



Village Planning Committee Meeting Summary
Z-52-23-8

Date of VPC Meeting	November 13, 2023
Request From	C-3 TOD-1 and R-5 RI TOD-1
Request To	WU Code T5:7 EG and WU Code T5:7 EG HP
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)
Location	Southeast and southwest corners of 13th Street and Washington Street
VPC Recommendation	Approval, per the staff recommendation with a modification and an additional stipulation
VPC Vote	11-3

VPC DISCUSSION:

Two members of the public registered to speak on this item, one in support, one providing general comments.

STAFF PRESENTATION

Anthony Grande, staff, provided a presentation regarding the proposed rezoning. He described the location of the request, the surrounding area, the proposed zoning, and the proposed development, in addition to summarizing the staff recommendation and stipulations.

APPLICANT PRESENTATION

Virgil J. Berry, Jr., representing the applicant, described the history of the subject site and the TOD policy plan for the area, noting that the proposed project will build on that planning effort.

Kenny Harris, representing the applicant, shared the renderings and discussed the design features of the proposed buildings. He further described the proposed retail space, additional infrastructure proposed for the project, the jobs that will be provided with the commercial space and hotel, and the historical context for this proposal.

QUESTIONS FROM COMMITTEE

Committee Member Greenman asked if the applicant had abandoned the street or alley yet. **Mr. Harris** stated that they have not. **Mr. Greenman** followed up with a question about providing a public access easement within an abandoned 13th Street. **Mr. Berry** replied that they would provide an easement and that the goal was to provide some open space.

Committee Member Sherman asked if the applicant was committed to doing a perpetual easement for public access if 13th Street is abandoned. **Mr. Berry** replied that 13th Street will have a perpetual easement for public access.

Committee Member Dana Johnson asked about the concerns raised by the opposition letter, noting that there are other properties that use the alley for access. **Mr. Berry** replied that the neighbors were notified of the rezoning case, but the abandonment process has not been started yet. **Committee Member Gaughan** added that the item before the Committee is only the rezoning case, not the abandonment. **Mr. Grande** clarified that the abandonment would be a separate process to take place after the rezoning and that the process relies on an interdepartmental review to determine if the abandonment is appropriate. **Mr. Sherman** added that neighbors can appeal an abandonment decision.

Committee Member Gaughan asked about the streetscape landscaping. **Mr. Berry** replied that there would be landscaping in the right-of-way for the detached sidewalk, as required by the zoning.

Committee Member Dana Johnson asked if food trucks would be allowed, as described by the applicant. **Mr. Berry** replied that the food trucks are only conceptual, and they would need to confirm the requirements through zoning. **Mr. Grande** stated that he would research the requirements for food trucks in the WU Code zoning.

Committee Member Starks asked if the applicant plans on providing affordable or workforce housing. **Mr. Berry** replied that the development team is planning on including workforce housing and that the Eastlake neighborhood has a lot of affordable housing and not a lot of services because there is not the disposable income to support retail, adding that this proposal seeks to bring some balance to make it a complete neighborhood.

PUBLIC COMMENTS

Donald Karner introduced himself and provided general comments, noting that the project will be a great addition to the area; however, light rail had a significant impact on traffic, and this project needs to look at mitigating traffic issues on Washington Street and ensure that the business access route will not be impacted.

Lincoln Ragsdale, Jr. stated that he is in favor of the proposal and did not have any further comments.

APPLICANT RESPONSE

Mr. Harris stated that a traffic analysis will need to be done to review the traffic issues mentioned, but that has not been completed at this stage.

Mr. Berry stated that this project seeks to honor the history of the Eastlake neighborhood.

COMMITTEE DISCUSSION

Committee Member Sherman asked if it is typical to have a HP overlay proposal included with a private applicant's proposal. **Mr. Grande** stated it is not typical, but it can be done. **Kevin Weight**, with the Historic Preservation Office, stated that HP staff would like it to be more typical and that they appreciate the applicant including the HP overlay as part of their proposal.

Committee Member Panetta asked how the property would be platted. **Mr. Grande** replied that the part that is developed would be combined into one lot, but the HP parcel could remain separate.

Committee Member Nervis expressed support for the proposal.

Committee Member Gaughan stated a desire for the retail to be local and represent the community, noting additional opportunities for public art.

Committee Member Lockhart agreed with Mr. Nervis, adding that the Eastlake neighborhood wants to be more connected to the rest of Phoenix.

Committee Member Greenman stated that he would consider an additional stipulation to require 5% of the units to be affordable housing.

Committee Member Sherman stated that he would consider amending Stipulation No. 2 to require a perpetual easement for pedestrian access.

Vice Chair O'Grady asked if an affordable housing requirement has been done before. **Mr. Grande** replied that he had never seen this type of stipulation.

Committee Member Dana Johnson stated there is already a large concentration of affordable housing in this area, and the location needs more of a mix of incomes. **Ms. Starks** stated that 5% seems like a reasonable amount of affordable housing to ask for. **Mr. Johnson** replied that he didn't agree with pushing that stipulation on this project.

Chair Gonzales stated that it would not be a good idea to add the affordable housing requirement now without understanding the financing and pro forma developed by the applicant.

Committee Member Panetta stated that the Committee is not voting on the specific design, but simply the zoning.

MOTION

Jordan Greenman made a motion to recommend approval of Z-52-23-8, per the staff recommendation, with an additional stipulation that a minimum of 5% of the dwelling units be reserved for affordable housing. **Janey Pearl Starks** seconded the motion for approval per the staff recommendation with the additional stipulation.

Committee Member Sherman requested a friendly amendment to modify Stipulation No. 2 by adding the sentence: "The applicant shall use a perpetual easement to maintain public access." **Mr. Greenman** and **Ms. Starks** agreed to the friendly amendment.

VOTE

11-3, Motion to recommend approval of Z-52-23-8, per the staff recommendation, with a modification to Stipulation No. 2 and an additional stipulation, passed, with Committee Members Burns, Gaughan, Greenman, Johnson, Lockhart, Nervis, Sherman, Sonoskey, Starks, Vargas, and O'Grady in favor; Committee Members Burton, Panetta, and Gonzales opposed.

VPC RECOMMENDED 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.**
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.**

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff recommends the modification to Stipulation No. 2 be modified as follows for clarity.

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.~~

Staff does not recommend the addition of Stipulation No. 14. State law prohibits stipulating sales or lease prices for a residential housing unit as a condition of approval.