



## Village Planning Committee Meeting Summary

### Z-52-20-4

<b>Date of VPC Meeting</b>	January 11, 2021
<b>Request From</b>	R-3 and C-2
<b>Request To</b>	WU Code T3:2 MT and WU Code T5:6 MT
<b>Proposed Use</b>	Multifamily Residential
<b>Location</b>	Northwest corner of 7 <sup>th</sup> Street and Oak Street
<b>VPC Recommendation</b>	Approve per staff recommendation with one additional stipulation.
<b>VPC Vote</b>	<b>11-1-0</b> ; motion passed with members Coates, Mahrle, Benjamin, Bryck, Jewett, Kleinman, Matthews, Rodriguez, Searles, Wagner, and Chair Adams in favor; Vice Chair Cothron in dissent; and none in abstention.

#### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*No speaker cards were received on this item.*

*During this item, Ressler was unavailable by audio or video and did not vote on the item. For the purpose of the vote, she is considered absent reducing the quorum to 12 members (8 being needed for a quorum).*

**Klimek**, staff, provided an overview of the site, the request, the proposal, and the recommendation. Located at the northwest corner of 7<sup>th</sup> Street and Oak Street, the site is currently occupied by a variety of commercial uses, a church, and surface parking. The request is to rezone the property to two Walkable Urban Code Transects with a strip of T3:2 located adjacent to Monterey Park as a landscape interface and the remainder being T5:6.

The proposal for 333 dwelling units in five stories is consistent with the General Plan Land Use designation of Commercial and the Medium Urban Center Place Type from the TOD Strategic Policy Framework which identifies an appropriate scale as being 5 – 10 stories in height within the vicinity of the light rail. The development proposes frontage types along 7<sup>th</sup> Street, Oak Street, and along Monterey Park to promote interaction with its environment which will also include detached sidewalks and shade trees.

The site is insulated from nearby single-family residential by Monterey Park on the west, commercial and multifamily to the south, commercial and a large APS Substation on the north, and commercial and the 7<sup>th</sup> Street's 80 feet of right-of-way; in addition to the presence of the Oak Street Bikeway which connects the site to light rail, the unique context of this site supports increased intensity that may not be appropriate elsewhere along the 7<sup>th</sup> Street corridor.

The Oak Street Bikeway improvements currently under construction are symbiotic with this development by populating the bikeway with users seeking to access the many amenities and employment opportunities in Midtown Phoenix and along the Central Avenue corridor. Further connecting the site, the 3<sup>rd</sup> Street Promenade is in final design and Thomas Road is a finalist for the foundational network of the Bus Rapid Transit system.

Due to its alignment with the General Plan, TOD Plans, the Tree and Shade Master Plan, Housing Phoenix, and others, staff is recommending approval subject to 14 stipulations. The stipulations pertain to creating an active interface with Monterey Park, creating a symbiotic relationship with the Oak Street Bikeway by requiring bicycle facilities including a publicly accessible bike repair station, pedestrian pathways and traffic calming, a traffic study to include a signal warrant analysis for upgrading the HAWK at 7<sup>th</sup> Street and Oak, a maximum of one driveway from 7<sup>th</sup> Street, in addition to standard street, aviation, and archaeology stipulations.

## APPLICANT PRESENTATION

**Nick Wood**, of Snell and Wilmer and representing the developer, introduced himself and provided an introduction of this client (Embrey), overview of the property, the request, and an evolution of the proposal based on neighborhood input.

While Embrey has a national footprint, they are a family business and take great care with their projects and make a conscious effort to become part of the communities in which they build. Additionally, Embrey is not a conventional merchant builder in that they typically build and hold their properties long term rather than sell them. The proposal before the committee tonight reflects that care which has been integrated into the design of the project, its architecture, and its site design.

