

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION December 7, 2023

ITEM NO: 12	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-52-23-8
Location:	Southeast and southwest corners of 13th Street and Washington Street
From:	R-5 RI TOD-1 and C-3 TOD-1
To:	WU Code T5:7 EG and WU Code T5:7 EG HP
Acreage:	4.72
Proposal:	Mixed use including multifamily residential, hotel, and general retail; and a Historic Preservation (HP) zoning overlay for the Greenlee-Hammond House/Virgil J. Berry Real Estate & Insurance Agency (1321 East Washington Street)
Applicant:	Virgil J. Berry Jr.
Owner:	1301 East Washington LLC, et. al.
Representative:	Virgil J. Berry Jr.

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Central City** 11/13/2023 Approval, per the staff recommendation with a modification and an additional stipulation. Vote: 11-3.

Planning Commission Recommendation: Approval, per the Staff Memo dated December 6, 2023.

Motion Discussion: N/A

Motion details: Acting Vice-Chairperson Mangum made a MOTION to approve Z-52-23-8, per the Staff Memo dated December 6, 2023.

Maker: Acting Vice-Chairperson Mangum  
Second: Boyd  
Vote: 5-0  
Absent: Gaynor and Gorraiz  
Opposition Present: No

#### **Findings:**

1. The proposal is consistent with the General Plan Land Use Map designation and the Eastlake-Garfield TOD Policy Plan vision for the site.
2. The proposal will redevelop an underutilized site with a mixed-use development, including multifamily housing, retail, and a hotel that will contribute to the mix of uses in the area.
3. As stipulated, the proposal provides enhanced pedestrian and bicycle amenities consistent with the Eastlake-Garfield TOD Policy Plan, Comprehensive Bicycle Master Plan, Tree and Shade Master Plan, and the Complete Streets Guiding Principles.

4. The property at 1321 East Washington Street meets the significance, age, and integrity requirements for HP overlay zoning set forth in Section 807.D of the Zoning Ordinance.

Stipulations:

1. For any multifamily residential use, the ground floor area of the development shall include a minimum of 10,000 square feet of non-residential uses and shall have frontage on both the Washington Street and Jefferson Street rights-of-way. Non-residential uses shall not include lobby, exercise, reception areas, or other similar uses intended for exclusive use by residents.
2. If 13th Street is abandoned, public cross block pedestrian access shall be maintained between Washington Street and Jefferson Street through either a private drive or a paseo meeting the standards of Section 1304.H of the Zoning Ordinance. ~~THE APPLICANT SHALL USE A PERPETUAL EASEMENT TO MAINTAIN PUBLIC ACCESS, OVER WHICH A PEDESTRIAN ACCESS EASEMENT SHALL BE DEDICATED.~~
3. For any multifamily residential use, the following additional standards for bicycle parking shall apply, as approved by the Planning and Development Department.
  - a. All required bicycle parking, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
  - b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
  - c. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - d. All bicycle infrastructure shall be shaded by a structure, landscaping, or a combination of the two to provide minimum 75% shade.
4. A minimum of 10 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
5. A minimum of 5 percent of the required on-site parking shall be EV Capable.
6. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
7. 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.

8. 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.
9. The developer shall grant and record an avigation 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. ~~A MINIMUM OF 5 PERCENT OF DWELLING UNITS SHALL BE RESERVED FOR AFFORDABLE HOUSING.~~

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