anywhere along Butler, etc.

Regards,

Sueanne Kubicek
Tax payer

Carrie Cowger
3973 S. Kendall St.
Flagstaff, AZ 86005

Brian Kulina
Planning and Development Manager
Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001

June 26, 2015

Dear Mr. Kulina,

I am writing in opposition to the five story student housing/retail project planned for Mike's Pike and Phoenix Avenue. As a longtime resident of Flagstaff I cannot stand for or support a building of such magnitude at this location. The project will most certainly go against the established definition of compatibility (Chapter 10-80: Definitions City of Flagstaff Zoning Code) especially in regards to being "harmonious, agreeable" and "visually unobtrusive".

Over the past 15 years that I have lived in Flagstaff, parking and bike commuting in that part of town has become more and more challenging. I have almost gotten hit on my bike in that intersection many times. Also, at least three times a week, I attend yoga at the Bikram Yoga Studio on Phoenix Avenue. It has become increasingly harder to find parking in that area. This building will only add to the congestion and frustration of long time Flagstaff residents. Furthermore the building will be aesthetically assaulting to the quintessential nature of Flagstaff.

I came to Flagstaff and have chosen to stay here for so long for its ease, spaciousness, and beauty. Please help to honor these inherent and unique characteristics of Flagstaff by not continuing with this housing project.

Thank you for all the work you do for Flagstaff.

Respectfully,

Carrie O. Cowger

Brian Kulina

From: ALBERT LOPEZ <albertyroselopez@msn.com>
Sent: Thursday, July 02, 2015 11:24 AM
To: Mayor and Council
Cc: Brian Kulina
Subject: Re: Core campus development

Sent from my iPad

> On Jul 2, 2015, at 11:14 AM, ALBERT LOPEZ <albertyroselopez@msn.com> wrote:
>
> I am writing to you regarding the Core Campus Development that is being proposed for Mike's Pike /Phoenix Ave and Milton.
>
> We attended the meeting on June 17th and it is clear to us that this is not a good fit for the south side.
>
> The building does not fit on the south side and traffic is also a problem. According to Core they would have 670 beds and 197 parking spaces and said they would encourage students not to bring their cars. That's not going to happen. As it is right now there is no parking. Our Lady of Guadalupe Church has to put barricades so no one parks in their lot. Beaver street brewery has someone sitting early in the morning outside to make sure no students park there.
>
> Also having retail stores where are those people going to park. They should ask Northern Arizona University if they can build on their property across from I40 they have 40 acres that can be used.
>
> Northern Arizona university is looking at 25,000 students they need to start building on their property not in our neighborhoods. Someone also mentioned we our a tourist town and tourist visit restaurants a our downtown area. What are they going to see when they drive into town student housing.
>
> Woody mountain residence complained about student housing going up in their area and that project came to a halt. Now south side residence feel the same not in our neighborhood.
>
> We are against the student housing going in. We have lived here for 60 years our parents home is here our family all live on South Humphreys we are all home owners and residence. Now that the students are gone faculty and staff are parking here for 8 hours.
>
> I hope the city of Flagstaff and residence of this town understand the importance of preserving this history and not allow the neighbor to completely succumb to rampant development.
>
> Thank you for your time
>
> Albert and Rose Lopez
>
> If you have any questions,feel free to contact us.
>
>
> Sent from my iPad

July 1, 2015

Community Development
211 W. Aspen Ave.
Flagstaff, AZ 86001
ATTN: Brian Kulina
Planning and Development Manager

Dear Mr. Kulina et. al,

The City of Flagstaff and NAU has to grow and expand based on projections which are based on historical patterns. These projections do not take into account all that City officials and long standing residents and local business owners have learned along the way.

This is to state my multiple concerns about the proposed 5 story housing/retail project planned for Mikes Pike and Phoenix Ave.

Chapter 10-80: Definitions of City of Flagstaff Zoning Code defines the concept of "Compatibility" for building projects in Flagstaff:

"**Compatibility**: Capable of existing in harmonious, agreeable, or congenial combination with other buildings, structures, blocks, or streets through the use of similar basic design principles including composition, rhythm, emphasis, transition, simplicity, and balance. Work is compatible if it is designed to complement the physical characteristics of the context and is cohesive and visually unobtrusive in terms of the overall patterns of development, scale and continuity."

I don't need to pick apart the above City defined concept of **compatibility** to make the clear point that a 5 story building with a 670 bed student housing facility in it on Mike's Pike would be an absurd, incompatible and **uncomplimentary** addition to the growing charm and revitalization of our downtown, and especially south side neighborhoods.

Don't believe me. Take a real survey of the small local businesses and residents in any 8 block direction of this proposed development and see how we feel, what we think, and what we envision this would do to the unique character of Historic Downtown Flagstaff (not to mention our already strained parking needs).

This is more NAU's problem than it is the residents and business owners in Downtown Flagstaff. As has been seen clearly at the Sawmill student housing development, cramming a large crowd of young adults into a housing project is begging for mishaps and disasters that actually hurt our young adult students misuse our city's resources.

Flagstaff is not like Tempe. This is intentional, cultural and geophysical.

I don't know exactly who and how many individuals stand to benefit financially from this proposed development and how much of that revenue will leave our town. I've heard the argument that this will create jobs and promote economic growth. THERE ARE BETTER, SANER, MORE COMPATIBLE WAYS, and we will find them if we slow down and remember our foundational values.

In summary,

- Don't let developers put incompatible developments in this unique town.
- Don't put hundreds of hormone driven, newly emancipated young adults in a big pile in the heart of Downtown and expect them not to experiment with the limits of civility.
- Let NAU do more to find their own compatible, calibrated solutions to their housing issues.
- The rate of growth and expansion both for the City of Flagstaff and NAU must be calibrated by our previously established values as City Officials, residents and small business owners here.

Thank you for your thoughtful consideration.

Truly,

Kathryn Peterson, owner
Flagstaff Sports Exchange
19 W. Aspen Ave.
Flagstaff, AZ 86001
kpeterson@flagstaffusedsports.com

Brian Kulina
Planning Development Manager
City of Flagstaff Community Development
211 W Aspen Ave.
Flagstaff, AZ 86001

July 8, 2015

Dear Mr. Kulina,

We are writing to you to regarding the Core Campus Development that is being proposed for the Mike's Pike/Phoenix Avenue/Milton Avenue location. After attending the meeting on June 17th, it is clear to me that this project is not a good fit for the Southside neighborhood and should be denied.

Referring to Chapter 10-80 of the Flagstaff Zoning Code, this project clearly is not in accordance with the requirements. A five-story 2.5 acre, 700 occupant building is not harmonious, agreeable, or congenial with the neighborhood, it is not using similar design principles, it does not complement the characteristics of context and cohesiveness, and it is definitely not "unobtrusive in terms of the overall patterns of development, scale and continuity". The Southside neighborhood is not the place for another "The Village at Aspen Place" monstrosity.

Besides the overall scale, and look of the project, it also needs to be seriously reviewed by the Traffic Commission. If allowed to proceed, this new building will highly impact all three surrounding streets, Milton/Route 66, Phoenix Ave. and Mike's Pike. The portion of the Milton corridor this project is proposed to front is, as quoted by the City Council's Combined Special Meeting/Work Session of March 10, *2015, "...the most congested in the City. Between Butler and W. Route 66 it is over capacity during evening peak hours."* This is exactly where Core Campus Development plans to add nearly 700 students and, conservatively estimating, a minimum of 300 more vehicles. Additionally Phoenix Ave. and Mike's Pike are narrow, neighborhood streets that are already being pushed to capacity with the Bus Transfer Station traffic.

As a business owner, our customers already are challenged by this portion of the Milton/Rt. 66 corridor in order to access our business. Adding more traffic and highly concentrated numbers of students to this area will only make matters worse for all the businesses, residents and visitors in the area.

The developers have touted the fact that their project is so near public transportation there won't be any traffic problems, but realistically are the students of this project really going to use it and would the current infrastructure at Mountain Line be able to handle this new concentrated load if they do, or will this impact NAIPTA's ability to meet the needs of the public? Is the NAU bus line going to pick up any load these additional students will create or will the burden be on Flagstaff residents?

Perhaps if this project were actual apartments for Flagstaff families, (a population in desperate need of affordable housing) the 197 parking spots (30 will be reserved for the 10,000 square ft. of retail) they

plan to provide for the residents would be sufficient, since it would be reasonable for a family of 5 to have 1 or possibly two vehicles VS the reality that 5 students sharing an apartment would have 4 to 5 vehicles. There is no reality where 197 parking spaces will serve the needs of 670 beds.

While we are sure NAU needs more student housing, we don't believe the recent projects the City of Flagstaff has allowed to be constructed are in the best interest of either the students nor the residents of Flagstaff. Our experience with "The Grove" should have taught us something with its problems with crime, parties and under age drinking. Students we know do not want to live there & those who do [live there] want to get out. We don't need another over-priced, over built 'animal house' in the Southside neighborhood.

The Southside is a neighborhood with a rich and important cultural history, with quaint neighborhoods, housing many families who have lived there for generations. It is closely confined and already densely populated without adding 670 new residents. I hope that the City of Flagstaff, and the residents of this town will understand the importance of preserving this history, and not allow the neighborhood to completely succumb to rampant development.

We strongly urge you to really consider all of the factors included in the Design and Review Board of this project and deny the Core Campus Development's project. Thank you for your time. If you have any questions, please don't hesitate to contact us.

Sincerely,
Laura and Art Enciso
Owners
Tranzend, LLC

Tranzend, LLC • 417 W. Santa Fe Ave. • Flagstaff, AZ 86001 • 928.774.7999 • fit@tranzendclub.com

June 26, 2015 4:15 p.m.

Traffic flow from Butler at Milton/Rt. 66/Phoenix "proposed project site"

This is without adding 670 additional residents at the two tall trees.

July 7, 2015

Brian Kulina
Planning and Development Manager
Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001

Mr. Kulina,

I am writing in reference to planned 5 story student housing/retail project planned for the Mikes Pike/Phoenix area of downtown Flagstaff.

Personally, I think this is a bad idea for at least two reasons:

1) Traffic and parking in that area will be impacted in a most negative way, and it's already a problem.
2) The city's own definition of compatibility in the zoning code will be violated in numerous ways:
    a. Harmonious, agreeable, or congenial combination with other buildings and structures
    b. Principles of composition, rhythm, emphasis, transition, simplicity and balance
    c. Being cohesive and visually unobtrusive in terms of scale and continuity

Please consider seriously all of the negative effects on our wonderful downtown area south of Route 66 if this project is actually approved. I can think of no good reason to locate such a building with said purpose in that location.

Respectfully,

James F Cole
3525 W Cooper Dr
Flagstaff, AZ 86001

Brian Kulina

From: Mark Sawyers
Sent: Monday, July 13, 2015 9:00 AM
To: Brian Kulina
Subject: FW: Hub Project

fyf

From: K [mailto:applebranch@msn.com]
Sent: Friday, July 10, 2015 1:43 PM
To: Mark Sawyers
Subject: Hub Project

This letter is for members of the Planning and Zoning Commission. Can you please forward?

I am writing this e-mail to you to express my concern about a proposed development in our city. While I understand the need for housing for NAU students, I am completely against the proposed Hub Project. The project is a very poor fit for the existing neighborhood. It negatively impacts the historical value of this stretch of road, which was originally part of Route 66. The building will tower of adjacent buildings in the neighborhood, multiplying the number of persons residing in that part of town many times over. Congestion on Milton Road is already a huge issue that continues to worsen with growth. By situating this complex where it is proposed to be, the vehicular traffic will spill out onto Milton, Phoenix Avenue and Mikes Pike, none of which is well suited to handle the additional burden. At the present time buses must use both Mikes Pike and Phoenix Avenue to access the transfer station multiple times a day. The congestion in the streets and the neighborhoods can only be problematic with regard to safety for everyone. Small business currently occupy sections of Mikes Pike, and new projects should only be considered that are appropriate for the immediate vicinity. I am unfamiliar with the details of the planning process, but I am assuming there is a plan for growth in Flagstaff. As I see new businesses come in on South San Francisco, I am of the opinion that Mikes Pike may be best suited to house new businesses. Please don't allow the Hub Project to move forward.

Thank you for your time.

Karen Applequist, Ph.D.
2215 N. Crescent Dr.
Flagstaff, AZ

July 16, 2015

Brian Kulina
Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001

Dear Mr. Kulina,

I am writing to express my opinion and concerns regarding the proposed five-story student housing and retail project planned for the Mikes Pike/Phoenix Avenue area of downtown Flagstaff.

I do not believe that such a building project would enhance this area of downtown; in fact, I believe that it would be in conflict with the City of Flagstaff Zoning Code, Chapter 10-80, in that it would disrupt the flow of this neighborhood and be physically incongruent to existing buildings and homes in the area. The student housing complex near the Aspen/Sawmill shopping center is an example of a building project that complements the area, as it is congruent with the shopping center. The proposed Mikes Pike/Phoenix Avenue area, as you know, is an older area of town, and a modern building project would at the least not fit in and at the most create more flow of traffic and congestion than the area can handle.

This area of town has a special feel and character. My family homesteaded in Flagstaff 100 years ago, and over my lifetime I have watched Flagstaff change. Many of the changes have enhanced the town, especially the revival of downtown. Personally, I feel that altering downtown to make it more like the newer parts of town is a mistake. There is something to be said for keeping the integrity of certain neighborhoods, and I do not see the necessity to squeeze such a large development into such a small area where there is a dearth of parking already. I also believe that students at NAU do not value this area of town as much as a more mature part of the population, and the development may not be as desirable to students as the City thinks.

I have two nephews and one niece who have graduated in the past few years from NAU. None of them would find this the desirable part of town in which to live. I also attend the Bikram studio two to three times per week, go to Macy's once a week, as well as frequent Pizzicletta, Mother Road Brewery, Zani, and many other businesses in that area. I take my glass recycling to that location at the bus transport station. There is a lot of activity in that area, and I think the City is being short sighted in moving forward with this project.

I am asking you to reconsider this plan, as it would detract from the rhythm, balance, and cohesiveness of this area of town.

Sincerely,
Claudine Taillac

Claudine Taillac
claudineflg@msn.com
9415 W. Antoinette Way
Flagstaff, AZ 86001
928-606-5844

Brian Kulina

From: marie <marieajones@gmail.com>
Sent: Friday, July 17, 2015 11:39 AM
To: Brian Kulina
Cc: Jerry Nabours; Celia Barotz; Karla Brewster; Coral Evans; Jeff Oravits; Scott Overton; Eva Putzova; Karl Eberhard; Roger Eastman
Subject: Core Campus Student Housing Project neighbor input

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Brian,

I'm writing regarding Core Campus's proposed student housing project on Mike's Pike. I understand it would require both a zoning change and a room and board special use permit. My husband and I are residents of the immediate neighborhood who oppose permitting this project for the four reasons listed below.

1. Student housing
Placement of this large student housing project inevitably shifts responsibility for what is essentially a dormitory—approximately 670 students renting by the bed—off the campus and into an existing neighborhood. Students are certainly welcome in our neighborhood but there is a critical difference between small groups of students sharing a rental unit and 670 students in one monolithic and concentrated structure. In the former, neighbors can interact with students and help them to be part of the community, in the later the students redefine the community itself. No amount of security plans will change this dynamic. Once such a project is introduced into this neighborhood it is very likely there will be others as well. Those events would so change the character of the neighborhood that it is in turn likely that many resident families will also consider moving, selling their properties which would likely be turned into student housing as well. This scenario has occurred in other neighborhoods and other towns where these kinds of projects are built and is so likely here that the City should openly discuss whether protecting existing neighborhoods is a worthwhile and appropriate obligation.

2. History and character
The Southside between Mikes Pike and San Francisco is a unique and irreplaceable part of Flagstaff. It has historic significance as the original Route 66, the warehouse district for the Mother Road and the railroad, and also the homesteads of the people who built much of Flagstaff, many of their families still living here. It is a true mixed-use neighborhood and has been from its beginning. It is currently undergoing a renaissance that respects this history and character, with local entrepreneurs investing their time, money and creativity into creating an exciting culinary, arts and entertainment area that is for everyone, not just students, and is a boon for tourism as well. The efforts of these business owners should be supported by the City in any way possible rather than allowing the area to be transformed into an extension of the NAU campus.

3. Compatibility and design
While it's true this area is zoned for both high density and height, that is not the only consideration for it's future development. Codes also call for attention to compatibility including harmony of "design, composition, rhythm, emphasis, transition, simplicity and balance", and should be "visually unobtrusive in terms of overall patterns of development, scale and continuity". Certainly this area has opportunity for high density residential and new infill commercial, but it should complement the existing historic structures. A monolithic 5-story, 670 bed dormitory cannot possibly meet those considerations regardless of the architectural style of its exterior faces. Neither can signage, no matter how carefully designed, recreate the historic feeling of a street once it has been so dramatically altered.

4. Traffic and parking

This part of the Southside has been challenged for decades with university related parking problems. It is already a struggle for businesses to guarantee parking for their customers and for residents to accommodate visitors. Core promises citizens in their public meetings to "discourage" their student tenants from bringing cars which need to be parked, but they are powerless to do that in reality. Arguably the students that rent in their facility (and Core tends to hand over their Hub properties to management companies shortly after construction) will be coming from out of town and out of state rather than locally, and they will likely not give up their cars easily. Regardless of their intention to discourage cars, the reality would be a transfer of combined university and developer responsibility for parking to the neighborhood. If the proposed solution becomes a large parking garage, that would additionally transfer responsibility as well as diminish neighborhood character. Core's private traffic study may be well intentioned, but the narrow two-lane residential streets that are Mikes Pike and Phoenix Avenue cannot realistically be transformed into one that accommodates the 250 vehicles they anticipate along with the many they will not anticipate. At the very least, the City should perform it's own traffic study of the area on behalf of its citizens.

In conclusion, permitting this project or others like it constitutes the abandonment of a section of historic Southside that adds unique value to Flagstaff. Once this area is lost it cannot be recreated. We understand that development of this area is both desirable and inevitable. We know that many people would love to live here if housing were available, especially high-density urban options, and would view that as a positive outcome for the neighborhood. We should use all the tools at our disposal, not strictly zoning rules, to ensure that development happens with respect for what exists here and the potential that is burgeoning. The desire to preserve our neighborhood's history and character should not be interpreted either as a lack of appreciation for student contribution to our City or to general opposition to development. It is rather a commitment to sound, sustainable planning principles that would enhance Flagstaff.

Sincerely,
Marie Jones and Marvin Glotfelty

August 7, 2015

2311 North Killearn Way

Flagstaff, AZ 86004

Community Development

211 West Aspen Avenue

Flagstaff, AZ 86001

Attention: Brian Kulina, Planning & Development Manager

Dear Mr. Kulina,

I am writing to you as a concerned citizen on the proposed five story (670 beds) student housing/retail project planned for Mikes Pike/Phoenix. Not only will this be intrusive on a low key, quaint community that exists presently but the traffic that it will create in that area will be a nightmare. I see plenty of existing housing complexes which students can rent in Flagstaff. Maybe consider this project for another side of town where traffic can flow and be accommodated with one of our major arteries to the university area. The zoning code for this proposed project is contradictory to a five story building. It would not be harmonious or congenial combination to the low rise structures in this quiet neighborhood. Adding possibly 670 people that would be housed in this project would create a traffic congestion that would not be in balance with the existing limited streets for vehicles to travel on.

Please decline and consider other locations in the community that possibly the developer can beautify those much needed neighborhoods over by Sunnyside/off Route 66 by First Street or Greenlaw areas. Some of these sections have two/three story buildings. This high rise structure can fit in better amongst those areas where there is less traffic flowing at peak times to Route 66/Route 40. Have the developer conduct a traffic evaluation from a reputable firm on what 670 cars can do for an area.

Thank you for this opportunity to express my opinion on this matter.

Very truly yours,

Soraya Padilla

Soraya A. Padilla

Community Development

211 West Aspen Ave.

Flagstaff 86001

To Brian Kulina,

Hello, I would like to express my opinion about the five-story student housing/retail project plan for Mike's Pike. I have lived in this neighborhood for 3 years now. I believe this kind of development is a very bad idea for this neighborhood. This is a very dense building for an area that already has trouble sustaining existing traffic, buses and parking etc. I am not opposed to some sort of development. This one is way too big for this area.

Thank you,

Larry Czaniecki

PO Box 45

Flagstaff, Arizona 86002

Brian Kulina

From: Mark Sawyers
Sent: Monday, January 04, 2016 9:11 AM
To: Brian Kulina
Subject: FW: "The Hub" is not appropriate for Southside

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: Mark Landsiedel
Sent: Monday, December 28, 2015 10:56 AM
To: Daniel Folke; Mark Sawyers
Subject: FW: "The Hub" is not appropriate for Southside

FYI

From: Barbara Goodrich
Sent: Monday, December 21, 2015 2:23 PM
To: Mark Landsiedel
Subject: FW: "The Hub" is not appropriate for Southside

The first one I've seen lately – I won't send every one, but I'll let you know if the volume picks up.....

From: Andrew Gould [mailto:gould226@hotmail.com]
Sent: Monday, December 21, 2015 2:00 PM
To: Council Mailbox <council@flagstaffaz.gov>
Cc: Mayor and Council <MayorCouncil@flagstaffaz.gov>
Subject: "The Hub" is not appropriate for Southside

Dear City Council Member,
I hope you are taking a well-deserved vacation as I write this. When you return to work I urge you to table any further action on 'The Hub' proposed for Southside by Mikes Pike and Phoenix. It is totally out of scale for the neighborhood. I urge the council to develop a plan for such high-occupancy student housing developments in the future.

Thank you,
Andrew Gould
2458 N Earle Drive
Flagstaff, AZ 86004

Sunday, January 3, 2016

Flagstaff Planning and Zoning
211 W. Aspen St.
Flagstaff, AZ

Mimi Murov
Tom Brownold
801 W. Summit Ave
Flagstaff, AZ. 86001

Dear P&Z Commission,

My husband and I have been residents of Flagstaff since 1976. I am also an NAU graduate. I urge you to deny Core Campus the amendments to zoning that they are requesting. I do not believe that their proposed development adds anything of value to the Mikes Pike neighborhood or to currently existing businesses in the area. This proposal will exacerbate an existing parking problem and will increase traffic congestion which will have negative impacts on businesses and residents from Beaver Street to Milton Rd. and from Butler to Phoenix Ave.

At a neighborhood meeting sponsored by the developer, one of the speakers reported that studies show that anywhere from 40-60% of occupants of these types of developments will bring an automobile with them. Core Campus reports that their development allows for only 30% of occupants to have a place to park their vehicle. They propose as a theory that they are hoping the development will cater to students who will walk, bike, and/or use mass transit. Since ADOT will not allow an entrance to the building on Milton Rd., all traffic must enter/exit on Mikes Pike. Mikes Pike and Phoenix Ave. are not conducive to this kind of traffic, it is not appropriate for a neighborhood, and I honestly believe Mountain Line could be thrown off schedule by the congestion caused with the increased number of cars but decreased amount of parking. I also believe that Phoenix Street may become an ice sheet in the winter due to a multi-story building on its south side shading the street. This would also create a traffic hazard for Mountain Line.

I do not believe that we as a city should be responsible for catering to developers who are catering to the needs of NAU. The current zoning for the proposed area could be maintained, though as I've said, I think an icy Phoenix Ave in the winter will create a hazard for our mass transit hub. If the city wants to restore Mikes Pike to its earlier commercial status when it was Rt. 66, why doesn't the city seek a development that would split the upper levels between apartments, offices for local businesses/organizations or government/school district entities. Downtown locations are highly prized by our local citizens and businesses. I believe Flagstaffians would be more appreciative of the close proximity of our mass transit system than students. Core Campus has no concern for the residents or business owners of this unique location. There is no guarantee that they will maintain ownership of the development. They report that they will "manage" their residents and evict those out of compliance. In reality they have no control over what a resident does once they are off the property and in the neighborhood....try to imagine 664 (the number of beds they propose) students reeling home from Tequila Sunrise, a frat party or football game, or just a regular weekend night on the town.

We live just off of West Sante Fe on Summit Street and are often awoken on weekend nights by just a few drunk students walking/yelling down the street at 1am. Multiply that by a 100 or more and you have a major disturbance of the peace on a regular basis. I would prefer our local police department to be more readily available to respond to real crimes and public safety issues than having to herd these disturbers back home.

Thank you for all of your service and for consideration of the above.

Sincerely,
Mimi Murov and Tom Brownold

Mimi Murov & Tom Brownold

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Flagstaff Planning and Zoning Commission will hold a Public Hearing on, January 13, 2016 at 4:00 p.m. to consider the following:

1. A Conditional Use Permit request from Core Campus LLC to establish the **Rooming and Boarding** use as part of a 99 dwelling unit/acre mixed use development consisting of 236 dwelling units (334 beds) and 14,096 square feet of commercial uses on approximately 2.39 acres located at 17 S Mikes Pike.
2. A Conditional Use Permit request from Core Campy LLC to permit **93% lot coverage** within the T5 Main Street transect as part of a 99 dwelling unit/acre mixed use development consisting of 236 dwelling units (334 beds) and 14,096 square feet of commercial uses on approximately 2.39 acres located at 17 S Mikes Pike.

Interested persons may file comments in writing regarding the requested permits or be heard at the hearing date herein set forth. Additional information is available at the City Development Services Division, 211 West Aspen Avenue, Flagstaff, Arizona.

All Planning and Zoning Commission meetings are held in the Council Chambers of City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

Daniel Folke
Secretary, Planning and Zoning Commission

Mailed On: December 28, 2015

For Information Contact:
Brian Kulina at (928) 213-2613 or via e-mail at bkulina@flagstaffaz.gov

Dear Brian: I cannot make this meeting
Vote: AGAINST THIS
Not in keeping with the Area

Fawool May

Brian Kulina

From: Roberta Motter <rbmotter@gmail.com>
Sent: Tuesday, January 05, 2016 6:57 PM
To: Brian Kulina
Subject: Comment on "HUB"

Dear Brian,

Please add my to the comments in opposition of approval of the 2 Core Campus CUP requests:

I can repeat all of the problems already voiced associated with the proposed project (human congestion, traffic, parking, noise, design that doesn't conform to the neighborhood) but here I would like to add another perspective.

Viewscape. From my living room on the south side of Mars Hill, I have watched the landscape of Flagstaff morph over the past 23 years. One of the first eyesores to be built was the Barnes and Noble building. Then campus exploded with tall buildings of odd design. I can still see Granny's Closet and the Church of Guadalupe steeple from my home. These are Flagstaff landmarks. Should we obscure these with a high rise design that will cast dark and icy winter shadows on Phoenix Ave and change the view on Mike's Pike? I don't think so. This project is way too large in density and doesn't belong where it is proposed.

I have attended community meetings. The developer doesn't listen to or seem to register the publics' objections. Your P&Z board can vote against these permits, and I urge you to do so.

Thank you,

Roberta Motter

Community Development

211 W Aspen Ave.

Flagstaff, AZ 86001

Attn: Brian Kulina

Cc: Karl Eberhard, Roger Eastman, Jerry Nabours, Celia Barotz, Karla Brewster, Coral Evans, Jeff Oravits, Scott Overton, Eva Putzova.

I am writing to you to regarding the Core Campus Development that is being proposed for the Mike's Pike/Phoenix Avenue/Milton Avenue location. Regarding the public hearing scheduled on January 13, 2016: I am NOT in favor of the Zoning Map Amendment to allow Core Campus to develop a 99 dwelling unit/acre student housing building. I am also NOT in favor of granting Core Campus LLC Conditional Use Permits for Rooming and Boarding Use and for 93% lot coverage within the T5 Main Street transect on 2.39 acres located at 17 Mike's Pike

Referring to Chapter 10-80 of the Flagstaff Zoning Code, this project does not fit the definition of "compatibility". It is not harmonious, agreeable, or congenial with the neighborhood. It is not using similar design principles, it does not complement the characteristics of context and cohesiveness, and it is definitely not "unobtrusive in terms of the overall patterns of development, scale and continuity".

I am a Southside resident and I walk in the Mike's Pike neighborhood daily. In terms of scale, there is a dramatic contrast between the Mike's Pike neighborhood and Aspen Place/ Sawmill, where there is now a 5 story housing structure with retail on the lower level. Everyone who has attended the community meetings for the Mike's Pike project does not want to see downtown Flagstaff turn into what Aspen Place/Sawmill looks like. Any proposed structure which is 5 stories tall is going to be ridiculously out of scale compared to the surrounding structures in the Mike's Pike area.

From downtown Flagstaff, there have always been vistas of the Peaks to the north, of Mars Hill to the west, and of Anderson Mesa/ Walnut Canyon area to the south. These vistas of our surrounding topography add to the character and beauty of Flagstaff. Large 5 story structures such as the one proposed and the one existing at Aspen Place obstruct these vistas and diminish the aesthetic qualities of our town. If the proposed project were 3 stories or less, I would be more likely to support it, depending on materials chosen and overall design.

I believe this project should also be reviewed by the Traffic Commission, as it seems it will highly impact the surrounding streets – Phoenix and Mike's Pike in particular. These are narrow,

neighborhood streets that are already being pushed to capacity with the Bus transfer station traffic.

The developers are hoping that less students will bring their vehicles to this new housing project. I do not see that happening based on my experience as a southside resident. When classes are in session, the Southside neighborhood is full of students' parked cars. During semester breaks, very few vehicles are on the streets. It is obvious to anyone living in the Southside neigborhood that NAU students bring their vehicles with them to Flagstaff. How will the proposed 197 parking spots (they mentioned that 30 will be reserved for the 10,000 sq ft. of retail) serve the needs of 670 beds? Adding more bicycles and pedestrians to the neighborhood who will now be crossing Butler in large numbers will also affect traffic there, and doesn't seem like a safe suggestion. Perhaps if they build a pedestrian overpass, and not with taxpayer money.

The Southside is an eclectic neighborhood. It does house many students, but there are also families that have been here for generations. Most of the residences are single or two story. It's a neighborhood that's already at risk because of individual student condo's that are popping up with regularity, or other apartment buildings meant for second home buyers. I hope that the City of Flagstaff, and the residents of this town will consider what is truly compatible with the structures and neighborhood surrounding the proposed area and not allow the Southside to completely succumb to rampant development.

Thank you for your time. If you have any questions, feel free to contact me.

Karen Carswell

114 E. Dupont Ave.

Flagstaff, AZ 86001

kcars@hotmail.com

928-606-0453

Brian Kulina

From: Betsy Hager <betsy.nrcs@gmail.com>
Sent: Friday, January 08, 2016 11:17 AM
To: Brian Kulina
Subject: P&Z hearing Jan. 13

Follow Up Flag: Follow up
Flag Status: Flagged

We would like to give our support of both CUP requests from Core Campus LLC regarding the area located at 17 S. Mikes Pike. We feel this project is a good use of the land area and a welcome relief for students looking for housing.

Betsy and Tyler Hager
411 W. Aspen Ave.
Flagstaff, AZ 86001

Brian Kulina

From: Mark Sawyers
Sent: Friday, January 08, 2016 1:06 PM
To: Brian Kulina
Subject: FW: HUB Zoning Case

Follow Up Flag: Follow up
Flag Status: Flagged

From: kenberkhoff@gmail.com [mailto:kenberkhoff@gmail.com] **On Behalf Of** Ken Berkhoff
Sent: Friday, January 08, 2016 12:57 PM
To: Mark Sawyers
Subject: HUB Zoning Case

Mark,

Hope all is well.

I am writing you in support of the HUB Student Housing Project on Mikes Pike.

This zoning case is justified for many different reasons, I think we are on the same page with many of the positive aspects on this project and the zoning case specifically.

Appreciate your support of this project and continuing to help with bringing quality projects to our community.

As NAU continues to grow, and becomes an even stronger major economic driver for our community, we need to support them where it is appropriate.

Thank you.....

--
Ken Berkhoff, "Land Man", Owner/Broker
1st Brokers Realty-Commercial Specialists
"Home of 1st Class Service"
1500 E. Cedar Ave.
Suite 86-B
Flagstaff, AZ 86004
Cell: 928-606-0800
Fax: 888-500-0310
www.1stBrokersRealty.com

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Brian Kulina

From: Nat White <white@lowell.edu>
Sent: Wednesday, January 13, 2016 3:34 PM
To: Brian Kulina
Subject: HUB
Attachments: Hub Core Campus.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

Here are some rough thoughts I am sending to staff.

Nat

P&Z and Staff, Wednesday, January 13, 2016

After attending one of the public 'HUB' meetings, these are the notes I took from the point of view if I had to make the recommendation followed by comments.

- This is a business deal between Core campus and the people of Flagstaff. Staff, P&Z, and Council represent the people with the purpose of supporting what the regional plan and various other documents spell out including Vision 2020 and various surveys.
- Core, appropriately, sees this as a way to make money by filling a need.
- This particular business decision between Core and the people of Flagstaff should reflect lessons from similar projects. It may set the standard for future projects, that is, high, low or medium standard. This not a single focused decision but part of the evolution of Flagstaff.
- Therefore, we need to be cautious in the approach and set conditions conservatively with the public, long term impacts and costs to the neighborhood and tax payers in mind. We have this one chance because Core's optimal business plan requires some use changes or variations from the city plan.

Concerns brought up in the public outreach with some of my own thoughts.

Traffic and particularly parking was one of the biggest concerns. Core said they are meeting the requirements which is less parking than units and will set rules and monitor the potential problem. Folks felt those were words with no external enforcement and Core admitted if the property sold the rules could be different.

Encroachment and lack of enforcement of NAU workday parking in the neighborhood is currently a problem and this would make it worse.

Hub would be the beginning of the demise of the neighborhood and there was no south side plan. They see this as a piecemeal approach with no long term planning other than high level transect type planning, a concept hard for the average person to understand in terms of impact.

If Core's hope is to encourage pedestrian traffic over car, why aren't they partnering in implementing rights of way and other encouraging pedestrian facilities?

Looks are in the eye of the beholder, but building heights permanently affect view sheds and the town image especially in this location.

Here are some of my thoughts/comments:

Traffic- no left turns on to Milton from Phoenix or off of Milton to Phoenix except for City busses. Traffic designs should be such that Phoenix, Beaver, and Humphreys are the main auto route to and from Campus rather than weaving through residential areas. That may have traffic control costs. Who pays and how does that affect the current traffic circulation and businesses?

The only sure way to mitigate parking problems is to have enough parking for all units. Parking requirements maybe based on a set of city rules, but a set of rules may not meet the needs of special circumstances and locations. Core's good faith approach is to make their own 'house' rules which new owners can change and is a step away from city control.

Transect zoning is too course when it effects old neighborhoods. That requires more detailed planning. Therefore, a request to change the zoning in itself begins a piecemeal planning process of the south side.

Pedestrian/bike encouragement requires forethought and facilities. For example, there is no pedestrian access under the east side of the underpass and no way to cross if the destination is the library, Wheeler or Thorpe Park. The railroad bridge is being used illegally for that access even now and will probably be used more.

Phoenix between Milton and Mikes Pike will be shaded most of the winter because of building heights causing a danger and a maintenance problem for pedestrians, bikes, and motorized vehicles not much different than downtown Aspen St..

Building height and minimal set back will change the Milton view shed and city image and will also delay sun exposure of the sidewalk and road till well after noon in the winter.

I submitted these comments with the idea of being useful in considering opportunities and impacts.

Nat White

Brian Kulina

From: Mark Sawyers
Sent: Thursday, January 14, 2016 8:58 AM
To: Brian Kulina
Subject: FW: The hub

Follow Up Flag: Follow up
Flag Status: Completed

fyf

-----Original Message-----
From: Joseph Walka [mailto:joseph.walka@nau.edu]
Sent: Wednesday, January 13, 2016 6:07 PM
To: Mark Sawyers
Subject: The hub

As a former P and Z member, I would vote against the Hub as currently proposed. The parking for the project is insufficient in an area of high density population. Inadequate attention is being paid to traffic issues as we consider various proposed projects.
Joseph J. Walka
613 W. Cherry Ave.

