

## Daniel Symer

---

**From:** Michael Banker <michael.banker7@gmail.com>  
**Sent:** Friday, August 2, 2019 2:28 PM  
**To:** Daniel Symer  
**Subject:** Zoning Amendments Comments

Daniel,

I tried the OpenTownHall web site but had some trouble, so I am sending my comments via email. Should the web site issues get resolved I will enter my comments there as well. The problem is that I entered my password incorrectly, and have requested help to fix it.

I strongly agree with both amendments. In fact, I would like to see even stronger zoning restrictions for high rise or high density developments in any area of Flagstaff that might be considered historic or "Old Town". The Hub and Standard have already destroyed some of the character, and I am astounded the City of Flagstaff and the City Council let it happen. Maybe they had not choice because of weak zoning.

The developers who bring these projects care little about the impact on the character of Flagstaff. Their primary and only interest is \$\$\$\$\$. They entice the city into agreement for their project with cash and the highly suspect claim that these projects will add "affordable" housing. Hardly!! Who wants to live in an apartment building that is predominantly occupied by rowdy college kids.

These high rise developments should be pushed out to areas where they will not impact the unique character of Flagstaff. Most students have cars and bikes to commute to NAU. For those that don't they can take public transportation.

Of course, local land owners of large pieces of vacant property do not want zoning restrictions. I say shame on them.

Michael Banker  
602-820-1372 Cell

--

Michael Banker  
602-820-1372

## Daniel Symer

---

**To:** robin becher  
**Subject:** RE: Flagstaff zoning code text amendments

**From:** robin becher <[becher4381@hotmail.com](mailto:becher4381@hotmail.com)>  
**Sent:** Wednesday, August 14, 2019 7:27:37 AM  
**To:** Daniel Symer <[Daniel.Symer@flagstaffaz.gov](mailto:Daniel.Symer@flagstaffaz.gov)>  
**Subject:** Re: Flagstaff zoning code text amendments

Good morning Dan. Here is my take on the high occupancy housing issue. I believe, that since this is all directly and indirectly a result of the growth of the university, the city is caught between a rock and a hard place. Maybe when the housing market took a dive in 2008, cities may have been able to change their codes. but now? Where i live, you have people buying homes, and renting them to college students or turning them into short term rentals which i have been told they are called air b and b's. What ever happened to long term rentals? The answer is simple in that the owners are making a heck of a lot more money. There is areas along Butler that easily could mixed land use housing. The one i see is the one near the bus depot. The housing next to Whole Foods is quite beautiful. I would build a similar one there, but, increase it to 4 or 5 stories. I think that would require a variense. People may not like it but they did that in West Palm beach and it was accepted. However, that is the only place i see that could handle it. The only other thing i could suggest that is crazy is this. Before any new structure is built again, housing or commercial, is to grandfather all of the other structures and change the building codes. I don't know if this is legal nor i don't know if the state would go along with it. I am sure that some people wouldn't be happy. Otherwise, i don't know what else would stop people like the owner who is renting that home to 6 people and the codes. After you read this, i know you will think i lost my mind but some times radical ideas are the only things that work. thank you. Richard

Sent from [Outlook](#)

## Daniel Symer

---

**To:** David Carpenter  
**Subject:** RE: Mixed Use Zoning Updates

**From:** David Carpenter <dc@hopeaz.com>  
**Sent:** Tuesday, August 20, 2019 4:29 PM  
**To:** Daniel Symer <Daniel.Symer@flagstaffaz.gov>  
**Subject:** RE: Mixed Use Zoning Updates

Thanks for the clarification.

Thank You,

*David Carpenter*



Hope Construction  
495 S River Run Rd.  
Suite 100  
Flagstaff, AZ 86001

P 928-527-3159  
F 928-527-0357  
C 928-380-5808

---

**From:** Daniel Symer <[Daniel.Symer@flagstaffaz.gov](mailto:Daniel.Symer@flagstaffaz.gov)>  
**Sent:** Sunday, August 18, 2019 4:49 PM  
**To:** David Carpenter <[dc@hopeaz.com](mailto:dc@hopeaz.com)>  
**Subject:** RE: Mixed Use Zoning Updates

David,

I misstated B. below. The correct statement is:

B above does not apply until a dwelling unit has four bedrooms with three bathrooms (sanitation facilities) A four bed with three bath is 1.33. etc. or similar.

