



## Village Planning Committee Meeting Summary

### Z- 2-25-8

|                            |                                                                                         |
|----------------------------|-----------------------------------------------------------------------------------------|
| <b>Date of VPC Meeting</b> | August 11, 2025                                                                         |
| <b>Request From</b>        | R-5 RI TOD-1 and C-O TOD-1                                                              |
| <b>Request To</b>          | WU Code T5:7 EG                                                                         |
| <b>Proposal</b>            | Multifamily residential                                                                 |
| <b>Location</b>            | Northwest corner of 13th Street and Madison Street                                      |
| <b>VPC Recommendation</b>  | Approval, per the staff recommendation, with a modification and additional stipulations |
| <b>VPC Vote</b>            | 8-1                                                                                     |

#### **VPC DISCUSSION:**

*No members of the public registered to speak on this item.*

#### **STAFF PRESENTATION**

**Samuel Rogers**, staff, provided a presentation regarding the proposal, reviewing the surrounding context, policy background, existing and proposed zoning, the proposed development, and the staff recommendation.

**Committee Member Rachel Frazier Johnson** asked for more information on the location. **Mr. Rogers** displayed the subject site location.

**Committee Member Edward Vargas** asked for more information on the in-lieu fee. **Mr. Rogers** explained the in-lieu fee is a one-time payment to the City of Phoenix Housing Department that will allow the proposal to be 100 feet tall.

#### **APPLICANT PRESENTATION**

**Mike Lafferty**, representing the applicant, introduced himself, provided an overview of the proposed rezoning request, described previous rezoning cases within the Central City Village he has worked on, and explained the context of this new project. Mr. Lafferty explained that he was involved in the development of the Walkable Urban Code, stated that the applicant is planning to pay the in-lieu fee to achieve incentive height allowances, and explained the project is planned to utilize the Government Property Lease Excise Tax (GPLET). Mr. Lafferty explained that under the GPLET, the development must provide a community room and non-residential space accessible to

the public, emphasized that the intent of the GPLET is to stimulate economic activity in key areas, compared average rents for similar projects in other areas to those in downtown Phoenix, and emphasized that this development will serve as workforce housing. Mr. Lafferty stated that five members of the public attended the neighborhood meeting, explained that concerns were raised regarding the building height, but overall, there was no opposition expressed. Mr. Lafferty requested a recommendation of approval.

#### QUESTIONS FROM COMMITTEE

**Chair Cyndy Gaughan** asked for clarification on the in-lieu fee requirement, asked for clarification on if the proposal will provide affordable housing, and asked if utility costs will be covered. **Mr. Rogers** explained that the project can achieve the incentive height allowances of the place type if the property provides an in-lieu fee and stated that the fee has not been paid yet. **Mr. Lafferty** stated that utilities will not be covered.

**Vice Chair Darlene Martinez** inquired whether the neighborhood notification letters were sent in English only. **Mr. Lafferty** stated that the letters were in English and explained that translators were available at the meeting.

**Committee Member Ali Nervis** asked if the applicant team is in support of the proposed stipulations. **Mr. Lafferty** confirmed that the stipulations were negotiated prior to the hearing and explained his involvement in drafting the incentive height provisions in the Walkable Urban Code.

**Committee Member Janey Pearl Starks** inquired whether the 120 parking spaces proposed for the project would be sufficient. **Mr. Lafferty** explained that the parking count complies with Walkable Urban Code standards and described the subject site's proximity to the light rail and availability of street parking in the area.

**Committee Member Starks** referenced a traveling experience where local residents had described noise complaints and asked whether noise would be an issue. **Mr. Lafferty** stated that the project must comply with all City Code requirements, explained that there is minimal existing residential in the immediate area, and stated that the project is not intended to serve as student housing.

**Committee Member Starks** asked whether the applicant had communicated with nearby neighborhood groups, particularly those in the Eastlake area. **Mr. Lafferty** explained that the main stakeholder group consulted was the Eastlake-Garfield Neighborhood Association and stated that outreach was conducted with all required groups and additional ones.

**Committee Member Starks** asked for details about the proposed community space. **Mr. Lafferty** explained that access to the community room would be granted via fob entry to residents living within a certain proximity to the development, as defined by the GPLET.

**Committee Member Starks** asked for confirmation that the public would not need to live in the building to use the space. Mr. Lafferty confirmed Committee Member Starks's inquiry.