Sent from my iPad

Brian Kulina

From: Duffie Westheimer <dwestheimer@gmail.com>
Sent: Friday, January 15, 2016 9:59 AM
To: Daniel Folke; Brian Kulina
Subject: important forgotten info

Follow Up Flag: Follow up
Flag Status: Completed

Greetings Dan and Brian,
In my Commission meeting comments the other evening I forgot to make this very important point that I'd like included in the record as another reason the Hub or any similar development is bad for Flagstaff.

As a cyclist for more than 40 years --touring, commuting as well as recreational riding in many parts of the world-- I have seen bicycling in the US *wax and wain in popularity* *a few times*.

The point is that although *some* students may like to ride a bicycle these days it would be irresponsible to believe that in ten years, if not in five years, they will still want to ride. Americans love cars more than bikes and probably always will. To base development on the idea that students won't have cars (especially if they can afford luxury dorms) is naive at best. That assumption is only a profit windfall for the developer that makes problems for Flagstaff residents and sucks up COF resources dealing with the resulting problems.

Making it difficult to have a car will not eliminate Americans having and using cars.

I think I said this the other evening but it is worth repeating, more traffic on the roads does not make bicycle use increase. Most people do not have the skills and or confidence to ride with traffic, even with a bike lane--bike lanes are a problem at every turn--literally.

Also people need to get across town and Butler, as an example, is really not safe to ride on when we have snow/ice/cinders, etc. piled up on the right side of the road--pushing bikes in and out of traffic. (We have only one car so I ride it anyway but when I have to take the dogs to the vet which I do with a trailer this is a serious problem. Even if riding on the sidewalk is illegal it is not even an option because they are covered in uneven snow.

In short, as Flag has grown over the past 35 years I've lived and ridden here, **riding has not gotten better because the amount of traffic has outpaced the available space, moves faster and bikes are always considered second-class users on the road.**

I hope these comments are taken into consideration.
Thanks for your time.
--Duffie Westheimer

On Thu, Jan 14, 2016 at 4:02 PM, Daniel Folke <DFolke@flagstaffaz.gov> wrote:

Duffie,

I know Brian replied to you on Monday morning. Please let me know if you are unable to get his reply and attachments.

Regards.

Dan Folke

Planning Director

City of Flagstaff

928-213-2630

From: Brian Kulina
Sent: Thursday, January 14, 2016 2:00 PM
To: 'duffie@westheimers.net' <duffie@westheimers.net>; 'dwestheimer@gmail.com' <dwestheimer@gmail.com>
Cc: Mark Landsiedel <MLandsiedel@flagstaffaz.gov>; Daniel Folke <DFolke@flagstaffaz.gov>; Mark Sawyers <msawyers@flagstaffaz.gov>; Brian Kulina <BKulina@flagstaffaz.gov>
Subject: RE: well?

Ms. Westheimer -

I received your e-mail and I provided a response. A copy of the responding e-mail is attached for reference. Perhaps the size of some of the attachments caused it to be automatically sent to you bulk mail folder. If that was not the case, I apologize for you not receiving the response in a timely manner.

Brian J Kulina, AICP

Planning Development Manager

P: (928) 213-2613 | F: (928) 213-2089

From: Duffie Westheimer [mailto:dwestheimer@gmail.com]
Sent: Thursday, January 14, 2016 1:39 PM
To: Brian Kulina
Subject: well?

Mr. Kulina,

I sent an email that would have been in your "box" Monday morning with ten questions relating to zoning in general and the Hub in particular. Those were not rhetorical questions. Will you be sending answers, as requested?

Please let me know.

Thank you,

Duffie Westheimer

--

Lots of new Lanamals! Look here: http://www.lanamals.com

Brian Kulina

From: Diana Thorson <thorsond@commspeed.net>
Sent: Thursday, January 14, 2016 5:35 PM
To: Brian Kulina
Subject: My unspoken words (and more)
Attachments: Di on The Hub.docx

Ms. Diana Thorson
4521 E. Flintwood Ln.
Flagstaff, AZ 86004

January 13, 2016

Mr. Brian Kulina, AICP
Planning Development Manager
Planning & Development Services
211 West Aspen Ave.
Flagstaff, AZ 86001

RE: 17 S. Mike's Pike (The Hub)

Dear Mr. Kulina,
Thank you to you and your committee for your efforts to listen to the concerns of the **citizens** of Flagstaff. I stayed the full 3 hours at the hearing as Richard, whose letter you referred to in your opening remarks, is quite ill. I wanted to listen to others so I wouldn't be redundant if I got the chance to speak, thus time ran out before my name was called. I actually came away with issues to which no one referred. A great deal can be learned by looking at HISTORY. We moved here from Chicago to get away from the urban sprawl. It takes control of your life, more than technology. (Could the developers have a different idea of what a small historic town should look like?)

We have lived here 32 years and owned a business in the MacMillan Bldg. until the downtown parking issue in 1984 was "solved" by building the Flagstaff Mall, pulling business away from downtown and forced us to close in 1986. The new City Hall had not even been built yet. I worked for the Sheriff's Office in the jail in the 1990's. I often had to park up the hill in the neighborhoods, including in front of Babbitt's home. (County Building doesn't even have enough parking for the employees, never mind for those who need to do business there). When I taught at S. Beaver School, I often found myself unable to leave as a student parked behind my car.[1] THE ISSUE HAS BEEN HERE FOR A VERY LONG TIME. Your predecessors as far back as that and longer did not take care of business then; it is now a major crisis and up to you to make better unbiased decisions based on what **the public** is saying (Out-of-state dollars vs. preserving our heritage.) The city and library lots are barely adequate putting the burden on that historic neighborhood. **There is just no question that the proposed Core Campus Development will be the breaking point of the Downtown tourist area, to which tourists have come to experience. If you approve this, it will never go away. Tourists will cease to find Flagstaff charming. Look at Riordan Mansion, our hidden treasure barely surviving. We must be better stewards of our past. The only "winner" here is Core. Whatever dollars the city would collect in taxes would be eaten up by ancillary services—maintenance of the area, policing, traffic control, trash, recycle, etc. House students on campus and NAU would be providing those services (student jobs?) but retail would still benefit.**

I learned much tonight: there are issues that conflict with reality trickling out of the larger issues. Many were mentioned, some were not.

How is it legal to allow this private enterprise to have dedicated on-street parking overnight when, by Ordinance, October to April there is no on-street parking?

We have always lived on the East side. How is it equitable for those living in the historic neighborhoods to have required paid permit parking and we do not? The South side residents didn't cause the problem.

Core Campus Development is in the business of building housing for STUDENTS. Don't be fooled by their false "intention" to recruit families (limiting cars). If they followed through with that emphasis, we'd have to reclaim S. Beaver School, another casualty of NAU sprawl.

Regarding Core's commitment to "policing and informed student expectations" is a false reality. There was an Eviction Clinic this very day at the Courthouse. Eviction is a nearly impossible resolution for bad behavior as the AZ Revised Statutes favor the renter, not the landlord. At best it can take 2 years or more, depending on the behavior. We know this from personal experience. Providing *Logical Consequences (1968, Dr. Rudolf Dreikurs[2])* for bad student behavior is the college's job. Strong action can only improve the quality of the character of the college student population.

Someone needs to take a stand regarding the extent to which we are going to let students define what Flagstaff is. It might as well be you and better now than later. You can see by the proportion of opponents to advocates you will be very popular if you choose to be defined by our history and natural beauty rather than a college campus. The two venues should be distinct where both students and residents can enjoy the cosmopolitan atmosphere a university provides without destroying the uniqueness of our historical roots and natural environment. The Land Grant College System (Morrill Act) did that for us in the 1860's.

Take the lead and encourage the formation of a committee to lobby the Board of Regents to take responsibility. There is enough bad publicity about college students to go around.

- Has their mandate to increase student population by 10,000 been examined closely enough to know that this community's infrastructure can support that density?
- Nearly all college students are not mature adults. Take a trip to University Surplus and see the damage they do to government property. They need to live on the state land as wards of the college.
- By taking on The Hub, we are enabling the Board of Regents to shirk their duty: to teach good behavior, responsible tenant practices and the respect as guests of our or any city. Academia must include life and social skills.
- Why can't Core Campus run their business as a concession ON STATE PROPERTY? Let them use the state's 80 acres. Tourists definitely are not coming to Flagstaff to mingle with college students.

Per the President of the Chamber of Commerce, it would be interesting to hear from a realtor as to whether The Hub might inflate or decrease property values in the downtown corridor. Certainly, when Internet education takes the lead, Flagstaff will be left with a mighty big, vacant eyesore.

Milton Road is a U.S. Highway, all the way to Rt. 64. They have no obligation to assist the city with the gridlock of traffic from I-40 to the Nordic Center. We are in this alone to control the traffic. The voters missed their chance when they voted against the Ponderosa Parkway over MacMillan Mesa through a corner of Buffalo Park. Add The Hub to the mix and we will send skiers to the White Mountains.

I hope there are people on the committee who have visited other college towns and examined how the student populations are housed. Places like Ogden, UT; Williamsburg, VA; College Park, MD; Savannah, GA; Boston, MA; Denver, CO; Boulder, CO; Charlottesville, VA, etc. should be evaluated to determine the best and worst ways to expand. As a Land Grant College it should be a no-brainer. Use the land set aside for the college. I don't know what it is like now, but my husband and I both went to Southern Illinois University, joined a sorority and fraternity, living in a small group housing area, each with their own house, several miles from downtown Carbondale. We were taught how to respect our housing and the city, and underclassmen were not allowed to have cars unless they were commuters or handicapped. Somehow high behavior standards have been lost. We need to direct the responsibility to the appropriate entity. That is your daunting task, which starts with not only denying **this** code change, but by tightening code and building restrictions, especially adjacent to historic areas. The city buildings need to follow the same design conformity history has left us. Over and over I hear that the library should be the model for new structures. Is anyone listening? Sedona has sure shown the power of design control. We need a MUCH STRONGER Architectural Control Board as I, with design and architectural undergraduate training, see from proposals with other pending projects.

Sincerely,

Diana Thorson

Diana Thorson
(928) 526-4671

[1] Our son owns his home at the intersection of S. Verde and Ellory. The struggle to park on the street or in his driveway is a constant problem. This is "creative student parking" across Verde St. from his home, IN the Rio de Flag.

[2] Child & Family counselor, founder of the Adler Institute of Professional Psychology, Chicago, 1952-1972

Brian Kulina

From: Charlie Silver <cws720@gmail.com>
Sent: Friday, January 15, 2016 9:20 AM
To: Brian Kulina
Cc: Daniel Folke
Subject: Wednesday's P&Z meeting

Hello Brian and Dan,

Would you have a total tally to date of the "not in favor" and "in favor" comments received about the proposed Hub project. I am thinking this would include all the email comments to date as well as the public testimony from Wednesday's P&Z meeting too.

Thanks very much,
Charlie Silver
720 W. Aspen Ave.

Sent from my iPad

Brian Kulina

From: mimimurov <mmurov@qwestoffice.net>
Sent: Friday, January 15, 2016 3:36 PM
To: Brian Kulina
Subject: Core Campus

Follow Up Flag: Follow up
Flag Status: Completed

Dear P&Z,

I recently sent an email concerning The Hub by Core Campus. I attended the P&Z meeting on Jan 14. I appreciated that you mentioned the received emails in this meeting and I appreciate the extra amount of time you allotted to public input. During the presentation by Core Campus I understood them to say that there would be only one entry/exit to the upper apartments. Did I hear this correctly? If so don't you find that to be a safety hazard in case of fire or other emergency?

Again thank you for your thoughtful consideration in hearing the public input. I hope you will deny the CUP and change in zoning for reasons mentioned in my previous email as well as those mentioned at the Jan 14 meeting.

Sincerely,
Mimi Murov

Brian Kulina

From: Jerry Johnson <jljohnson820@juno.com>
Sent: Sunday, January 17, 2016 7:51 PM
To: Brian Kulina
Cc: Daniel Folke
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I attended the last P&Z meeting about the Hub. I did not speak or give a written comment at the meeting, but would like to do so now. I am totally opposed to the Hub. It is inappropriate for Flagstaff and would be the beginning of the ruin of downtown Flagstaff. The lack of available parking can not be overlooked. Student housing belongs on campus where NAU can control the associated problems. NAU has a hundred acres of undeveloped land. Build the student housing there, not in the heart of the city.

Jerry Johnson

Sent from my iPad

Brian Kulina

From: Victoria Vanpuyvelde <vcv5@nau.edu>
Sent: Monday, January 18, 2016 10:54 AM
To: Brian Kulina
Subject: The hub

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brian,

My name is Victoria and I am aware that you are keeping a tally of those in or not in support of the Hub on Mike's Pike. If possible, I would like you to add me to the "not in support" list. I do not support the building of this project.

I have lived in Flagstaff for 6 years now and I cherish this community. I have grown into myself here, and I feel that the community and the overall vibe of Flagstaff has helped contribute to my growth as a young adult. I live at 205 South Beaver Street and I believe that if this building goes up, it will significantly decrease the value, astethic value, and overall feel of my neighborhood. I do not support this and want you (or someone) to hear my voice.

Thank you for your time.

Best,
Victoria VanPuyvelde

Brian Kulina

From: Becky Cardiff
Sent: Tuesday, January 19, 2016 7:53 AM
To: Brian Kulina
Subject: FW: The HUB
Attachments: HUB CUP deny letter final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Can you include this in your next packet to P&Z?

Becky Cardiff
Development Services Supervisor
City of Flagstaff
211 W Aspen
Flagstaff, AZ 86001
Phone-928-213-2618
Fax-928-213-2609

From: Rob T. Construction, Inc/ Robert Trathnigg [mailto:RobTConstruction@commspeed.net]
Sent: Monday, January 18, 2016 9:46 AM
To: Becky Cardiff <bcardiff@flagstaffaz.gov>; Mark Sawyers <msawyers@flagstaffaz.gov>
Subject: The HUB

Hi Becky,
Please forward the attached letter to the Planning and Zoning commission members and enter it into public record.
Thanks
Rob

ROB T CONSTRUCTION, Inc.
Robert W. Trathnigg - President
2030 South Ash Lane, Flagstaff AZ 86004
(928) 607-6431 Phone
(928) 525-9700 Fax
robtconstruction@commspeed.net
Licensed, Bonded & Insured

This email has been sent from a virus-free computer protected by Avast.
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To: Flagstaff Planning and Zoning Commission, January 17, 2016

RE:PZ-15-00164 HUB CUP Request

I ask that the Planning and Zoning Commission deny core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I feel this project would be a **Visual Pollutant** and change the look and feel of the downtown area. It will also have a negative effect on parking availability in the downtown area. The Hub will be a major impact to the skyline from the surrounding area and very visible from the intersection at Route 66 and Milton ave. The developer has not provided elevations looking at The HUB, from the south. This one structure will change the look and feel of our walkable neighborhood from individual, separated buildings with varying setbacks from the sidewalk, to a 4/5 story monolithic structure, built to the sidewalk. It deletes the neighborhood feel and replaces it with a sprawling, high density, high rise structure.

It is important to note that the 7 parcels that make up the HUB Property were identified in the original Zoning Maps (Zoning map and Transect Zone Overlay Maps) for their value and best use with consideration of the existing structures and approved use(s) of the adjacent parcels. I do not think re-drawing the Zoning maps, based on the combined parcels, is appropriate.

The current CS zone states, "the development of residential uses in addition to commercial uses is encouraged in this Zone, provided **that residential uses are located above or behind the primary commercial service use**". (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

The current HC zone states, "the development of commercial uses in addition to residential uses is encouraged in the HC Zone to provide diversity in housing choices, provided that residential uses are located above or behind commercial buildings so that they are buffered from adjoining highway corridors. **The provisions of this Zone are also intended to provide for convenient, controlled access and parking, without increasing traffic burdens on the adjacent streets and highway**." (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

I feel it is also important to note that, under the current Zoning (CS and HC) the front, side, and rear setbacks, as well as, increased parking requirements and landscaping requirements would be major factors in regulating building size and overall lot coverage.

In addition, I do not think the HUB project should be considered for transect zoning, or any "form based" code applied to the property. The Flagstaff Zoning Code, Preamble, P .090, "Using the Flagstaff Transect" states in paragraph A, "The City- Guiding Principles, 1. **Preserve** and enhance **community character**; 2. Encourage **appropriately scaled infill and development**". The Hub does not meet this description.

The HUB does not meet the description of the transect zones standards as outlined in 10-40.40.10.010 "Purpose". This section describes transect zones as "optional" but does not describe them as zones applied to the properties they cover "By Right". The property/ project must meet the specific requirements of the transect zone to adopt the transect zone overlay.

The T4 Neighborhood 1 (T4N.1) standards describes the intent of this overlay zone as, "The primary intent is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of **small building footprints and medium density building types. Appropriate building types might include bungalow courts, duplexes, and apartment complexes, which are typically smaller than those found in other zones**". (Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1). It goes on to describe uses as, "homeowner offices and small neighborhood supporting uses, such as music classes and artist studios".

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1 Transect Zoning Standards. Please deny the CUP and rezoning request.

The T5 Main Street Standards states, "the primary intent of this zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to **provide an appropriate transition into existing neighborhoods**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards). I then goes on to state, "the Zone and sub-zone **are intended to preserve and build upon the existing pattern of development. New development, renovations, and additions should be in character and scale with existing valued patterns**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards).

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.090 T5 Main Street Transect Zoning Standards. Please deny the CUP and rezoning request.

The Hub is within a high density area as outlined in the Regional Plan. There is a great example of a property that meets this recommendation, falls within the neighborhood standards and character, and meets the existing Zoning Code requirements at the corner of W Santa Fe and Sitgreves ave, across the street from the city hall parking lot (to the west).

Again, I request that the Planning and Zoning Commission deny Core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

This property can be developed according to the standards outlined in the Zoning Code and Regional Plan, without applying the Transect Overlay Zones. Again, please deny the request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I own the property at 12 South Mikes Pike - corner of Mikes Pike and West Phoenix. If the HUB is built, I will benefit financially with increased rents and increased property value. However, the Downtown area I have worked to revitalize will not, the City I am raising my family in will not, and I feel that outweighs any personal gains I may realize.

Thank you,

Sincerely,

Robert W Trathnigg

2030 S Ash Ln

Flagstaff, AZ 86004

January 20, 2016

To: Planning and Zoning Committee
RE:PZ-15-00164 HUB CUP Request

As a long time resident of Flagstaff, as well as a graduate of NAU, I ask that that the CUP be for The Hub be denied. While attending NAU I lived on Mikes Pike and witnessed the traffic and parking problems first hand. For example, 2 separate accidents occurred to cars backing out of the driveway where I lived. The traffic turning onto Cottage was not visible to the driveway. Both times, the fault was attributed to the person backing out. It became necessary that a person stand at the corner of Mikes Pike and Cottage to prevent accidents. The buses only add to the existing problem. Many others in the neighborhood experience similar problems due to the congestion in the area. Parking for those working in the area was also scarce. It was necessary for a few of my friends to park in my driveway in order to find a spot. The Hub will only increase this problem for those living in the Southside.

I am currently finishing graduate school at UofA and living in the neighborhood opposite The Hub located in Tucson. The character of the neighborhood is dominated by the large structures nearby. For this reason alone, I feel The Hub should not allowed in it's current monolithic form.

I look forward to returning to Flagstaff in May and working as a Nurse Practitioner. I feel of the heart of Flagstaff would be destroyed by a student housing project smack in the middle of what I consider downtown. I watched the Southside neighborhood be revitalized while living there and recognize that this is a very important step in the building of the community and the character that is there should be maintained.

I have been keeping abreast of the development through the Daily Sun online. Please deny The Hub the benefit of the CUP. Let the development of the area be led by projects more in keeping with the feel and character of Flagstaff.

Lezah Huff 3221 N Jackrabbit Lane Flagstaff, AZ (permanent Flagstaff address

Lezah Huff

Brian Kulina

From: Walter Salas-Humara <walter@waltersdogs.com>
Sent: Tuesday, January 26, 2016 9:54 AM
To: Brian Kulina; Mark Sawyers
Subject: The HUB

Follow Up Flag: Follow up
Flag Status: Completed

Hello Council Members,

I have my art studio across the street from the proposed HUB site and have followed the progress and gone to many meetings including the recent zoning hearing.

I'm not against a denser urban core for Flagstaff. It makes perfect sense on may levels - a walkable, livable, lively, and more European style community.
This will be very attractive for visitors and residents alike. To achieve this, you, the city planners, will have to be very careful about the architecture and the use of the new buildings that will eventually dominate the downtown area.

I have been very disappointed in the HUB project. Given it's location, it will become the symbol of the new city of Flagstaff. It will be a very large signal of what Flagstaff will become. Let's have a forward looking project with amazing architecture that will incorporate all walks of life and all types of retail.
Let's not signal to future developers that we are OK with Flagstaff becoming a party town for students full of nothing but restaurants and bars with the inevitable parking problems, DUI's, drunks, fights, etc, etc.

Firstly, it's simply too large for the character of the neighborhood. Yes, I know it's within the city guidelines, but it's too large for the infrastructure of the area, especially the roads and parking.
Secondly, in order to comply with what they think the neighbors will accept, they have dumbed down their design to make it look just like every other faceless building project that signals mediocrity.
Thirdly, it's just gross that they plan to take advantage of the students, our neighborhood, and ultimately drive up rents, and drive normal folks out.

You are elected to protect the future of this awesome city and community.. Please do your job by denying the HUB this location and offering them an alternative location that is more appropriate for their development. A location where they don't have to dumb down their architecture and where the residents can have just as easy access to the University.

Thank you,
Walter Salas-Humara
100 Mikes Pike

Brian Kulina

From: Gisela Kluwin <gkluwin2@gmail.com>
Sent: Tuesday, January 26, 2016 6:08 PM
To: Mark Sawyers
Cc: Brian Kulina
Subject: The Hub

Dear Mr. Sawyer,

I attended the P&Z meeting concerning the Hub project on Jan 13, but neglected to turn in my blue comment card. I think it is very important to make my voice heard in regards to that controversial project, hence my email.
After listening to the developer's proposal and then trying to visualize that mega project in the space between Phoenix Avenue and Mike's Pike, my mind just shut down in horror, overwhelmed by the proposed size and occupancy numbers. I am also very disturbed by the low number of parking spaces built into the project. The proposed parking structure for 30% of the residents may fulfill the letter of the zoning requirements, but does not fit at all the actual neighborhood situation. There is NO PARKING available in the South side neighborhood aside from a very few unregulated spaces and a few 2hr spots. And when these are taken up by students, residents and visitors alike will be further frustrated and businesses will lose customers. Furthermore, the traffic flow in that tight neighborhood will become a nightmare, especially during the snow months, when Phoenix Ave becomes effectively a one lane street, and cars have to dodge buses which frequently enter and exit from the transfer center.
In summary, I think that the current Hub project is too big for the neighborhood, that there is insufficient allowance for in-house parking, and that traffic flow will be negatively impacted. I urge the P&Z commission to deny the rezoning request from T4 to T5 and to deny the request for a CUP.

Thank you for allowing me to comment on this project and to add my concerns to the many eloquent voices heard during the meeting.

Sincerely,
Gisela Kluwin
2333 N Fremont Blvd
Flagstaff, AZ 86001

Brian Kulina

From: Emily Ross <emross05@hotmail.com>
Sent: Tuesday, January 26, 2016 9:17 PM
To: Brian Kulina; Mark Sawyers
Subject: Can you please forward this to the Planning and Zoning Committee?

Dear Sir or Madam,

I am writing in regards to the proposed Hub that the planning and zoning commission has been considering on the corner of Mike's Pike and Phoenix, and am strongly urging you to reconsider!

I moved to Flagstaff ten years ago now, and I have lived in several homes in this specific area during that time. My memories are deeply rooted in this eclectic community which I feel is the heart and soul of the town's entire appeal. I understand the basic economics of growth, and have had exposure to the processes you go through regularly in attempt to grow Flagstaff in the correct manner, as I worked for the City of Flagstaff for several years.

However, I want you to consider how this may impact the renters, home and business owners, and even traffic! I recently purchased my first home in Sunnyside and am so proud to call Flagstaff my home. As a first time home buyer, the market was incredibly difficult for me to afford my own home. I was actually only able to put down roots because I won my home on a deal through the 'Good Neighbor Next Door Program.' I think I understand the need to cater to the growing community of NAU, but I wonder if the decision of location is the best. This area has a lot of potential for expansion in ways that enhance the cozy, quaint, yet still progressive and adventurous vibe that everyone loves. This is how the city has been marketed (with its 'passport stamp' feel), and I worry that all the new additions of high-rise buildings will detract from the image you are trying to project.

The proposed photo I see in the newspaper looks like Phoenix! This is fine, and I think several parts of Flagstaff in the NAU vicinity have a more modernized uptown, classy energy, which I truly appreciate, although it is a bit sterile. People like it! I think this location, however, needs to be protected from negative gentrification with generic high-rise buildings, and instead, should incorporate the space to foster more small businesses- stores and restaurants. This will easily bring in the same appeal as the New Frontiers lot has, and it will encourage incoming student groups to populate the already existing homes within the community. What's more, it will keep some of the home values in the neighborhood affordable so younger generations can afford to integrate after becoming educated here. I think the homes south of the tracks can really be revitalized, much like Sunnyside, to be affordable to a younger home-buying generation like myself.

As a young woman who has worked in numerous jobs within the community, I think the idea is good, but should just be relocated. I propose taking a look at some of the homes in the Lone Tree area. The size and location are wrong for this area, and moving the businesses onto Milton would project a weird image, and most likely destroy them in the long term. This road has high-traffic flow and lack of parking. As you are approaching the heart of Flagstaff's downtown, I do not feel a high rise building is the best introduction! Should a tall building need to go in there, it would be best used as a mixed use building, like a mall's appeal would present, with markets, businesses and eateries stacked on top of each other. Parking and student housing is more appropriate within campus or between the 2 colleges.

I always felt Flagstaff was holding on to an image that separated them from a 'big town feel' such as this initiative would project. Please hold true to this! It is why we make the nation's top 10 lists all the time!

Thank you for your consideration,

Emily Ross

440-241-9251

Emross05@hotmail.com

2521 North 3rd Street

Flagstaff, AZ 86004

Brian Kulina

From: Janelle A Gaun <jgaun@email.arizona.edu>
Sent: Tuesday, January 26, 2016 10:13 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to The Hub zoning project

To Planning and Zoning Comissioners,

I am writing in adamant opposition to The Hub student housing development on mikes pike. I request that you share my email with all the Comissioners prior to the zoning hearing.

As a college student no one understands more than I do the desire for up to date rental properties close to retail and resturaunts. There is very little that students want more than easy access to everything in their immediate needs. But I also know that I am willing to ride my bike or drive just a few short miles to get the "feeling" that makes downtown Flagstaff such a desirable place to live. For the last several years I have been living in Tucson and that city too has been undergoing a revival of their downtown spaces. And like Flagstaff plans for a student development were well underway when I arrived. I quickly saw, against the better wishes of the neighborhoods around the retail streets, a huge development rise towering above the neighborhood. The area now suffers chronic parking shortages and the additional burden of an eyesore. Students choose not to live in the new development because modest, affordable housing is available a few miles away and within an easy comments to the area. Today the complex is decreasing the asthetic of the area as well as the value of the surrounding property because of its close proximity to such a large body of students and the noise and congestion they create.

As a resident, born and raised in Flagstaff I know the inherent value of the small, safe downtown. Those were the streets the ones that my parents brought me to to ride my bike on during the summers because they were free from excessive congestion and cars trying to park. As a preteen and teenager the downtown area was one place where I was swallowed to explore my freedom because of it had the perfect mix of family friendly (important to mom)? but modern and engaging (important to me). As a young adult Our Virgin of Guadalupe historic church provided solace and was a place of refuge for a grieving teen even though I am not a practicing Catholic. I stumbled into it because it was a calm neighborhood to walk into and the church was welcoming. I know, as a Flagstaff resident, that living away from downtown is not a barrier to spending time there. In fact, it's lure was the coupling of beautiful residential and historical areas with the upbeat retail sections.

You can be assured that even as a young adult I will not be visiting the region around Mukes Pike including Macy, fratellis, the breweries, the church, or many of our iconic restaurants if the Hub is built. Downtown flagstaff cannot handle the sheer density of people living in such close quarters while maintaining the integrity of the area. I am of course referencing recent student housing projects in Sawmill plaza and their extensive problems with crime, noise and crowding and that can otherwise be considered relatively benign in that they did not disturb established neighborhoods.

The Hub does not keep with the goals and culture of Flagstaffs downtown. It will only alientate one group of people in an attempt to access another that already enjoys the area anyways.

I fully support student housing. I fully support Flagstaffs growth. But I know that students will not stop spending time there just because they do not live there. This development will only destroy what already makes the area so great. Community, safety, history and accessibility.

I urge you to reject The Hub's proposal including their Conditinal Use Proposal.

I hope you consider my voice and my plea,

Janelle Gaun

Brian Kulina

From: Patrick T <patricktaylor333@gmail.com>
Sent: Tuesday, January 26, 2016 10:23 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to the Hub Development

I oppose the development of the Hub on mikes pike. Flagstaff has grown immensely in the past 20 years but has still held on to its small town feel because its residents care about the community. With the introduction of other student housing developments in sawmill near the police dept. and other areas there was increased crime and general behavior that is not akin to what Flagstaff stands for. By introducing these student housing projects you are taking away from Flagstaffs community and turning it into another dime a dozen for profit college towns. Please do not allow these plans to move forward.

-Patrick Taylor, a citizen of Flagstaff for over 22 years

Brian Kulina

From: marymckell <marymckell@q.com>
Sent: Friday, January 29, 2016 10:56 AM
To: Brian Kulina
Subject: Fwd: the Hub

From: "marymckell"
To: bkulina@flagstaff.gov
Sent: Friday, January 29, 2016 8:34:08 AM
Subject: the Hub

Dear Brian,
I am writing against any rezoning for the Hub development.
I feel that this development is inappropriate for the proposed location. Possibly the developers could locate this proposed development in an area that will not have such a negative impact on the South side neighborhood or the downtown.
There were so many excellent arguments against the Hub stated at the Planning and Zoning meeting held on January 13, 2016.
It was obvious that the citizens of Flagstaff do not support this development and hopefully even the developers hear this message.

Thank you for your time,

Mary McKell
111 East Oak Ave #4
Flagstaff, Arizona 86001

1-29-15

To Staff and Commissioners

This letter contains information that has come to light to members of the community recently and is respectfully submitted. It is submitted by one person here but has been researched and co-written by many community members. Because of time, the signatures of those members are not included here, but will be sent in the next few days.

1. The Hub should not be considered for transect zoning.

A project may opt into transect zoning not simply by right, but only if **it meets all transect zoning standards**. The Hub does not meet all the standards for transect zoning or therefore qualify for any of the unique advantages associated with it, such as reduced parking requirements, as noted from Flagstaff's Zoning Code below:

Preamble P.090, Using the Flagstaff Transect:

A.1: Preserve and enhance community character;
A.2: Encourage appropriately scaled infill and development;
C.1: Build upon the reinforce the unique character of Flagstaff;
C.4: Ensure that architecture and landscape grow from local climate, history and building practice.

10-40.40.070 T4 Neighborhood 1 Standards, page 40.40-25

The primary intent of this zone is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones.

10-40.40.090 T5 Main Street Standards, page 40.40-37

The primary intent of this Zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to revived an appropriate transition into existing neighborhoods.

The intent of the T5 Sub-Zone is to provide the appropriate form and scale for areas that are transitional between commercial and residential uses, and to allow the neighborhood commercial areas to expand as the market demand grows.

The Zone and Sub-Zone are intended to preserve and build upon the existing pattern of development. New development, renovations, and additions should be in character and scale with existing valued patterns.

Because of failure to meet the intent of transect zoning standards, the Zoning Map Amendment should legally be denied.

2. The zoning map amendment request should be denied.

If the project is not eligible for transect zoning, then the T4/T5 swap would of course not be an issue. Beyond that:

T4 zoning allows a maximum 3-1/5 story height and 60% lot coverage. This is needed along Mikes Pike as a buffer between the viable, existing, mixed use residential neighborhood and the property along the busy Milton Road. T5 zoning allows a maximum of 5 story and 80% lot coverage, too intense a use within the existing neighborhood, and belongs along Milton where it is currently designated.

The 3-1/2 story height limit in the zoning code is more in line with recommendations in the Southside 2005 specific plan, which is in turn referred to in the Regional Plan. This maximum building height is more appropriate to the historic, mixed use, pedestrian, residential neighborhood. Allowing 5 stories along Mikes Pike be a precedent that would dwarf existing structures and further encourage future development of this height on other lots along Mikes Pike and possibly eventually east into the neighborhood. This would create a false value based on height and density that would replace the existing value of the neighborhood as an up and coming arts district which is even now developing within current zoning rules and plan guidelines. Approving this zoning map amendment would in effect be a top-down decision to change the land use of the neighborhood which should be not permitted without significant public input and dialog and a change to official documents such as the Regional Plan. Staff in it's recommendations and the Commission in it's decision should consider the long term effect of this request, not just for the project itself and the ends it seeks to achieve, but to the neighborhood which is is committed to preserve and reinforce as per the Regional Plan.

Sections of the code referred to above in 1. can also be restated here as legal reasons why the zoning request amendment should be denied.

2a. Because the discussion of "form-based code" has been opened, the proposed form of the Hub should be discussed in particular. Although the Hub is called an apartment house by the developer—and a property owner can certainly call their building any whimsical name they like—the actual form it takes is much more similar to large hotels in Flagstaff such as the Drury and the Raddison than apartment houses in the downtown area. The definitions section of the zoning code, 10-80.20.010 defines an apartment house as:

Apartment house: A building type that is a medium-to-large sized structure that consists four to 12 side-by-side and/or stacked dwelling units, typically with one shared entry.

While the T5 section of the code allows a "courtyard apartment", the code does not define this building type.

But a review of the other "allowed building types" listed in T4—carriage house, single-family house, duplex, townhouse, bungalow court, live/work, and variations—imply smaller building types and variety in form. T4 uses the same list but adds in in commercial block, with of course a higher building type permitted. This building type is commonly seen in historic downtown Flagstaff and is presumed to constitute the "community character" that the Regional Plan, Southside Plan and Transect Zoning code section are referring when they encourage preservation of it. This is also the reason the majority of people who look at renderings of the Hub have the immediate reaction that it is "wrong" for the area.

3. The Room and Board Conditional Use Permit should be denied.

It is understood that the room and board permit provides functional ability for Core and the future owner of the property to follow their profit model better than renting by the unit, as well as to more easily evict the problem tenants their experience has shown them will certainly occur. However, since this project is proposed within an existing neighborhood rather than a more autonomous zone, it is inappropriate and should not be all granted.

The evidence both here in Flagstaff (see police reports about The Grove and other student housing projects) that rent by the bed, as well as those in other communities, including other Hub projects (see newspaper article about the Hub in Tucson that was submitted previously), is that there are unique problems associated with student housing projects that are not inherent in typical apartment houses. Add to that the much larger population of this particular project, and such problems are likely to be exacerbated. When dropped into an existing neighborhood, those problems become the neighborhood's problems, ones that can be solved only by police and security and can't be solved neighbor-to-neighbor any longer.

There is also an important question to be asked about the reputation of Hub projects in other communities (see the sampling of student reviews also submitted), whether their ability rent by the bed will create similar problems here in Flagstaff, and whether the room and board permit applied at this scale will create an undesirable project that will have to be accommodated by the neighborhood for the long term.

The property owner has stated that anyone who wants to can rent in the Hub, young professionals, graduate students—even families, as they said in the last public meeting to the community gathered there. This is again disingenuous, as young professionals, families and even graduate students are unlikely to rent by the bed. Core may want to use the term "multi-family" housing for the the benefits it provides to them. There is no law against their calling it "multi-family", an "apartment house" or even the Taj Mahal if they so desire, but that doesn't make it true.