One interesting element of the project is the adjacency to Monterey Park which is one of the few public parks in Phoenix that is fenced and gated. One goal is to place more eyes on the park and allow it to become more of an amenity for the larger area. Monterey Park is also zoned R1-6 which, by rule, would require an enhanced setback for the building; while this rule is well-intentioned to create additional separation between new development and single-family homes, it did

not contemplate this scenario. To decrease the necessary setback and to promote an enhanced interface, the request proposes a 15-foot-wide strip of T3:2 which will be preserved mostly for landscaping to create an active interface with the park.

The site currently has attached sidewalks, is mostly parking, has very little landscaping, and has had some issues with homelessness and blight. The proposed development will transform the entire block of 7<sup>th</sup> Street with detached sidewalks, shade trees, and active frontages with parking hidden at the interior of the site. The project team is hopeful this high-quality treatment will set an expectation for future projects along the 7<sup>th</sup> Street corridor.

The concept for the project evolved significantly since it was first shared with staff and community members. The architecture originally attempted to replicate the territorial design found in some of the nearby residential homes, but it didn't translate well and was met with concern. In response to this input, the architecture was revised for a more modern look with detailing including colors, articulation, offsets, and recesses to break up the mass of the building.

The site plan depicts a single point of vehicle access from 7<sup>th</sup> Street to a "motor court" in front of the leasing center but most resident access will occur from Oak Street. The site plan is designed to enclose the pool and primary amenity area to reduce noise and light impacts spilling out from the development.

The team agrees with all stipulations contained in the staff report. One stipulation of note is the requirement for a traffic study that will include a signal warrant analysis. The development team is hopeful the study will recommend a full signal at Oak Street and, if it does, they are happy to pay for the signal. A signal is needed at this location, would better connect the site to the commercial businesses east of 7<sup>th</sup> Street, would benefit their residents, and would help manage the flow of the 80,000 vehicles that travel 7<sup>th</sup> Street each day.

Another item suggested by the community was public art. The design team rendered a mural location at the southeast corner of the site and Embrey has committed to this mural being commissioned for local artists. He thanked the committee for their time and asked if any members have questions or comments.

### QUESTIONS FROM THE COMMITTEE

**Bryck** stated that he is excited for the project and believes it will benefit the local businesses, the park, and the area. He thanked staff and the applicant for their thoughtful approach and stipulations and noted the mural is a nice addition. He explained that he had been involved in the Oak Street Improvement Project for four years and asked Wood to make sure the stipulated traffic calming for exiting vehicles be robust to prevent conflicts with the bicycle lanes. He suggested that signage be added near the exit of the "motor court" to inform residents of how to

navigate the reversible lanes. **Wood** thanked Bryck for the comments, agreed on both points suggesting a speed table or alternative for traffic calming, and expressed his support for the signage being added as a stipulation.

**Mahrle** stated that this property is underutilized, and the proposed project is a big improvement. The early architecture did not have personality, but the revised plans show they have been listening to the community. He concluded by sharing that he believes a full traffic signal at 7<sup>th</sup> Street and Oak Street is important.

**Vice Chair Cothron** asked if the complex is gated, what green practices they have incorporated, whether grey water is reused for irrigation, the average unit costs, and whether plans reflect the need for affordable housing. **Wood** responded that the parking garage has gates, but the remainder of the site will be physically open. As owner/operators, Embrey is the beneficiary of durable and energy efficiency improvements but the plans have not been finalized at this time; he noted that his clients are listening-in to the comments made by the committee and will try to incorporate these recommendations into the final project. Regarding the cost of the units, he apologized for not having the numbers at his fingertips, stated the intent is for the units to be accessible, and offered to provide the information as a follow-up after the meeting.

**Rodriguez** stated that she was hesitant about the project initially based on the staff report and from the negative comments provided by nearby residents but is impressed by what has been shared. She stated that the inclusion of the mural is a nice addition and that the developer seems to be working with the community. She asked about the community's sentiment toward the project now. **Wood** responded that the community has been involved in the revisions and that the sentiment is now mostly positive. **Rodriguez** stated that the project reminds her of "the Art" at 16<sup>th</sup> Street and Highland which includes commercial spaces in addition to residential. In a complex like "the Art", these commercial spaces function as an amenity to its residents and also serve to activate the street environment which is important to the committee.