Dan

---

**From:** Daniel Symer  
**Sent:** Sunday, August 18, 2019 2:55 PM

**To:** David Carpenter <[dc@hopeaz.com](mailto:dc@hopeaz.com)>

**Subject:** RE: Mixed Use Zoning Updates

David,

Thank you for comments. They are informative. An HOH development based on the conceptual definition is any of a or b below:

- a. Mixed use or multi-family development, with three or more dwelling(s) units, and:
  1. Has a density greater than 29 dwelling units per gross acre;
  2. Greater than 72.5 bedrooms an acre;
  3. Greater than 2.5 bedrooms per unit average;
  4. Contains bedroom to sanitation (bathroom) ratio of less than 1.3, excluding 1- and 2-bedroom units; or
  5. More than 10 percent of the dwelling units have four bedrooms, or more.
- b. A single-family attached or detached dwelling, duplex, or triplex, that contains one or more dwelling units with four bedrooms or more, and a bedroom to sanitation facility ratio of less than 1.3, excluding developments in the Rural Residential (RR) and Estate Residential (ER) zones and an accessory dwelling units.

B above does not apply until a dwelling unit has four bedrooms or more. A four bed with three bath is 1.33. etc.

Dan

---

**From:** David Carpenter <[dc@hopeaz.com](mailto:dc@hopeaz.com)>

**Sent:** Saturday, August 17, 2019 1:28 PM

**To:** Daniel Symer <[Daniel.Symer@flagstaffaz.gov](mailto:Daniel.Symer@flagstaffaz.gov)>

**Subject:** RE: Mixed Use Zoning Updates

Dan-

I thought the proposed definition of HOH is to be based on several triggers not just 29DU/AC. Don't the following also trigger the CUP process under your proposal? 72.5 bedrooms an acre, or greater than 2.5 bedrooms per unit average, bed to sanitation ratio of less than 1.3, and any single, duplex, or triplex, with 4 bedrooms or more. Am I understanding that correctly?

In reading below it seems like you are talking about traditional "apartment complexes" where you are getting your metrics from. It seems to me that parking, just like many other issues on the code, cannot be a one size fits all like this. I built the Elden townhomes 6-plex with a 3beds/unit average, Mr Flagstaff 9-plex with a 3beds/unit average, and the Hilltop Gardens 5-plex with a 3.2beds/unit average, all over the past 10 years and none of those projects had ever had a single parking problem and are parked per the current standards. I do also own many 4 to 6 bedroom duplexes and triplex all of which are parked per the existing standards. Most of the duplexes and triplexes are parked great and the ones off an alley work the best by far (which is most of them on the Southside). There are two on the west side of South Fountain where the parking is a mess because there is no alley, and the street is not fully built. Once the city builds the street edge improvements then the tenants would not be able to park all over the place anymore and the police can enforce the rules. It's the lack of curbs that causes the "carmageddon" down that one small stretch of street.

I would hate to see such an over correction in parking based on a few isolated issues. The new parking program is working great. Let's build the rest of the curbs, paint them red where we don't want parking and then there won't be any parking issues. Please don't make us park double the cars we currently have to, it will derail future projects, and reduce our property values. We are entering a time when nationally the trend is to reduce parking requirements not increase them, and I think the proposed changes are a mistake.

For the record every unit I have ever built or owned is not, and has never been rented by the bedroom. Please don't sweep us all up together in one group and force a one size fit all solution.

Of course I'm happy to discuss any of this further with you as the proposed rule changes evolve.