In whatever form this building takes, it has better longevity and therefore value to the neighborhood if it is not limited in it's use to students, as the room and board permit would do.

4. Increased density for this project should be denied.

The density that would be achieved by this project depends upon the transect zoning conditions having been fully met, which they haven't, followed by the two uses being switched. If a project that didn't use transect zoning were submitted for conditional use permit to increase the density to "the most dense/intense building in the city" in this existing historic neighborhood, it would be inappropriate to grant permission for it.

Transect zoning and the advantages it offers is based on the idea of an exchange between the community and the project—the project can benefit from existing, mature infrastructure and in return offers something. This project takes advantage of a theoretical parking infrastructure which doesn't really exist, turns within to a large internal courtyard area for renters only, and claims that by offering some commercial property to Mikes Pike (which will most likely be leased by business that cater to the students within), there is an equal exchange. We dispute this.

Conclusion:

Given staff's concerns about the appropriateness of this project for the proposed location (as opposed to similar projects in other non-neighborhood locations), we are very puzzled about why they are recommending it to the Commission, even with the minor height changes they include in the recommendation. It is clear that Flagstaff Regional Plan: Place Matters, is a decision guiding document as stated in Section III-4, How This Plan Works that is:

"used in the regulatory decision-making process by the City Planning and Zoning Commission, City Council, and City staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations approval of which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies."

As citizens who are reacting to this project, we have been encouraged to involve ourselves in changing the rules and and writing a new Southside specific plan and thereby strengthen our ability to prevent projects like this one that will forever change our existing historic neighborhoods and halt the progress they have made in the last few years. We will certainly do this, but how can we be sure such action will in fact provide any more protection if staff, Commission and Council do not make recommendations based on plans and rules we already have in place? In the T4 section of the Zoning Code for example, which consists of 5 pages, how are the last 4 pages more "legal" than the first page, which describes it's very intent? This, and certainly the Regional Plan which was painstakingly written with substantial citizen input, are what we rely upon to make our case to staff, Commission and Council, since in most cases we do not have the resource of a zoning attorney at our disposal. So while we will certainly participate in creating more official documents that will express our vision for Flagstaff, and in greater detail, yet there is no assurance they will make a difference if they are not followed by the staff and officials we depend on to follow them.

A property owner has "rights" which we do not dispute. This property owner's attorney has explained to the community in public meetings that working with us was an optional offering to the community, but that legally they have the "right" to build whatever they want under basic zoning code. This is disingenuous as they are indeed asking for substantial exceptions from the community—a zoning map amendment, significantly higher density, and a room and board permit. In return, they are stretching the limits of what they are permitted to build in many directions. The "rights" they have as property owners come with responsibilities to the community they want to build in. Staff and Commission might feel that they are more responsible to the property owner, especially with the threat of Proposition 207 lawsuits lingering in the air, than to the community. But the official documents, current and in the future, that define and detail the community's shared vision for Flagstaff, represent the "rights" of the community, which they should feel as strongly.

This is a critical case that you are asked to decide on. The implications of your decision will resonate not only in the future of our neighborhoods, but the future of Flagstaff as community people from all over the world visit because of it's very special and unique qualities.

Respectfully,
Marie Jones
116 W. Benton
Flagstaff, AZ 86001
602 576-9262

These are a sampling of reviews of Hub projects gathered from the web.

Student and Parent Comments About The HUB

- 7/1/2015
- I have had two daughters live here on separate occasions. One daughter moved in when it first opened as the Hub and other a year later when it became University House. (Note: Core sold to University House after one year but they still show this property on their website).

  Both management teams were terribly inefficient and unorganized. My one daughter was living there when a pipe busted and flooded three floors causing tenants to move out for six weeks. It was chaotic with tenants being forced to leave apartment doors unlocked with easy access for numerous repair people to personal belongings during this time. When tenants were able to move back in, the trash chutes could not be accessed due to electrical wires they had to temporarily run through the chute space as the repair/remold was not completed. Trash, visualize piles and piles of stinky trash, lined the hallways during the summer months.

  Not the only time my family has encountered disgusting living conditions when visiting our kids. We have seen lots of urine, vomit and more trash in the elevators and hallways over the past couple years. Not to mention the times I have been woken up to someone screaming in the early morning hours. The last time, some guy was throwing a girl against a wall at 2AM. We had Tempe police knocking on our door a half an hour later to ask what we saw and heard.

  My second daughter moved out halfway through the school year. She paid an extra 85% of her rent to be given priority on the wait list for apartments with rooms that were available. Leasing staff often did not show her apartment even though we paid for the priority status. We later found out that there were only 5 female only rooms on that list. There was really no need to pay the extra fees. I called the leasing office one day to find out that the leasing staff did not have an update list on what apartments with rooms were available. Our daughter's room was not on the list. At one point, the leasing office's phones and email were down for two weeks making it difficult for potential lessors to inquire about rooms to relet.

  Also, the turnover rate with the leasing staff is constant for both managers and agents.

  When the room was finally relet, it took 60 days for Inland America AKA University House to refund us rent that was paid.

  It is truly surprising that the state housing department has not fined or sued this company.

Comments about Madison HUB

Jake L
in the last week-
The worst living experience I've had in Madison to date. DO NOT LIVE HERE.

As you can see in the google reviews below, every single good review was placed at the exact same time. I know a few of the individuals and they are either living with a staff member or are friends with them. I'm assuming the staff is trying to get the ratings up on Google Reviews.

Do not be fooled by the amenities here, as soon as you sign your lease forget about any respect from the staff whatsoever. The place is run by some of the most unintelligent individuals I have talked to. The sauna has been closed down for weeks at a time with no warning whatsoever, the printer is always broken, and multiple fees have been enlisted without prior consent. (Such as a fee for the water and electricity of the common areas?)

I guess they are building a Hub 2 across the street, and there are giant cranes blocking any sort of view we used to have, let alone any peace and quiet. My sink has broken twice and the water pressure is nonexistent.

A quote from the repair man after all of the cushions on our outdoor patio were ripped "Every single piece of furniture here has came right off the boat from china." Thanks dude, I'm guessing they will scheme us out of our deposit as well.

I wish I could give these apartments a 0 out of 5 as I would leave immediately if I could. IT IS NOT WORTH LIVING HERE. DO NOT BE FOOLED. There is plenty more to complain about but I do not have time to continue with this post, the only good thing about this place is the pool on the roof that's open 5 months a year.

Will S
3 weeks ago-
This place is run by fools. Management is atrocious.

They've scheduled fire drills at 9am every week for the first two months of living here. They've hired security guards that have left an unconscious drunk female incapacitated face down on the lobby couch and when prompted if they thought it was something that needed to be dealt with the male guard shrugged it off as a nonissue. Management split the water bill between the entire complex instead of just our own usage, since I am considerably more conservation minded than most I end up paying for others egregious habits. Management has also refused to refund us for a two week period where we were incapable of living in our units due to delayed construction in effect taking a half month of rent from all of us. Several times our mail has not been processed in a timely fashion leading to packages and letters being given to us days after tracking shows delivered. Last week management started bringing in cranes for their new building across Gilman Street called The James Madison formerly known as Hub 2. The arrival of this equipment has blocked our parking lot exit and has bisected Gilman.

The level of sheer ineptitude needed to accomplish these feats bewilders me.

I have no drawers in my bathroom. The water pressure in my sink is terrible. The walls are paper thin. I have a pathetically weak night light in my ceiling fan, I needed to buy lamps to get any sort of lighting in my room. I can hear the TV blaring at 10% through my bedroom door. Hot water is rarity. The door on the washer and drying unit has slots and lets all the noise through. The sauna and hot tubs are always closed for maintenance. The gym and 2nd floor courtyard areas are usually in dire need of a good cleaning. If you live facing into the courtyard there are cameras positioned that can see everything that happens inside your room. The garbage chute is pathetically small and is good for walgreens sized plastic bags only.

David
a month ago-

I don't know about other units, but I recommand you not to live in either studio or 1 bedroom unit.
I currently live in 1 bedroom, and IT IS REALLY REALLY SMALL.
I wish I could've known that the room was going to be this small. People at the leasing office last year told me that 1bedrrom would be about the same size as their model unit, which they had at the office. Well... guess what. It is not even close to that size.
You can probably fit like 4-5 people in the living room, and it will be so full that you won't even be moving around.
Also, you can smell all kinds of things (you know what) from other units on downstairs and upstairs.
When I moved in, there were several spots in the unit where it had stains, and also there were garbages everywhere. I had to spend some time to clean it up.
As many people mentioned, water pressure at the bathroom is so bad. It takes me double or triple time to wash. I feel like this would lead to much worse waste on water. Seriously, what were they thinking when installing this crap on.
I was going to move to Lucky apartment next year, because they provide free parkings for those who live in 1 bedroom unit for over 1 or 2 years, but every 1 bedroom was gone for next year so that kind of sucks.
It is not worth $1425 living here. I'm paying 250 more over that for parking. I'm pretty much stuck here until I graduate lol. Thanks for providing so much information before I moved in. That really worked!

Rachel Peterson
2 months ago-
If I could give this place 0 stars, I would. It is genuinely one of the worst apartment buildings in Madison. Do not let the 4 ho tubs, saunas, and rooftop pool fool you. This place is actually a joke!! Everything is a lot smaller and the noise is CRAZY! they said the walls are insulated and thats a lie! You can hear every party going on from the rooftop to the entrance. All the appliances are very CHEAP quality! Forget the bluetooth speaker because that doesn't make up for the horrible water pressure and cold water every morning! the rooms are extremely SMALL compared to what their blueprints said! And the STAFF might be the WORST thing about this building. They are extremely RUDE, they never have an answer for your questions and always refer you to their 30 page lease which is also no help! The are honestly a bunch of idiots sitting in an office pretending to do work! The old manager told me to email her and never replied to my email. When I came into the office, I saw her sprint into her office and the person at the front desk told me she was busy. Talk about "professional"! "Security" is a joke because if you hand them some cash, they will do anything you need them to do! I urge you not to bring your money here. Do not give these people a penny! if it wasn't for the lease they have me locked into... I would be out of here in a heartbeat! The day my lease ends is my day of freedom! And they weren't able to lease out the building this year! they are barely at 70% occupancy. I truly hope someone does something about them to remove them from Madison

Comments and Recent Article about HUB in South Carolina

Vincent Esposito
4 months ago
The hub seems great at the beginning, however, it is all just a sham. The office staff is horrible and never helps with anything. Nothing ever works in the building. The elevators are constantly out of order and everything started falling apart from day 1. Upon moving out of my apartment I noted there was one paint chip on my bedroom wall that would need repairing, but I figured that would be normal wear and tear. Apparently, that warranted a $343 painting bill. Don't live here,

the rent is way too high for the quality of the product and they will nickle and dime you until you are broke.

Madeleine Bell
3 months ago
Horrible management. Very unprofessional and disorganized. If you go into the leasing office with a problem expect them to roll their eyes at you and not take anything seriously unless you bug them constantly. Things are alway broken and very overpriced for what you get. Would not recommend as a place to live. Period.

Alex Funke
4 months ago
The hub is a scam. They will be nice and friendly and put on an amazing act when you are looking at renting... However once you sign a lease that is when everything will change. The management is awful. Nothing seems to ever be working (especially the elevators). The furniture is worse than ikea furniture... and the list can go on and on. Also DO NOT EXPECT to get a security deposit back... They will nickel and dime you. When we left the room was in amazing condition. However according to the HUB it need 294.69 cents worth of paint, along with a 50.31 cleaning fee. This is completely ridiculous because the walls were in great condition and the room was fully cleaned. Also that is just my charges. Now there were an additional 3 roommates living there so just imagine what they were charged....

Also basement parking is very sketch.... I would recommend walking with a buddy back from the basement to the complex due to a high frequency of drug users making the surrounds their homes... Also the basement elevator always breaks down... So at night if you are coming back late from a class, you have to walk down an alley way in order to get to the complex...

Also upon moving in there was no WIFI for over a month. The office staff said in person they will compensate residents down the road for this... That never happened...

It just makes me sick that these people at the hub at able to sleep at night....

THESE PEOPLE HAVE NO MORALS OR SOULS...

Also you will notice they have 60 5 star reviews... a majority of these reviews were written when the complex was being built by local businesses trying to suck up to the hub

Breaking: Controversy Surrounding The Hub At Columbia
Former residents are infuriated with what they say is unfair treatment.

Victoria Daczkowski in Lifestyle on Sep 13, 2015

Where you live has a large impact on your year. Are you close to the Greek Village? Are you close to downtown? How big is the apartment? How is the parking situation? These are all questions you should ask yourself before signing a lease for the coming school year.

For students already thinking about where to live next year, consider checking the reviews for apartment complexes in the area. There are plenty of places for University of South Carolina students to live, and most are very affordable and vary in types of amenities. There also always seem to be new apartment complexes catering to students moving off campus after their freshman year.

In fall of 2014, a brand new apartment complex opened on Main Street in downtown Columbia -- The Hub. The slots available filled up before that fall semester was over, and it was expected to be the coolest place to live. But, now, a year later, its reputation is starting to deteriorate.

When tenants first moved in, they instantly began to find problems. Issues ranged from the Wi-Fi not working, to not even having a refrigerator in the apartment. The apartment complex was poorly made and they issued "worse than Ikea furniture" (2014-2015 resident).

"I was supposed to have a walk in closet, but didn't upon moving in and it took them weeks to compensate me for it. We put in at least five work orders and they fixed it the month we moved out," said that anonymous resident.

Many of those first tenants have now moved out, but are now faced with another problem: move out reports and bills. Former residents have reportedly been charged hundreds of dollars for repainting and repairs, with no evidence of it being necessary.

"Move out charges between three roommates was over $1000 for painting and cleaning," said a 2014-2015 resident. Those residents say that their apartments were spotless and were in no way damaged, or in need of repainting.

The Hub at Columbia Facebook page has recently even been flooded with posts by angry residents and their parents.

In the past few weeks, The Hub at Columbia's rating had dropped from a 4.8 (out of five) to a 2.8, and the comments and reviews keep coming. Students, residents and parents are furious with the complex and the management.

"Dealing with the leasing office was a constant struggle. They take advantage of our age and inexperience and try to get as much money as possible out of our bank accounts. The property manager has no sense of customer service or respect," said a 2014-2015 resident.

Facebook reviews from oxford miss

Had problems all year with the Management of this facility. At the completion of the lease they charged my daughters for services that were not rendered and for damages in the common areas of the apartment that were there when we moved in (even after we notified them of the damages). The kids that work at The Hub were always very nice and accommodating, but to expect them to run this facility was a bit of an oversight on management's part. Would not keep my kid there every again.

It looks great from the beginning, until you have a maintenance issue! And, don't expect to get your security deposit back. They go through great strides to find anything possible to eat it up! Don't believe the line about 'normal wear and tear'! Also, BEFORE you sign the lease, ask them to provide you with move-out requirements! Ridiculous! For the amount of rent you pay, professional carpet cleaning after you move out, should be covered!

Do not recommend! I agree with many of the comments- should have paid more attention when signing the lease. Families- considering this place for your child- as stated don't expect to get your deposit back no matter what you do. I drove 14 hours each way to make sure my daughter left things clean. We washed walls and scrubbed the kitchen, cleaned blinds and the ceiling fan! Silly me thought that the security deposit was for damage. But no... they charged for HVAC filters, 2 l...

I've been here for couple of months. All the stuff they have to offer is nice. But maintenance is crappy. You can never get them to fix anything you ask them to. And when you ask them about something.. They just say I have no idea when it will be fixed are there working on it. When they been saying that for 3 months.

If you think is will be a good place to stay, it's all smoke and mirrors. THIS PLACE IS A RIP OFF!!! THE RENT IS EXPENSIVE AS HELL AND WILL MAKE UP CHARGES AND TAKE AWAY YOUR SECURITY DEPOSIT AT THE END OF THE YEAR!!!! The student workers are not helpful and the manager always refer you to them. RUN AND NEVER LEASE; You'll regret it.

To Staff and Commissioners,

The following articles from the Corvallis Gazette-Times is an example of how parties can opt to slow down a process that is not fully ready for action:

The Hub' project at Timberhill in limbo
March 31, 2015 4:42 pm
JAMES DAY Corvallis Gazette-Times

Plans for an 835-resident student housing complex on Timberhill, known as "The Hub," have been put on hold.

Core Campus, a Chicago-based student housing development firm and GPA1, a local group which owns the land, told city staffers Tuesday that they wish to postpone the application while they address concerns raised in the 93-page staff report (see text in the online version of this story).

The city, however, has not canceled tonight's scheduled 7 p.m. Planning Commission hearing at the Corvallis Senior Center.

At issue is the 120-day rule, which requires that public agencies pass judgment on completed land-use applications within 120 days. The Timberhill developers are asking to stop the 120-day clock. The city says that the applicant needs to waive the 120-day requirement before its request to postpone the hearing will be considered.

Thus, at presstime, the hearing remained on the schedule, although that could change today.

Lyle Hutchens of Devco Engineering, the project manager of the development, said in a letter to the city that the applicants "request that each application be taken off the Planning Commission agenda, put on hold and remain on hold until further written notice is received by the city." (See the full text online.)

In addition, Hutchens wrote that the applicants "hereby extend the statutory deadlines for a final local decision from (Tuesday) until written notice is provided."

City staff recommended in its March 25 report that the Planning Commission deny the application, which covers the 30 acres of The Hub student housing project as well as subdivides the remaining 190 acres of land. The report cited concerns with variances that the developers have asked for regarding grading the project, as well as street construction and stormwater detention.

In addition, staff have requested that the developers provide detailed development plans for the entire 200-plus acres of land. The developers have refused to do so, saying that because no final plans exist for the remaining acreage that such studies would be meaningless.

"The applicants are in this for the long run," Hutchens wrote. "They want to get it right and are open to working with the city's suggestions about how to arrange the uses on the site (and) look

forward to working with staff to prepare supplemental information that will support positive recommendations from staff."

The developers, however, are opposed to waiving the 120-day rule, which is in place to ensure that projects are acted on in a timely manner.

"Most cities stop the clock," said Chuck Kingsley, a broker with Commercial Associates, who is working with the developer on the project. "It's not unusual for a staff report to come out and for the applicant to ask for a postponement so they can sort things out. Most applications are not as complex as this. It's an extremely charged case."

Neighbors in the Timberhill area opposed to the project have formed a group called the Northwest Alliance Corvallis and have hired land-use attorney Daniel Stotter.

"The applicants saw their proposal was a sinking ship that was not going to be well received (by) the Planning Commission," Stotter said, "and that their proposal was likely to denied, so the day before their public hearing, they have sought an indefinite 'hold' on their land-use applications, in order to make a last-ditch attempt to patch the holes."

Rob Wood, the managing member of GPA1, **agreed that the staff recommendations influenced the development group.**

"This was a decision just made based upon the recently received staff report," Wood said. "We want to fully read and understand the positions and comments so we may appropriately address and respond to them. We felt the short amount of time would not allow a thoughtful answer."

Neighbors remain hopeful.

"It would be great if they return with something that is respectful of the unique environment of that site," said Curtis Wright, who lives on Northwest Poppy Drive. Wright said that revised plans should be "sensitive to the concerns of the neighboring residents and (show) they really do care about the future well-being of Corvallis."

Brian Kulina

From: nancy@flaghomes.com
Sent: Friday, January 29, 2016 3:17 PM
To: Brian Kulina
Cc: nancy@flaghomes.com
Subject: info on Hub for meeting
Attachments: Hub letter and attachments.pdf; sample lease.pdf

Attached please find a cover letter and documents for consideration at next Wednesday's P and Z.
Nancy Branham
I will stop by and make sure you received this.
928-856-0036

January 29, 2016

Brian Kulina
Planning Development Manager
City of Flagstaff
Reference: Core Campus LLC / The HUB

Brian:
I want to sincerely thank you for your excellence as a public servant. You have now, on several occasions, taken the time to patiently answer my questions and help me understand various and sundry issues regarding the HUB development. I have spent a good bit of time studying the issues and am submitting to you a packet of material for consideration by Staff and the Planning and Zoning Commission prior to the meeting this coming Wednesday, February 3rd at 4pm. Please make sure that appropriate Staff and members of the Commission receive this packet.

I have numbered the documents in the packet and they are as follows:

1. A graphic of the "Purpose and Intent" of Zone T4N.1 followed by a copy of 10-40.40.070 from the Zoning Code.
2. A two page statement with my opinions about the agenda items for Wednesday; zoning and CUP. There are several things referenced in that two page statement.
    a. A sample of the Hub on Campus Rental Application and Lease. Please note this is being sent as a separate attachment and is not a part of this document because it is 21 pages and legal size. If someone wants to print THIS packet it is only 23 pages plus this cover letter and is on letter sized paper.
    b. Six pages of comments by parents and tenants about the management and living arrangements at various Hubs.
    c. Five pages of information about other Core properties including information about the displacement of neighbors in Tucson and the fact that Core no longer owns Tempe but it is still quite visible on their marketing website.
3. A two page statement with my opinions on the parking issues at this development.
4. A two page statement with my opinions on the Traffic Impact Analysis on this development.

Thank you for your consideration of the contents of this packet and for making sure it is passed onto Commission members and appropriate Staff. I will be asking to speak on Wednesday evening, if the Chair opens the floor for further public comments.

I am submitting my packet as a community member, but also because my husband, Frank, and I own The Cottage Place Restaurant just 1/2 block from the site of the future development and we are concerned about the negative impact it will have on our business. By way of full disclosure, I am also a licensed Associate Broker in the state of Arizona.

Sincerely,

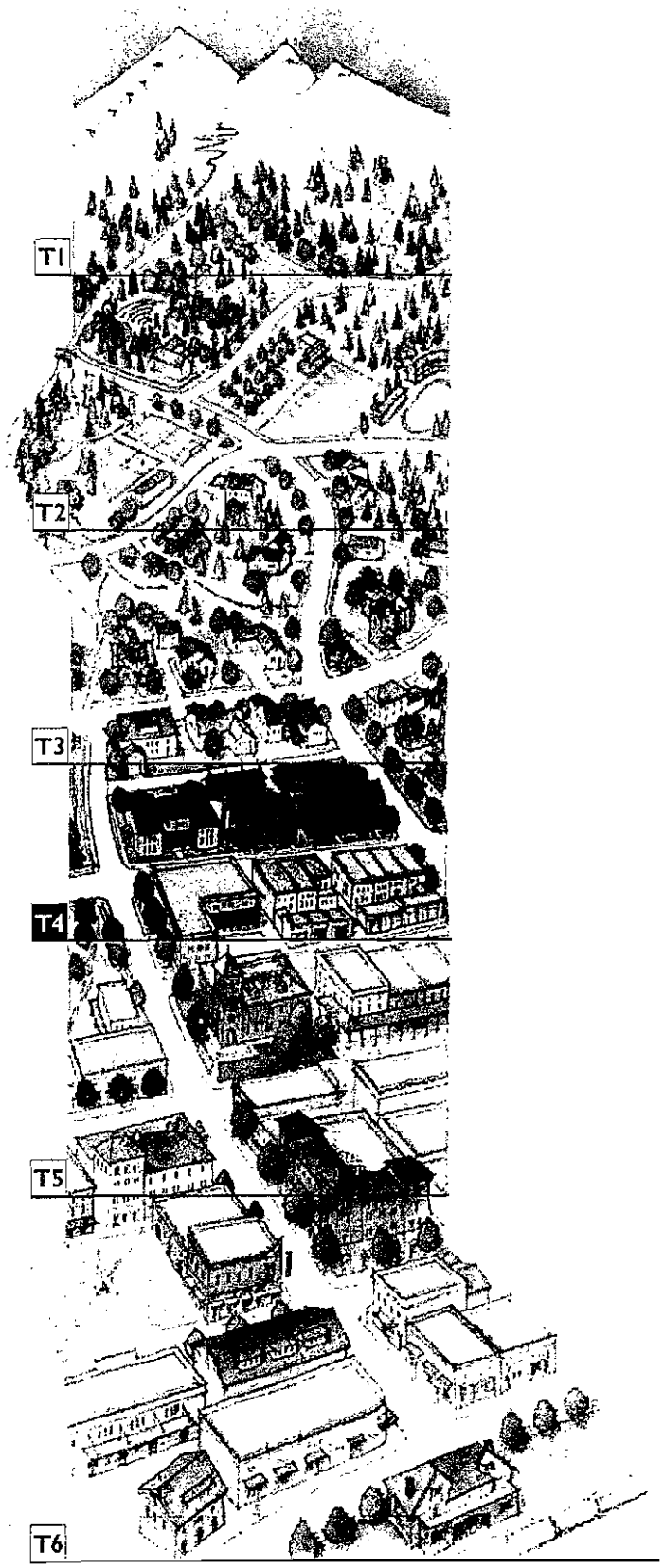
Nancy Branham
info@cottageplace.com
928-856-0036

1

Division 10-40.40
Transect Zones

Transect Zones are intended to ensure that proposed development is compatible with existing and future development and produces an environment of desirable character, consistent with the General Plan.

The primary intent of this Zone (T4N.1) is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones. The mixture of building types and unit sizes provides a variety of housing choices which reinforces the walkable nature of the neighborhood, supports adjacent neighborhood-serving commercial uses, and supports basic public transportation alternatives. While residential is the primary use type in T4N.1 Zone, homeowner offices and small neighborhood supporting uses, such as music classes and artist studios, are encouraged in ancillary buildings to further reinforce the walkability of the neighborhood.



10-40.40.070 T4 Neighborhood 1 (T4N.1) Standards

A. Zone Intent and Description

The primary intent of this Zone is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones. The mixture of building types and unit sizes provides a variety of housing choices which reinforces the walkable nature of the neighborhood, supports adjacent neighborhood-serving commercial uses, and supports basic public transportation alternatives.

While residential is the primary use type in T4N.1 Zone, homeowner offices and small neighborhood supporting uses, such as music classes and artist studios, are encouraged in ancillary buildings to further reinforce the walkability of the neighborhood.

The intent of the T4N.1-O Sub-Zone is to provide the appropriate form and scale for areas that are transitional between commercial and residential uses, and to allow the neighborhood commercial areas to expand as the market demand grows. The intended form is the same as T4N.1, but the allowed range of use types is broader and includes commercial and other non-residential uses as well as residential uses.

The T4N.1 Zone and T4N.1-O Sub-Zone may also be applied to the creation of new neighborhoods in combination with, or independent of, the T4N.2 Zone. They provide a lower maximum building height and larger setbacks than T4N.2.

B. Sub-Zones

T4N.1-O (Open)

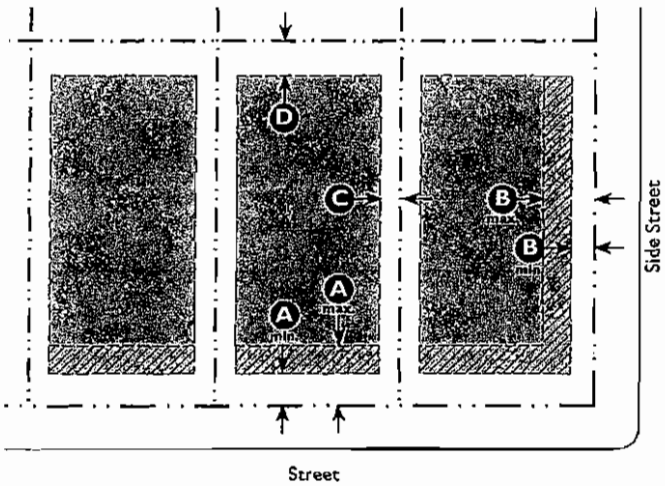
C. Allowed Building Types[1]

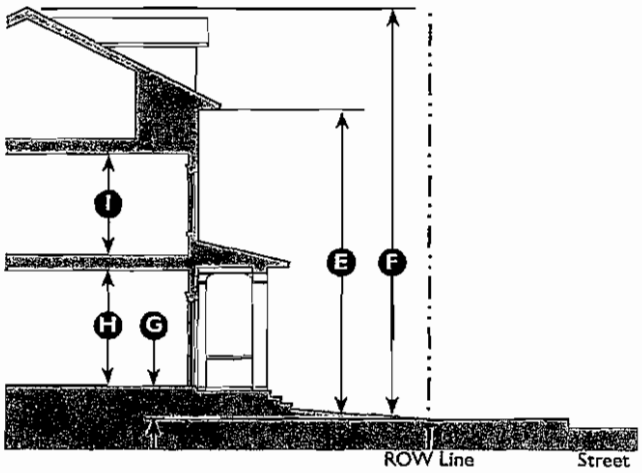
Carriage House	Apartment House
Single-Family House	Duplex, Stacked
Duplex, Side-by-Side	Bungalow Court
Duplex, Front-and-Back	Live/Work[2]
Townhouse	

[1] See Division 10-50.110 (Specific to Building Types) for building type descriptions and regulations.

[2] Allowed only in open sub-zone(s).

T4 Neighborhood 1 (T4N.1) Standards





Key

---- ROW/Property Line
--- Building Setback Line
Building Area
Façade Zone

D. Building Placement		
Setback (Distance from ROW/Property Line)		
Principal Building		
Front[1]	15' min.; 30' max.	A
Front Façade within Façade Zone	50% min.	
Side Street/Civic Space	10' min.; 15' max.	B
Side[2]	5' min., 15' min. combined	C
Rear	15' min.	D
Accessory Building or Structure		
Front	20' min.	
Side	0' min.; 3' max.	
Rear	3' min.	

[1] The setback may match an existing adjacent building as follows: the building may be placed to align with the façade of the front most immediately adjacent property, for a width no greater than that of the adjacent property's façade that encroaches into the minimum setback.

[2] No side setback is required along the shared property line between side-by-side duplexes.

Miscellaneous

Upper-floor units must have a primary entrance along a street façade or to a courtyard.

Ground-floor residential units along a street must have individual entries.

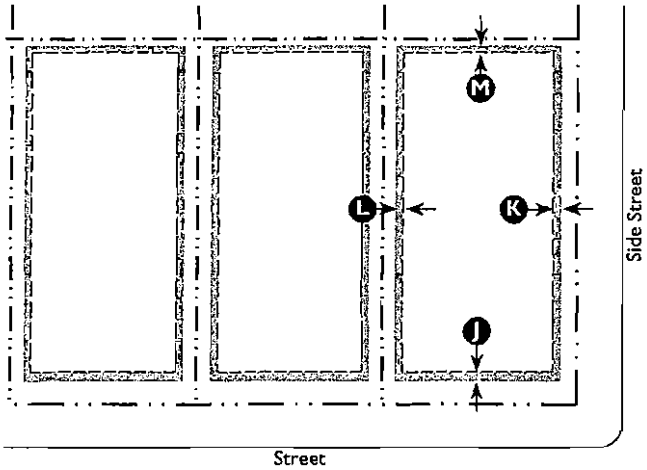
E. Building Form[3]		
Height		
Principal Building		
Stories	3-½ stories max.	
To Eave/Parapet	34' max.	E
Overall	45' max.	F
Accessory Building, Accessory Structure or Carriage House		
Stories	2 Stories max.	
To Eave/Parapet	18' max.	
Overall	28' max.	
Ground Floor Finish Level	18" min. above sidewalk	G
Ground Floor Ceiling	8' min. clear	H
Upper Floor(s) Ceiling	8' min. clear	I

[3] See Division 10-50.110 (Specific to Building Types) for additional building form regulations.

Footprint	
Depth, ground-floor residential space along primary street frontage	30' min.
Lot Coverage	60% max.

Miscellaneous

Mansard roof forms are not allowed.



Key

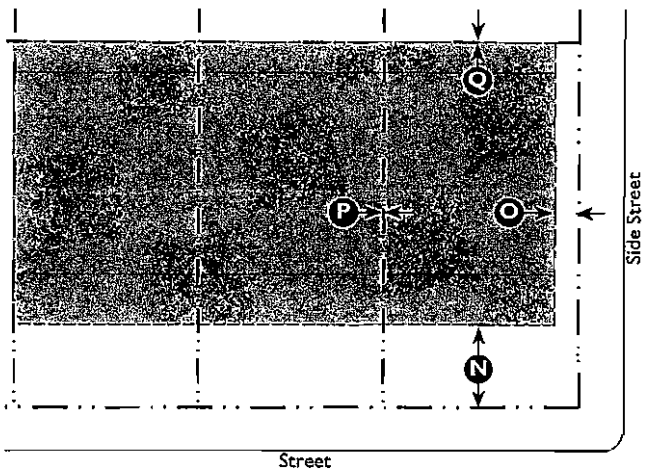
---- ROW/Property Line
--- Building Setback Line
Encroachment Area

F. Frontage Types and Encroachments		
Encroachments[4]		
Front	5' max.	J
Side Street/Civic Space	5' max.	K
Side	3' max.	L
Rear		M
Property Line	0' max.	
Rear Lane or Alley	3' max.	
Encroachments are not allowed within a street ROW.		

[4] See Division 10-50.40 (Encroachments) for allowed encroachments.

Allowed Private Frontage Types[5]	
Stoop	Forecourt
Porch	

[5] See Division 10-50.120 (Specific to Private Frontages) for private frontage type descriptions and regulations.



Key

---- ROW/Property Line
--- Parking Setback Line
Parking Area

G. Required Parking		
Spaces[6]		
Residential Uses		
Studio/1 Bedroom	1 space/unit min.	
2+ Bedrooms	2 spaces/unit min.	
Retail Trade, Service Uses		
≤2,000 sf	No spaces required	
>2,000 sf	3 spaces/1,000 sf min. above first 2,000 sf	

[6] Land use types not listed above shall meet the requirements in Table 10-50.80.040.A (Number of Motor Vehicle Parking Spaces Required).

Location (Setback from ROW/Property Line)		
Front		N
Covered/Attached	50' min.	
Uncovered	Match front façade min.	
Side Street/Civic Space	5' min.	O
Side	0' min.	P
Rear	0' min.	Q
Miscellaneous		
Linear Feet of Front or Side Façade that may be Garage	35% max.	

See Division 10-50.80 (Parking Standards) for additional parking regulations.

T4 Neighborhood 1 (T4N.1) Standards

H. Sustainable Features[1,2]

Storm Water Features	
Biofiltration Facility	A
Disconnected Downspouts	A
Flow Through and Infiltration Planters	A
Infiltration Trench	A
Level Spreader	A
Porous Paving	A
Rain Garden	A
Riffle Pools	A
Swale	
Biofiltration	-
Vegetated/Rock	A
Urban Channel	A
Vegetated Roof	A

Water Conservation	
Cisterns	A
Greywater - Simple	A
Rain Barrels	A
Energy Features	
Accessory Wind Energy System	A
Alternative Paving	A
Biomass	-
Geothermal Energy	A
Solar	
Farm	-
Parking Lot Lighting	A
Roof Paneling	A
Water Heaters	A

Key	
A	Allowed
-	Not Allowed

End Notes

[1] See Division 10-30.70 (Sustainability) for additional sustainability regulations.

[2] Sustainable features marked as Not Allowed may be approved by the Director and Stormwater Manager if it can be demonstrated that the proposed sustainable feature can be installed consistent with the intent and character of the transect zone.