**Bryck** noted that the funding for the HAWK signal was hard fought. He asked Wood to get in touch with Chris Manno from the Street Transportation Department to coordinate on the use of taxpayer dollars and opportunities to most efficiently partner on transportation improvements in Midtown Phoenix. **Wood** agreed to discuss opportunities and reach out to Manno at an upcoming meeting with the Street Transportation Department.

**Chair Adams** noted the reality of climate change and its clear impact on the Phoenix Climate. He asked about the kind of efficiency built into the project, so it uses less energy and has a more responsible impact on the environment long term. **Wood** apologized for not having the sustainability information at his fingertips but stated that he has worked extensively with Embrey throughout the regional and found them to be very responsible. As an owner/operator, Embrey

builds these units for the long term because it will remain on their books long term.

PUBLIC COMMENTS

None.

APPLICANT RESPONSE

None.

FLOOR/PUBLIC COMMENT CLOSED: DISCUSSION, MOTION AND VOTE

Motion

**Bryck** motioned to approve the request per staff recommendation with an additional stipulation to require the placement of signage in the motor court area to inform drivers of the reversible lanes on 7th Street and how they operate.

**Mahrle** seconded.

Discussion

**Vice Chair Cothron** stated that she cannot support the project without information about sustainability.

Vote

**11-1**; motion passed with members Coates, Mahrle, Benjamin, Bryck, Jewett, Kleinman, Matthews, Rodriguez, Searles, Wagner, and Chair Adams in favor; Vice Chair Cothron in dissent; and none in abstention.

**VPC RECOMMENDED STIPULATIONS & STAFF COMMENTS**

1. There shall be a minimum landscape setback of 15 feet measured from the west property line. The landscape setback shall allow for a maximum encroachment of nine feet to accommodate Walkable Urban Code Frontage Type from Table 1305.1. The landscape setback area shall be planted with shade trees placed 25 feet on center or in equivalent groupings with 75 percent being a minimum 3-inch caliper. The conditions of this stipulation shall be approved by the Planning and Development Department.
2. No solid perimeter wall greater than 36 inches in height shall be situated within the boundary of the required landscape setback along the west property line, as described in Stipulation No. 1.
3. All ground level units oriented to the west (Monterey Park) shall utilize a Walkable Urban Code Frontage Type from Table 1305.1. and Frontage Types shall be permitted to encroach into the required landscape area a maximum of nine feet as necessary to accommodate the selected frontage type, as approved or modified by the Planning and Development Department.

4. The developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.
  - a. A bicycle repair station (fix-it station) along the southern edge of the site, visible, and accessible from the public sidewalk. The station shall include but not limited to the following: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand that allows pedals and wheels to spin freely while adjusting the bike.
  - 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 for multifamily residential use 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 1306.H. of the Phoenix Zoning Ordinance.
5. The developer shall provide pedestrian access to and from the site with an emphasis on minimizing walking distances to the existing HAWK at 7th Street and Oak Street, as approved by the Planning and Development Department.
6. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.
7. The developer shall dedicate a 10-foot sidewalk easement along the west side of 7th Street, as approved by Planning and Development.
8. There shall be a maximum of one driveway on 7th Street.
9. The developer shall submit a Traffic Impact Study to the City of Phoenix for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The study shall include, at a minimum, a traffic signal warrant analysis for the intersection of 7th Street and Oak Street to evaluate conversion of the HAWK. The developer shall be responsible for mitigation costs, as identified in the traffic study approval letter.
10. The developer shall construct all streets within and adjacent to the development 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.
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 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.
14. 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.
15. THE DEVELOPER SHALL PLACE INFORMATIONAL SIGNAGE IN THE "MOTOR COURT" AREA TO INFORM EXITING TRAFFIC HOW THE REVERSABLE LANE ON 7TH STREET FUNCTIONS INCLUDING THE HOURS WHEN THE CENTER LANE IS SOUTHBOUND, NORTHBOUND, AND CENTER-TURN.