Thank You,

*David Carpenter*



Hope Construction  
495 S River Run Rd.  
Suite 100  
Flagstaff, AZ 86001

P 928-527-3159  
F 928-527-0357  
C 928-380-5808

---

**From:** Daniel Symer <[Daniel.Symer@flagstaffaz.gov](mailto:Daniel.Symer@flagstaffaz.gov)>  
**Sent:** Friday, August 16, 2019 4:15 PM  
**To:** David Carpenter <[dc@hopeaz.com](mailto:dc@hopeaz.com)>  
**Subject:** RE: Mixed Use Zoning Updates

David,

I understand your comment. The challenge is what is High Occupancy Housing. I do believe you are aware that HOH plan start with a definition, and density used in the HOH plan is development's with greater than 29 DU/AC, which is the maximum allowed in the High Density Residential (HR) zone. The commercial zones also allows this density with traditional apartmetns. The concepts proposed is to allow up 50 DU/AC in the Regional Activity Centers without a CUP, with would be in conformance with the Regional Plan. The proposed average bedroom density in the HOH plan is 2.5 bedrooms per dwelling unit. The national and Arizona average is ~ 1.5 to 1.7 bedrooms per dwelling unit for traditional apartments (studio, 1, 2, 3, bedroom units). Flagstaff's traditional apartment average 1.55 bedrooms per dwelling unit. The proposed threshold of 2.5, on average, is much greater. The current flagstaff trend that would qualify as HOH on the low end is 2.52 bedrooms per dwelling unit, with an average of 3.35. So far all developments I am aware of that have opened or operating with a bedroom density of great that 2.5 are leasing by the bedroom, either with or without a Conditional Use permit. There are some below also.

I hope this is helpful

Dan

---

**From:** David Carpenter <[dc@hopeaz.com](mailto:dc@hopeaz.com)>  
**Sent:** Friday, August 16, 2019 3:42 PM  
**To:** Daniel Symer <[Daniel.Symer@flagstaffaz.gov](mailto:Daniel.Symer@flagstaffaz.gov)>  
**Subject:** RE: Mixed Use Zoning Updates

Dan-

Thanks for your time on this. It's true that the parking calculations exist for "Rooming and Boarding," but the triggers that you are proposing to call something HOH and therefore parking by the bed seem very low, and almost everything I've ever built would have ended up being HOH under the proposed calculations. The added parking would have rendered those projects impossible to build. So looking forward with that lens I can predict that parcels that I currently own with projects in mind, would no longer be viable, reducing the value of our land acquisitions. So I am very concerned about my properties and how these rules will affect my ability to develop them in the future. I will stay engaged in this process and hopefully you/council will reconsider setting the bar so low to trigger HOH.

I do look forward to sitting down again with you and continuing this discussion in person.

Thank You,

*David Carpenter*



Hope Construction  
495 S River Run Rd.  
Suite 100  
Flagstaff, AZ 86001

P 928-527-3159  
F 928-527-0357  
C 928-380-5808

---

**From:** Daniel Symer <[Daniel.Symer@flagstaffaz.gov](mailto:Daniel.Symer@flagstaffaz.gov)>  
**Sent:** Friday, August 16, 2019 8:10 AM  
**To:** David Carpenter <[dc@hopeaz.com](mailto:dc@hopeaz.com)>  
**Subject:** RE: Mixed Use Zoning Updates

David,

I understand your comments, I will be looking at additional considerations for smaller lots – which I agreed to when we met last. I am planning to sit down with you again when I have been able to get back to this amendment and have begun address all of the comments I have received. Also, a lot comes down to the design of a development as well.