I. Allowed Uses

Land Use[3]	Specific Use Regulations	T4N.1	T4N.1-O
Residential			
Accessory Building and Structures	10-40.60.020	P[4]	P[4]
Accessory Dwelling Unit	10-40.60.030	P	P
Co-Housing	10-40.60.120	P	P
Congregate Care Facilities		P	P
Dwelling: Multiple-Family		P	P
Dwelling: Secondary Single-Family		P	P
Dwelling: Single-Family		P	P
Dwelling: Two-Family		P	P
Group Home		P	P
Home Occupation	10-40.60.180	P	P
Institutional Residential	10-40.60.190	UP	UP
Live/Work		-	P
Rooming and Boarding Facilities		UP	UP
Recreation, Education & Public Assembly			
Libraries, Museums			
≤ 2,500 sf		P	P
> 2,500 sf		UP	UP
Meeting Facilities, Public and Private	10-40.60.230	P[5]	P[5]
Schools - Private		P	P
Schools - Public & Charter		P	P
Retail Trade			
Bars/Taverns		-	P
General Retail Businesses, except with any of the following features		-	P
Drive-Through		-	-
Floor Area ≥ 3,500 sf		-	UP
Markets			
Neighborhood Market ≤ 2,500 sf		-	P
Restaurant, or Cafés		-	P

Land Use[3]	Specific Use Regulations	T4N.1	T4N.1-O
Services			
ATM		-	P
Bed & Breakfast	10-40.60.110	P	P
Cemeteries		UP	UP
Crematorium		--	UP
Daycare	10-40.60.150		
Home		P	P
Centers		UP	UP
Funeral Homes, Chapels, Mortuaries		-	P
General Services		-	P
Lodging			
≤ 15 rooms		-	P
Offices		-	P
Public Services			
Public Services Minor		P	P
Emergency Services		UP	UP
Veterinary Clinics		-	P
Telecommunication Facilities			
Stealth Telecommunication Facilities	10-40.60.310	P	P
Transportation & Infrastructure			
Accessory Wind Energy Systems	10-40.60.040	P	P
Urban Agriculture			
Community Gardens	10-40.60.140	P	P

Key	
P	Permitted Use
UP	Conditional Use Permit Required
-	Use Not Allowed

End Notes

[3] See Chapter 10-80 (Definitions) for use type definitions.

[4] Not allowed on the ground floor unless behind an allowed ground-floor use.

[5] UP required if liquor is sold or if facilities exceed 250 seats.

2

PLANNING AND ZONING COMMISSION ACTION ON THE HUB/CORE RESIDENTIAL CUP AND REZONING REQUEST

First, there are the TWO requests for rezoning. I would like to speak to the on along Mike's Pike where there is a request to change from T4N.1 to T5. When one reads the purpose (copied below) of the T4N.1 zoning, the proposed project does not even close fit into the description stated.

"Transect Zones are intended to ensure that proposed development is compatible with existing and future development and produces an environment of desirable character, consistent with the General Plan.

The primary intent of this Zone (T4N.1) is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones. The mixture of building types and unit sizes provides a variety of housing choices which reinforces the walkable nature of the neighborhood, supports adjacent neighborhood-serving commercial uses, and supports basic public transportation alternatives. While residential is the primary use type in T4N.1 Zone, homeowner offices and small neighborhood supporting uses, such as music classes and artist studios, are encouraged in ancillary buildings to further reinforce the walkability of the neighborhood."

The developer's site plan for a 600 bed student housing with 14,000 square foot of commercial space is not even close to the primary, stated intent of T4N.1 and to get a little closer they want to change the zoning to T5. ABSOLUTELY NOT! If anything we should be going back and trying to scale down the project to come into line with T4N.1.

As for the CUP. . .
First, I think it needs to be made very clear that there are TWO Conditional Use Permit requests; one for the "Room and Board Use" and the other for 93% lot coverage.

In the Staff Report on this subject it states "the conditional use is consistent with the objectives of the Zoning Code and the purpose of the zone in which the site is located." It is located in Zone T4N.1 and I would be so bold as to state that 600 separate leases of approximately 19 pages each (a sample is attached) is not in keeping with the purpose of T4N.1 stated above.

The Room and Boarding model is integral to the business plan of Core Residential but it does not mean that it is the best thing for the neighborhood. There is NO other major student housing facility in Flagstaff that is set in a historic neighborhood of single family homes and small single level businesses.

There are two major issues that are known to come with these types of massive student apartments. First is unruly and potentially illegal behavior on the part of the residents. Second is the growing reputation of poor management by Core Residential and high rate of dissatisfaction of students and parents of the operation of their properties. (See attachment of comments and press on this subject).

I cannot say that either of these problems would be more or less grave under separate leases vs. unit leases but I think that because the granting of a CUP runs with the land and is binding upon successors that it is too major a decision to grant it at this time. I think it is prudent for Staff to do more research. Perhaps a compromise down the line would be for a small percentage of the units to allow this model.

I would also question that "the characteristics of the conditional use as proposed, and as it may be conditioned, are reasonably compatible with the types of uses permitted in the surrounding areas". (See #3 on page 2 of the Staff report). Last I looked there were no other 600 bedroom student complexes operating in the "surrounding area".

The report also states that the CUP would only be issued once the Developer had adequately addressed nine issues listed on page 2 of the Staff report. Staff has already indicated that traffic and parking are not issues and yet the neighboring community feels strongly that they are. So, again I think it is premature on many fronts to recommend approval of this CUP.

As for the request for 93% coverage . . . this is a completely separate matter and it SEEMS to me that there should have been TWO different CUP requests. There may have been, but it is confusing to lump statements about the two different issues into one document and often discussing both in the same paragraph.

The zoning of T4N.1 allows for 60% of lot coverage and as I read it does NOT allow for a CUP to increase this. So, this request is predicated on the fact that the developer is assuming they will get the zoning change to T5. So, before we argue the 80% to 93% let's see if the zoning change goes through.

If it does I would argue that the 16,500 square foot courtyard amenity is in no way a benefit to the surrounding community and should NOT be used to offset the need for open space.

I and probably most of the residents of the surrounding community do NOT agree with the zoning change and therefore 60% maximum of lot coverage would apply. As for the statement (bottom of page 3 of Staff report) that "civic space within infill transect developments should be assigned on community need", I think the Staff might consult the "community" and ask about their "need". We will tell you that we want as MUCH open space as possible in the project to mitigate the massive and out of place character of the proposed development.

hub ON CAMPUS eugene

515 E Broadway; Eugene, OR 97401

2A

RENTAL APPLICATION

Desired Unit Type : (Check one) Date when filled out: _____

☐ Studio ☐ 1 Bedroom ☐ 2 Bedroom ☐ 3 Bedroom ☐ 4 Bedroom ☐ 5 Bedroom OR UNIT # _____

TENANT/APPLICANT INFORMATION

Full Name _____ Date of Birth _____ / _____ / _____
First MI Last

Gender ☐ Male ☐ Female Classification Fall 2015: ☐ Freshman ☐ Sophomore ☐ Junior ☐ Senior ☐ Grad ☐ Non-Student

Present Address _____ _____
Street City State Zip Code

Cell Phone Number _____ Alternate Phone Number _____

Social Security No. _____ Passport I.D.: _____
(U.S. Resident) (International Resident)

Driver's License # and State _____ E-mail address: _____

Present Landlord / Dormitory _____ Landlord Phone Number _____

PERMANENT ADDRESS INFORMATION (If different than above)

Permanent Address _____ _____
Street City State Zip Code

Permanent Phone Number _____

WORK INFORMATION

Employer _____ Phone Number _____

Work Address _____ _____
Street City State Zip Code

GUARANTOR INFORMATION

Guarantor(s) [If parents, list both]: _____ _____
First MI Last First MI Last

Address (if different)_____ _____
Street City State Zip Code

Home/Cell (circle one) Phone Number_____ Work Phone Number _____

Relationship to Applicant _____ E-mail address _____

Social Security No._____ Passport I.D. _____
(U.S. Resident) (International Resident)

MARKETING SOURCE

Why did you choose to live at the property?_____

Were you referred? ☐Yes ☐No If yes, by whom? _____

If no, how did you hear about the property? ☐On the Internet _____ ☐ Signage_____

Publication_____ Other _____
Name Describe

EMERGENCY CONTACT

Name _____ Relationship _____

Cell Phone Number _____ Home Phone Number _____ Email _____

Address _____ _____
Street City State Zip Code

ROOMMATE INFORMATION

If you have already chosen your roommates, please list their name(s) below. Roommate choices must be mutual.

1.) _____ 2.) _____

3.) _____ 4.) _____

5.) _____ ☐ I would like to be roommate matched.

CREDIT HISTORY

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. Have you been denied credit in the past twelve months? Yes ____ No ____
2. Have you been delinquent with any creditor longer than 60 days? Yes ____ No ____
3. Have any creditors requested the assistance of a collection agency? Yes ____ No ____
   or attorney to assist in the collection of past due monies against you? Yes ____ No ____
4. Have you ever been sued by a creditor for past due monies? Yes ____ No ____
5. Have you ever moved owing rent to a previous landlord? Yes ____ No ____
6. Have you ever been evicted from a previous residence? Yes ____ No ____

If you have answered yes to any of the five questions above, please explain. _____

_____

AGREEMENT

This application is for a lease on the following TERM: Start Date: _____ End Date: _____

Total Rent for Unit for TERM: $_____ in _____ equal installments of $_____.

First Installment Payment Due: _____

Application Fee: $_____ Amenity Fee: $_____ Application Deposit: $_____

Notes:

_____

Disclosure: APPLICANT agrees to allow LANDLORD to share all above information with LANDLORD'S electric provider. APPLICANT further agrees to allow LANDLORD to verify, by all means, the above information, before, during and after tenancy on matters relating to the lease. APPLICANT hereby declares that the above information is accurate and does hereby permit the LANDLORD and or its Agent to investigate his/her credit. Any falsifications or misrepresentations made anywhere on this rental application shall make this application and any subsequent lease agreement subject to cancellation at the option of LANDLORD.

Application Fee: APPLICANT has delivered to LANDLORD'S representative an Application Fee in the amount listed above. The Application Fee covers our administrative costs and is never refundable.

Approval: If APPLICANT and all co-applicants have already signed the LEASE at the time LANDLORD approves the Application, LANDLORD'S representative will notify APPLICANT of LANDLORD'S approval and will sign the LEASE. If APPLICANT and all co- applicants have not signed the LEASE at the time LANDLORD approves the Application, LANDLORD'S representative will notify APPLICANT of LANDLORD'S approval and will sign the LEASE when APPLICANT and all other co-applicants have signed.

APPLICANT and any co-applicant may not withdraw the Application. If before signing the LEASE, APPLICANT withdraws an Application or notifies LANDLORD that APPLICANT no longer wishes to rent the unit, LANDLORD will be entitled to retain the Application Fee, and the parties will have no further obligation to each other.

Guarantor: LANDLORD requires all TENANTS to have a legally bound Guarantor. Guarantor may be asked to provide proof of income equal to at least five (5) times the applicable rent. In the event that TENANT does not have a financially qualified Guarantor, TENANT must provide sufficient documentation showing proof of the following regarding TENANT's financial status: 1) Monthly gross income of three (3) times the monthly rent amount; and 2) six (6) months of consecutive employment or proof of full-time student status. All TENANTS without a Guarantor will be required to pay an additional $750 Security Deposit and/or pay the entire accelerated Lease amount up front.

Completed Application: An Application is not considered to be completed and will not be processed unless the Application Fee has been paid to LANDLORD. All co-applicants on the LEASE must also present completed and signed applications.

Non-approval: LANDLORD holds the right to deny applicants that have met any of the following criteria within the past two (2) years: 1) unpaid civil judgments; 2) unpaid rental housing debt, or a history of late rental payments; 3) unpaid evictions; 4) bankruptcies; 5) FACTA Act Fraud Alert. LANDLORD may notify APPLICANT concerning approval within 7 days after LANDLORD has received the completed application. Notification may be in person, via email, telephone or by mail unless APPLICANT has requested notification be made solely by mail. APPLICANT must not assume approval until APPLICANT receives actual notification of approval from LANDLORD. If APPLICANT or any co-applicant is disapproved, LANDLORD will not refund the Application Fee.

Roommates: Each roommate applying for the UNIT must qualify individually in all areas, regardless of the number of roommates applying for one UNIT.

Notice: Any notice from LANDLORD to APPLICANT or co-applicant is considered notice to all co-applicants; and any notice from APPLICANT or co-applicant to LANDLORD is considered notice from all co-applicants.

By signing this application, APPLICANT represents that APPLICANT has never: 1) been arrested for any assault, felony, sex-related crime, or criminal violation involving the sale or manufacture of illegal drugs that was resolved by conviction, probation, deferred adjudication, court-ordered community supervision or pretrial diversion; 2) been arrested for any assault, felony, sex-related crime, or criminal violation involving the sale or manufacture of illegal drugs that has not been resolved by any method.

APPLICANT has had an opportunity to review LANDLORD'S rental selection criteria, which include reasons why the application may be denied. APPLICANT understands that if APPLICANT does not meet LANDLORD'S selection criteria or if APPLICANT fails to answer any question or give false information, LANDLORD may reject the application, retain all Application Fees, and terminate APPLICANT'S right of occupancy. LANDLORD may, at LANDLORD'S discretion, obtain a copy of APPLICANT'S credit report, rental history from prior landlord and/or criminal background report at any time during the TERM of the LEASE. TENANT'S rights to occupancy may be terminated during the TERM of the LEASE based on the results of these reports. LANDLORD may at any time furnish information to any consumer reporting agencies and other rental housing owners regarding APPLICANT'S performance of APPLICANT'S legal obligations, including any favorable or unfavorable information about APPLICANT'S compliance with the LEASE, the rules, and financial obligations. Fax signatures are legally binding.

_____ _____

APPLICANT'S Signature Date

_____ _____

Signature of Owner's Representative Date

RESIDENTIAL LEASE AGREEMENT – HUB ON CAMPUS EUGENE

DATE OF LEASE: _____

LANDLORD: **CORE CAMPUS EUGENE, LLC** TENANT: _____

LANDLORD agrees to rent and TENANT accepts this LEASE on the following Conditions:
THIS IS A JOINT AND SEVERAL LEASE WITH INDIVIDUAL RENT RESPONSIBILITY. All TENANTS in the UNIT are jointly responsible for all obligations under this LEASE except for RENT, the SECURITY DEPOSIT amount (if required) and any Fees which are the individual responsibility of each TENANT.

1. PROPERTY AND OCCUPANTS.

LANDLORD agrees to rent to TENANT the following UNIT at:

a) PROPERTY: HUB ON CAMPUS EUGENE (also referred to in this Lease as the "Apartment Community")

b) UNIT: TENANT'S specific Building, UNIT and Bedroom will be assigned to TENANT by LANDLORD prior to the beginning of the TERM listed in **Paragraph 2.**

c) ADDRESS OF PROPERTY: **515 E. Broadway**
Eugene, OR 97401

UNIT #: _____

Bedroom (A, B, C, D, E) _____ which is a

☐ private bathroom OR
☐ shared bathroom

accommodation in a_____bedroom_____bathroom UNIT

in floor plan type _____

located within the Apartment Community at the address listed above.

The UNIT will be used as a private residence and for no other purpose.

LANDLORD has the right to relocate TENANT from one Bedroom to another or even to another Bedroom in a different UNIT within the Apartment Community.

d) OCCUPANTS: The Bedroom will be occupied only by TENANT and (*list all other occupants not signing this LEASE or another LEASE within the Bedroom*):

_____

_____

No one else may occupy the Bedroom. Persons not listed above must not stay in the Bedroom for more than two consecutive days without LANDLORD'S prior written consent, and no more than four days in any one calendar month. TENANT hereby agrees that LANDLORD may share TENANT'S name and contact information with Roommates prior to commencement of the Lease Term.

If TENANT allows another person to occupy any unrented/vacant bed space in the UNIT, TENANT will be responsible for the RENT for that bed space. TENANT will be responsible for all costs associated with returning the unrented/vacant bed space to its original condition. LANDLORD has the right, when any bed space within the UNIT is unoccupied, to place a new tenant in the unoccupied bed space unless TENANT and all other TENANTS in the UNIT agree to pay LANDLORD the RENT and other charges that would be charged for such bed space if occupied.

Roommate compatibility and room preferences are not guaranteed. The fact that TENANT and/or TENANT'S roommates may be in conflict with each other will not result in any termination of this LEASE.

The LANDLORD may enter the common area of the premises to show the unoccupied bedroom and common areas to leasing prospects with giving notice to the TENANT twenty-four (24) hours in advance.

The portions of the PROPERTY and UNIT leased to Tenant are defined as including each of the following:

(1) TENANT'S use of the assigned Bedroom in the UNIT.

(2) Together with the other tenants of the UNIT, TENANT'S shared use of the Common Areas in the UNIT and the Apartment Community (for purposes of this LEASE, "Common Areas" are those areas within the UNIT to which TENANT has access without going into another Bedroom and, within the Apartment Community, those areas to which all tenants have general access);

(3) TENANT'S use (shared with other tenants in the Unit, if applicable) of all appliances within the Common Areas of the UNIT; and

(4) If Bedroom or UNIT is furnished: TENANT'S sole (if Bedroom is Private) or shared (if Bedroom is Shared) use of TENANT'S furniture within TENANT'S Bedroom; and TENANT'S shared use of all furniture within the Common Areas of the UNIT; and

(5) TENANT'S shared use of the mailbox assigned to TENANT by LANDLORD. If the Postmaster serving the Apartment Community has instituted or begins instituting during this LEASE "single drop delivery", LANDLORD will place TENANT'S mail in the mail box, but unless due to LANDLORD'S own willful misconduct or negligence, LANDLORD shall have no liability for misdelivery, delays in delivery and/or failure of delivery.

(6) TENANT'S shared use of all Common Areas, amenities, and grounds of the Apartment Community at the address listed in **Paragraph 1.**

2. TERM.

The term of this LEASE shall commence at Noon on

MONTH: September DAY: 15 YEAR: 2015

The term of this LEASE shall end at Noon on

MONTH: September DAY: 5 YEAR: 2016

Such period of time is referred to as the "TERM."

3. RENT.

Payment must be made without demand in advance of each month:
at the on-site manager's office or
through LANDLORD'S online payment site

Total RENT due for this lease term is

$_____.

RENT will be due in twelve (12) equal installments of

$_____ per month. There are no prorated RENT amounts under this LEASE. TENANT must also pay additional charges as identified in this LEASE when due. The first RENT payment is due on August 1st – prior to the lease commencement date. All subsequent payments of RENT must be paid on or before the first day of each and every calendar month during the TERM from October to August. If TENANT does not pay the first month's RENT on or before August 1st, all future RENT installments for the entire TERM will still be due and payable in full. If TENANT does not pay any subsequent installment of RENT on or before the first day of the applicable calendar month, all RENT for future installments will still be due and payable in full.

TENANT shall not pay RENT or additional charges in cash without LANDLORD'S prior written permission. TENANT must not withhold or offset RENT unless authorized by statute. LANDLORD may, at LANDLORD'S option, require at any time that TENANT pay all RENT and other sums in cash, certified or cashier's check, money order, credit card, or one monthly check rather than multiple checks. **If TENANT does not pay all RENT on or before the 4th day of the month, TENANT shall pay a late fee of five percent of the monthly rent amount, charged once for each succeeding five-day period, or portion thereof, for which the rent payment is delinquent, and continuing and accumulating until that rent payment, is paid in full.** TENANT shall also pay a charge of $35 for each returned check or rejected automatic electronic draft, plus late charges until LANDLORD has received acceptable payment. If TENANT does not pay RENT on time, TENANT will be in default and all remedies under state law and this LEASE will be available to LANDLORD. THIS IS YOUR NOTICE

THAT IF YOU DO NOT PAY YOUR RENT WITHIN FIVE (5) DAYS OF THE DUE DATE, THE LANDLORD CAN BEGIN EVICTION PROCEEDINGS IN ACCORDANCE WITH APPLICABLE OREGON LAW.

4. RENTAL PAYMENTS.

a) RENT is due on the applicable due dates listed in **Paragraph** 3 and TENANT must pay RENT on the due dates listed in **Paragraph 3** without prior notice or demand from LANDLORD.

b) RENT will not be considered late if it is received by LANDLORD on or before the 4th day of the month in which it is due.

c) TENANT must pay full RENT when due and may not deduct funds from rental payments for any reason, unless otherwise allowed by law.

d) TENANT may NOT pay RENT in cash without prior written permission from LANDLORD. TENANT must pay RENT by check or money order, online payment, or as otherwise agreed by LANDLORD in writing. If LANDLORD agrees to accept RENT in any other form than check or money order, a convenience fee will be added to the amount due. The convenience fee may change during the lease TERM. LANDLORD is not required to provide a receipt for payments made by check or money order, and evidence of such payments shall be maintained by TENANT. Currently the convenience fees for paying online are set dependent on payment type as follows:

a) $24.95 per charge for VISA payments.
b) 2.95% of MasterCard payments + $2.50.
c) $1.70 for one-time e-check payments.
d) $1.00 per month for recurring e-checks.

These convenience fees are subject to change at any time.

e) Any accord, satisfaction, conditions or limitations noted by TENANT on or in any payment shall be null and void.

f) Without being required to do so, LANDLORD can accept partial payment of RENT along with a signed copy of a Partial Payment Agreement containing terms acceptable to LANDLORD, but LANDLORD does not waive LANDLORD'S rights in such circumstance to collect and enforce the payment of the remainder of such RENT.

TENANT is liable for all costs or charges associated with LANDLORD having to provide special services (unless required by law) to TENANT or at TENANT'S request and for all fees or fees as described in Rules and Regulations. Unless required by law, the provision of any special services shall be at Landlord's sole and absolute discretion.

5. SECURITY DEPOSIT AMOUNT.

The SECURITY DEPOSIT is $_____. The SECURITY DEPOSIT must be paid on or before the date this LEASE is signed. This amount does NOT include any animal deposit if applicable.

6. FEES.

In addition to RENT and all other charges due under this Lease, TENANT agrees to pay LANDLORD the following fees and charges (list number of each in space below)

_____Application Fee $35.00 /Lease

_____Amenity Fee $75.00 /Lease

_____Other Fee (describe below) $_____/_____

_____

7. PLACE AND NAME OF PAYMENTS.

RENT payments are to be made payable to HUB ON CAMPUS EUGENE. Unless electronic payment arrangements are made, RENT must be paid to LANDLORD at the following address:

HUB ON CAMPUS EUGENE
515 E. Broadway
Eugene, OR 97401

8. RETURNED CHECK

If TENANT'S check is returned by the bank, TENANT:

a) shall pay a charge of $35.00 as returned check fee;

b) shall pay late charges retroactive to the due date listed in **Paragraph** 3; and

c) will be in violation of the LEASE for failing to pay the RENT on time, unless the returned check fee, applicable late fees and any late RENT charges are paid within the notice requirements of Oregon law.

If two (2) of TENANT'S personal checks are returned to LANDLORD, LANDLORD will require that all sums from TENANT be payable to LANDLORD in either certified or cashier's check or money order during the remaining balance of the TERM.

9. PARENTAL GUARANTEE.

Each TENANT listed on **Page 1** of this LEASE must provide LANDLORD a legally binding parental or sponsor's GUARANTEE in a form acceptable to LANDLORD in LANDLORD's sole and absolute discretion. The GUARANTEE for each TENANT must be delivered to LANDLORD within 7 days of TENANT signing this LEASE. LANDLORD may cancel this LEASE at any time thereafter if TENANT does not provide the GUARANTEE to LANDLORD. TENANT will not be allowed to move-In without a complete LEASE file including the GUARANTEE. If TENANT does not have a signed GUARANTEE form, TENANT is still liable for all LEASE payments for the TERM. **It is the LANDLORD'S option as to whether to accept the GUARANTEE or not. It is not the option of the TENANT as to whether or not to have the GUARANTEE completed and returned to LANDLORD.**

10. MEALS.

Meals are not offered at the PROPERTY.

11. TENANT'S UNIVERSITY.

TENANT'S UNIVERSITY shall mean any of the following institutions in which TENANT is either enrolled currently or attempting to enroll: University of Oregon, Lane Community College, New Hope Christian College, and Northwest Christian University.

12. RIGHT TO TERMINATE LEASE.

See Paragraphs 40 and 41.

13. NOTICES.

LANDLORD and TENANT must send all notices by pre-paid postage via certified or registered mail, return receipt requested, or via hand delivery (hand delivery shall include delivery by LANDLORD of the notice to the UNIT or in the TENANT mailbox or delivery to the Management Office by TENANT). Notice is given when notice is mailed or hand delivered.

TENANT must send or hand deliver notices to LANDLORD at the address listed in **Paragraph** 7 of this LEASE. LANDLORD must send or hand-deliver notices to TENANT at TENANT'S UNIT or mailbox.

14. UTILITIES.

a) LANDLORD will supply and pay for the following utilities / services:

Basic Cable Television
Internet Service
Trash

NOTE: TENANT agrees to use utilities in a careful and conservative manner. TENANT is responsible for all other utilities including (but not limited to): water, waste water, electricity, gas, and phone.

b) At the end of the LEASE, TENANT must provide LANDLORD with satisfactory proof that all utilities, if any, billed to TENANT have been paid in full. LANDLORD does not have to return any SECURITY DEPOSIT to TENANT until TENANT gives LANDLORD proof that TENANT has paid all utilities, and may at its option apply the SECURITY DEPOSIT to any outstanding utility charges. **TENANT must keep electric service in TENANT'S name for four (4) days following the end of the TERM.**

c) LANDLORD agrees to furnish trash removal at specific locations throughout the PROPERTY (this does NOT include door-to-door trash pickup), basic cable television, and internet service for the UNIT. Internet service will be provided by LANDLORD in each bedroom through an arrangement with an outsourced service provider. The gas, water and sewer service will be arranged by LANDLORD and the cost thereof will be allocated according to the total number of tenants engaged in lease contracts at the PROPERTY and charged to each tenant individually. TENANT will be required to pay those utilities directly to LANDLORD'S office during the TERM. TENANT must arrange for and place electric service in TENANT's name and usage will be sub-metered by the service provider and billed to the UNIT. TENANT will be responsible for payment directly to the electric service provider. If TENANT desires additional cable channels, they will be at TENANT'S expense and TENANT must contact the appropriate utility service provider. If TENANT fails to place electric service in TENANT's name and such service is billed to LANDLORD, LANDLORD will invoice TENANT for electric services used.

d) **INTERNET & TELEVISION SERVICE**

Telecommunications Services
LANDLORD is providing basic internet and basic television service to TENANT. This service includes television service and high speed broadband available in select locations throughout the building. Service is subject to Network Access, Acceptable Use and Performance Level terms (see below). If TENANT wants additional television channels, voice service or additional internet capacity, they will be at TENANT'S expense and TENANT must make arrangements through the LANDLORD-approved provider. These additional services not paid by LANDLORD must remain on and paid for by TENANT, in TENANT'S names, through their contracted ending date regardless of whether TENANT has vacated.

LANDLORD will not be liable for any interruption, surge, or failure of telecommunications services (including internet access, television service and voice service) to the Apartment or any damage directly or indirectly caused by the interruption, surge or failure. TENANT hereby releases LANDLORD from any and all such claims and waives any claims due to such outages, interruptions, or fluctuations unless due to LANDLORD'S own willful misconduct or negligence.

Network Access
TENANT may find it necessary to purchase a network interface card, wireless PC card or other hardware in order to connect to the internet service. LANDLORD is not responsible for the purchase of these items and LANDLORD cannot guarantee compatibility with any device TENANT may have. The computer and network card must have software installed that supports the Internet Protocol commonly referred to as TCP/IP. Any conflicts between the software compatibility of the network and the TENANT'S computer operating system or any other feature will be the responsibility of the TENANT to resolve. LANDLORD will not be responsible for software issues related to the user's personal computer.

Acceptable Use
Internet services, equipment, wiring and/or jacks may not be tampered with or modified. Internet users shall not setup, host or maintain "server" type services.

The Internet may be used for only legal purposes and to access only those systems, software and data for which the user is authorized. Sharing access to copyrighted material on the network is prohibited. Be advised that LANDLORD and LANDLORD-approved providers will cooperate fully with any law enforcement agency or official in the disclosure of all pertinent information pertaining to any investigation or prosecution of illegal conduct by an individual or suite where access of the Internet services were obtained. Tenant consents to any and all such disclosures.

All users of the Internet are advised to consider the open nature of information disseminated electronically, and should not assume any degree of privacy or restricted access to such information. LANDLORD and LANDLORD-approved providers strive to provide the highest degree of security for transferring data, but cannot be held responsible if these measures are circumvented and information is intercepted, copied, read, forged, destroyed or misused by others.

Performance Levels
Many factors affect the speed of access to the Internet. Internet users are not guaranteed the maximum service performance (throughput speed) levels but reasonable efforts will be made to ensure the highest possible quality of service is delivered. Internet users understand that any content that they may access may be subjected to "caching". Simultaneous use of bandwidth applications (e.g.: streaming media) by multiple users may result in a user experience that is slower when compared to single user.

Reasonable efforts will be made to ensure availability of the Internet services to users. Service outages for routine maintenance, equipment or service failures, or emergency servicing will happen over the course of the year and LANDLORD shall have no liability for any outages.

15. CONDITION OF UNIT.

TENANT accepts the UNIT and PROPERTY in its present condition and designates it fit and habitable. Within 48 hours of taking possession of the UNIT, TENANT must inspect the UNIT and provide LANDLORD a list of any defects or damages to the UNIT by completing a Move-in Condition Form. As part of this list, TENANT must test all smoke detectors. The purpose of the list is to document the condition of the UNIT at the time the term of the LEASE commences. Any items not identified by TENANT shall be deemed in good condition.

The list should be delivered to the LANDLORD at the address listed in **Paragraph 7**. TENANT should keep a copy of the list signed by LANDLORD or LANDLORD's representative. If LANDLORD receives no list within the time given, TENANT acknowledges that there are no defects or damages. The UNIT must be returned to LANDLORD in the same condition as it was provided, reasonable wear and tear accepted. TENANT is responsible for all damage to the UNIT that occurs after excepted, reasonable wear and tear excluded. **TENANT acknowledges and agrees that having to paint a UNIT at any time after TENANT takes possession of the UNIT could be billed back to TENANT if the damages are considered above reasonable wear and tear by the LANDLORD.**

16. APPLIANCES AND FURNITURE.

a) LANDLORD will provide the appliances and furniture listed below:

- Refrigerator/Freezer
- Dishwasher
- Range
- Washer & Dryer
- Microwave
- Flat Panel Television
- Couch and/or love seat
- Love Seat (not applicable in studios/1 bedrooms)
- Coffee Table
- Bar stools (not applicable in studios/1 bedrooms)
- Mattress and Bed frame
- Desk
- Desk Chair
- Mini Fridge

b) LANDLORD will repair or replace non-working appliances.

c) TENANT agrees to keep all appliances and furniture clean and to immediately report any appliance or furniture that is broken, damaged or not working properly. TENANT is responsible for the cost of repairing or replacing any appliance or furniture item which is broken, damaged, not working or not in the UNIT because of the fault of TENANT or TENANT'S guests. TENANT agrees to not add any additional refrigeration to the UNIT at any time.

17. LANDLORD UNABLE TO GIVE POSSESSION.

a) LANDLORD shall not be responsible or liable to pay any damages, or, be held liable, to TENANT if LANDLORD cannot give possession of the UNIT on the lease commencement date, for any reason whatsoever except as required by law.

b) If LANDLORD is unable to give possession of the UNIT to TENANT on the date when the LEASE is to commence, RENT will be abated on a daily basis during the delay. LANDLORD shall not be liable for any such delay in delivering possession of the UNIT to TENANT except as required by law. TENANT must pay RENT or additional charges for any part of a month that TENANT has possession.

c) TENANT may terminate the LEASE if possession of the UNIT is not given to TENANT within 60 days of the LEASE commencement date. TENANT must give notice of such termination to LANDLORD in writing before the 6th day after the 60-day period has expired. The LEASE will continue if TENANT does not give LANDLORD written notice that TENANT is terminating the LEASE pursuant to this paragraph, and TENANT's right to terminate the lease shall thereafter be null and void and all duties and obligations of TENANT under the LEASE will remain in full force and

effect in accordance with Oregon law.

18. USE.

a) Only the TENANT listed on this LEASE may live in the UNIT; however, TENANT acknowledges that that the UNIT may be occupied by another tenant provided the additional tenant has an executed LEASE for the UNIT or is listed in **Paragraph 1** of this LEASE.

b) TENANT may not commit any act or allow any activity to occur in the UNIT or on the PROPERTY, which violates or breaks any Federal, State or local laws or ordinances, or any applicable rules or regulations. TENANT may not use or allow the UNIT or the PROPERTY to be used for any disorderly or illegal purpose. The UNIT may only be used as a private residence.

c) TENANT may not store or allow any hazardous, flammable or toxic substances in or on the UNIT or the PROPERTY. TENANT may not do or allow any behavior in the UNIT or on the PROPERTY which is a nuisance or which creates a risk of injury, loss or damage. TENANT may not engage in or allow any activity, which increases the costs of insurance or the LANDLORD's ability to either obtain or maintain insurance coverage on the PROPERTY.

19. TENANT'S RESPONSIBILITY FOR INJURY OR DAMAGE.

TENANT agrees that TENANT is responsible for:

a) all personal property of TENANT and TENANT's family, guests or persons invited by TENANT in or on the PROPERTY, including automobiles;

b) loss, damage, costs, injury or death caused by TENANT or TENANT'S family, guests or persons invited by TENANT for the use of TENANT's property;

c) any claim due to acts or from any failure to act by TENANT or TENANT's family, guests or persons invited by TENANT; and

d) payment for damages or costs of LANDLORD from any claim based upon the acts of TENANT or TENANT's family, guests or persons invited by TENANT.

20. TENANT'S INSURANCE.

TENANT shall acquire and maintain for the TERM of the LEASE insurance coverage for:

a) the protection of any personal property of TENANT and TENANT's family or guests;

b) all claims by TENANT or TENANT's family, guests or persons invited by TENANT for injury or death occurring in or about the PROPERTY; and

c) TENANT's automobile(s).

DAMAGE TO TENANT'S PROPERTY AND INSURANCE:

LANDLORD does not provide any insurance coverage for TENANT's property. Unless caused by the willful or negligent actions of LANDLORD, or LANDLORD's agent's or employee's, neither LANDLORD nor LANDLORD's agents and/or employees shall be responsible for any theft, damage, loss or destruction of personal property of TENANT or TENANT's occupants, guests, licensees, invitees or agents due to fire, water, flooding, other casualty, act of God, or any other causes. TENANT IS ENCOURAGED TO INSURE PERSONAL PROPERTY IN AN AMOUNT SUFFICIENT TO COVER THE PROPERTY.

TENANT expressly and unequivocally agrees to be liable to LANDLORD and/or LANDLORD's insurer for damage to the UNIT or the PROPERTY, including but not limited to fire and water damage, caused by TENANT's negligent conduct, or the negligent conduct of TENANT's occupants, guests, licensees, invitees or agents. TENANT agrees to comply in all respects with any applicable policy of insurance so as to not cause an increase in premium or void any insurance policy.

21. LANDLORD'S ENTRY ONTO THE PROPERTY.

LANDLORD or LANDLORD'S agent may enter the UNIT by any means necessary, unless otherwise notated by Oregon law:

a) between 7:00 A.M. and 8:00 P.M. to (i) make repairs; (ii) deliver notices (iii) improve the UNIT; (iv) show the UNIT to possible buyers, lenders or TENANTs with 24-hour advance notice; (v) inspect the UNIT periodically for compliance with the LEASE terms; (vi) investigate a suspected violation of the LEASE; or (vii) for any other reasonable purpose.

b) without notice to TENANT and at any time in an emergency.

22. LANDLORD'S RESPONSIBILITY.

LANDLORD is not responsible for any loss, expense, injury or damage to any person or property caused by items including but not limited to:

a) theft;
b) fire;
c) ice, snow or rain;
d) water;
e) plumbing or pipe leaks;
f) malfunction of appliances;
g) interruption of any utilities or services at the UNIT or the PROPERTY
h) power surges;
i) sprinkler systems.

