

Attachment F

REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 10	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-26-20-7 (Compansion Case Z-TA-5-20-7)
Location:	Southwest corner of 1st Street and Jackson Street
From:	DTC-Warehouse Character Area HP
To:	DTC-Warehouse Character Area
Acreage:	1.30
Proposal:	Historic Preservation Overlay removal
Applicant:	Nick Wood, Esq., Snell & Wilmer, LLP
Owner:	39 East Jackson, LLC
Representative:	Nick Wood, Esq., Snell & Wilmer, LLP

ACTIONS:

Staff Recommendation: Denial.

Village Planning Committee (VPC) Recommendation:

Central City 12/14/2020 Approval, per staff stipulations. Vote: 9-2.

Historic Preservation Commission:

12/21/2020 Denial. Vote 7-2.

Planning Commission Recommendation: Approval, per the Central City Village Planning Committee recommendation, with an additional stipulation.

Motion Discussion: N/A.

Motion details: Commissioner Howard made a MOTION to approve Z-26-20-7, per the Central City Village Planning Committee recommendation, with an additional stipulation as read into the record.

Maker: Howard
Second: Gaynor
Vote: 7-1 (Busching) (Conflict: Mangum)
Absent: None
Opposition Present: Yes

Findings:

1. The proposal to remove the historic preservation overlay is not consistent with the Preserve Historic Phoenix Plan, the Downtown Phoenix Plan, and the General Plan land use policies.

2. The proposal to remove the historic preservation overlay does not encourage the continued use of historic resources through rehabilitation and adaptive reuse.
3. The proposal is not compatible with the safe operation of the Sky Harbor International Airport.

Stipulations:

1. Prior to submitting an application for a demolition permit to demolish any portion of the building existing before July 1, 2020, the property owner shall obtain a \$5 million performance bond for the purpose of restoring the existing building if no certificate of occupancy is issued within 3 years after demolition of the roof and/or walls. The property owner shall submit a proof of the performance bond to the Planning and Development Department.
2. No demolition permit shall be issued for any portion of the building existing before July 1, 2020, until a building permit is issued for the construction of the proposed high-rise building.
3. Parallel parking stalls along Jackson Street shall remain public metered parking spaces, as approved by the Street Transportation Department. The developer shall coordinate with the Traffic Services division regarding any modification to the existing parking meters.
4. Proposed privatized use of parallel parking spaces shall be restricted to 1st Street, as approved by the Street Transportation Department.
5. Operations extending from the façade of the building such as outdoor dining space and other similar uses shall not result in the reduction of the Downtown Code required sidewalk width standards on Jackson Street (8 feet minimum) or 1st Street (6 feet minimum), as approved by the Street Transportation Department.
6. The developer shall provide an enhanced bulb-out at the southwest corner of 1st Street and Jackson Street to reduce the length of the pedestrian crossing, as approved by the Street Transportation Department.
7. The developer shall construct street and pedestrian light poles along Jackson Street and 1st Street per the City of Phoenix Jackson Street Standard Detail, as approved by the Street Transportation Department.
8. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the study. The developer shall be responsible for the cost of improvements as required by the approved Traffic Impact study. The TIS shall include a signal warrant analysis for the intersection of 1st Street and Jackson Street. Development shall be responsible for funding of improvements as identified in the approved traffic study.

9. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
10. The developer shall provide clearly defined, accessible pathways, constructed of decorative pavers, stamped or colored concrete, or other pavement treatment that visually contrasts with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
11. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
12. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
13. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
14. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
15. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
16. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
17. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

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