Regarding your questions:

A. What is the strategy behind reducing the amount of space for parking to fit?

Why are the code provisions being proposed to modified:

1. The City design guidelines state "Place parking ... behind buildings to increase the walkability of the block and create a more pedestrian-friendly environment" and "Parking is provided at the rear of buildings, usually reached by alleys, or is permitted on the street."
2. The modifications are being proposed to conform with the enabling state laws regarding zoning;

3. To incorporate predicable standards and allowances, including related predicable criteria, that may be approved without a conflicting with enabling zoning provisions of state statutes – and remove arbitrary and lackluster provision;
4. To remove multiple conflicting and unclear provisions;
5. Incorporate and utilize a consistent set of standards that applicable to similar and the same types development. Many of the revised standards are consist with the transect code -

6. The current code in many ways is more restrictive that what is proposed. As I indicated my previous email that there no specific allowance currently in the zoning code to allow parking to occupy a street frontage in the Zoning Code for mixed use. There is a potential misconception out there that someone may extrapolate that they could ask for a modification, to allow parking adjacent to a street. A vast majority of the requests can not comply with b. c. of 10-20.40.090. (D)(3) (These are essentially are variance criteria) which is required per Table 10-40.60.260.B. and Section 10-20.40.090. Also, modifications to development standards are strictly regulated by ARS Section 9-462.04. Most of the requests I have seen typically require a public hearing as specified in ARS Section 9-462.04. since the modification is related to a use requirement, or is greater than 10%.

Therefore, the intent of the proposed modifications to the code is to incorporate exception and allowance flexibility in to the development standards based on specific predicable criteria so that a property does not have to meet the minor modification criteria of 10-20.40.090., and are not considered a modifications to the development standards which would fall under ARS Section 9-462.04 and require a public hearing. To do this the criteria has to be specific.

**B. Increasing the quantity of parking required in the HOH plan changes.**

The HOH land use is to replace the Rooming and Boarding Land Use, as directed in the adopted HOH plan. The current parking requirements for a Rooming and Boarding use pursuant to Table 10-50.80.040.A: Number of Motor Vehicle Parking Spaces Required is:

---

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

---

The current requirement is equally or greater than the proposed parking requirement (below). Therefore, your comment regarding the

The proposed parking requirement is incorrect.

1. For consideration, three options are proposed. These are:

Option 1

- 1 parking space per bedroom.

Option 2

- First 100 bedrooms: 0.90 parking spaces per bedroom.

Option 3 (This option is based on the City's 2015 parking study of student housing developments)

- 0.77 parking space per bedroom.

Rooming and Boarding has been regulated by the zoning code in some for since 1949 when the original code was adopted. I am aware of many developments that are renting by the room, whether by one lease per room or a master lease with subleases – regardless, they are still Rooming and Boarding uses operating without a conditional use. These non-complig uses may still need a conditional use permit if HOH is approved.

Almost all of the proposed provisions for the HOH are based on the existing regulations and the HOH plan.

I hope this is helpful

Dan

---

**From:** David Carpenter <[dc@hopeaz.com](mailto:dc@hopeaz.com)>  
**Sent:** Thursday, August 15, 2019 1:43 PM  
**To:** Daniel Symer <[Daniel.Symer@flagstaffaz.gov](mailto:Daniel.Symer@flagstaffaz.gov)>  
**Subject:** RE: Mixed Use Zoning Updates

I have seen the proposed “discretionary” allowance of up to 50%. Using your example of a 100’ lot 50’ it is too small. A double loaded parking lot is 60’ plus the structure itself, and in most cases more parking than that is needed to make the project work. What is the strategy behind reducing the amount of space for parking to fit, but increasing the quantity of parking required in the HOH plan changes. You are burning the candle at both ends. These changes are going to prove too onerous for infill on the Southside and that neighborhood is going to just continue to sit in blight. I have been working for more than a decade to redo that neighborhood at the encouragement of the city of Flagstaff staff. I have invested millions as a result. We need to find some middle ground on the parking and ground floor commercial depth in the “urban areas” as defined by the area in red in the regional plan or these changes are going to result in stagnated redevelopment in that area, the part of our city that needs it the most.

Thanks for continuing this dialog with me. I hope we find the solution for the smaller in fill parcels.

Thank You,

*David Carpenter*



Hope Construction  
495 S River Run Rd.  
Suite 100  
Flagstaff, AZ 86001

P 928-527-3159  
F 928-527-0357  
C 928-380-5808