LANDLORD has no duty to remove ice, sleet or snow, but LANDLORD may do so in whole or in part, with or without notice to TENANT. EXCEPT FOR LANDLORD'S LIABILITY ARISING UNDER APPLICABLE LAW AND TO THE GREATEST EXTENT OF THE LAW, TENANT, FOR TENANT AND FOR TENANT'S GUESTS, RELEASE LANDLORD, AND LANDLORD'S RESPECTIVE SUCCESSORS AND ASSIGNS AND LANDLORD'S AND THEIR RESPECTIVE EMPLOYEES, OFFICERS, DIRECTORS AND AFFILIATES (collectively, the "RELEASED PARTIES") FROM ANY AND ALL CLAIMS AND/OR DAMAGES (i) FOR LOSS OR THEFT OF TENANT'S OR TENANT'S GUEST'S PERSONAL PROPERTY, AND/OR (ii) WHICH MAY ARISE OUT OF ANY ACCIDENTS OR INJURIES TO TENANT, MEMBERS OF TENANT'S FAMILY OR TENANT'S GUESTS, IN OR ABOUT THE BEDROOM, THE UNIT, OR THE PROPERTY, EXCEPT TO THE EXTENT SUCH CLAIM OR DAMAGE WAS CAUSED BY THE SOLE NEGLIGENCE OF THE RELEASED PARTIES. TENANT ASSUMES FOR TENANT AND ALL MEMBERS OF TENANT'S FAMILY AND TENANT'S GUESTS, ANY AND ALL RISKS FROM ANY ACCIDENTS IN CONNECTION WITH USE OF THE UNIT, THE COMMON AREAS, THE PROPERTY OR THE PROPERTY'S RECREATIONAL FACILITIES OR OTHER AMENITIES, IT BEING UNDERSTOOD THAT ALL SUCH FACILITIES AND AMENITIES ARE GRATUITOUSLY SUPPLIED FOR TENANT'S USE, AND AT THE USER'S SOLE RISK. TO THE EXTENT PERMITTED BY LAW, TENANT HEREBY INDEMNIFIES LANDLORD AND EACH OF THE RELEASED PARTIES FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES, ACTIONS, COSTS AND DAMAGES WHICH LANDLORD OR ANY OF THEM MAY SUFFER OR INCUR AS A RESULT OF TENANT'S NEGLIGENCE, WILLFUL MISCONDUCT AND/OR VIOLATION OF THIS LEASE.

23. RULES AND REGULATIONS.

a) LANDLORD may make reasonable rules and regulations to protect:

1) the PROPERTY and the property of other TENANTs, neighbors, or other people; and,

2) the comfort, safety or rights of other TENANTs, neighbors, or other people.

b) TENANT will follow all rules and regulations made by LANDLORD, which are now in effect **and attached to this LEASE**. TENANT will follow any new rules and regulations made by LANDLORD during the TERM. **LANDLORD may charge TENANT a rule violation charge for each violation as in accordance to the Rules and Regulations. TENANT's parents and/or Guarantor may be contacted for any violation of the rules and regulations.**

24. PETS.

No animals (including mammals, reptiles, birds, fish, rodents, amphibians, arachnids, and insects) are allowed, even temporarily, anywhere in the UNIT or PROPERTY unless LANDLORD has authorized so in writing. If LANDLORD allows an animal, TENANT must sign a separate Pet Addendum and pay a pet deposit and pet rent. A pet deposit is considered a general SECURITY DEPOSIT. LANDLORD will authorize a service animal or companion animal that a tenant with a disability requires reasonable accommodation under the Fair Housing laws. LANDLORD may require a written statement from a qualified professional verifying the need for the support animal.

TENANT must not feed stray or wild animals.

If TENANT or any guest or occupant of the UNIT violates pet

restrictions (with or without TENANT'S knowledge), TENANT will be subject to charges, damages, eviction, and other remedies provided in this LEASE. If a pet has been in the UNIT at any time during TENANT'S term of occupancy (with or without LANDLORD'S consent), LANDLORD will charge TENANT for de-fleaing, deodorizing, and shampooing. Pet-violation charges are for LANDLORD'S time, inconvenience, and overhead (except for attorney's fees and litigation costs) in enforcing pet restrictions and rules.

A written warning will be issued for the initial violation of any pet policies by TENANT or TENANT'S guest. A $50 fee will be assessed to TENANT upon the second violation of any pet policies listed above.

LANDLORD has no lien on the pet for any purpose.

25. TRASH REMOVAL / RECYCLING.

Trash must be disposed of in accordance with the directions of the LANDLORD. All trash must be removed as it accumulates in the UNIT. Trash may not be kept in closets, hallways, basements, etc. Additionally, TENANT may never place trash or debris near the front door or on the patio or balcony. If any trash or debris is found in these areas, a reasonable fee may be charged for the removal of all items.

26. UNAUTHORIZED VEHICLES.

a) TENANT may not park any vehicle on the PROPERTY unless LANDLORD and TENANT execute a Parking Lease allowing the TENANT to park a vehicle on the PROPERTY.

b) No unregistered or disabled automobiles, trailers, campers, boats, etc are allowed on the PROPERTY at any time.

c) TENANT may not make repairs to automobiles on the PROPERTY.

d) LANDLORD may tow at TENANT's expense any vehicle determined by LANDLORD to have been abandoned or parked in violation of this LEASE, a parking lease, or other applicable parking rules or regulations, or in violation of applicable law.

27. MAINTENANCE.

LANDLORD agrees to do any maintenance or structure repairs that are needed to the UNIT. TENANT agrees to keep the UNIT clean, neat and safe.

LANDLORD shall act with customary due diligence to:

(a) keep Common Areas of the PROPERTY (but not the UNIT, which shall be the responsibility of TENANT) reasonably clean;

(b) maintain fixtures, furniture, hot water, heating, and A/C equipment;

(c) substantially comply with applicable federal, state, and local laws regarding safety, sanitation, and fair housing; and

(d) make all reasonable repairs, subject to TENANT'S obligation to pay for damages for which TENANT is liable.

LANDLORD may temporarily turn off equipment and/or interrupt utilities to the UNIT and/or the PROPERTY to avoid property damage or to perform work requiring such interruption as determined in LANDLORD's sole judgment. LANDLORD will not be liable for any inconvenience, discomfort, disruptions or interference with TENANT's use of the PROPERTY because LANDLORD is making repairs, alterations or improvements to the UNIT or the PROPERTY. If TENANT requests any repairs, and LANDLORD approves such request, the repairs will be done during LANDLORD'S usual working hours unless TENANT requests in writing that such repairs be done during other hours and such request is approved by LANDLORD. If LANDLORD approves such request TENANT will have to pay in advance any additional charges resulting from such request.

TENANT agrees to take reasonable steps in order to prevent or minimize the growth of mold and mildew within the UNIT. To prevent or minimize the occurrence and growth of mold in the UNIT, TENANT hereby agrees to the following:

TENANT is responsible for replacing the HVAC filter at least four times during the lease TERM at TENANT's expense. TENANT may purchase filters from LANDLORD at a cost of $5.00 each.

TENANT shall (a) remove any visible moisture accumulation in or on the UNIT, including on walls, windows, floors, ceilings, and bathroom fixtures, (b) mop up spills and thoroughly dry affected area as soon as possible after occurrence, (c) use exhaust fans in kitchen and bathroom when necessary, and (d) keep climate and moisture in the UNIT at reasonable levels.

TENANT shall clean and dust the UNIT regularly, and shall keep the UNIT, particularly the kitchen and bath, clean and dry.

TENANT shall promptly notify LANDLORD in writing of the presence of any of the following conditions:

Any water leak, excessive moisture, or standing water inside the UNIT or any Common Areas.

Mold or mildew growth in or on the UNIT that persists after TENANT has tried to remove it with an appropriate household cleaning solution, such as Lysol or Pine-Sol disinfectants, Tilex Mildew Remover, or Clorox, or a combination of water and bleach.

A malfunction in any part of the heating, air-conditioning, or system in the UNIT.

TENANT shall be liable to LANDLORD for damages sustained to the UNIT or the PROPERTY as a result of TENANT's failure to comply with the terms of this section, and LANDLORD shall not be liable for any damages sustained to TENANT's person or property as a result of any such failure.

TENANT is responsible for all pest control, except that LANDLORD shall provide an initial pest control treatment if the need for such treatment is reported to LANDLORD in writing within 10 days after move-in. If LANDLORD incurs the cost of pest control in the UNIT or the PROPERTY as a result of the actions or inactions of any tenant in the UNIT, all tenants in the UNIT shall be responsible for the cost thereof.

28. REPAIRS.

TENANT agrees to:

a) immediately report to LANDLORD any damages or needed repairs; and

b) pay for repairs which are needed due to the fault of TENANT or any of TENANT's family or guests.

If TENANT or any occupant needs to send a notice or request—for example, for repairs, installations, services, ownership disclosure or security-related matter-- **IT MUST BE SIGNED AND PROVIDED IN WRITING** to LANDLORD's designated representative (except in case of fire, smoke, gas, explosion, overflowing sewage, uncontrollable running water, electrical shorts, or crime in progress). LANDLORD's written notes on TENANT's oral request do not constitute a written request from TENANT.

LANDLORD's compliance with or responding to any oral request regarding security or any other matters does not waive the strict requirement for written notices under this LEASE. TENANT must promptly notify LANDLORD in writing of: water leaks; mold; electrical problems; malfunctioning lights; broken or missing locks or latches; and other conditions that pose a hazard to property, health, or safety. LANDLORD may change or install utility lines or equipment serving the UNIT if the work is done reasonably without substantially increasing TENANT's utility costs. LANDLORD may turn off equipment and interrupt utilities as needed to avoid property damage or to perform work. If utilities malfunction or are damaged by fire, water or similar cause, TENANT must notify LANDLORD's representative immediately. If air conditioning or other equipment malfunctions, TENANT must notify LANDLORD's representative as soon as possible on a business day. LANDLORD will act with customary diligence to make repairs and reconnections, taking into consideration when casualty insurance proceeds are received. RENT will not abate in whole or in part.

If LANDLORD believes in its sole judgment that damage is substantial, or that performance of needed repairs poses a danger to TENANT, LANDLORD may terminate this LEASE without liability by giving TENANT at least five (5) days written notice.

LANDLORD may also remove personal property if it causes a health or safety hazard. If the LEASE is so terminated, LANDLORD will refund prorated RENT and all deposits, less lawful deductions.

29. CHANGES TO THE PROPERTY.

TENANT must obtain written permission from LANDLORD before TENANT makes any changes, improvements or additions to the UNIT. TENANT agrees that LANDLORD will not pay for changes made to the UNIT unless LANDLORD agreed in writing to pay for such changes.

30. LAUNDRY FACILITIES.

Individual washer and dryer is included in each unit. TENANT is responsible for cleaning lint trap after each dryer use to prevent fire.

31. TAKING OF PRIVATE PROPERTY.

a) Legal authorities are able to take property after paying for it. This is known as "condemnation".

b) TENANT agrees that if the PROPERTY, part of the PROPERTY, or the land on which the PROPERTY is located are taken:

1) LANDLORD can end this LEASE;

2) LANDLORD is not responsible for claims of TENANT for inconvenience or loss of use of the PROPERTY or any part of the PROPERTY; and

3) TENANT, by signing this LEASE, has assigned to LANDLORD any rights which TENANT may have to any money paid by the legal authorities for or relating to the taking of the PROPERTY.

32. UNENFORCEABLE LEASE CONDITIONS.

If any court determines that any condition or part of this LEASE is illegal or unenforceable, the rest of the LEASE shall continue in full force and effect.

33. SALE OF PROPERTY.

A new owner can end this LEASE by giving TENANT 90 day's written notice if there is:

a) a sale or transfer of the PROPERTY; or

b) a sale of the land or buildings in which the UNIT is located.

34. TRANSFER BY LANDLORD.

LANDLORD may transfer this LEASE. If transferred, TENANT's obligations shall continue in full force and effect to the new LANDLORD. The new LANDLORD will have all of the rights that the current LANDLORD has under this LEASE. LANDLORD may transfer this LEASE without obtaining TENANT'S approval.

35. SECURITY DEVICES.

LANDLORD is NOT obligated to furnish security personnel, security lighting, security gates or fences, or other forms of security and LANDLORD can discontinue any such items at any time without notice.

36. DEFAULT BY TENANT.

TENANT shall be in default of this LEASE if TENANT:

a) fails to pay RENT or any other charges when due; or

b) does anything which is not permitted by this LEASE; or

c) fails to do anything which is required by this LEASE; or

d) gives LANDLORD false information, including information or signatures on TENANT's or the Guarantor's/Co-signers rental application, on the LEASE or on the GUARANTEE; or

e) any of the utilities which are payable by TENANT or the other tenants of the UNIT are not paid in a timely manner or are disconnected or shut-off; or

f) TENANT fails to pay any fees within 10 days after it is levied in accordance with this LEASE or the **Rules and Regulations**.

37. LANDLORD'S RIGHTS.

LANDLORD shall have the following rights in addition to any other rights of LANDLORD under this LEASE or applicable law.

a) If TENANT breaks any condition of this LEASE, any Addendum to this LEASE, or the **Rules and Regulations**, LANDLORD can:

(i) collect any past due RENT and utility payments and any sums which are due for the rest of the TERM from TENANT;

(ii) collect from TENANT for damages caused by TENANT or TENANT's breaking of any conditions of the LEASE or TENANT's doing of any act which is not permitted by the LEASE;

(iii) evict TENANT and take possession of the UNIT;

(iv) recover or file suit to recover:

(a) all RENT and additional charges which are due from TENANT;

(b) reimbursement for any damages; and,

(c) reasonable costs and expenses which are incurred by LANDLORD to enforce this LEASE, including court costs, collection costs and attorneys' fees.

b) These are not the only rights LANDLORD has if TENANT breaks this LEASE. Besides ending this LEASE and getting a court order to evict TENANT, LANDLORD can sue TENANT for unpaid RENT and other damages, losses or injuries.

If LANDLORD obtains a money judgment against TENANT, LANDLORD may use the court process or any other available process to take TENANT'S personal goods, furniture, motor vehicles and other assets to the maximum extent allowed by law.

FIRE OR OTHER CASUALTY. If in LANDLORD'S reasonable judgment, the Bedroom, the Building or the Property is materially damaged by Fire or other casualty, LANDLORD may terminate this LEASE within a reasonable time after such determination by giving TENANT written notice of such termination. If LANDLORD does terminate the LEASE, and TENANT did not cause the loss, LANDLORD will refund prorated, prepaid RENT and the Security Deposit, less lawful deductions. If LANDLORD determines that material damage has not been caused to the UNIT, the Building or the PROPERTY, or, if LANDLORD has elected not to terminate this LEASE, LANDLORD will, within a reasonable time, rebuild the damaged improvements.

38. CONTRACTUAL LIEN.

This section is intentionally left blank.

39. OTHER REMEDIES.

In addition to all of LANDLORD's other rights and remedies under Oregon law and this LEASE, if TENANT's RENT is delinquent and LANDLORD gives TENANT 5 days' prior written notice, LANDLORD may terminate electricity that LANDLORD has furnished at LANDLORD'S expense, unless applicable law provides otherwise. LANDLORD may report unpaid amounts to credit agencies. If TENANT defaults and moves out early, TENANT will pay LANDLORD any amounts stated to be rental amounts in **Paragraph 3** for the entire TERM, in addition to other sums due. Upon TENANT's default, LANDLORD reserves all other available legal remedies, including LEASE termination. Late charges are for LANDLORD'S time, inconvenience, and overhead in collecting late RENT (but are not for attorney's fees and litigation costs). TENANT must pay all collection-agency fees if TENANT fails to pay all sums due within
10 days after LANDLORD mails TENANT a letter demanding payment and stating that collection agency fees will be added if TENANT fails to pay all sums by that deadline. LANDLORD may accelerate RENT – see **Paragraph 46**.

40. ENDING THE LEASE.

a) **This LEASE will end at the time and date listed in Paragraph 2.** LANDLORD may not extend the term of this LEASE without the written consent of TENANT. TENANT may not extend the term of this LEASE without the written consent of LANDLORD. **Failure to vacate the UNIT at the end of LEASE shall be a violation of this LEASE.**

b) If LANDLORD fails to repair or remedy a condition for which it is obligated, by law, to repair or remedy, TENANT may pursue remedies under Oregon law, including the possibility of terminating this LEASE, by following this procedure:

(1) TENANT must make a written request for repair or remedy of the condition – after which LANDLORD shall have a reasonable time for repair or remedy;

(2) if LANDLORD fails to do so, TENANT must make a second written request for the repair or remedy (to make sure that there has been no miscommunication) – after which LANDLORD will have a reasonable time for the repair or remedy; and

c) Subsection (a) notwithstanding, if TENANT does not vacate the UNIT upon expiration of the TERM, the TERM shall convert to a week-to-week tenancy, which can be terminated by either party upon ten (10) days written notice. In the event that a week-to-week tenancy commences, TENANT agrees to pay weekly rent of $1,750 + Additional Amounts. Besides the modified TERM and RENT, all other terms and conditions of this Lease shall remain in full force and effect.

41. **EARLY TERMINATION.**

Except as otherwise expressly stated in this LEASE, and excepting cases of default by TENANT, this LEASE may not be terminated early unless it is agreed to in writing by both LANDLORD and TENANT. LANDLORD has no obligation to terminate this LEASE early. If LANDLORD agrees to any early termination of this LEASE, a termination charge will apply as specified by LANDLORD and must be paid before the LEASE is officially terminated. The Application Fee is never refundable.

UNLAWFUL EARLY MOVE-OUT; RELETTING CHARGE. LANLORD may elect to charge TENANT an abandonment or relinquishment fee of [Insert: Any amount up to one-and one-half times monthly rent], if TENANT abandons or relinquishes the property (including failing to move-in) during the TERM.

If LANDLORD does not elect to charge TENANT the abandonment or relinquishment fee, LANDLORD may recover from TENANT all actual damages, including, but not limited to, damages for loss of rent, and costs to re-let the Unit (including administrative costs, costs of advertising and showing the UNIT, utilities for showing, checking prospects, marketing costs, and locator-service fees. TENANT is expected to return the UNIT to the condition in which possession was taken in order to avoid incurring damage charges. LANDLORD will inspect the UNIT after TENANT vacates to assess damages and make any necessary repairs to the unit before a replacement TENANT moves in.

42. **SUBLETTING.**

TENANT may not transfer this LEASE or sublet the UNIT, nor any part of the UNIT without LANDLORD's prior written approval which may be granted or withheld in LANDLORD's sole and absolute discretion.

If TENANT permits another person to live in UNIT or provides key to a person not named on this LEASE, TENANT will be subject to all fees applicable by law and possible eviction. If departing or remaining tenants find a replacement tenant acceptable to LANDLORD before moving out and LANDLORD expressly consents to the replacement, subletting, or assignment, then the departing TENANT will no longer remain liable for remaining balance of the TERM.

Procedures for Replacement. If LANDLORD approves a replacement tenant, then, at LANDLORD'S option: (1) the replacement tenant must sign a new lease contract or an Addendum to *this* contract (at LANDLORD'S discretion) with or without an increase in the total SECURITY DEPOSIT; or (2) the remaining and replacement tenants must sign an entirely new lease contract. If the replacement tenant signs a new lease, LANDLORD shall inspect the UNIT and refund the appropriate amount of TENANT's security deposit. The replacement tenant shall be responsible for making a new security deposit as a condition to entering into the new lease. In the event that replacement tenant signs an addendum to the existing lease, the security deposit shall continue to be held by LANDLORD until the end of the TERM. At the end of the TERM, LANDLORD shall refund the deposit jointly to the TENANT and the replacement tenant. Notwithstanding anything to the contrary, TENANT will remain liable for the remainder of the original Lease Contract term unless LANDLORD agrees otherwise in writing.

43. **LEAVING THE UNIT.**

DEPOSIT RETURN, SURRENDER, AND ABANDONMENT. LANDLORD will mail TENANT's SECURITY DEPOSIT refund (less lawful deductions) and an itemized accounting of any deductions no later than 31 days after surrender or abandonment, unless statutes provide otherwise.

TENANT will have *surrendered* the UNIT when: (1) the move-out date has passed and no one is living in the UNIT in LANDLORD'S reasonable judgment; or (2) all UNIT keys and access devices have been turned in where RENT is paid—whichever date occurs first.

TENANT will have *abandoned* the UNIT when all of the following have occurred: (1) all tenants appear to have moved out of the UNIT in LANDLORD's reasonable judgment, and have been absent for at least seven (7) days; (2) clothes, furniture, and personal belongings have been substantially removed in

LANDLORD's reasonable judgment; (3) TENANT has been in default for non-payment of RENT for at least ten (10) days; and

(1) TENANT has not responded for five (5) days to LANDLORD'S notice left on the outside of the main entry door and mailed to

46. **INTENTIONALLY OMITTED.**

TENANT, stating that LANDLORD considers the UNIT abandoned. A UNIT may also be "abandoned" as specified by applicable statute.

If TENANT abandons the UNIT, LANDLORD may take possession of the UNIT and its contents. LANDLORD may dispose of the contents and re-rent the UNIT without obligation to TENANT. TENANT must pay the cost for removal and other associated costs, except as otherwise provided by Oregon law.

If LANDLORD sells the contents, TENANT will be credited with the actual amount received, less the cost of removal and sale. LANDLORD may destroy or otherwise dispose of some or all of the contents if LANDLORD reasonably determines that the value of the contents is so low that the cost of moving, storage and conducting a public sale exceeds the amount that would be realized from the sale.

TENANT must still pay the RENT for the entire term.

44. **TENANT'S DUTIES AT END OF THE LEASE.**

In addition to any other duties which TENANT has under this LEASE, TENANT will:

a) leave the UNIT when the LEASE ends and return all keys and access devices/remotes to LANDLORD;
b) return the UNIT:
1) clean and free of garbage or trash; and
2) in good order and repair, reasonable wear and tear excepted; and
c) comply with all other terms of this LEASE.

45. **SECURITY DEPOSIT TERMS.**

a) Before moving into the UNIT, TENANT must pay the SECURITY DEPOSIT amount listed in **Paragraph 5.**

b) TENANT may not apply or use the SECURITY DEPOSIT for payment of RENT under the LEASE.

c) TENANT agrees that during the TERM or prior to returning the SECURITY DEPOSIT to the TENANT, LANDLORD may decide to use all or part of the SECURITY DEPOSIT:
1) to pay for damages caused by TENANT to the UNIT and/or the PROPERTY; and/or
2) to pay for any unpaid RENT or additional charges owing to LANDLORD.

d) LANDLORD will return the SECURITY DEPOSIT within thirty-one (31) days after surrender or abandonment provided TENANT:
1) gives LANDLORD written notice of TENANT'S new address; and
2) did not damage the PROPERTY; and
3) paid all RENT and additional charges in full; and
4) fully performed all responsibilities under this LEASE.

See **Paragraph 43.**

A copy of the move-out procedures, which detail the cleaning and UNIT standards as well as the potential charges, may be obtained from LANDLORD at TENANT's request. TENANT is responsible for cleaning the UNIT, including all Common Areas, thoroughly and following all of LANDLORD's cleaning instructions prior to move-out. If TENANT does not clean UNIT to LANDLORD's specifications then LANDLORD will charge TENANT a reasonable fee for the cleaning of the UNIT. If UNIT is furnished, TENANT will be responsible for the cost, if any, for relocating the furniture in the UNIT to the appropriate pace in within the UNIT. Common Area damages will be split amongst all tenants in the UNIT. Bedroom damages will be split amongst all tenants that have leases for that specific bedroom.

THE SECURITY DEPOSIT will not be LANDLORD'S limit of damages if TENANT violates this LEASE, and TENANT may be liable for damages in excess of the Security Deposit. Among other items, the cost of labor and materials for cleaning and repairs, in excess of "normal wear" and the amount of delinquent payments of RENT and other charges, and late charges, may be deducted by LANDLORD from the Security Deposit.

47. **LOSS OF LANDLORD'S RIGHTS.**

LANDLORD does not give up rights by accepting RENT or

TENANT Initials: _____

any additional charges, or by delaying or not enforcing any term or condition of this LEASE.

48. NO JURY TRIAL.

LANDLORD and TENANT hereby waive their right to a jury trial in any lawsuit involving this LEASE.

49. WRITTEN CHANGES TO THE LEASE.

All of the promises and understandings between LANDLORD and TENANT are contained in this LEASE. There are no other promises or understandings between the parties. Any changes to this LEASE require writing and signature by LANDLORD and TENANT, or written notice delivered to TENANT 30 days prior to LEASE change effective date. Neither LANDLORD nor any of LANDLORD's representatives have the authority to make any oral promises, representations or agreements. This LEASE is the entire agreement between LANDLORD and TENANT. LANDLORD's representatives have no authority to waive, amend, or terminate this LEASE or any part of it, unless in writing and signed by LANDLORD, and no authority to make promises, representations or agreements that impose security duties or other obligations on LANDLORD or LANDLORD'S representatives shall be binding on LANDLORD unless in writing and signed by LANDLORD.

50. ATTORNMENT.

TENANT hereby agrees that TENANT will recognize as its LANDLORD under this LEASE CORE CAMPUS EUGENE, LLC and shall attorn to any person succeeding to the interest of LANDLORD in respect of the land and the buildings on or in which this UNIT is contained upon any foreclosure of any mortgage upon such land or buildings or upon the execution of any deed in lieu of such foreclosure in respect of such mortgage.

See attached addendum(s) for any additional terms, which are part of this LEASE.

51. SIGNATURES AND ACCEPTANCE OF CONTRACT.

This LEASE and any addenda may be signed in counterpart signatures. The lease APPLICATION is considered a part of the LEASE. If there are any conflicts between this lease and the application then this lease shall control

LANDLORD and TENANT agree to the terms and conditions is this LEASE.

TENANT acknowledges and agrees that TENANT has carefully read and understands this LEASE and that TENANT acknowledges that this LEASE constitutes a binding and enforceable contract between LANDLORD and TENANT.

This entire LEASE is 17 pages in length and includes:

1) Residential Agreement (Pages 1-8)
2) Rules and Regulations (Pages 9-14)
3) Security Acknowledgement and Guidelines (Page 15)
4) Drug-Free Crime-Free Lease Addendum (Page 16-18)
5) Damages and Cost Addendum (Page 19)

TENANT:

_____ _____

TENANT Signature Date

LANDLORD:

CORE CAMPUS EUGENE, LLC

_____ _____

OWNER'S REPRESENTATIVE Date

HUB ON CAMPUS EUGENE – RULES AND REGULATIONS ADDENDUM

The following RULES AND REGULATIONS are a binding part of TENANT'S LEASE. LANDLORD provides these RULES AND REGULATIONS for TENANT'S benefit and the benefit of the other tenants. Please understand that any violation of one of these RULES AND REGULATIONS by TENANT or TENANT'S guest constitutes a violation of this LEASE and LANDLORD may proceed with an eviction action or other legal proceedings provided for under this LEASE and provided by law. Defined terms used herein, which are not otherwise defined herein, shall have the meanings ascribed to them in this LEASE.

TENANT Accountability: The PROPERTY operates in a fun, yet adult atmosphere where most tenants will never find themselves involved with a disciplinary action. The majority of those who do require disciplinary attention will simply need a verbal warning. For those persons whose behavior is such that it requires further attention, any or all of the following may occur: A private meeting with the Property Manager, a written warning (with copies placed in file and sent to guarantors), restriction from areas or events, relocation within the community, fees, eviction or criminal and/or civil prosecution.

Violations of these RULES AND REGULATIONS will result in tenant fees as follows:

FIRST:	A written warning in the form of a first breach of rental agreement will be issued to the TENANT stating the first breach.
SECOND:	A $50 charge will be assessed against the TENANT.
THIRD:	A $50 charge will be assessed against the TENANT plus 5% of the current rent
FOURTH:	Possible Eviction

Fees are never split amongst all TENANTS but may be assessed individually in their full amount to each TENANT of a UNIT in instances where more than one TENANT has been involved in a RULES AND REGULATIONS violation. The fees above may be increased at Manager's discretion and manager may elect to EVICT TENANT for ANY SINGLE VIOLATION OF THE RULES AND REGULATION should manager reasonably believe the infraction was severe enough to warrant such action. ALL VIOLATIONS REGARDING THE THROWING OF ITEMS OFF BALCONIES OR FROM WINDOWS, THE TAMPERING OF LIFE SAFETY EQUIPMENT, or FIGHTING CARRY AN IMMEDIATE FEE AND POSSIBLE EVICTION.

SECURITY CAMERAS

The common areas or certain parts of the common areas of the PROPERTY may be monitored by either recorded or live surveillance devices. Any person or persons engaging in illegal activities, damaging actions, and/or vandalism may be subject to prosecution under Oregon statutes and legal action by LANDLORD. No cameras exist in any restroom or tanning bed room. These common areas are the only areas, besides the UNIT, on the PROPERTY where there is a reasonable expectation of privacy.

WINDOWS, DOORS & WINDOW COVERINGS

Windows and doors shall not be obstructed, and use of foil or other similar materials over windows is prohibited. If LANDLORD provides blinds on windows, TENANT may not remove such blinds. If TENANT installs draperies over the blinds, any damage will be repaired by TENANT or at TENANT'S expense. No article, sign, poster, decoration or thing may be hung or placed on the outside of a UNIT, or displayed on the inside of UNIT so as to be visible from the outside of UNIT. Screens, if provided, must remain permanently in place at all times and should never be removed. Nothing shall be thrown out of the windows.

Damage to property, including but not limited to paint, plaster, walls, appliances, doors, cabinets, carpet, floors or furniture, or damage to any part of the UNIT caused by leaving windows or doors open during inclement weather will be the responsibility of TENANT.

BALCONIES AND PATIOS

Balcony and patio areas (both front and rear) are to be kept clean and orderly. They are not to be used as storage areas and articles must not be hung over railings. No trash may be kept on balconies or patios at any time. Kegs are prohibited on the PROPERTY and within the UNIT, they are not to be permitted on balconies or patios. Additional lights are not permitted on the balconies or patios. Only bona fide patio furniture may be kept on balconies or patios. Only 1/3 of balcony space may be covered by patio furniture. TENANT hereby acknowledges that all gas and charcoal barbecue grills, patio torches, fire pits and chimineas are strictly prohibited on balconies and patios. It is agreed that LANDLORD shall have the right to remove barbecue grills and any other of TENANT'S personal items or to remove and dispose of rubbish left on any outdoor porch or in the yard at TENANT'S sole expense. There will be a fee as notated above for each bag of trash or small debris removed from the balcony and large item that requires removal from the balcony. The TENANT further agrees that they will be responsible for any property damage or bodily injury liabilities and responsibilities arising from any violation of this rule. **LANDLORD reserves the right to remove and discard any items stored in the balcony or patio area that is not permitted. Balcony fees will be assessed to the entire UNIT unless it can be proven that the belongings in violation are the sole responsibility of one or a fraction of the TENANTS occupying said UNIT.**

Throwing objects from balconies, windows, sliding glass window/wall or any other area of the building are strictly prohibited. TENANT understands that in the event that ANY items are thrown from UNIT balcony or windows, TENANT will be subject to an immediate fee and potential eviction and shall be subject to criminal prosecution. Items which may fall from the balcony are not allowed on the balcony and therefore any object which falls from a balcony will be treated the same as any that were thrown. Any investigation of alleged incidents will be reported to TENANTS UNIVERSITY. In the event of abuse of the balcony or violation of this rule, LANDLORD reserves the right to secure the balcony door so that TENANT may not access the balcony.

NO SOLICITATION OR DISTRIBUTION OF MATERIALS

TENANT(S) may not distribute, post or hang any signs or notices in any portion of the PROPERTY, without written approval from LANDLORD.

Solicitation shall not be permitted at the PROPERTY, either by TENANT or others.

SUBLETS AND ASSIGNMENTS

TENANT agrees that UNIT, or any part of UNIT, shall not be assigned, sub-let, or permitted to be used for any purposes not expressly permitted herein, without the advance written consent of LANDLORD. In the event TENANT permits another individual to occupy the leased premises without the written consent of LANDLORD, the unauthorized individual will be required to immediately vacate the UNIT, the locks will be changed, the key fobs will be deactivated, and the TENANT will be subject to a lock rotation service fee.

LOCKS AND KEYS

Locks may not be changed or added by TENANT without prior written permission of LANDLORD. Locks must be left in place upon vacating the UNIT. LANDLORD must have keys to all changed locks. All keys and, if applicable, gate cards, fobs and remotes must be returned to LANDLORD upon termination of occupancy, or LANDLORD may charge actual replacement costs.

If TENANT finds it necessary to have authorized personnel unlock UNIT or Bedroom, a $50.00 service fee will apply, payable at the time service is rendered. LANDLORD will furnish TENANT with one key to the main entry door, one key to the Bedroom (if applicable), and one key to the mailbox. TENANT will be charged $50.00 per lost key (entry door, bedroom door, or mailbox) and $50.00 per gate remote or key fob not returned, or for those requiring replacement during the TERM of TENANT'S occupancy. Each TENANT may only possess one main entry door key; therefore, if the main entry door key is lost and TENANT requires a replacement, locks will be changed and TENANT will be charged $75.00 for the lock rotation. TENANT agrees that such keys are provided solely for TENANT'S own use; duplicates will not be made of such nor will keys be loaned to any person. LANDLORD reserves the right to suspend this service at any time.

TRASH AND TRASH CHUTE

TENANT must dispose of all trash in the proper bins in various collection areas on the PROPERTY. If property is equipped with a Trash Chute or Dumpster available to TENANT, then TENANT must use the Trash Chute or Dumpster to dispose of all waste. **TENANT may NOT leave trash around the outside of TENANT'S UNIT or on the PROPERTY for ANY LENGTH OF TIME.** LANDLORD will impose a fee as notated above for violation of this policy as well as for any littering by TENANT or TENANT'S guests. TENANT agrees to bag all trash entering the garbage chute in accordance with applicable garbage and recycling principles followed in the building. Any combustible, smoldering, or explosive material is strictly prohibited from entering the trash chute. TENANT agrees not to dispose of large items or dispose of loose cardboard boxes in the chute. TENANT shall be liable for any damages caused by violation of this rule.

TENANT Initials: _____

NO SMOKING

Smoking is strictly prohibited on the premises including in the UNIT, all amenity areas, and common areas (including the amenity and pool deck). Any TENANT found in violation of this policy will be immediately feed by management and risks fees imposed by city ordinances. Violations of this policy will result in fees as follows:

FIRST:	A written warning in the form of a first breach of rental agreement will be issued to the TENANT stating the first breach.
SECOND:	A $50 charge will be assessed against the TENANT.
THIRD:	A $50 charge will be assessed against the TENANT plus 5% of the current rent
FOURTH:	Possible Eviction

UTILITIES

TENANT must keep all utilities to the UNIT active; TENANT cannot turn off TENANT'S utilities if TENANT leaves, even for vacation. Unless LANDLORD instructs TENANT otherwise, TENANT must, for 24-hours a day during freezing weather, (a) keep UNIT heated to at least 50 degrees F., (b) keep cabinet and closet doors open; and (c) drip hot and cold water faucets. For any day with weather exceeding 100 degrees, TENANT must keep UNIT cooled to a temperature no higher than 85 degrees. TENANT is liable for damage to both LANDLORD'S and TENANT'S property and the property of others if the damage is the result of the utilities being turned off or because of broken water pipes due to TENANT'S violation of these requirements. All light bulbs must be operational at the time TENANT vacates the UNIT. Colored bulbs are not allowed in any exterior light fixtures.

PETS

Pets are not allowed in UNIT in any instance besides the use of a service or companion animal as notated in Section 24. In the case that TENANT or TENANT'S guests utilize a service animal, management should be made aware of the specifications of the animal.

STAFF COMPLIANCE

TENANTS are required to comply with directives from staff, security personnel, and police and/or fire personnel at all times. Failure to comply with staff, security personnel, police and/or fire personnel will be considered a material breach of the lease and in addition to any other remedy allowed in this LEASE or by law, shall subject TENANT to an immediate fee of up to $1,000 and/or eviction.

ALCOHOL, DRUGS, STOLEN PROPERTY

The decision to drink alcohol, and how much to drink is a personal one. Alcohol related conduct, which infringes on the rights of others to a quiet, orderly living environment is not acceptable under any circumstances

Consumption of alcohol must be in compliance with all federal, state, and local laws. No alcohol containers, which are larger than one gallon, are permitted on the PROPERTY. Kegs are prohibited on the PROPERTY and within the UNIT and on balconies. **Glass containers of any type or any other container containing alcohol are not permitted in common areas of the PROPERTY. Open containers of any kind containing liquid are not permitted in the hallways, lobby, or parking garage.**

LANDLORD or its agents may make periodic inspections of TENANT'S UNIT in order to ascertain any physical problems and also to ensure that LANDLORD'S property is being cared for properly. If during the course of an inspection, stolen property (I.E., unauthorized property, highway signs, etc.) or contraband is found, it will be removed by personnel immediately and TENANTS of UNIT may be subject to civil action.