**Committee Member Nervis** stated that he is a member of the Eastlake Garfield Neighborhood Association, stated that he does not recall the proposal being discussed at one of the Neighborhood Association's meeting, and requested additional details about the timing of the Eastlake-Garfield Neighborhood Association outreach. **Mr. Lafferty** clarified that meetings with Eastlake occurred early in the year.

**Committee Member Rachel Frazier Johnson** thanked Mr. Lafferty for his presentation, stated her appreciation for the project, stated that several Committee Members served on the Village Planning Committee (VPC) when Mr. Lafferty's previous cases had been heard by the VPC, and expressed concerns about noise. **Mr. Lafferty** explained that the development must comply with City Code noise standards.

**Committee Member Frazier Johnson** asked for the unit sizes and bedroom mix. **Mr. Lafferty** explained that the studio units would be 500 square feet, the 1 bed / 1 bath units would be 650 square feet, and the 2 bed / 2 bath unit would be 850 to 950 square feet.

**Committee Member Frazier Johnson** asked how many units would be classified as affordable or workforce housing. **Mr. Lafferty** stated that 20% of the units will be workforce housing, explained that the units are technically classified as "sustainable housing," explained that all units will initially be sustainable housing, and described the full unit mix. **Mr. Rogers** explained Stipulation No. 1.

**Committee Member Ian O'Grady** asked whether the GPLET agreement had already been approved by City Council. **Mr. Lafferty** explained that the GPLET and rezoning case are moving forward concurrently and stated that the Community and Economic Development (CED) Department has recommended approval.

**Committee Member O'Grady** asked whether stipulations in the GPLET agreement and the rezoning case were aligned. **Mr. Lafferty** explained that the GPLET requires 20% workforce housing and inclusion of a community room.

**Committee Member Dana Johnson** raised concerns about the GPLET, noting that it exempts the property from paying standard property taxes and could negatively impact school funding. **Chair Gaughan** stated that historically, GPLET agreements have included provisions requiring the property owner to make direct payments to school districts in amounts equivalent to what would otherwise be collected in property taxes. **Mr. Lafferty** affirmed the importance of school funding and stated his belief that the Chair's explanation was accurate.

**Committee Member Starks** asked what would happen to the GPLET if the property is sold. **Mr. Rogers** explained that GPLET agreements apply to City owned property and

stated that rezoning stipulations run with the land until it goes through another rezoning process. **Chair Gaughan** explained that the GPLET term is for eight years.

**Committee Member Frazier Johnson** inquired whether the community would be notified about the community room access if the project moves forward and asked if the GPLET requirement that 20% of the units be provided as workforce housing could be added to the rezoning case. **Mr. Rogers** explained State law does not allow for mandatory inclusionary housing, stated that workforce housing can be stipulated if there is a tradeoff, such as additional height, and explained that that current Stipulation No. 1 is supported by City policies. **Mr. Lafferty** explained he is not aware of any notification plan and stated that the applicant team would comply with all requirements of the GPLET.

**Committee Member Frazier Johnson** asked about adding a stipulation regarding the accessibility of commercial space. **Mr. Rogers** explained how the stipulation regarding non-commercial space could be modified to include a requirement for the space to be publicly accessible. **Mr. Lafferty** stated he would support the modification Mr. Rogers described.

#### PUBLIC COMMENTS

None.

#### APPLICANT RESPONSE

None.

#### FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

##### MOTION

**Vice Chair Nate Sonoskey** made a motion to recommend approval of Z-2-25-8, per the staff recommendation. **Committee Member Ali Nervis** seconded the motion.

**Committee Member Frazier Johnson** stated that she would like add stipulations regarding noise, public accessibility of the required non-residential space, and a notification to the surrounding area regarding the availability of the community spaces. **Mr. Rogers** stated that the development will be required to follow the City of Phoenix's noise ordinances and explained a stipulation creating greater noise limitation requirements will not likely be enforceable. **Committee Member Dana Johnson** stated that the City does not measure decibel levels. **Committee Member Frazier Johnson** asked about limiting noise to a certain timeframe. **Mr. Rogers** explained that the Police Department will not likely be looking at rezoning stipulations when they investigate noise violations.

**Committee Member Sonoskey** read a requirement of a previous project he had worked on regarding compliance with the City's noise codes and ordinances.

