

Attachment F

December 20, 2017

TO: City Council
FROM: Danny Bockting
Owner/Applicant of 837 N. 5th Avenue
RE: 837 N. 5th Avenue – Certificate of Appropriate Appeal
Applicant's Response & Supporting Information

Dear City Council:

I am writing to provide clarification on the appeal that will be heard again at the 01/10/18 City Council Meeting. At the 12/13/17 City Council hearing, a motion was made to continue this case to give City Council more time to review.

With the additional time, I kindly request that City Council use this opportunity to fully understand the Adopted Ordinances and the Historic Preservation Design Guidelines. I encourage you to speak to Staff to gain further insight into the reviews and approvals of this project, their process and work, and their general philosophy. I encourage you to walk the Roosevelt South Historic District to get more familiar with the character of the neighborhood.

As a community, we are at the exciting forefront of Downtown's resurgence, and these types of case are going to become more common. If Historic Preservation cases are going to be heard and reconsidered by City Council, the community needs to trust that the decisions made by City Council are supported by a clear and accurate understanding of the Adopted Ordinances, the Historic Preservation General Design Guidelines, and with the help of Staff and the HP Commission who have been hired and elected to be experts in this area, and who work daily on these projects.

My family and I have lived in Central Phoenix for 15 years. For the past six years, my wife and I have lived in the Willo Historic Neighborhood, where we've started our family. The project we're discussing is in my general neighborhood, and is a personal project that I've invested my family's savings into. This is a property, and project, that has gone through all the right channels for review and approval. A project that has been fully supported every step of the way from individual Downtown stakeholders and organization (see Support Letters provided). A project that complies with the Adopted Ordinances. A project that is going to provide a unique, and needed, living experience for families wanting to live in the Downtown core.

Simply put, this appeal is about the front building setback. The appeal is from a respectable architect that is clearly passionate about his position on where the approved building has been set. I get it. He owns the properties on either side of this vacant lot, and in his defense, it would be better for his two properties if this building set back a bit further. The historic building to his immediate south already sits 14' in front of his building. And my new building will sit 9' in front of his building. Essentially, putting his building behind the two flanking buildings. From the start, I've tried finding a compromise. I've moved the building further back than what is required by the Adopted Ordinances and suggested by the Design Guidelines. I've further compromised by recessing the first level porch area to provide substantial visual relief to the adjacent historic building. But it still doesn't satisfy him. I want to be a good neighbor. And I've sincerely tried. But I can't sacrifice anymore. Sacrificing more eliminates a unit, and kills the project.

The thing is, I'm not asking for more than what is allowed. I'm not asking for variances. And I'm not asking to build something that doesn't already exist in our historic district. I am simply asking to develop a project that complies with the Adopted Ordinances and the Design Guidelines; to place the front building setback in the same location as the property's previous historic building, to construct an impeccably designed building that fits in with the character of our historic district, and to build a project that has all the necessary support and approvals.

Here's the information that supports the approved design. Exhibits and supporting details have been provided for each:

1. **Historical Building Setback:** Attached is the Sanborn Map from 1946 (from the Library of Congress – www.loc.gov). This historic map shows the historic building setbacks. The historic building, was, in fact, aligned

with the front porches of the adjacent buildings. Exactly where our building is designed and approved. Our design respects the historic front setback of this property.

2. **Section 1219.E:** This is the Adopted Ordinance for our zoning. The required setback for our streetscape is a minimum of 20' and a maximum of 25'. We are designed and approved at 29'.
3. **Average Setback Alignment:** The Historic Preservation General Design Guidelines suggest that new buildings be placed at an Average Setback Alignment. The Average Setback Alignment is calculated at 26' 7" for our row of adjacent properties and streetscape. This project is designed and approved at 29'.

In addition to the items above that support our design, there are three items we would like to set the record straight on. Exhibits and supporting details have been provided for each:

1. **Secretary of Interior Standards:** The Appellant references these standards several times throughout his appeal. However, these standards have no relevance to this project. On the very first page of the standards, it clearly states, "are regulatory only for projects receiving Historic Preservation Fund grant assistance and other federally-assisted projects. Otherwise, these Guidelines are intended to provide general guidance for work on any historic building." Our project will not receive fund grant assistance or any federal assistance. And we are not doing work on a historic building. *These Standards have no jurisdiction over this project as clearly stated on the first page of the document.*
2. **Stepping Back:** The Appellant states that the Design Guidelines suggest stepping back the building when changes in size occur. However, this guideline is only for projects in residential areas. And the guideline specifically states this. This is not a residential area. The designated zoning nor do the surrounding property uses suggest that it is. *This guideline does not apply to our project.*
3. **Inappropriate Building Siting:** The Appellant provided a photograph of an existing two-story building stating that this is inappropriate building siting and suggesting that this what our building will look like. This is a wildly inaccurate representation and false picture. The building he shows is sited 10' in front of the adjacent porch and the property also has a 6' masonry wall that extended 10' in front of the adjacent porch. Our building aligns with the adjacent porch, has a recessed porch on the first level, and does not have a masonry wall. You will clearly see the true relationship of our building siting to the adjacent buildings.