It is illegal to use or possess illegal drugs or other controlled substances in both public and private spaces. TENANT(S) using, possessing or selling illegal drugs will be subject to disciplinary and/or criminal action, fees and possible eviction per these RULES AND REGULATIONS. No warning notice will be given and fees and/or eviction may be assessed at the LANDLORD'S discretion.

TENANT, on behalf of TENANT and TENANT'S guests and invitees, agrees to use and occupy the UNIT in strict accordance with all applicable laws, regulations and ordinances, including without limitation those of the State of Oregon, the City of Eugene, and TENANTS UNIVERSITY, including the Student Code of Conduct. This shall specifically apply, without limitation, to all laws, regulations and ordinances relating to the possession and consumption of alcohol and drugs. A breach of this paragraph shall be a material breach of this lease. Failure to comply with the provisions of this paragraph shall be deemed a material breach of this LEASE, and in addition to any other remedy allowed in LEASE or at law, shall subject the TENANT to an fees and/or eviction. The Property Manager has full discretion regarding disciplinary action depending on the severity of the incident.

PLUMBING AND GARBAGE DISPOSAL

Lavatories, sinks, toilets, and all water and plumbing apparatus shall be used only for the purpose for which they are constructed. Sweepings, rubbish, rag, or other foreign substances shall not be thrown in such plumbing apparatus. The cost of repairs/replacement resulting from any damage to such apparatus and the cost of cleaning or repairing plumbing resulting from misuse shall be borne by TENANT.

TENANT agrees to not place hard objects, such as bottle caps, tab tops, pits of fruit, etc. in the garbage disposal in order to avoid a jam. Fibrous materials such as cigarettes, paper, banana skins, etc. will plug the disposal. In the event LANDLORD is called to fix a disposal and such materials are found therein, LANDLORD reserves the right to charge TENANT for the expense occurred.

FURNITURE

If UNIT is furnished by LANDLORD, TENANT may not remove any furniture, equipment or appliances from UNIT.

CONDITION OF THE UNIT AND ALTERATIONS

TENANT accepts UNIT, fixtures, and furniture as is. LANDLORD disclaims all express and implied warranties. TENANT will be given a Move-In Condition Form at the time of move-in. Within 48 hours after move-in, TENANT must sign and note on the form all defects or damage and return it to LANDLORD. Otherwise, everything will be considered to be in a clean, safe, and good working condition.

When TENANT moves in, LANDLORD will supply light bulbs for fixtures LANDLORD furnishes, including exterior fixtures operated from inside UNIT; after 30 days, TENANT will replace them at TENANT'S expense with bulbs of the same type and wattage. All light bulbs must be operational at the time TENANT vacates the UNIT. Colored bulbs are not allowed in any exterior light fixtures. FOR LIGHT FIXTURES WITH HALOGEN BULBS, TENANT MUST HAVE LANDLORD CHANGE BULB. BULB MAY BE PURCHASED BY TENANT AND LANDLORD WILL NOT CHARGE LABOR COSTS TO INSTALL THE BULB.

TENANT must use customary diligence in maintaining UNIT and not damaging or littering the common areas. Unless authorized by statute or by us in writing TENANT must not conduct any repairs, paint, install wallpaper, install carpeting, perform electrical changes, or otherwise alter LANDLORD'S property. No holes or stickers are allowed inside or outside UNIT. No water furniture, refrigeration, washing machines, extra phone or TV-cable outlets, alarm systems, or lock changes, additions, or rekeying is permitted unless allowed by statute or LANDLORD has consented in writing. TENANT agrees not to alter, damage, or remove LANDLORD'S property, including alarm systems, detection devices, furniture, telephone and cable TV wiring, screens, locks, and security devices.

No painting is allowed in UNIT. TENANT should not cover more than 25% of each wall with papers, posters, fabric, etc. In addition, no holes of any kind are permitted on any room or interior door. All window coverings must be approved by LANDLORD. Any and all repairs needed within TENANT'S room and UNIT and other areas must be performed only by authorized maintenance personnel. TENANT(S) will be charged for the repair of any damage for which TENANT or TENANT'S guests are responsible.

TENANT may not install any wiring within UNIT. Absolutely no holes may be drilled within UNIT by TENANT - including without limitation outside or inside walls, roof, windows, or balcony railings. TENANT may not store anything in closets where gas appliances, or heating and cooling equipment is installed.

Welcome mats, rugs or carpet remnants are not permitted in hallways.

TENANT'S improvements to UNIT (whether or not LANDLORD consents) become LANDLORD'S unless LANDLORD agrees otherwise in writing. LANDLORD shall have the right to immediately dispose of all TENANT'S belongings that remain in the UNIT after the termination of the lease term. The LANLDORD shall have no obligation to notify the TENANT regarding the disposal of personal belongings left in the UNIT after the lease termination.

TENANT is responsible for carpet cleaning at the end of the LEASE. Carpets must be cleaned by a professional cleaning company and a receipt must be delivered to LANDLORD on or prior to move-out.

MAIL

The mailbox is to be used jointly by all the tenants assigned to TENANT'S UNIT. Packages may be received at the office. However, **LANDLORD takes no responsibility for lost, damaged or stolen property left with the office.** If TENANT decides to have packages dropped at the office, TENANT is doing so at TENANT'S own risk. LANDLORD encourages all tenants to obtain the appropriate insurance when having packages delivered. Packages which are not claimed within 30 days will not be held. LANDLORD reserves the right, at any time, to discontinue its acceptance of packages and reserves the right, on a case by case basis, to refuse to accept certain packages if LANDLORD is not comfortable accepting a particular package.

GUESTS / DELIVERIES

TENANT'S guests must abide by these RULES AND REGULATIONS. As host, TENANT is held accountable and is responsible for the conduct of TENANT'S guests at all times. LANDLORD reserves the right to exclude guests or others who, in LANDLORD'S sole judgment, have been violating the law, violating the LEASE or any rules or policies of the PROPERTY, or disturbing other tenants, neighbors, visitors or LANDLORD'S representatives. LANDLORD may also exclude from any patio/balcony or anywhere on the PROPERTY a person who refuses to or cannot identify himself or herself as TENANT or TENANT'S guest.

LANDLORD reserves the right to deny any guest access to the PROPERTY for any reason including non-payment of rent by TENANT.

TENANT must notify LANDLORD in writing of any expected guest(s), delivery service, maid service, etc. No key will be given to any guest, delivery service, maid service, and etc. without prior written permission from TENANT.

LANDLORD acknowledges the right of TENANT to entertain guests, but requires that no more than ten (10) persons are allowed in UNIT at one time and that order and tranquility prevail at all times. Any guest staying overnight for more than 2 consecutive 24-hour periods must receive written approval from LANDLORD. TENANT will be charged applicable fees and will be subject to disciplinary/legal action, up to and including eviction for all violations of this rule. TENANT will also be responsible to pay all fees as a result of guest behavior that violates rules, regulations, and policies of this LEASE.

Guests become the responsibility of TENANT once they enter the building.

TENANT will be responsible for the cost of repairs for any and all damages caused by an excess number of people within the UNIT. TENANT is responsible for the actions of TENANT'S guests at all times while guests are on the PROPERTY or in any UNIT. LANDLORD may exclude guests or others who, in LANDLORD'S judgment, have been violating the law, violating this LEASE or any property rules, or disturbing other tenants, neighbors, visitors, or LANDLORD'S representatives. LANDLORD may also exclude from any patio/balcony or anywhere on the PROPERTY a person who refuses to or cannot identify himself or herself as TENANT or TENANT'S guest. TENANT'S failure to comply with LANDLORD'S request of exclusion of a guest will result in eviction of TENANT. ALL TENANTS AND TENANT'S GUESTS OF PROPERTY MUST CARRY A GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD AT ALL TIMES.

NOISE

TENANT, members of TENANT'S family, and guests shall at all times maintain order in UNIT and at all places on the PROPERTY, and shall not make or permit any loud, improper, objectionable, disturbing or boisterous conduct or noise or otherwise disturb the comfort or interrupt the sleep of other tenants.

Musical instruments, radios, stereos, television sets, amplifiers and other instruments or devices may not be used in such a manner as may constitute a nuisance or disturb other tenants. LANDLORD reserves the right at any time to assess a fee to the TENANT, contact guarantors, or declare TENANT in violation of the LEASE due to excessive noise and disturbances. LANDLORD and/or its agents on duty are the sole judge(s) of excessive volume levels, and reserve the right to enforce these rules.

Any general noise disturbances, i.e. noise from music, parties, machinery, etc., should be reported to LANDLORD or LANDLORD'S representative immediately. TENANT waives all rights to privacy when noise coming from UNIT is so loud that TENANT is unable to hear LANDLORD knock

TENANT will be found in violation of this LEASE and will be subject to fees and other disciplinary action if LANDLORD receives notice from the Police Department that noise levels were excessive.

For the protection of community and all tenants, if TENANT does not answer the door for police, security, and/or HUB ON CAMPUS EUGENE staff, TENANT will be subject to a fee and will be considered in default of the LEASE.

COMMON AREAS

TENANT recognizes that the common area facilities which may include such items as a Fitness Center, Sauna, Volleyball Court, BBQ Area, Swimming Pool, Parking Garage, Commercial Spaces, Television Room, Hot Tubs, Theater Room, Game Room, Study Lounge, Business Center or other similar facilities (hereinafter said Common Area Facilities are collectively referred to as "FACILITIES") have been made available by LANDLORD to TENANT.

Policies for FACILITIES are posted in a conspicuous location and MUST be observed at all times. Anyone who violates these policies risks losing the privilege of using these FACILITIES and/or eviction.

Only TENANT and invited guests accompanied by TENANT may use the FACILITIES provided by LANDLORD. FACILITIES may be used by such persons only in strict compliance with posted FACILITY policies and procedures. From time to time supplemental rules and regulations may be adopted by LANDLORD with respect to each FACILITY and will either be posted in appropriate areas or furnished in writing to tenants.

Neither TENANT nor TENANT'S guests may use the FACILITIES, parking lots or grounds in such a manner that interferes with the enjoyment of other tenants.

The driveways, sidewalks, courts, entry passages, stairs and halls shall not be obstructed or used for any purpose other than ingress and egress. Bicycles and other like vehicles shall not be allowed to obstruct the driveways, sidewalks, courts, entry passages, stairs or halls.

Use of common areas within the PROPERTY shall be governed by these RULES AND REGULATIONS and any Policies posted in the FACILITIES and shall be used at the risk of TENANT and TENANT'S family and guests. No guest shall be permitted within the FACILITIES unless TENANT is also present. **To extent allowable by Oregon law, TENANT indemnifies LANDLORD and holds LANDLORD harmless against all claims for personal injury sustained by TENANT and TENANT'S family and/or guests in their use and enjoyment of the FACILITIES.** Glass containers pose a serious risk of injury and are prohibited anywhere in the Common Areas on the PROPERTY.

In order to use FACILITIES, TENANT agrees that:

a. TENANT shall not permit any guests to use FACILITIES without TENANT present;
b. TENANT shall use FACILITIES in a prudent manner, consistent with the customary use of the FACILITIES;
c. TENANT shall not use FACILITIES in a manner which is offensive or dangerous to TENANT or any users of FACILITIES;
d. TENANT will follow policies as established by LANDLORD in connection with the operation of FACILITIES;
e. LANDLORD shall have the right to discontinue providing any or all FACILITIES at any time and for any reason;
f. LANDLORD does not provide attendants or supervision of any kind for FACILITIES;
g. LANDLORD has made no representation (i) that LANDLORD'S representatives have any expertise in

the operation of FACILITIES, (ii) that FACILITIES are fit for any particular purpose or (iii) as to the physical condition and operation of FACILITIES; and

h. USE OF FACILITIES BY TENANT SHALL BE WHOLLY AT TENANT'S OWN RISK.

LANDLORD reserves the right to prohibit use of FACILITIES to any individual that LANDLORD, in its sole judgment, believes has failed to comply with any of the provisions of this Section.

Unauthorized PETS are not allowed within the FACILITIES or UNIT at any time for any reason.

In connection with TENANT'S use of FACILITIES, TENANT is responsible for payment for damages or costs to LANDLORD from any claim based upon the acts of TENANT or OCCUPANT or TENANT'S guests (which are prohibited from using FACILITIES); and

TENANT may not access any property facilities, common areas, or commercial spaces during unauthorized hours or times.

OUTDOOR DECK USE

TENANTS and TENANT"S GUESTS are required to wear LANDLORD-issued wristbands on the outdoor deck at all times. TENANTS will be provided with a wristband at the time of move-in and guest wristbands can be obtained during normal business hours from the front desk. Individuals without a wristband will be required to leave the outdoor deck and will be subject to disciplinary action in accordance with paragraph 3 of the rules and regulations.

Smoking and glass are strictly prohibited on the outdoor deck. Individuals caught smoking or possessing glass will be subject to an immediate fee and will be required to leave the outdoor deck. Repeat violations will result in additional fees, revocation of amenity privileges, and/or eviction.

All food or beverage containers must be stored in a cooler at all times on the outdoor deck. No glass is allowed on the deck. Beverage containers in excess of 24oz are not allowed on the deck. If asked by Landlord, Tenant will remove all food and beverage from the deck for any reason. Styrofoam cups and plates are prohibited on the outdoor deck at all times.

HAZARDOUS MATERIALS

TENANT will not store or bring any hazardous materials on the PROPERTY or use the PROPERTY for any hazardous purposes.

FIRE SAFETY

Immediately call 911 in the event of a fire emergency.

LANDLORD shall furnish smoke detectors in good working order, when TENANT first takes possession. TENANT must immediately report smoke detector malfunctions to LANDLORD. The intentional sounding of any smoke alarm is prohibited. Neither TENANT nor others may disable smoke detectors. <u>If TENANT disconnects or intentionally damages the smoke detector or does not replace batteries as needed, TENANT may be liable to LANDLORD for necessary damages.</u> If TENANT disables or damages the smoke detector or fails to report malfunctions to LANDLORD, TENANT will be liable to LANDLORD and others for any loss, damage, or fees from fire, smoke, or water to the fullest extent of Oregon law. Additionally, TENANT shall pay a $250 fee for any instance in which TENANT or his or her guest's removes or tampers with a properly functioning smoke alarm. TENANT is responsible for the cost of battery replacement for the smoke detectors.

TENANT agrees:

a. to notify LANDLORD immediately in writing if TENANT perceives there to be any problem, defect, malfunction or failure with the smoke detectors in UNIT;
b. not to remove, modify, damage or service the smoke detector(s) other than replacing batteries when needed.
c. that LANDLORD is not the operator, manufacturer, distributor, retailer or supplier of the smoke detector(s);
d. that TENANT assumes full and complete responsibility for all risk and hazards attributable to, connected with or in any way related to the operation, malfunction or failure of the smoke detector(s). This responsibility will exist even if such malfunction or failure is attributable to, connected with, or in any way related to the use, operation, manufacture, distribution, repair, servicing or installation of the smoke detector(s); and
e. that LANDLORD is not responsible for false alarms or malfunctions of the smoke detector(s) or any resulting inconvenience, expense, or consequences.

If TENANT'S UNIT contains an overhead sprinkler system, TENANT must take care not to unintentionally trigger the overhead sprinkler system in TENANT'S UNIT. TENANT may NOT hang items from the overhead sprinklers. A simple depression of the sprinkler head will result in a total draining of water from the system. LANDLORD will not be responsible for any damage that occurs as a result of such situations.

Space heaters and other similar appliances are prohibited. Appliances or items that use excessive amounts of electricity and/or create excessive heat are prohibited.

Candles or any other burning devices (including incense, stemo, kerosene, or oil lamps) are not permitted within UNIT or any area of the PROPERTY. Neither LANDLORD nor Management Company will be responsible for any damage resulting from the use of such items.

VEHICLES/PARKING

TENANTS and/or guests are not permitted to park in garaged or off-site parking spaces unless assigned by LANDLORD and TENANT has an executed Parking Agreement. No residential on-street parking permits will be granted for TENANTS of the PROPERTY.

Improperly parked vehicles will be towed at the vehicle owner's expense and sole risk.

If LANDLORD provides TENANT with a vehicle identification sticker (decal), it must be displayed in the front windshield (above the registration and inspection stickers) of TENANT'S vehicle at all times (if applicable). TENANT must return TENANT'S vehicle identification sticker when TENANT moves out.

TENANT may not repair any gasoline or gas-fueled vehicle, motorcycle, boat, moped, or other similar vehicle in any area of the PROPERTY.

Vehicles in use on the PROPERTY may not exceed a speed of 5 miles per hour.

If LANDLORD designates certain parking areas within the PROPERTY as TENANT Only Parking or Guest Only Parking, TENANT acknowledges that TENANT and/or TENANT'S Guests who violate these designations may be towed at the expense and sole risk of the vehicle owner.

The washing of cars or other vehicles on the PROPERTY is prohibited. If there is a designated car wash area, TENANT may wash TENANT'S vehicle in this area only. The repairing or performing of other mechanical or maintenance work on TENANT'S vehicle within the PROPERTY is prohibited at all times.

Trailers, campers, mobile homes, recreational vehicles, commercial vehicles (commercial trucks or equipment or vehicles that carry or are mounted with equipment used in a profession or employment, including taxis), trucks (other than a standard size or smaller pick-up truck or van), inoperable vehicles of any kind, boats, or similar equipment or vehicles, cannot remain in any area of the PROPERTY except for the temporary purpose of loading or unloading of passengers or personal property unless TENANT has a written agreement with LANDLORD. Vehicles parked in violation of this provision are subject to towing at the vehicle owner's expense.

Prohibited vehicles include: those having a flat tire or other condition rendering it inoperable; those having an expired license or inspection sticker; those taking up more than one parking space; those belonging to a person who does not have a current parking contract or former tenant who has has been evicted; those parked in a designated handicap space without the required handicap insignia; those blocking another vehicle from exiting or entering; those parked in a fire lane or designated "no parking" area; or those parked in a space designated to or assigned to other tenant(s).

TENANT(S) should call the designated towing company or management office to report a parking violation. The management office may notify the towing company, who will tow the vehicle, if any of the following situations exist:

a. The unauthorized vehicle is parked in such a manner as to obstruct a fire lane;
b. The unauthorized vehicle is obstructing an entrance, exit, space or aisle of the parking facility;
c. The unauthorized vehicle is parked in a space that has been reserved by another vehicle owner; or
d. The unauthorized vehicle is parked in any space for which they do not have the required permit or authorization.

TENANT agrees that if Parking Agreement is executed, TENANT must park inside designated gate(s).

PROPERTY GATES

TENANT agrees as follows:

a. LANDLORD has furnished gate(s) on the PROPERTY for the sole purpose of restricting access to the PROPERTY, not for TENANT'S safety.
b. The installation or use of the gate(s) shall not in any way prevent LANDLORD at any time, from permanently removing the gate(s) and removal thereof shall not be a breach of any expressed or implied warranty, covenant, or obligation under the LEASE; and
c. TENANT understands how to use the gate(s) and shall not act in any way to impair the use or function of the gate(s).
d. TENANT shall comply with the approved guidelines of the gate(s) in that one vehicle at a time is permitted through the gate(s). Following another vehicle too closely through the gate could result in damage to TENANT'S vehicle and is not allowed.
e. Entering through an exit gate is prohibited and could cause severe tire damage.

EXPRESS WAIVER OF WARRANTY:

a. TENANT is advised that the gate(s) are mechanical devices and can be rendered inoperative at any time. LANDLORD shall not be liable for a temporary failure of the gate(s).
b. TENANT agrees that LANDLORD'S installation or use of the gate(s) does not constitute a voluntary understanding or agreement by LANDLORD to provide security to TENANT, TENANT'S family, guests, or other occupants of UNIT.
c. Unless due to LANDLORD'S own willful misconduct or negligence LANDLORD is not and shall not become liable to TENANT, TENANT'S family, guests or other occupants for any injury, damage or loss whatsoever which is caused as a result of any problem, defect, malfunction or failure of the performance of the gate(s). TENANT further agrees that LANDLORD is not liable for injury, damage, or loss of any person or property caused by any other person, including, but not limited to, theft, burglary, trespass, assault, vandalism or any other crime. Neither LANDLORD nor LANDLORD'S agents, contractors, employees, or representatives shall be liable in any way for any disruption in the operation of the gate(s) and TENANT agrees on behalf of themselves, TENANT'S family, guests and the other occupants, that TENANT shall never make demand upon, look to, institute, or prosecute suit against LANDLORD, or any of LANDLORD'S agents, contractors, employees or representatives, that are incidental to the installation, operation, repair or replacement or use of the gate(s). This is an express covenant not to sue and TENANT releases LANDLORD, LANDLORD'S agents, contractors, employees, and representatives, their heirs, and successors from any and all liability connected with the gate(s).
d. TENANT'S safety is the responsibility of the local law enforcement agency. In the event that TENANT is in need of police protection of any kind TENANT will contact the local law enforcement agency. TENANT acknowledges and agrees not to contact LANDLORD for TENANT'S security needs as this could only delay the response time of the local law enforcement agency.

WEAPONS

Possession of any weapon or ammunition is prohibited. This includes but is not limited to guns, swords and knives with the blade over five and a half inches. Possession of facsimile weapons is also prohibited. This includes but is not limited to pellet guns, air soft pistols and B.B. guns. Serious injury has occurred in situations where facsimile weapons have been mistaken for actual weapons.

HARASSMENT

Harassment involves behavior towards another person that is unwanted. This can include, but is not limited to, unwanted comments, unwanted touching, derogatory language or bullying. Any of these behaviors will lead to disciplinary action.

PHOTOGRAPHS

TENANT hereby gives LANDLORD permission to take photographs during LANDLORD hosted functions or activities which may then be used for the community newsletter, bulletin board, website, or other publications for marketing purposes. TENANT gives your permission to LANDLORD to use any photograph or photographic image including video or video stills taken of you while you are in any public spaces, grounds, offices at the PROPERTY or any Community sponsored events in the Community or otherwise. You understand that your photograph or photographic image will be used for nothing other than legitimate business purposes. You hereby grant HUB ON CAMPUS EUGENE and Core Campus Eugene, LLC and assigns, those acting with its authority and permission, the irrevocable and unrestricted right and permission to copyright, in its own name or otherwise, and use, re-use, publish, and re-publish photographic or video portraits or pictures of you or in which you may be included, in whole or in part, or composite or distorted in character or form, without restriction as to changes or alterations, in conjunction with your own or a fictitious name, or reproductions thereof in color or otherwise, made through any medium, and in any and all media now or hereafter known for illustration, promotion, art, editorial, advertising, trade, or any other legal purpose whatsoever. You also consent to the use of any printed matter in conjunction therewith. You hereby waive any right that you may have to inspect or approve the finished product and the advertising copy or other matter that may be used in connection therewith or the use to which it may be applied. You hereby release, discharge, and agree to hold harmless HUB ON CAMPUS EUGENE and Core Campus Eugene, LLC and assigns, and all persons acting under its permission or authority from any liability by virtue of any blurring, distortion, alteration, optical illusion, or use in composite form, whether intentional or otherwise, that may occur or be produced in taking said picture or in any subsequent processing thereof, as well as any publication forever discharge The HUB ON CAMPUS EUGENE and Core Campus Eugene, LLC, its officers, employees, attorneys, representatives, insurers and assigns from any and all demands, cause of action and/or judgments of whatsoever nature of character, past or future, known or unknown, whether in contract or in tort, whether for personal injuries, property damage, payments, fees, expenses, accounts receivable, credit, refunds, or any other monies due or to become due, or damages of any kind or nature, and whether arising from common law or statute, arising out of, in any way, the use of your photograph or photographic image. This release contains the entire agreement on this subject matter between the parties and will be binding upon and inure to the benefit of the successors and assigns of the undersigned.

VANDALISM

Vandalism of UNIT and/or PROPERTY (with reference to both the room, unit, and all common areas) will not be tolerated and will result in a fee in addition to the costs of repair to the vandalized property being passed on to TENANT.

USE OF UNIT

TENANT shall use UNIT for residential purposes only. TENANT shall not use UNIT or any part of the PROPERTY for any commercial business or purpose. TENANT shall use and occupy UNIT and PROPERTY in compliance with all applicable local, state, and federal laws and any rules and regulations of any governmental board having jurisdiction.

SERVICE REQUESTS

LANDLORD offers 24-hour response to emergency service requests. The following issues will be considered maintenance emergencies: broken water lines, no heat when the outside temperature is below 55 degrees F, no a/c when the outside temperature is above 85 degrees F, no electricity (TENANT(S) will be charged if LANDLORD responds and finds that the electric service was disconnected by the utility company for non-payment), refrigerator/freezer not cooling, and no hot water. For after-hours emergencies, call our 24-hour on-call phone line and explain the situation. The attendant will be instructed to contact the proper service personnel. For non-emergency service requests, please call during regular management office hours. **TENANT must first Call 911 in case of fire and other life-threatening situations.**

MODIFICATION OF RULES AND REGULATIONS

TENANT and TENANT'S guests will be required to comply with all of the requirements set forth in these RULES AND REGULATIONS. LANDLORD has the right to change these RULES AND REGULATIONS from time to time, as LANDLORD deems necessary. Any changes to these RULES AND REGULATIONS will be effective and will become part of the LEASE once they have been delivered to TENANT or posted in a public area of the PROPERTY used for such purposes. TENANT is responsible for TENANT'S guest's compliance with all of these RULES AND REGULATIONS. Neither Management nor LANDLORD will be responsible to TENANT if LANDLORD fails to cause compliance by any person with these RULES AND REGULATIONS.

TENANT:

_____ _____

TENANT Signature Date

TENANT ACKNOWLEDGEMENT OF SECURITY POLICY

a) TENANT AND GUARANTORS acknowledge that neither LANDLORD, the management company, nor the agent for LANDLORD:
   1. has made any representations, written or oral, concerning the safety of PROPERTY or the effectiveness of any security/monitoring devices or measures, if any; and
   2. warrants or guarantees the safety or security of TENANT(S), or TENANT'S guests or invitees against the criminal or wrongful acts of third parties.

b) TENANT AND GUARANTORS acknowledge that:
   1. each TENANT, guest or invitee is responsible for protecting his or her person and property;
   2. the intercoms, building access systems and/or video camera systems, if any, are for convenience only and are not intended to be security systems. LANDLORD does not assure that intercoms, building access systems and/or video camera systems will continue to operate. If operation is interrupted for any reason, LANDLORD may either make repairs or abandon the intercom system, building access systems and/or video camera system;
   3. security/monitoring devices or measures, if any, may fail or be thwarted by criminals or by electrical or mechanical malfunction and that TENANT should not rely on such devices or measures and should protect themselves and their property as if these devices or measures did not exist.

SECURITY GUIDELINES

a) We recommend that you abide by the following guidelines and use common sense in practicing safe conduct. Inform all other OCCUPANTS in your UNIT, including any children you may have, about these guidelines.

b) PERSONAL SECURITY—WHILE INSIDE YOUR UNIT
   1. Lock your doors and windows—even while you're inside.
   2. Engage the keyless deadbolts or door latches on all doors while you're inside.
   3. When answering the door, see who is there by looking through a window or peephole. If you don't know the person, first talk with him or her without opening the door. Don't open the door if you have any doubts.
   4. If children (who are old enough to take care of themselves) are left alone in your UNIT, tell them to use the keyless deadbolt and refuse to let anyone inside while you are gone—regardless of whether the person is a stranger or an apartment maintenance or management employee.
   5. Do not put your name, address, or phone number on your key ring.
   6. If you are concerned because you have lost your key or because someone you distrust has a key, ask LANDLORD to re-key the locks. You have a statutory right to have that done, as long as you pay for the re-keying.
   7. Dial 911 for emergencies. If the 911 number does not operate in your area, keep phone numbers handy for the police, fire, and emergency medical services If an emergency arises, call the appropriate governmental authorities first, then call LANDLORD.
   8. Check your smoke detector monthly to make sure it is working properly and the batteries are still okay.
   9. Check your door lock, window latches, and other security devices regularly to be sure they are working properly.
   10. If your doors or windows are unsecure due to break-ins or malfunctioning locks or latches, stay with friends or neighbors until the problem is fixed.
   11. Immediately report to LANDLORD – in writing, dated, and signed – any needed repairs of locks, latches, doors, windows, smoke detectors, and alarm systems.
   12. Immediately report to LANDLORD – in writing, dated, and signed – any malfunction of other safety devices outside your UNIT, such as broken gate locks, burned-out lights in stairwells and parking lots, blocked passages, broken railings, etc.
   13. Close curtains, blinds, and window shades at night.
   14. Mark or engrave your driver's license number or other identification on valuable personal property.

c) PERSONAL SECURITY – WHILE OUTSIDE YOUR UNIT
   1. Lock your doors while you're gone. Lock any door handle lock, keyed deadbolt lock, sliding door pin lock, sliding door handle latch, and sliding door security bar that you have.
   2. Leave a radio or TV playing softly while you're gone.
   3. Close and latch your windows while you're gone, particularly when you're on vacation.
   4. Tell your roommate or spouse where you're going and when you'll be back.
   5. Don't walk alone at night. Don't allow your family to do so.
   6. Don't hide a key under the doormat or a nearby flowerpot. These are the first places a burglar will look.
   7. Don't give entry keys, codes or electronic gate cards to anyone.
   8. Use lamp timers when you go out in the evening or go away on vacation. They can be purchased at most hardware stores.
   9. Let the LANDLORD and your friends know if you'll be gone for an extended time. Ask your neighbors to watch your UNIT since the LANDLORD cannot assume that responsibility.
   10. While on vacation, temporarily stop your newspaper and mail delivery, or have your mail and newspaper picked up daily by a friend.
   11. Carry your door key in your hand, whether it is daylight or dark, when walking to your entry door. You are more vulnerable when looking for your keys at the door.

d) PERSONAL SECURITY—WHILE USING YOUR CAR
   1. Lock your car doors while driving. Lock your car doors and roll up the windows when leaving your car parked.
   2. Don't leave exposed items in your car, such as CDs, mp3 players, wrapped packages, briefcases, or purses.
   3. Don't leave your keys in the car.
   4. Carry your key ring in your hand whenever you are walking to your car.
   5. Always park in a well-lighted area. If possible, try to park your car in an off-street parking area rather than on the street.
   6. Check the backseat before getting into your car.
   7. Be careful when stopping at gas stations or automatic-teller machines at night – or anytime when you suspect danger.

No security system is failsafe. Even the best system can't prevent crime. Always act as if security systems don't exist since they are subject to malfunction, tampering and human error. We disclaim any express or implied warranties of security. The best safety measures are the ones you perform as a matter of common sense and habit.

TENANT:

LANDLORD:
CORE CAMPUS EUGENE, LLC

TENANT Signature	Date	OWNER'S REPRESENTATIVE	Date

LEASE ADDENDUM
FOR
A DRUG-FREE CRIME-FREE HOUSING

In consideration of the execution or renewal of a LEASE of the UNIT identified in the LEASE, LANDLORD and TENANT agree as follows:

1. TENANT, any member of the TENANT's household or a guest or other person under the TENANT's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defeed in Section 102 or the Controlled Substance Act [21 U.S.C. 802]).

2. TENANT, any member of the TENANT's household, or a guest or other person under the TENANT's control **shall not engage in any act intended to facilitate criminal activity,** including drug-related criminal activity, on or near the PROPERTY.

3. TENANT or members of the TENANT's household **will not permit the UNIT to be used for, or to facilitate, criminal activity,** including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household or guest.

4. TENANT or members of the TENANT's household or guest, or another person under the TENANT's control shall not engage in the manufacture, sale, or distribution of illegal drugs at any location, whether **on or near the UNIT,** PROPERTY, or otherwise.

5. TENANT, any member of the TENANT's household, or a guest or another person under the TENANT's control shall not engage in any illegal activity, criminal street gang activity, threatening or intimidating, assault, including but not limited to the unlawful discharge of firearms, on or near the UNIT, or any breach of the LEASE that otherwise jeopardizes the health, safety, and welfare of the landlord, his agent, or other TENANT or involving imminent serious property damage.

6. **VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.** A **single** violation of any provisions of the addendum shall be deemed a serious violation, and a material and irreparable non-compliance. It is understood that a **single** violation shall be good cause for **termination of the LEASE in accordance with Oregon law.** Unless otherwise prohibited by law, proof of violation **shall not require criminal conviction,** but shall be by a preponderance of the evidence.

7. In case of conflict between the provisions of this addendum and any other provisions of the LEASE, the provisions of the addendum shall govern.

8. This **LEASE ADDENDUM** is incorporated into the LEASE executed or renewed this day between LANDLORD and TENANT.

_____ **Date:**_____
TENANT Signature

_____ **Date:**_____
OWNER'S REPRESENTATIVE

HOW TO REPORT SUSPISCIOUS OR CRIMINAL ACTIVITY

1. Dispatch a Beat Officer to your location.
2. Connect you with an Officer working the front desk.
3. Arrange to have an Officer call you back.
4. Send your information to the appropriate Division for further follow-up.

While you may provide information anonymously, it is more helpful if the Call-Taker has your name and phone number for re-contact. Further questions may arise during a follow-up investigation, and a successful outcome may hinge on whether you can be contacted to answer them. In any event, when calling provide as much information and as many details as you can.

Describe the activity and its location.

- ✓ Provide names ("street names," nicknames, aliases) of persons involved
- ✓ Describe the persons involved one at a time, including:

  -Sex -Height -Hair color
  -Race -Weight -Eye color
  -Age

- ✓ Any distinguishing features; unusually hairstyles, tattoos, etc.
- ✓ Give addresses and apartment numbers of the people involved.
- ✓ Describe the residence/business (actual address if known), which side of the street, which corner, color of building, distinguishing features, etc.

CRIME FREE MULTI-HOUSING PROGRAM
A Practical Guide for TENANTs

HUB ON CAMPUS EUGENE is committed to keeping illegal activity out of the apartment community you reside in. Your LANDLORD has taken positive steps to promote effective management to improve the health of the community and the quality of life for all TENANTs in your PROPERTY. Your LANDLORD has implemented positive changes to develop an environment where the potential crime cannot flourish.

To address the crime problem in rental properties it requires a unique coalition of landlords, TENANTs and the police. The most effective way to deal with any illegal activity on rental property is through a coordinated effort.

The following information is provided to help you protect your PROPERTY, your vehicles and most importantly, your personal safety.

Property Crime Prevention

- Always keep your doors locked – even when you are home
- Use your deadbolt lock at all times
- Identify who is knocking or buzzing your residence – ask for identification if you don't not know the person-before you open the door
- Use your peep hole or nearby window to view guests prior to opening the front door
- Never leave an extra key outside the door
- Never lend your key to other people
- Report lost or stolen keys to the manager immediately and have the locks changed
- Secure all windows and utilize the secondary lock
- Secure your sliding patio door and utilize the secondary lock
- Close your blinds to deter criminals from scouting out your valuables
- Do not allow newspapers, handbills, etc. to accumulate at the front door

Vehicle Theft

- Auto Theft Protection – Starts With You
- Take your keys
- Lock your car
- Park in well-lighted areas
- Don't leave your car running unattended, even for a minute
- Completely close your car windows
- Do not leave valuables in plain view
- Remove your stereo face plate
- Do not hide a spare set of keys in the car – the pros know where to look
- Keep your vehicle registration information with you – not in the glove compartment
- In you have a garage, use it
- Using a visible and audible deterrents – alert thieves that your car is protected
- Use a visual anti-theft device – steering wheel lock
- Audible alarms
- Window Etching – etch vehicle identification number on vehicle windows

Bicycle Theft

- Be sure to secure your bicycle inside your apartment
- Do not leave your bicycle on the balcony, even the second level
- If you choose to leave your bicycle on the balcony secure it with a working locking device
- Be sure to write down your serial number in case your bicycle is stolen. Law Enforcement will require this information in reporting the theft.