**Committee Ian O’Grady** stated his preference to allow the code to regulate the noise requirements and not add the stipulation.

**Committee Member Sonoskey** introduced an amendment to the motion to modify Stipulation No. 1.a to require that the required non-residential space be publicly accessible, that a stipulation be added to require that the development conform with City of Phoenix noise codes and ordinances, and that a stipulation be added to require a notification to the surrounding community regarding the community spaces be sent by the Certificate of Occupancy. **Mr. Rogers** asked if the notification regarding the community spaces is necessary if the required non-residential space is required to be publicly accessible and not require fob access. Committee Member Sonoskey stated the stipulation is to ensure the community knows about the spaces available to them. **Committee Member Ali Nervis** accepted the amendment.

#### **VOTE**

**8-1;** Motion to recommend approval of Z-2-25-8, per the staff recommendation, with a modification and additional stipulations passed, with Committee Members Johnson, Frazier Johnson, Nervis, O’Grady, Sonoskey, Vargas, Martinez, and Gaughan in favor and Committee Member Starks in opposition.

**Committee Member Frazier Johnson** reiterated that she had no objections to the project and commended Mr. Lafferty’s willingness to incorporate the added stipulations.

**Committee Member Starks** stated that the applicant had accommodated many of the Committee’s concerns and added that it appeared Committee Member Nervis had not previously been made aware of the project.

#### **VPC recommended stipulations:**

1. The maximum building height shall not exceed 80 feet, except that the maximum building height may be increased to 100 feet, subject to the following conditions:
  - a. The building shall contain a vertical mix of land uses such as residential and non-residential uses, as approved by the Planning and Development Department. A minimum of 1,500 square feet of **PUBLICLY ACCESSIBLE** non-residential uses shall be provided and shall not include lobby, exercise, reception areas or other similar uses intended for exclusive use by residents.
  - b. A minimum of one of the following is met:
    - i. A minimum of 30% of the dwelling units are provided as Affordable Housing, as approved by the Planning and Development Department and Housing Department.

- ii. A minimum of 30% of the gross site area shall be provided as publicly-accessible open space.
  - iii. The developer shall record a Deed of Conservation easement for the dedication of an eligible historic property, as approved by the Historic Preservation Officer.
  - iv. The developer shall make a financial contribution payable to the City of Phoenix Housing Department at a rate of \$4.06 per square foot for 30% of the gross residential square footage of the project. Such funds shall be placed into the City's Housing Trust Fund upon issuance of a building permit for commencement of development for any structure greater than 80 feet in height.
- 2. Bicycle infrastructure shall be provided, as described below and as approved by the Planning and Development Department.
  - a. A bicycle repair station ("fix-it station") shall be provided and maintained near secure bicycle parking areas and separated from vehicular maneuvering areas, where applicable.
  - b. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
  - c. 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.
  - d. A minimum of 10% of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
- 3. A minimum of 10% of the required parking spaces shall include EV-Installed infrastructure.
- 4. The property owner shall record documents that disclose the existence, and operational characteristics of the 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.
- 5. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement,

etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.

6. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas located on properties for uses such as residential common areas, as approved by the Planning and Development Department.
7. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Water Efficiency Checkup program for a minimum of 10 years, or as approved by the Planning and Development Department.
8. A maximum of one vehicular access point shall be permitted on Madison Street and one vehicular access point shall be permitted on 13th Street.
9. 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.
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 final 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. **THE DEVELOPMENT SHALL BE IN CONFORMANCE WITH EXISTING CITY OF PHOENIX NOISE CODES AND ORDINANCES.**

**15. THE DEVELOPER SHALL MAIL A NOTIFICATION TO ALL RESIDENTS WITHIN 600 FEET OF THE SUBJECT SITE REGARDING THE COMMUNITY SPACES BY THE CERTIFICATE OF OCCUPANCY.**

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

Staff recommends that Stipulation No. 14 be removed, as compliance with City Code and the Zoning Ordinance is required.

Staff recommends that Stipulation No. 15 be removed. Per the modification of Stipulation 1.a, the proposal will provide publicly accessible non-residential uses. Staff also has concerns with the time of notification, as compliance prior to Certificate of Occupancy is difficult to enforce. Further, any requirements relating to a proposed GPLET application are to be determined during that separate process and are not appropriate to be stipulated to during the rezoning process.