Assault Prevention

- Protecting yourself is a matter of avoiding the situation before it happens
- Keep your doors locked and windows rolled up to prevent anyone from reaching inside your car
- Always lock your doors when you park
- Always be attentive in parking lots as you return to your car
- Get in the habit of locking your doors and windows at all times
- Never remain in the laundry room in an apartment community alone
- Plan your route, especially at night. Follow well-lighted and populated streets

- Try to walk with someone else whenever possible
- Avoid dark places, short cuts, bushy trees and shrubs, and sparsely traveled areas
- Stay Alert and attentive to your surroundings at all times

Please keep in mind that this is your home, your neighborhood and your community. Much of your personal safety and that of the neighborhood depends on your active participation in the crime prevention efforts. You are a vital part of your community security and welfare.

Report Crimes in Progress to **9-1-1**
Non-Emergency Number 541-682-5111

_____ _____
TENANT Signature **Date**

_____ _____
OWNER'S REPRESENTATIVE **Date**

DAMAGES AND COSTS ADDENDUM

The condition of the UNIT will be assessed in accordance with paragraph 15 of the LEASE agreement for damages in the UNIT and PROPERTY as described in paragraph 1.

CLEANING INSTRUCTIONS
When cleaning your apartment and preparing for move-out, please make sure that all areas in your bed space and common areas are clean. This includes, but is not limited to: all appliances (refrigerator, stoves, microwaves, dishwashers), drip pans, cabinets, doors, patios, window screens, baseboards, flooring, windows and sills, toilets, bathtubs, sinks, countertops, nail holes, carpet, ceiling fans, light fixtures, air vents, all shelving, etc…

FULL PAINT
A full paint after occupancy of only 1 year is not considered normal wear and tear.

CARPET CLEANING
Tenant is responsible for carpet cleaning at the end of the lease. Carpets must be cleaned by a professional cleaning company and a receipt must be provided to management on or before move-out.

DAMAGE COSTS
The following is a list of potential charges that could be assessed to your account for damages during the TERM of LEASE, the end of the LEASE TERM or after occupancy is terminated as outlined in **paragraph 42.**

ITEM	ESTIMATED COST
Mailbox Key Replacement	$50.00
Apartment Key Replacement	$50.00
Room Key Replacement	$50.00
Parking Sticker Replacement (Not Expired)	$50.00
Lock Change	$50.00
Access Gate Remote	$50.00
Garage Remote	$50.00
Window Screen Replacement	$75.00
Blind Replacement (window and vertical)	$40.00-95.00
Broken Window Replacement	$175-300.00
Sliding Glass Window Replacement	$200-275.00
Carpet Cleaning	Starts at $45.00/Area
Carpet Replacement	Individual Bid
Interior Door replacement	$75 per Door
Room Cleaning-light, medium, heavy	$25.00-50.00
Common Area Clean (total)	$75.00-110.00
Drip Pan Replacement (4)	$25.00
Trash Out (per bag/box)	$25.00
Sheetrock Repairs (per area)	$10.00-170.00
Refrigerator Replacement	$600.00
Microwave Replacement	$100.00
Washer Replacement	$350.00
Dryer Replacement	$300.00
Counter Top Resurfacing	$80.00-200.00
Tub Resurfacing	$150.00-325.00
Full Paint per Bed Space	$75.00
Full Paint Color Change per wall	$100.00-200.00
Full Paint Unit	Individual Bid

COMMON AREA DAMAGES
Your account will be charged for any damages in your bed space assigned to you on your LEASE agreement in **paragraph 1.** Common area damages will be divided amongst all TENANTS in the UNIT unless a letter assuming responsibility is received in the office prior to move-out.

All damage costs listed above are estimates. They are subject to change at any time and not inclusive of all move-out charges subject to your account.

TENANT:

LANDLORD:
CORE CAMPUS EUGENE, LLC

Tenant Signature _____ Date _____

OWNER'S REPRESENTATIVE _____ Date _____

Student and Parent Comments About The HUB

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- 7/1/2015
- **I have had two daughters live here on separate occasions. One daughter moved in when it first opened as the Hub and other a year later when it became University House.** (Note: Core sold to University House after one year but they still show this property on their website).

  Both management teams were terribly inefficient and unorganized. My one daughter was living there when a pipe busted and flooded three floors causing tenants to move out for six weeks. It was chaotic with tenants being forced to leave apartment doors unlocked with easy access for numerous repair people to personal belongings during this time. When tenants were able to move back in, the trash chutes could not be accessed due to electrical wires they had to temporarily run through the chute space as the repair/remold was not completed. Trash, visualize piles and piles of stinky trash, lined the hallways during the summer months.

  Not the only time my family has encountered disgusting living conditions when visiting our kids. We have seen lots of urine, vomit and more trash in the elevators and hallways over the past couple years. Not to mention the times I have been woken up to someone screaming in the early morning hours. The last time, some guy was throwing a girl against a wall at 2AM. We had Tempe police knocking on our door a half an hour later to ask what we saw and heard.

  My second daughter moved out halfway through the school year. She paid an extra 85% of her rent to be given priority on the wait list for apartments with rooms that were available. Leasing staff often did not show her apartment even though we paid for the priority status. We later found out that there were only 5 female only rooms on that list. There was really no need to pay the extra fees. I called the leasing office one day to find out that the leasing staff did not have an update list on what apartments with rooms were available. Our daughter's room was not on the list. At one point, the leasing office's phones and email were down for two weeks making it difficult for potential lessors to inquire about rooms to relet.

  Also, the turnover rate with the leasing staff is constant for both managers and agents.

  When the room was finally relet, it took 60 days for Inland America AKA University House to refund us rent that was paid.

  It is truly surprising that the state housing department has not fined or sued this company.

Comments about Madison HUB

Jake L
in the last week-
The worst living experience I've had in Madison to date. DO NOT LIVE HERE.

As you can see in the google reviews below, every single good review was placed at the exact same time. I know a few of the individuals and they are either living with a staff member or are friends with them. I'm assuming the staff is trying to get the ratings up on Google Reviews.

Do not be fooled by the amenities here, as soon as you sign your lease forget about any respect from the staff whatsoever. The place is run by some of the most unintelligent individuals I have talked to. The sauna has been closed down for weeks at a time with no warning whatsoever, the printer is always broken, and multiple fees have been enlisted without prior consent. (Such as a fee for the water and electricity of the common areas?)

I guess they are building a Hub 2 across the street, and there are giant cranes blocking any sort of view we used to have, let alone any peace and quiet. My sink has broken twice and the water pressure is nonexistent.

A quote from the repair man after all of the cushions on our outdoor patio were ripped "Every single piece of furniture here has came right off the boat from china." Thanks dude, I'm guessing they will scheme us out of our deposit as well.

I wish I could give these apartments a 0 out of 5 as I would leave immediately if I could. IT IS NOT WORTH LIVING HERE. DO NOT BE FOOLED. There is plenty more to complain about but I do not have time to continue with this post, the only good thing about this place is the pool on the roof that's open 5 months a year.

Will S
3 weeks ago-
This place is run by fools. Management is atrocious.

They've scheduled fire drills at 9am every week for the first two months of living here. They've hired security guards that have left an unconscious drunk female incapacitated face down on the lobby couch and when prompted if they thought it was something that needed to be dealt with the male guard shrugged it off as a nonissue. Management split the water bill between the entire complex instead of just our own usage, since I am considerably more conservation minded than most I end up paying for others egregious habits. Management has also refused to refund us for a two week period where we were incapable of living in our units due to delayed construction in effect taking a half month of rent from all of us. Several times our mail has not been processed in a timely fashion leading to packages and letters being given to us days after tracking shows delivered. Last week management started bringing in cranes for their new building across Gilman Street called The James Madison formerly known as Hub 2. The arrival of this equipment has blocked our parking lot exit and has bisected Gilman.

The level of sheer ineptitude needed to accomplish these feats bewilders me.

I have no drawers in my bathroom. The water pressure in my sink is terrible. The walls are paper thin. I have a pathetically weak night light in my ceiling fan, I needed to buy lamps to get any sort of lighting in my room. I can hear the TV blaring at 10% through my bedroom door. Hot water is rarity. The door on the washer and drying unit has slots and lets all the noise through. The sauna and hot tubs are always closed for maintenance. The gym and 2nd floor courtyard

areas are usually in dire need of a good cleaning. If you live facing into the courtyard there are cameras positioned that can see everything that happens inside your room. The garbage chute is pathetically small and is good for walgreens sized plastic bags only.

David
a month ago-
I don't know about other units, but I recommand you not to live in either studio or 1 bedroom unit.
I currently live in 1 bedroom, and IT IS REALLY REALLY SMALL.
I wish I could've known that the room was going to be this small. People at the leasing office last year told me that 1bedrrom would be about the same size as their model unit, which they had at the office. Well... guess what. It is not even close to that size.
You can probably fit like 4-5 people in the living room, and it will be so full that you won't even be moving around.
Also, you can smell all kinds of things (you know what) from other units on downstairs and upstairs.
When I moved in, there were several spots in the unit where it had stains, and also there were garbages everywhere. I had to spend some time to clean it up.
As many people mentioned, water pressure at the bathroom is so bad. It takes me double or triple time to wash. I feel like this would lead to much worse waste on water. Seriously, what were they thinking when installing this crap on.
I was going to move to Lucky apartment next year, because they provide free parkings for those who live in 1 bedroom unit for over 1 or 2 years, but every 1 bedroom was gone for next year so that kind of sucks.
It is not worth $1425 living here. I'm paying 250 more over that for parking. I'm pretty much stuck here until I graduate lol. Thanks for providing so much information before I moved in. That really worked!

Rachel Peterson
2 months ago-
If I could give this place 0 stars, I would. It is genuinely one of the worst apartment buildings in Madison. Do not let the 4 ho tubs, saunas, and rooftop pool fool you. This place is actually a joke!! Everything is a lot smaller and the noise is CRAZY! they said the walls are insulated and thats a lie! You can hear every party going on from the rooftop to the entrance. All the appliances are very CHEAP quality! Forget the bluetooth speaker because that doesn't make up for the horrible water pressure and cold water every morning! the rooms are extremely SMALL compared to what their blueprints said! And the STAFF might be the WORST thing about this building. They are extremely RUDE, they never have an answer for your questions and always refer you to their 30 page lease which is also no help! The are honestly a bunch of idiots sitting in an office pretending to do work! The old manager told me to email her and never replied to my email. When I came into the office, I saw her sprint into her office and the person at the front desk told me she was busy. Talk about "professional"! "Security" is a joke because if you hand them some cash, they will do anything you need them to do! I urge you not to bring your money here. Do not give these people a penny! if it wasn't for the lease they have me locked into... I would be out of here in a heartbeat! The day my lease ends is my day of freedom! And they weren't able to lease out the building this year! they are barely at 70% occupancy. I truly hope someone does something about them to remove them from Madison

Comments and Recent Article about HUB in South Carolina

Vincent Esposito
4 months ago
The hub seems great at the beginning, however, it is all just a sham. The office staff is horrible and never helps with anything. Nothing ever works in the building. The elevators are constantly out of order and everything started falling apart from day 1. Upon moving out of my apartment I noted there was one paint chip on my bedroom wall that would need repairing, but I figured that would be normal wear and tear. Apparently, that warranted a $343 painting bill. Don't live here, the rent is way too high for the quality of the product and they will nickle and dime you until you are broke.

Madeleine Bell
3 months ago
Horrible management. Very unprofessional and disorganized. If you go into the leasing office with a problem expect them to roll their eyes at you and not take anything seriously unless you bug them constantly. Things are alway broken and very overpriced for what you get. Would not recommend as a place to live. Period.

Alex Funke
4 months ago
The hub is a scam. They will be nice and friendly and put on an amazing act when you are looking at renting... However once you sign a lease that is when everything will change. The management is awful. Nothing seems to ever be working (especially the elevators). The furniture is worse than ikea furniture... and the list can go on and on. Also DO NOT EXPECT to get a security deposit back... They will nickel and dime you. When we left the room was in amazing condition. However according to the HUB it need 294.69 cents worth of paint, along with a 50.31 cleaning fee. This is completely ridiculous because the walls were in great condition and the room was fully cleaned. Also that is just my charges. Now there were an additional 3 roommates living there so just imagine what they were charged....

Also basement parking is very sketch.... I would recommend walking with a buddy back from the basement to the complex due to a high frequency of drug users making the surrounds their homes... Also the basement elevator always breaks down... So at night if you are coming back late from a class, you have to walk down an alley way in order to get to the complex...

Also upon moving in there was no WIFI for over a month. The office staff said in person they will compensate residents down the road for this... That never happened...

It just makes me sick that these people at the hub at able to sleep at night....

THESE PEOPLE HAVE NO MORALS OR SOULS...

Also you will notice they have 60 5 star reviews... a majority of these reviews were written when the complex was being built by local businesses trying to suck up to the hub

Breaking: Controversy Surrounding The Hub At Columbia
Former residents are infuriated with what they say is unfair treatment.

Victoria Daczkowski in **Lifestyle** on **Sep 13, 2015**

Where you live has a large impact on your year. Are you close to the Greek Village? Are you close to downtown? How big is the apartment? How is the parking situation? These are all questions you should ask yourself before signing a lease for the coming school year.

For students already thinking about where to live next year, consider checking the reviews for apartment complexes in the area. There are plenty of places for University of South Carolina students to live, and most are very affordable and vary in types of amenities. There also always seem to be new apartment complexes catering to students moving off campus after their freshman year.

In fall of 2014, a brand new apartment complex opened on Main Street in downtown Columbia -- The Hub. The slots available filled up before that fall semester was over, and it was expected to be the coolest place to live. But, now, a year later, its reputation is starting to deteriorate.

When tenants first moved in, they instantly began to find problems. Issues ranged from the Wi-Fi not working, to not even having a refrigerator in the apartment. The apartment complex was poorly made and they issued "worse than Ikea furniture" (2014-2015 resident).

"I was supposed to have a walk in closet, but didn't upon moving in and it took them weeks to compensate me for it. We put in at least five work orders and they fixed it the month we moved out," said that anonymous resident.

Many of those first tenants have now moved out, but are now faced with another problem: move out reports and bills. Former residents have reportedly been charged hundreds of dollars for repainting and repairs, with no evidence of it being necessary.

"Move out charges between three roommates was over $1000 for painting and cleaning," said a 2014-2015 resident. Those residents say that their apartments were spotless and were in no way damaged, or in need of repainting.

The Hub at Columbia Facebook page has recently even been flooded with posts by angry residents and their parents.

In the past few weeks, The Hub at Columbia's rating had dropped from a 4.8 (out of five) to a 2.8, and the comments and reviews keep coming. Students, residents and parents are furious with the complex and the management.

"Dealing with the leasing office was a constant struggle. They take advantage of our age and inexperience and try to get as much money as possible out of our bank accounts. The property manager has no sense of customer service or respect," said a 2014-2015 resident.

Facebook reviews from oxford miss

Had problems all year with the Management of this facility. At the completion of the lease they charged my daughters for services that were not rendered and for damages in the common areas of the apartment that were there when we moved in (even after we notified them of the damages). The kids that work at The Hub were always very nice and accommodating, but to expect them to run this facility was a bit of an oversight on management's part. Would not keep my kid there every again.

It looks great from the beginning, until you have a maintenance issue! And, don't expect to get your security deposit back. They go through great strides to find anything possible to eat it up! Don't believe the line about 'normal wear and tear'! Also, BEFORE you sign the lease, ask them to provide you with move-out requirements! Ridiculous! For the amount of rent you pay, professional carpet cleaning after you move out, should be covered!

Do not recommend! I agree with many of the comments- should have paid more attention when signing the lease. Families- considering this place for your child- as stated don't expect to get your deposit back no matter what you do. I drove 14 hours each way to make sure my daughter left things clean. We washed walls and scrubbed the kitchen, cleaned blinds and the ceiling fan! Silly me thought that the security deposit was for damage. But no... they charged for HVAC filters, 2 l...

I've been here for couple of months. All the stuff they have to offer is nice. But maintenance is crappy. You can never get them to fix anything you ask them to. And when you ask them about something.. They just say I have no idea when it will be fixed are there working on it. When they been saying that for 3 months.

If you think is will be a good place to stay, it's all smoke and mirrors. THIS PLACE IS A RIP OFF!!! THE RENT IS EXPENSIVE AS HELL AND WILL MAKE UP CHARGES AND TAKE AWAY YOUR SECURITY DEPOSIT AT THE END OF THE YEAR!!!! The student workers are not helpful and the manager always refer you to them. RUN AND NEVER LEASE; You'll regret it.

Press from The Internet about Core Residential

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Posted: Monday, December 24, 2012 5:45 am

Core Campus plans student housing on Tyndall Ave.

More student housing is coming to the University of Arizona campus area in time for the fall 2013 semester.

Chicago-based Core Campus Investment Partners LLC has purchased approximately 33,400 square feet of land at 1011 N. Tyndall Avenue for $3.85 million. At this time, details for the planned student housing development were not announced.

Core Campus focuses solely on student housing and uses its own in-house management staff.

The site is next to two high-rise student complexes being developed by Campus Acquisitions, also based in Chicago. Campus Acquisitions plans to open its luxury 14-story tower by August 2013 and a companion 13-story tower by August 2014.

The land that was acquired by Core Campus includes an approximate 21,000 square-foot, two-story building that formerly housed the Phi Kappa Psi Fraternity. The fraternity's national headquarters revoked the local chapter's charter in January 2012 over allegations of hazing and other issues.

The parcel was sold by Tucson-based Kiva-Star Partners LLC. Among its main members, public records list developers Bill Viner, Steven J. Shenitzer and Philip Pepper.

In the transaction, Core Campus was represented by Debbie Heslop of Volk Company.

Tyndall property

A.E. Araiza / Arizona Daily Star

The city sold the property at 1023 N. Tyndall Ave., where Direct Center for Independence Inc. was located, to private dorm developer Core Campus, which owns the adjacent high-rise Hub. A new headquarters for Direct, a nonprofit for people with disabilities, was part of the deal.

December 08, 2014 7:45 pm • By Mariana Dale

A recent city real estate deal has paved the way for more multi-story student housing in the West University neighborhood.

Tucson sold a .84 acre lot on North Tyndall Avenue to Core Campus, a private dorm developer, for $3.5 million, which includes the cost of the property and relocating the former tenants, a nonprofit that provides services to people with disabilities.

Tucson Real Estate Program Director **Hector Martinez** called the deal a "win-win-win."

The nonprofit gets an upgraded headquarters worth about $2 million; the city gets a $1.5 million boost to its general fund and the developers get a prime piece of real estate.

The Tucson City Council approved the sale in December 2013, but the two-year process wasn't completed until last week, when the Direct Center for Independence moved into its new digs at 1001 N. Alvernon Way.

Not everyone is excited about the prospect of more student housing on the edge of the historic neighborhood. The three nearby complexes have generated more than 45 calls to police, said Councilman Steve Kozachik earlier this year.

The nearby Islamic Center of Tucson has complained of bottles and other trash falling from high-rise balconies on to its parking lot.

In part, the potential for this type of conflict is why Direct elected to leave the area.

"With the coming of those high-rises, it was almost like our missions were going to clash," said Executive Director Wendy Dewey.

A NEIGHBORHOOD CHANGES

The Direct Center for Independence offers services that help people with disabilities live independently. The city gave the organization a 99-year, dollar-a-year lease for the property on Tyndall Avenue, south of Speedway Avenue, in 1983.

Even though the building predated the Americans with Disabilities Act, the accessibility was state of the art, Dewey said.

The surrounding area changed dramatically after the city of Tucson approved a new zoning overlay district in February 2012.

A Chinese restaurant and a fraternity house were among the properties replaced by three high-rise student housing complexes up to 14 stories. The previous limit was four stories.

The first complex, Level, opened in fall 2013 at 1020 N. Tyndall Ave. and was followed by nearby Next and Hub, which is owned by Core Campus. Together the three units can accommodate about 1,500 residents.

The vehicle, pedestrian and construction traffic generated by the projects made Direct's facility less accessible to its clients. Dewey estimated Direct Center for Independence serves about 1,400 people annually. "It was like the writing on the wall," Dewey said. "Imminent change was there and it was big change." Direct approached the city in late 2012 to ask about options for relocating. The City Council opened a request for proposals to sell the property in June 2013. In addition to paying a cash sum, the winning bidder would need to find a new home for Direct and pay to relocate the organization.

Direct wanted a visible location easily accessible by public transportation, explained CBRE First Vice President **Buzz Isaacson**. His firm was tasked with helping Direct find a replacement building.

"There wasn't anything on the market that fit the bill," Isaacson said. "We found a building owned by an architecture firm that wanted a lease. We converted it into a sale."

Direct's new headquarters is about 2,500 square feet larger than its former center and has 42 parking spaces. The new location puts it not far from compatible organizations, such as a University of Arizona health and wellness center and nonprofit Our Family Services. It's also the confluence for several city bus routes, Dewey said. "It's awesome — people could get to us from any part of the city," Dewey said. "We are right where we need to be."

Core Campus, the dorm developers, ended up paying about $1.4 million for the Alvernon Way property, plus an additional $560,000 to renovate the building to Direct's requirements by

adding improvements such as wider door openings. The company also paid the city $1.5 million.

Martinez said, "The total package is a great community return."

STUDENT HOUSING A BOON FOR REAL ESTATE

Core owns Hub at Tucson, 1011 N. Tyndall Ave., a 14-story student housing tower serving almost 600 residents.

The complex, which is adjacent to Core's new purchase, opened in 2014.

"Core was presented with the opportunity to own a piece of real estate in a top market, at a tier-one university, right next door to our current development," said Chief Operating Officer Benjamin F. Modleski in an emailed statement. "We couldn't pass that up. ... Our niche in student housing is really infill, vertical development near strong universities."

The proposed Hub II would be six stories and house nearly 300 students and there would be no retail element.

Core has filed permits with the city to begin the project and expects the development will be completed by July 2016.

Kozachik said he would prefer the area be used to build something that would benefit the whole community, like a grocery store.

He voted with the council to approve the sale of the property in December 2013, but does not support the planned development.

His opposition may not matter, however, as the proposed complex is considered a "group dwelling," which is an allowed use of the property within overlay district so Core doesn't have to go through a rezoning process.

The news of the development comes on the heels of complaints filed by the nearby Islamic Center of Tucson about liquor bottles, produce and obscenities that have been thrown from the adjacent student housing complexes for more than a year.

Four residents of the adjacent complex, Level, were evicted in November in connection with the incidents. A forum was held at the UA Monday night to discuss student behavior.

Kamel Didan, the vice chairman of the board of the mosque and community center, said they are worried efforts to educate current residents and stem the problems will ultimately fail because of the resident turnover in the complexes.

No decisions have been made, but one option would be for the Islamic Center to sell their property and leave, much like Direct.

"We don't want to be perceived as people putting a stop to investment or an influence of money," Didan said. "We want to be seen as a community of people who care about the city of Tucson."

The following statement is currently on the Core website even though they sold the property in 2014.
http://corespaces.com/project/hub-on-campus-tempe/
In July 2013, Convexity Properties, in partnership with Core Campus, delivered their first two student housing projects; THE HUB at Arizona State University (Tempe, AZ) and at the University of Mississippi (Oxford, MS).
The HUB at Arizona State University (ASU) is a 19-story mixed-use building that contains 269 student apartments (637 beds) and 20,000 square feet of ground floor retail. The building is located a few blocks north of the main campus of Arizona State University and is directly across from the Tempe Transportation Center and Sun Devil Stadium. The project was extremely well received by students, as demonstrated by a 93% occupancy rate on move-in day.

M.P. KING — State Journal Feb 6, 2015
Madison, Wisconsin

Core Campus on Monday won approval to build a 12-story housing project at 510 University Ave., on property now used partly for parking. The project, to be known as Hub II, would be across the street from the developer's 12-story Hub Madison project, background center, under construction now and set to open in August.

A rendering shows Core Campus' proposed Hub Squared development, among other existing tall buildings on University Avenue. Behind it is Hub Madison, a similar project by the same developer that fronts Gilman, Frances and State streets, and will open in August 2015.

Think Downtown Madison's residential housing boom has peaked? Hardly.

Core Campus is now proposing a 12-story, upscale housing project that might include a hotel at 510 University Ave., across West Gilman Street from the developer's massive, 12-story Hub Madison project now being completed at the corner of North Frances and State streets.

The new proposal, called Hub Madison 2, would be 424,408 square feet with perhaps 292 apartments and three townhouses, 9,230 square feet of retail space and 164 parking spaces, preliminary plans show. The original Hub is about 500,000 square feet with 313 apartments, 25,395 square feet of retail space and 143 parking spaces. The developer has not disclosed a cost for either project.

Core Campus is acquiring the 0.8-acre site from the Mullins Group, which also sold it the property for the original Hub.

"We believe that the location is a phenomenal one," said Marc Lifshin, managing partner with Core Campus. "Infill sites of this size and location are very limited, and this is a great opportunity for Core Campus to acquire a tremendous piece of real estate."

The project would require demolition of a mixed-use building at 435 W. Gilman St. — once home to Laundry 101 — and cover some private green space and surface parking.

Lifshin said Core Campus is finding great interest from students and a mix of young professionals in the original Hub, slated to open in August. History shows that when one development with a lot of amenities like the original Hub opens, desire grows quickly among students to upgrade their living situations, he said.

"We believe this will occur here, and there will be a demand in excess of rooms at Hub Madison and a need for further developments equal or greater in their level of amenities and finishes," he said.

The Hub 2 will feature a courtyard, gym and spa, volleyball court and a rooftop terrace with a club room, pool and two hot tubs, the preliminary plans show.

Although the design isn't completed, the Hub 2 will use "modern forms and architectural expressions," Lifshin said.

Core Campus intends to make part of the building for students, another part more attractive to young professionals, and is also exploring a hotel component, he said. It's not clear how the inclusion of a hotel would affect the number of housing units.

Ald. Mike Verveer, 4th District, who represents the area, said he was surprised but pleased by the proposal.

"I did not expect this particular developer would so quickly embrace our community and so quickly come back with a second project," he said.

The Downtown vacancy rate is unhealthily low, so more housing is welcome, Verveer said, noting that the project seems to meet the Downtown Plan and zoning code. Unfortunately the proposal, like many others Downtown, includes no units for those with lower incomes, he said.

The proposal, Verveer said, offers retail space along University Avenue but may raise concerns about the loss of green space and a canyon effect from tall buildings flanking both sides of the meeting of West Gorham Street and University Avenue.

Core Campus is working with city staff on the position of a garage entry and loading dock to minimize traffic effects, and while the structure will cast shadows, it fits zoning for the site, Lifshin said. The project will not require city tax increment financing (TIF) assistance, he said.

Core Campus will make an informational presentation to the city's Urban Design Commission on Wednesday and hopes to move through the approval process with final consideration by the City Council in mid-May. A neighborhood meeting is set for 7 p.m. Feb. 23 at the Fluno Center, 601 University Ave.

The original Hub will offer fully furnished apartments with a host of amenities including large flat-screen TVs, washers and dryers, and stainless steel appliances. VIP apartments have options like a hot tub on private balconies and an upgraded kitchen package.

It also features private work rooms, business and conference centers, a computer lab, sand volleyball court, rooftop pool, ice rink, movie theater, music studio, 30-person hot tub, cold plunge, sauna and steam room, and fitness center. Ten first-floor retail spaces will host businesses including Colectivo Coffee, Naf Naf Grill, Glaze Teriyaki Grill and Goodness, a fresh food and juice bar.

Core Campus, based in Chicago, has developed and manages properties with more than 8,000 beds across the United States.

3

Parking Requirements

We realize that parking requirements are not at issue here this evening but the community is adamant to bring to Staff, the Commission and the Developer that this WILL be an issue. It does not take a rocket scientist to know that 600 bedrooms for students plus commercial space cannot be serviced by 231 parking spaces plus 27 on street spaces.

The zoning code that came up with this formula is obviously flawed and yet the city staff is just thinking that somehow it will work. We NEED to put more thought and care into this, especially in light of the fact that a new parking ordinance has been passed by Council. It should be noted that on page 5 of the Staff Report on the Zoning Amendment, it is stated that additional parking in a structure is exempt from the standards and they could offer more (per Zoning Code Administrator). Now we find that the City Attorney has said NO. . .total parking per the formula CANNOT exceed the minimum plus 5%. So even if the developer wanted to add parking the City would not allow it. . . (See applicable parts of the Zoning Code below).

In checking with staff at The Grove, which is built under Commercial Zoning, they basically have one parking space for every bedroom/person and parking is basically free. Each resident pays $350 a year to care for the grounds and that includes snow removal and parking. Guest parking is never a problem. Even City Staff has indicated that about 75% of the spaces there are used. According to the folks at the Grove most of their residents have cars and most of those folks drive their cars every day. A walkable community with high density makes some sense, but not in Flagstaff and not with students.

Even if we took 75% of 600 Hub residents that would be 450 spaces. What about guests? What about delivery people? What about handicapped spots? WHAT ABOUT THE WINTER PARKING ORDINANCE WHERE YOU CANNOT PARK ON CITY STREETS AT NIGHT; can we even count those 27 on street spaces.

It could be that this will turn out to NOT be a problem because students will be too smart to live at The Hub where you have a 19 page lease by a company that has nothing but bad reviews at its other locations and where you will pay a very high price for rent and a very high price for parking, if you are lucky enough to get one of the few spaces available.

Ask ANYONE . . . parking in and around downtown and the Southside is nearly impossible. Any day that NAU is in session you cannot find an on street parking spot from campus on up thru 3 or 4 blocks north of Route 66. In the 4 blocks from Milton to San Francisco on the east west streets there is not only NO parking available but with cars on both sides, two cars more often than not cannot drive down the street at the same time. The bus drivers admit that getting from Butler up Kendrick and Mike's Pike is at times very difficult. What happens when we add 600 people plus 300 or so cars that have not place to park???? IT'S A PROBLEM.

Flagstaff Zoning Code
10-50.80.040
B. **Applicable to Transect Zones**
1. For transect zones, the number of required motor vehicle spaces for certain uses is regulated in Division 10-40.40 (Transect Zones). For those regulated uses, the requirements of Table A (Number of Motor Vehicle Parking Spaces Required) shall not apply

C. **General to All Zones**
1. **Maximum Number of Parking Spaces**
Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the minimum number of parking spaces by more than five percent.

4

TRAFFIC IMPACT ANALYSIS

A traffic impact analysis is a specialized study which assesses the effects that a particular development's traffic will have on the surrounding transportation network. A traffic impact study will vary in range and complexity depending on the type and size of the proposed development.

In the case of the HUB development "a Traffic Impact Analysis (TIA) was prepared **by the Developer** to demonstrate the anticipated traffic volumes generated from the proposed development. The City Traffic Engineer reviewed the site plan and TIA and subsequently accepted the results subject to the following conditions." (quotation from page 12 of the Staff Report 15-00164).

Those two conditions in short are a 4 way traffic lite at the corner of San Francisco and Franklin and upgraded pedestrian crossing at Humphreys and Butler. Although the stoplight is about 1/3 mile away "as the crow flies" and .6 miles away on surface streets with 2 left turns and 3 right turns this light is deemed necessary as it will be the entrance to NAU for all those student who are going to drive to school every day.

The City has graciously agreed to pay for one half of the cost of these improvements.

So, the professionals have determined that other than these two conditions there is NO other impact on traffic. Again, one does not have to be a rocket scientist to know that this is just flat out wrong!! No, we did not go to college to learn the meanings of words like:

Capacity: The maximum rate of flow at which persons or vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic, and control conditions; usually expressed as vehicles per hour or persons per hour.

Congested Corridor: A corridor identified in local comprehensive or thoroughfare plans, or in MPO and MDOT plans, which meets criteria based on performance standards, such as a volume-to-capacity ratio.

Diverted Linked Trips: Trips from the traffic volume on roadways within the vicinity of the generator but which requires a diversion from that roadway to another roadway to gain access to the site.

Level of Service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Reserve Capacity: The capacity of a lane at an unsignalized intersection minus the demand for that lane, where all terms are stated in equivalent passenger cars per hour.

Average Stopped Delay: The total time vehicles are stopped in an intersection approach or lane group during a specified time interval divided by the volume departing from the approach or lane group during the same time period, in seconds per vehicle.

AND THE LIST GOES ON AND ON AND ON. . .

Point being we drive the streets and they are ALREADY congested. It is impossible that 600 people, most with cars (although only 1/3 of them will have onsite parking???), increased pedestrian traffic, increased commercial delivery traffic (mostly they will park in the street because driveway design is not adequate) will NOT have a negative effect on traffic.

Driving these streets every day there are some real concerns about traffic. There are a large number of places in the Southside where it is nearly impossible to pull out into traffic because of guess what - parked cars!! You have to inch by inch pull out and then just "go for it". The traffic congestion that will be caused along Mike's Pike, Cottage, Benton, and further will make it very difficult for getting around.

Other considerations. . . With what will certainly be a FULL garage of people trying to get in and out ONE entrance/exit, it will be a nightmare.

What about a left hand turn lane to GET INTO the garage when coming up Mike's Pike? Did not see that talked about.

Is the throat length at the driveway sufficient to minimize conflicts with street traffic and within the site?

Can trucks and waste hauling vehicles easily access the site and circulate to and from loading areas?

Is the design sensitive to pedestrian needs?

Parking and Traffic Impact go hand in hand and City Staff really needs to "slow down" and take a more careful look at things.

Brian Kulina

From: Duffie Westheimer <dwestheimer@gmail.com>
Sent: Friday, January 29, 2016 10:40 PM
To: Brian Kulina
Subject: pls add my name to the letter

Follow Up Flag: Follow up
Flag Status: Completed

Greetings Mr. Kulina,

Please add my name to Marie Jones' 29 January 2016 letter about the Core Campus project proposed for the Phoenix Ave./Mike's Pike location.

Thank you,
Duffie Westheimer
720 W. Aspen Ave.
Flagstaff, AZ 86001

Brian Kulina

From: Charlie Silver <cws720@gmail.com>
Sent: Friday, January 29, 2016 11:31 PM
To: Brian Kulina
Cc: Mark Sawyers
Subject: signatory to M. Jones letter re: Hub

Follow Up Flag: Follow up
Flag Status: Completed

Dear Brian,

Please add my name to the letter dated 29 Jan 16 (incorrectly noted as 1-29-15) from Marie Jones to P&Z Commission re: Hub proposed development.

Thanks very much,

Charlie Silver
720 Aspen Ave.
Flagstaff, AZ 86001
928-779-2782

Brian Kulina

From: Patrice Giordano <pgiordano9@gmail.com>
Sent: Saturday, January 30, 2016 1:26 PM
To: Brian Kulina

Follow Up Flag: Follow up
Flag Status: Completed

Please add my name to the important letter you composed regarding the hub development.
Thank you. Patrice Giordano.

--
Patrice

Brian Kulina

From: mpcreh@aol.com
Sent: Sunday, January 31, 2016 10:29 AM
To: Brian Kulina
Subject: Marie Jones letter--signature

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Kulina,
I have read and fully agree with Marie Jones eloquent letter of 1/29/16 regarding sound objections to The Hub development.
Please add my signature to her submission.
When your own colleague, Mr. Sawyers, made the statement that staff was "surprised" by the "intensity and density" of this proposal, that speaks volumes.
I still strongly urge staff, P&Z, and Council to curtail this "audacious" inappropriate development.
Thank you,
Rose Houk
824 W. Cherry Ave.
Flagstaff, AZ 86001

Brian Kulina

From: Juliana Bartlett <bartlettjuliana@gmail.com>
Sent: Monday, February 01, 2016 1:42 PM
To: Brian Kulina
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

A sense of place? " The intrinsic character of a place,or the meaning people give it,but more often,a mixture of both.... "A strong identity and character that is deeply felt by local inhabitants and by many visitors ...." A sense of place involves the human experience in a landscape...the local knowledge and folklore.....Our historic neighborhoods currently have this...As a community,We have worked very hard to
nourish this... The hub project jeopardizes our history and our sense of place,what makes flagstaff unique and what's important to us as a community...

As was outlined to you at the last meeting...this project is not appropriate for this location ... I drove down Phoenix st. the other day on my way to Macy's ...snow was on both sides of the street, a bus was coming the other way...a bike rider was on my side, and there simply was no room for all of us to move forward without waiting for one another...I thought to myself... Where is the common sense with this project???? I observed the surroundings of this historic neighborhood and tried to visualize the impact of this building ....I felt heartbroken at the thought...

I urge you to review all the reasons that this project should not go forward in this location .I ask that the Planning and Zoning Commission deny Core Campus 's request To amend the Downtown Regulating Plan,and for a conditional Use Permit for the Hub.

Please listen to your community..

Best, Juliana Bartlett

BE KIND
FOR EVERYONE YOU MEET IS FIGHTING A
BATTLE YOU KNOW NOTHING ABOUT.

Brian Kulina

From: Jen Blue <oldcaves@yahoo.com>
Sent: Tuesday, February 02, 2016 6:07 AM
To: Brian Kulina
Cc: Mark Sawyers
Attachments: p&z ltr.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Brian,

I would like to add my name to those who have signed on to the attached letter.

Thank you and best regards,
Jen Blue

Brian Kulina

From: Diana Thorson <thorsond@commspeed.net>
Sent: Tuesday, February 02, 2016 6:35 PM
To: Brian Kulina
Subject: The Hub Meeting Feb 4
Attachments: Flagstaff Business News on THE HUB.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Richard Thorson
4521 E. Flintwood Ln.
Flagstaff, AZ 86004
February 4, 2016
Mr. Brian Kulina, AICP
Planning Development Manager
Planning & Development Services
211 West Aspen Ave.
Flagstaff, AZ 86001

RE: Attached Article: "Tourism Officials Mark Record Year"

Dear Mr. Kulina,

Tourism is one of our largest businesses in Flagstaff and tourists most certainly do not want to interact with college students. In my business, I deal with tourists from all over the world. They come for the Grand Canyon and Flagstaff as a destination, not student interaction.

The Hub will interfere with our tourist's ability to enjoy downtown as it is now by destroying its current ambience with a building at its center that has **no design appeal** let alone a connection to our historic heritage. Additionally, the tremendous congestion will not only take away tourist access to downtown, but prevent our own residents from all over the city to access the venues and businesses in the downtown area. Perhaps this is the reason, you have had little or no input from others living on the east side of town; since the late 80's it has been a challenge to navigate the area in a car and find parking. Little has been done by the city to alleviate the problem, and is doing the opposite by adding to the congestion by the approval of hotels. The situation has literally driven a large part of the city's population away, feeling lucky to have made it through the congestion challenges just to get to the desired businesses on "the other side" of town, avoiding downtown.

It is time to take a stand, preventing projects such as this to be built at this, or any downtown location. It is not good for Flagstaff as a tourist destination and will destroy our small town feeling. The rezoning will allow great financial benefit to the developer, reaping no rewards (financial or otherwise) for tourists and the residents. As per the article, The Convention & Visitor's Bureau is doing a great job of marketing our once quaint town. Let's make sure it is as they say it is—not a part of the college campus, as is Mill St. in Tempe.

Sincerely,
Richard Thorson
928.853-9168

Brian Kulina

From: Carol Hagen <cbhagen777@gmail.com>
Sent: Wednesday, February 03, 2016 12:11 PM
To: Brian Kulina
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Kulina
I am a business owner located at 209 Benton Ave. I wholeheartedly agree with Marie Jones and all comments made in her most recent letter. I look forward to our city planners making the right decisions concerning the Hub. I commend you all on your ability to revisit prior assumptions as all successful business owners, entrepreneurs, parents, administrators and even city officials must regularly do as new information indicates the need.
Sincerely
Carol Hagen
928 699-2459

Brian Kulina

From: Rick Moore <moore.rick@yahoo.com>
Sent: Wednesday, February 03, 2016 12:37 PM
To: Brian Kulina
Subject: Re: Allowed Building Types Question
Attachments: Marie Jones Letter.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brian-
I see the inconsistency. I hope it's cleared up by removing commercial block from T4 zones. Thanks for the clarification. By the way, while I know it's late to do this, could you please sign me on to the attached letter? I'd appreciate it.
Rick

From: Brian Kulina
To: 'Rick Moore'
Cc: Mark Sawyers
Sent: Wednesday, February 3, 2016 10:19 AM
Subject: RE: Allowed Building Types Question

Hi Rick,
There are some inconsistencies in the Code with respect to Table 10-50.110.030.A and the Subsections C of the specific transect zones. This is going to be remedied in the proposed Zoning Code amendments. In the meantime, staff's positions has been to promote flexibility with the transect zones thus leading to the utilization of the table when determining appropriate building types.
Correct. If the building type identified in Section 10-50.110.030 places additional limitations on the use or form of the building, a courtyard apartment must have 4-24 units or the width of a stacked duplex cannot exceed 36', respectively, they would be applied in the review and application of proposed transect development.

Brian J Kulina, AICP
Planning Development Manager
P: (928) 213-2613 | F: (928) 213-2089

From: Rick Moore [mailto:moore.rick@yahoo.com]
Sent: Wednesday, February 03, 2016 10:09 AM
To: Brian Kulina
Cc: Mark Sawyers
Subject: Re: Allowed Building Types Question

Hi Brian-
Thanks for the prompt response.
I don't see where commercial block is an allowed building type in table C under T4N.1 or 2. Could you please send me where that is shown?
Just for future clarity, I understand that the transect zones are form based, but there are also limitations listed for building types. For instance, an apartment courtyard building type must have no fewer than 4 units or more than 24 (Table C, 50.110-25), correct?
Rick

From: Brian Kulina <BKulina@flagstaffaz.gov>
To: "'moore.rick@yahoo.com'" <moore.rick@yahoo.com>
Cc: Mark Sawyers <msawyers@flagstaffaz.gov>
Sent: Wednesday, February 3, 2016 8:39 AM
Subject: RE: Allowed Building Types Question

Rick-

Specific building types are addressed in Section 10-50.110 of the Zoning Code. Table 10-50.110.030.A of the Zoning Code, a copy of which is attached, identifies that appropriate building types for specific transect zones. The proposed development is utilizing the Commercial Block building type, which, in accordance with the table, is appropriate in the T4, T5, and T6 transect zones. Further, they building type descriptions or names do not limit the uses that can be found/established within that building type (i.e. commercial uses could occupy a Single-Family Cottage and residential uses could occupy a Commercial Block). The building types are used to ensure that the proper form is achieved in each transect zone.

Brian J Kulina, AICP
Planning Development Manager
P: (928) 213-2613 | F: (928) 213-2089

From: Mark Sawyers
Sent: Wednesday, February 03, 2016 8:27 AM
To: Brian Kulina
Subject: FW: Allowed Building Types Question

Brian could you please provide a response for Rick.

Thanks

Mark

From: Rick Moore [mailto:moore.rick@yahoo.com]
Sent: Tuesday, February 02, 2016 8:01 PM
To: Mark Sawyers
Subject: Allowed Building Types Question

Hi Mark-

Page six of the staff report on the Hub refers to “specific building type standards, but there is no reference to the “Specific to Building Type” section of the code that has the descriptions and regulations for allowed buildings.

However, looking at the 10-40.40.070 & .080 C. (T4N1 and T4N.2 Standards) I see that allowed building types are listed and a footnote says to look at 10-50.110 (Specific to Building Types) for “building type descriptions and regulations.”

Among the choices for allowed building types for T4N1 and T4N.2 it seems to me that “Apartment House” is most similar the Hub, but when I look at 10-50.110 it appears to me that the Hub does not come close to the description of an “Apartment House” or the meet the number of units allowed.

I did the same thing for T5 Main Street, except that the allowed building type that seemed most similar to the Hub is the “Courtyard Apartment,” but again it doesn’t match the proposed Hub.

I’ve attached the relevant pages and highlighted the applicable text.

Could you send me a brief explanation of which “allowed building type” planning staff believes that the Hub fits or why the allowed building type criteria are not applicable?

One side note: I was somewhat involved in the process when Transect Zoning was developed. I supported it based on the allowed building types and photos provided as examples, all of which would be acceptable at the Hub location. I’m puzzled how the descriptions, photos and regulations I supported are allowing the Hub to move forward.

Thanks,

Rick

AWD LAW

February 3, 2016

Mr. David Carpenter, Chairperson
Members, Planning and Zoning Commission
c/o Mr. Dan Folke, Planning Director
City of Flagstaff
211 W. Aspen
Flagstaff, Arizona 86001

Re: The Hub; PZ-15-00164, Zoning Amendment and Conditional Use Permit.

Dear Mr. Carpenter and Members of the Commission,

Our Firm represents Southside Historic Properties, Inc., the owner of several properties in the historic Flagstaff Southside neighborhood that are within blocks of the site for the proposed zoning amendment and conditional use permits referenced above. I thoroughly reviewed The Hub proposal by Core Campus L.L.C. I also studied the building mass exhibits prepared by Myefski Architects dated January 22, 2016.

In summary, the building bulk and mass of The Hub are far out of scale with the surrounding neighborhood. The plan is sorely under-parked. The lack of parking will burden the Southside neighborhood, Plaza Vieja, and the Downtown Historic District. The Commission and the Council must anticipate that there surely will be more people residing in, or staying at, The Hub than just one solitary adult per bedroom; meaning that the Traffic Impact Analysis (TIA) for The Hub (a "by-the-bed" rate) undercounts the actual way the project will be used by its tenants and their guests and the commercial businesses. We should not accept a final condition where traffic levels of service are "F's and G's".

Adoption of an owner's Management Plan (i.e., rules and regulations) is no solution. The Plan will only address on-site tenant behaviors. It will not control all the off-site symptoms of a student housing dormitory (pressurized traffic congestion; pressurized off-site parking) and the disruptions to the existing fabric of the Southside neighborhood. Any lot combination that would allow this project to proceed should be administratively delayed until the bulk and mass of the buildings, the parking overflow, and the traffic impacts are properly studied so they can be properly mitigated. Let me explain.

An Improper Characterization of the Land Use.

The Hub is described as "a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds)...".[1] This is a mash-up of words. It is inappropriate to use the term "dwelling" to describe any aspect of this use. "Dwelling" is a defined term in the Zoning Code[2] which intentionally excludes guest rooms in a boarding house.
The Hub's Management Plan points to a lease restriction of "only one resident per bedroom"[3]. That use conforms to the definition of "Rooming and Boarding Facility".[4] The Hub is a boarding facility.

The architecture may be 'multi-family' in appearance, but there is no reason to refer to The Hub as 236 dwelling units. As per the Zoning Code 'The Hub' is a 664 bed boarding facility "...without group cooking facilities,...rented to individuals under separate rental agreements or leases...(and) includes dormitories".[5] So please don't think of The Hub as multi-family dwellings. It is 664 individual units rented separately under separate rental agreements.

Traffic and Parking Counts

The proper characterization as a boarding facility directly relates to the Traffic Impact Analysis (TIA) and to the Parking impacts. If these were dwellings (236) in a multi-family setting, the trips they generate would incorporate the fact that families frequently make purposeful trips together. 236 families would make fewer trips than 665 solitary individuals. Although trip generation rates were taken "from a study performed by the City in 2015 of existing housing developments *similar to the proposed development,*"[6] there is only one other potential boarding facility to compare.[7] It would be mixing of apples and oranges to assume for TIA purposes that The Hub will function like an apartment complex. It is a dorm. Presumably, The Hub wanted to study traffic based upon the number of required parking spaces.[8] But parking at The Hub is *only equal to 31% of the total number of proposed beds.*[9] Counting on-site parking to measure off-site traffic impacts is backwards, especially on a property, that is under-parked by 300% for the residential use.[10] The Hub also includes 14,000 square feet of commercial. When the commercial is included, the parking shortage becomes even more drastic.

Staff apparently required a calculation based upon the total number of beds (665),[11] thinking this was "a more conservative approach". Staff found no noticeable difference in impacts between the high and low scenarios. There are several problems with this method.

1. TIA's are modeled around AM and PM peak hour trips. Realize that the background condition of Milton at The Hub is already at a traffic Level of Service "G" (very congested; i.e., beyond grade F).[12]

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[1] Staff Report, Zoning Map Amendment, at p. 1.
[2] Zoning Code, §10-80.20.040 Definitions "D".
[3] Staff Report, Conditional Use Permit, at p. 4.
[4] Zoning Code, §10-80.20.180, Definitions, "R".
[5] Definitions, "Rooming and Boarding Facility"; Id.
[6] Staff Report, Zoning Amendment, at p. 12.
[7] The Grove.
[8] Staff Report, Id, at p. 12.
[9] Staff Report, Id., at p. 5.
[10] 665 units is more than 3 times the number of parking spaces, or 300% greater than the parking provided.
[11] Staff Report, Id., at p. 12.

The intersection of Milton and Phoenix is an LOS "F".[13] And the neighborhood street intersections are at LOS "D".[14]

2. Add to this condition 2,484 daily Hub vehicle trips.[15] And to count them primarily on the single-lane streets in Southside where on-street parking is also allowed; where parking is usually fully occupied; with 298 trips at the peak PM rush hour alone;[16] and where the speed limit is not greater than 25 mph and the on-street parking generates "friction" slowing traffic down.
3. A coming Residential Parking District considered by Council will reduce the already limited supply of on street parking and restrict usage by designating some spaces for residents and other spaces by limiting the time a space can be occupied.
4. Predictably, the drivers (whether guests, residents or commercial customers) who cannot find a space at The Hub will drive in circles looking for a space and exacerbate traffic congestion.
5. *With all that in mind, it is hard to conceive that there could be "no noticeable difference" in impacts at the peak hour, There will most certainly be more cars, moving more slowly, fishing for fewer on-street parking opportunities, within a range of blocks from The Hub, all stopping and queueing at the cross-streets. And all of that makes for negative impacts on both the existing and future parking pool, and the future traffic flow imposed upon the existing background traffic.*
6. 665 bedrooms is not the proper measure of human occupancy, just as it is not a measure of the number of cars or traffic trips or parking demand. That cap does not account for guests, invitees, or double occupancy.
7. The TIA study simply under-counts traffic. It de-emphasizes any mitigation by concluding that there is "availability of capacity" even at traffic level of service LOS "D".[17] That while Phoenix Avenue at Milton is LOS "F" the situation is a pre-existing condition requiring no mitigation.[18] And there is no discussion of mitigation on the already very congested Milton – a "G"..

   Most citizens would find these conclusions unacceptable. A TIA do-over is warranted. Or in the least the Commission and Council should pause and require mitigation from a developer whose traffic leaves the community in a condition of failure.

Double Occupancy

To address this issue for a moment, there is no reasonable or lawful way to think of The Hub as a berth for singles and that the singles will never cohabitate, even for a while. Under the Fair Housing Act, The Hub owners must provide accommodations for persons (male or female) with children and for women who present as pregnant.[19] It is reasonable for the City and The Hub to fully expect more human occupancy than the mere number of rooms on site.

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[12] FMPO Regional Transportation Model, September 14 & 15, 2015, at p. 32.

[13] The Hub TIA, 4th Submittal, November 2015, Executive Summary, at p.3.

[14] Id., at p. 5.

[15] Id., at p.4.

[16] Id,, at p.4.

[17] Id., at p.5.

[18] Id., at p.

[19] The Fair Housing Act provides protection against discrimination for certain protected classes. 42 U.S.C. § 3601 – 3631 (the "FHA"); 24 C.F.R. § 100.1 – 125.501. The FHA prohibits discrimination in housing based on race, color, religion, sex, familial status and national origin. 42 U.S.C. 3604. Familial status is defined as having children under the age of 18 or being pregnant. 42 U.S.C. 3602(k). Notably, marital status is not a protected class.

Conversely, the City cannot – as a condition in a CUP, a Development Agreement, or a Management Plan – limit occupancy to one resident per room.[20] Enforcement of such a cap would violate the Fair Housing Act for the same reasons that The Hub can't refuse to rent to persons who are protected by the Act. It stands to reason that the population at The Hub at any given moment will exceed the number of boarding rooms.[21] It follows that the additional occupancy must be factored into both the Traffic and the Parking counts. The impact on the Southside neighborhood businesses, residents and traffic is likely to far exceed the understated estimates of both the occupants of, and the traffic generated by, the Hub.

Even though the current management seems committed to limiting occupancy, the future assignment of ownership and ownership transfers, foreclosures, legal changes and other planned and unplanned events can and do shift management personnel and plans in unanticipated ways. It is easy to imagine a new management that will decide to increase revenue by encouraging or tacitly acquiescing to two or more occupants per room. Since the City would not be in a position to enforce the lower residency counts (due to FHA requirements) the project changes and the redeveloped neighborhood could lose its attractiveness due to the resulting excessive congestion.

Traffic Maneuvers

The site plan traffic circulation shows the in-and-out maneuvers occurring on City surface streets, with no ingress-egress on Milton. That is an important omission. First there is a demand for access to the site from Milton. Yet northbound drivers on Milton will either turn right on Mike's Pike (awkwardly) at the five-points intersection, or they will proceed north past the project and turn right on Phoenix then right again on Mike's Pike. That is a considerable traffic burden (traffic counts, circulation, turning, pedestrian and bicycle interference) to be applied to the neighborhood streets when the demand is generated largely from Milton. It is logical to have the site re-designed to accept at least a right-in and deceleration lane on northbound Milton. That amendment may mitigate the extreme neighborhood traffic impacts that will occur if there is no vehicular access to Milton.

The Commission And Council Should Require a TIA do-over.

The conclusion is that the TIA must be re-done with more accurate starting assumptions that fully account for actual physical use of the operation with traffic access from Milton.

The Commission And Council Should Require More On-Site Parking

If the City accepts the comparison of other apartment complexes to The Hub for purposes of measuring traffic impacts, then it should also compare other apartment complexes to The Hub for purposes of parking. It would be arbitrary to use apartments to measure traffic impacts but not to measure how those cars park when they get there. Under Flagstaff's traditional zoning categories, a multi-family dwelling must carry 1.5 spaces per two or three bedroom unit, and an additional 0.25 spaces for guest parking.[22] Even assuming The Hub's 236 dwelling unit comparison for the sake of an example, The

[20] Staff Report, CUP, Management Plan reference at p. 4.

[21] There is a vacancy rate to consider, but upon information and belief, vacancy rates are not a subtraction from TIA or parking assumptions.

[22] Zoning Code, Table 10-50.80.040(A).

Hub would be required to provide 354 spaces for residents and 59 spaces for guests, a total of 413 spaces. That is 209 spaces *fewer* than The Hub intends to provide *if The Hub were a multi-family apartment complex.* Under traditional zoning a boarding facility must provide 1 parking space per bedroom. That totals 665 spaces, or 461 spaces *fewer* than The Hub intends to provide. That parking requirement 461 *does not* yet address dual occupancy, guest parking or the parking required for the 14,000 square feet of commercial space.

What that all equates to is the need for *the community* to deliver to The Hub the 461 (+commercial) parking spaces that The Hub is not providing for its tenants but that will be demanded by the users and the use. It does not matter that The Hub can point to the T5 parking standard and say that no more can be demanded of them. The site provides a maximum of only 31% of the parking that is needed, and worse if you include double occupancy and guests and commercial. The problem remains. Whose responsibility is it to solve the off-site impacts that the use will certainly generate? The value and potential effectiveness of the comprehensive Downtown Parking Plan currently moving toward implementation by the City would be consumed entirely by this one project. Until there is a parking remedy, a use like The Hub is likely to become a public nuisance that generates a parking crisis until the situation is abated by a parking remedy.

The Zoning Ordinance provides:

"If a property owner is unable to provide the required parking on-site, the owner may at the discretion of the Director satisfy the parking requirements by one or more alternatives",[23] and the alternatives are applicable to all zones, transect or not. The alternatives can be shared parking agreements with other owners, and can include an in-lieu fee if a parking management district is formed. Although the Parking Management District encompassing the Southside has already been discussed, it would be nearly impossible to also accommodate the needs of The Hub without substantial revision.

The Building Bulk and Mass is Off-Scale With The Neighborhood.

The Staff Report accurately notes that the neighborhood surrounding The Hub is single story structures, while The Hub proposes 5-stories along Mike's Pike.[24] Staff then notes that "the proposed bulk and mass of the building adjacent to Mike's Pike is not fully compatible with the existing neighborhood". Indeed, it is not compatible at all with this historic area.

"The purpose of Conditional Use Permits is to provide a process for reviewing uses and activities that are permitted in an applicable zone, but that require more discretionary review and the possible imposition of conditions to mitigate the effects of a proposed use".[25] There is a specific finding for granting a CUP that requires that the characteristics of the use as proposed, and as may be conditioned, are reasonably compatible with the type of uses permitted in the surrounding area.[26] The Commission shall only issue a CUP when it finds that the applicant has considered and adequately addressed a variety of factors "to ensure that the proposed use is compatible with the surrounding area", including –

[23] Zoning Code, §10-50.80.070.
[24] Staff Report, CUP, at p. 4.
[25] Zoning Code, §10-20.40.050(A).
[26] Zoning Code, §10-20.40.050(E)(3).

in addition to traffic – proposed style and siting of structures *and the relationship to the surrounding neighborhood.*[27]

In its recommendation, Staff has put little weight or reliance upon what exists as the character of Southside, and little effort into comparing The Hub to its sense of place in its surroundings. Instead, Staff puts emphasis upon *what the future could be* on the Southside according to what is theoretically permit-able there under Transect zoning: a sky-line of structures between Milton and Beaver of 5-stories to 4-stories to 3 ½ stories, and back to 5-stories.[28]

That is not the intent nor the proper application of the findings. That approach does not adequately incorporate the Southside 2005 Plan that calls for 2-stories/30 feet building height adjacent to Mike's Pike, for example.[29] And it does not acknowledge the authority that the Planning and Zoning Commission has to set conditions of approval. To the contrary, the Commission may attach conditions of approval as are necessary to carry out the purposes of the Regional Plan and other plans. Conditions may include *"limitations on size, bulk and location"*.[30] The conditions, among other things, "shall restrict and limit the construction, location, use and maintenance of all land and structures within the development".[31]

The conclusion that Southside will be a sky-line of buildings between 3 and 5-stories in height requires a leap in wishful Regional Planning. The Southside 2005 Plan calls for less. A re-calibration (without prohibiting the use) is the method for right-sizing the project to the Plans. Limiting the size and bulk is a way of adjusting the mass of a massive structure to fit the reasonable expectations of Southside development and redevelopment.[32]

Honoring the Intention of Flagstaff's Zoning Code

Though Flagstaff's Zoning Code includes hundreds of numbers and formulae, the recent revision was intended to honor the unique character of the city. The concept of a Place Based Approach to Zoning (Heading of Par 10.00) is the first of dozens of references in the Code to maintaining and enhancing the special place that Flagstaff has become. Though it's important to do the calculations and analyses of size, units and traffic, it is perhaps most important to honor the intention of the language that describes how Flagstaff intends to develop and build on its identity and values.

The first two City-Guiding Principles in the introduction to Using the Flagstaff Transect (PP 10-00.090) are "1. Preserve and enhance community character; 2. Encourage appropriately scaled infill and development." Sadly, The Hub's plan violates both the commitment to sustaining community character. It will rise over the neighborhood like an inappropriately located behemoth. However attractively the architect and developer may dress The Hub, it is entirely out of character with the historic Southside neighborhood.

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[27] Id.
[28] Id.
[29] Staff Report, Zoning Amendment, at p. 6
[30] Zoning Code, §10-20.40.050(F).
[31] Id., at subsection (G).
[32] The proposed T5 square footage (218,128 gsf) is the size of a typical big box Super Walmart.

The intention of the T-4 zone, currently located along Mikes Pike, would also be violated by a project of this size and density. The description of the T-4 zone (Para 10-40.40.090) calls for the neighborhood "to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones." Granting the re-zoning requested by The Hub clearly violates the intent of this zoning.

Slow Down this Precedent-Setting Decision

There is considerable work to be performed by the Developer and significantly more reflection and analysis to be done by City Staff, the Commission, and Council before this case is ready for conclusion. As mentioned, the TIA needs a do-over with better, more accurate set of assumptions relating to project capacity, project use and the results: that is, how the project leaves us with traffic's final condition. Parking needs are drastically undercounted and, if Staff is justifying approval based upon a sky-line of Southside structures, then any such zoning approvals should be preceded by solid implementation of a Parking Management District. Occupancy of the structure cannot be limited by a Development Agreement or Management Plan that violates the Fair Housing Act. A realistic Management Plan must acknowledge higher occupancy numbers and off-site impacts.

Our client encourages you to slow down the process and deny all of the seven (7) separate lot combinations until the project is right-sized both in terms of its bulk and mass as well as its impacts to a historic and cultural Southside Neighborhood. The first major project in the Southside area will set a precedent for future projects, so the adage "measure twice, cut once" should guide every consideration of this project.

There is a conceptual level of development that is approvable at the site – creating higher density, encouraging walkability, and providing homes and services that are congruent with this historic Southside neighborhood and its future. However, it is not a project of this magnitude and scale, at least not without considerable additional planning and the imposition of significant traffic and parking mitigation.

Regards,

Cc:Mayor and Council
Mark Sawyers
Mark Landsiedel
Rick Barrett
Reid Miller

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Elizabeth A. Burke, City Clerk
Date:	02/03/2016
Meeting Date:	02/16/2016

TITLE:

Consideration and Adoption of Resolution No. 2016-06: A resolution of the Flagstaff City Council supporting Congressman Gosar's and Senator McCain's bipartisan bills to ensure justice for Downwinders exposed to government radiation testing.

RECOMMENDED ACTION:

1) Read Resolution No. 2016-06 by title only
2) City Clerk reads Resolution No. 206-06 by title only (if approved above)
3) Adopt Resolution No. 2016-06

Executive Summary:

On February 2, 2016, the City Council considered a Future Agenda Item Request (F.A.I.R.) to place on a future agenda a resolution of support for bipartisan legislation being proposed to ensure justice for downwinders exposed to government radiation testing. This was after receiving information provided by Sherri Hanna of Yavapai County who is assisting with these efforts (attached letter). With time being of the essence, this resolution is being placed on the February 16, 2016, agenda for consideration and possible adoption. Also attached is a copy of a letter of support from Yavapai County, and Lake Havasu City has adopted a similar resolution of support.

Financial Impact:

None.

Connection to Council Goal and/or Regional Plan:

Has There Been Previous Council Decision on This:

Brief discussion was held under F.A.I.R. on February 2, 2016.

Options and Alternatives:

1) Adopt the resolution
2) Amend the resolution and adopt
3) Not adopt the resolution

Community Involvement:

Inform
Consult

Attachments: Res. 2016-06
Letter.Yavapai County
Letter.Hanna

RESOLUTION NO. 2016-06

A RESOLUTION OF THE CITY COUNCIL OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, SUPPORTING CONGRESSMAN GOSAR'S AND SENATOR MCCAIN'S BIPARTISAN BILLS TO ENSURE JUSTICE FOR DOWNWINDERS EXPOSED TO GOVERNMENT RADIATION TESTING

RECITALS:

WHEREAS, during the 1940s through the 1960s, the United States government conducted nearly 200 atmospheric weapons development tests as part of our nation's Cold War security strategy. In 1951, nuclear weapons testing began at a site known as the Nevada Proving Grounds, located approximately 65 miles northwest of Las Vegas. In 1990, Congress passed the Radiation Exposure Compensation Act ("RECA") to compensate individuals – commonly referred to as "Downwinders" - who contracted certain cancers and diseases attributed to radiation exposure from nuclear weapons testing; and

WHEREAS, there are boundary flaws with RECA that prevent otherwise eligible individuals that reside in counties in close proximity to testing grounds from receiving compensation for no logical reason – including individuals in Mohave County, Arizona; and

WHEREAS, Congressman Gosar's Bill H.R. 3345 and Senator McCain's Bill S.1895 propose to amend RECA to expand the eligibility boundaries.

ENACTMENTS:

BE IT RESOLVED that the City Council of Flagstaff, Arizona support Congressman Gosar's and Senator McCain's Bipartisan Bills to ensure justice for downwinders exposed to government radiation testing.

PASSED AND ADOPTED by the City Council of Flagstaff, Arizona, this 16th day of February, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

YAVAPAI COUNTY BOARD OF SUPERVISORS

CRAIG L. BROWN –Chairman
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web.bos.district4@yavapai.us

A.G. "CHIP" DAVIS –Vice Chairman
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PHIL BOURDON
County Administrator
phil.bourdon@yavapai.us

JACK FIELDS
Assistant County Administrator
Deputy County Attorney
jack.fields@yavapai.us

ANA WAYMAN-TRUJILLO
Clerk of the Board/
Special Districts Coordinator
ana.wayman-trujillo@yavapai.us

Date: September 8, 2015

RE: Letter of Support for Proposed Downwinders Bills

To whom it may concern:

On June 1, 2015, the Yavapai County Board of Supervisors approved Resolution 1905, recognizing January 27, 2015 as a National Day of Remembrance for American Downwinders. The Resolution strongly urged an amendment to the Radiation Exposure Screening and Education Program.

.

Therefore, the Yavapai County Board of Supervisors supports both of the proposed Downwinders bills: Senate Bill 1895 and House Bill 3345.

Sincerely,

Craig L. Brown, Chairman

A.G. "Chip" Davis, Vice Chairman

Rowle P. Simmons

Thomas Thurman

Jack R. Smith

cc: via email
Congressman Paul Gosar
Senator John McCain
Mohave County Board of Supervisors

Sherrie Hanna
2503 Willow Creek Rd, Prescott AZ 86303
928-533-2925

Ms. Liz Burke
City of Flagstaff
211 W Aspen Ave
Flagstaff, Arizona 86001
Via e-mail
January 17, 2016

Dear Liz,

Thank you for speaking with me regarding my request to speak to the Flagstaff Mayor and City Council regarding Downwinders.

I understand that many people do not understand what "Downwinders" is. I am providing a brief video for you to view (adobe link provided in the body of the e-mail). As it explains Downwinders is a term used for those who lived in certain parts of the Southwest during the 1950's and a certain part of 1961 who were exposed to radiation from "blowing wind patterns" during the nuclear testing that occurred in Nevada.

People who lived in certain areas (including all of Coconino County) who contract or contracted certain cancers and can prove that they lived in the designated areas can collect compensation from the Federal Government.

Because the payout on claims is based on a map produced by the Federal Government that tracked the wind patterns, there are certain parts of Mohave County that are not included even though those people lived closet to the nuclear testing.

The Bi-Partisan bills introduced by Representative Gosar and Senator McCains attempt to bring in that part of Mohave County that is not currently covered. My presentation gives a brief overview of the purpose of the bill, but more importantly educates those in the Counties that are covered on the compensation portion of the Federal Radiation Exposure Act and more importantly informs those who lived in the area at the time of testing about free yearly cancer screening that they can obtain.

I know you suggested that I come and speak at the Call to the Public portion of your meeting, however I am helping to further the Jurisdictional support of these bills by contacting such jurisdictions as the City of Flagstaff and asking that at Resolution or Letter of Support such as those attached in the body of the e-mail are passed. Since time is of the essence, and I understand that if I present information in the Call to the Public that the Mayor and Council could not make any decision to pass something at that time, I am hoping you can share the information I am providing to Mayor Nabours and have an item placed on your next agenda to pass a Letter of Support or Resolution regarding the Downwinders.

I am also attaching a couple of Resolutions that have been passed.

Please feel free to contact me if you have any questions.

Sincerely,

Sherrie Hanna
928-533-2925

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Elizabeth A. Burke, City Clerk
Date:	02/03/2016
Meeting Date:	02/16/2016

TITLE

Future Agenda Item Request (F.A.I.R.): A citizen petition requesting that a resolution regarding Tequila Sunrise be placed on a future agenda for consideration.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 11.05, Citizen Petitions, of the City of Flagstaff City Council Rules of Procedure outlines the process for citizens to submit petitions to the Council as referenced in Flagstaff City Charter Article II Section 17. The attached petition was submitted to the City Manager's Office on January 29, 2016, and is requesting consideration at a future meeting of a resolution denouncing the negative impacts of Tequila Sunrise and recommending bar owners who make this event possible cease doing so in the future.

While the voters in Flagstaff approved an amendment to the City Charter requiring the signatures of at least 25 residents on these petitions, those changes have not yet been signed by the Governor and, therefore, are not in effect.

INFORMATION:

None

Attachments: Petition

PET. #2016-01

RECEIVED
JAN 29 2016
BY:

PETITION TO THE FLAGSTAFF CITY COUNCIL – DECEMBER 8, 2015

We, the undersigned, residents of Flagstaff, AZ, are extremely concerned about the impacts of the annual Tequila Sunrise event and therefore respectfully request that the Flagstaff City Council place on a future agenda a discussion and vote on a resolution that:

a. denounces the negative impacts of the unsanctioned event known as Tequila Sunrise that occurs in certain bars in Flagstaff's historic downtown on the Saturday morning of the annual NAU Homecoming weekend; and

b. recommends that the bar owners who make this event possible cease doing so in the future.

Submitted by: Thomas Drumm Address: 111 E. Oak Ave #34 Flagstaff, AZ Telephone Number: (928) 853-0737

	Printed Name	Signature	Flagstaff Address
1	Reid Swan		3724 S. Pinal Dr., Flagstaff, AZ 86005
2	Gina Lanzetta		2202 N. Talkington Dr. Flagstaff AZ 86001
3	Lori Langan		8685 Koch Field Rd. Flagstaff AZ 86001
4	Michael Hippard		15 E. Juniper Apt A Flagstaff AZ 86001
5	Cynthia Hull		15 E Juniper Ave A Flagstaff, AZ 86001
6	Thomas Drumm		111 E. Oak Ave #34 Flagstaff, AZ 86001
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Mtg of 2/16/16

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Elizabeth A. Burke, City Clerk
Date:	02/03/2016
Meeting Date:	02/16/2016

TITLE

Future Agenda Item Request (F.A.I.R.): A citizen petition requesting that a comprehensive discussion be scheduled to address transect zones in the City.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 11.05, Citizen Petitions, of the City of Flagstaff City Council Rules of Procedure outlines the process for citizens to submit petitions to the Council as referenced in Flagstaff City Charter Article II Section 17. The attached petition was submitted to the City Manager's Office on February 1, 2016, and is requesting a comprehensive discussion by Council, staff and the public be scheduled re transect zones.

While the voters in Flagstaff approved an amendment to the City Charter requiring the signatures of at least 25 residents on these petitions, those changes have not yet been signed by the Governor and, therefore, are not in effect.

INFORMATION:

None

Attachments: Petition

PET. # 2016-02

RECEIVED
FEB 01 2016
By

PETITION TO FLAGSTAFF CITY COUNCIL

Pursuant to Flagstaff City Charter Article II Section 17
and Flagstaff City Code Title I Chapter 12

Pursuant to the Flagstaff City Charter and the City Code, **any citizen** (resident) of the City may present a written petition to the City Manager, which shall be presented to the City Council.

Title of Issue: TRANSECT ZONES

Action Requested: The current Zoning Code was adopted in October 2011. Specifically the transect zones will benefit from a comprehensive discussion by Council, Staff, and Public post adoption of the Zoning Code.

Printed Name of Submitter: CHARLIE SILVER
(Submitter must also sign below and complete information)

Contact Information: 928.779.2782 / CWS720@GMAIL.COM
(Phone Number and/or e-mail address)

PETITION SIGNATURES

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
1 Feb 16	CHARLIE SILVER	720 W. ASPEN AVE.	Charlie Silver

RECEIVED BY CITY OF FLAGSTAFF		
DATE RECEIVED	BY	COUNCIL MEETING DATE
2.1.16		2.16.16

09/2015