For additional information, please refer to the in-depth document was provided to you by Staff for the 12/13/17 Council meeting. I'd also like to point out that the letters provided to you by the Appellant all request that the placement of our building respect the historic front setbacks of this area. The information that I don't believe was originally provided, was the official government documentation that shows the historic setback alignment; which clearly shows that the original building siting was at the front porches of the adjacent properties; exactly where our building is placed; which 100% respects the historic front building setback. The request is already being satisfied by the currently approved design.

In closing, I think we can all agree that design is subjective. We all have different personal tastes and design preferences. And this is exactly why there are adopted ordinances and design guidelines so that we can review these projects objectively, instead of subjectively, based on an individual's personal preference. These adopted ordinances clearly outline what is permitted, and what is not. These are tools provided to us to review and approve projects, and to protect property rights. I hope City Council chooses to review this project objectively and uphold the project approvals by City Staff, the Historic Preservation Officer, and the Historic Preservation Commission.

Kind Regards,



Danny Bockting

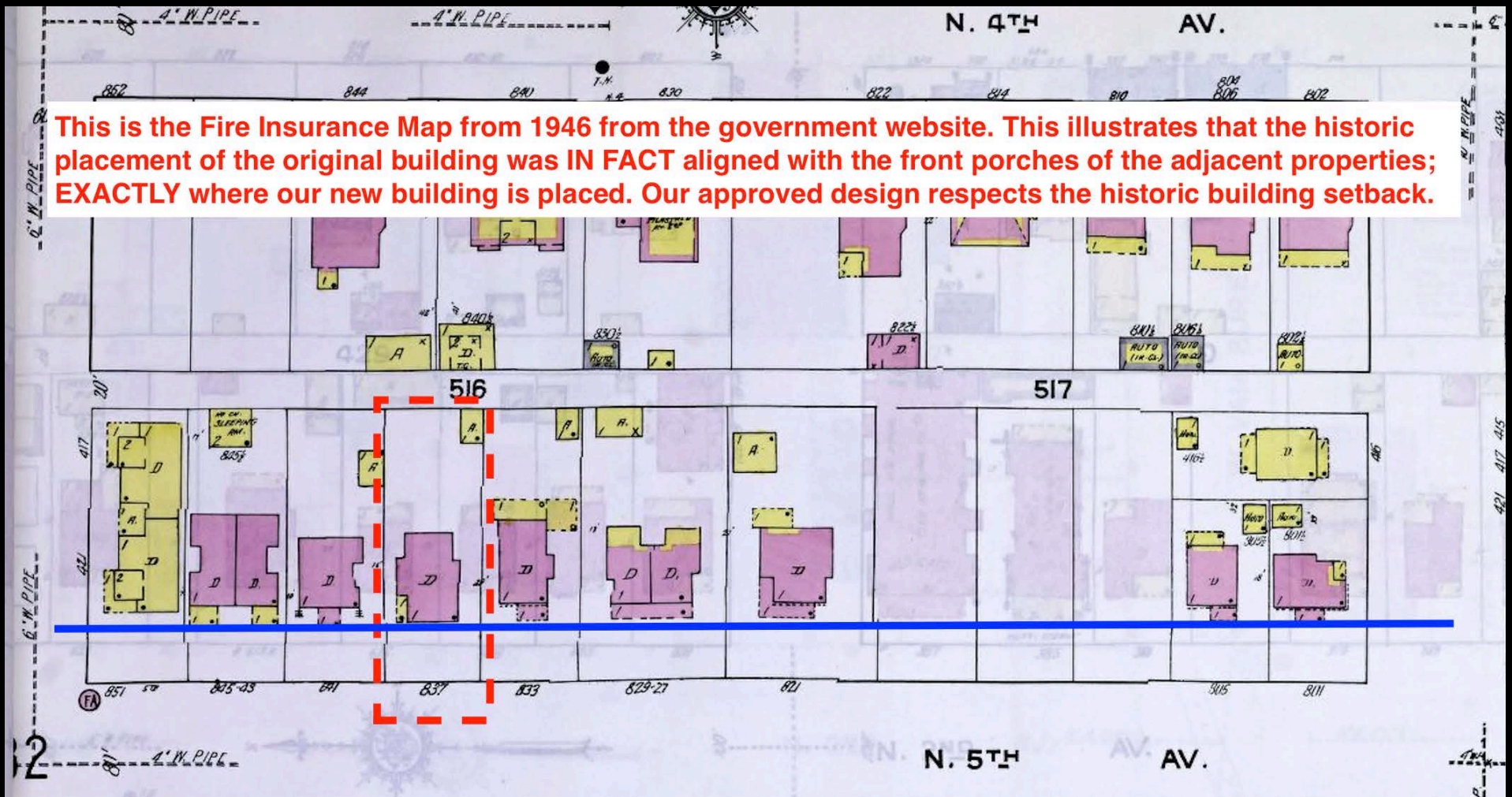
Cc: Michelle Dodds

ITEM 01 HISTORIC BUILDING SETBACK

THE ORIGINAL HISTORIC BUILDING THAT WAS ON THIS PROPERTY IS ILLUSTRATED ON THE FOLLOWING SLIDE. THE APPROVED BUILDING DESIGN RESPECTS THIS FRONT SETBACK AND PLACES THE NEW BUILDING IN THE SAME EXACT LOCATION; ALIGNED WITH THE PORCHES OF THE NEIGHBORING PROPERTIES.

ITEM 01 HISTORIC SETBACK

This is the Fire Insurance Map from 1946 from the government website. This illustrates that the historic placement of the original building was IN FACT aligned with the front porches of the adjacent properties; EXACTLY where our new building is placed. Our approved design respects the historic building setback.



ITEM 02 SETBACK REQUIREMENT

THE FRONT SETBACK REQUIREMENT PER THE ADOPTED ORDINANCES, AND AS SUGGESTED BY THE HISTORIC PRESERVATION GENERAL DESIGN GUIDELINES, ARE STATED ON THE FOLLOWING SLIDES. THE APPROVED BUILDING DESIGN IS MORE THAN IN COMPLIANCE THAN WHAT IS REQUIRED.

ITEM 02 SETBACK REQUIREMENT

Per Section 1219.E DTC-Roosevelt South

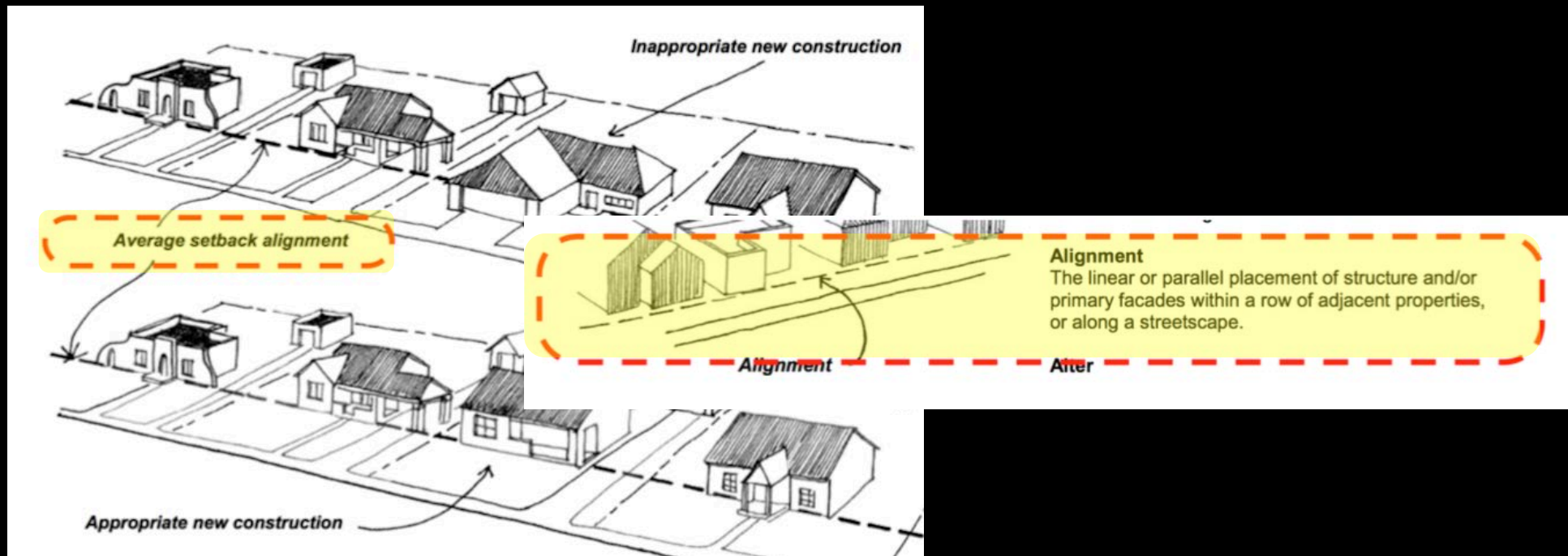
Streetscape Standards Matrix						
Street Section	Minimum Building Setback	Maximum Building Setback	Building Frontage	Allowed Frontage Types	Minimum Sidewalk Width	Minimum Streetscape Zone Width
Roosevelt Street Alley west of 6th Ave. to 3rd Ave.	10'	15'	Minimum 75%	AFY, SD, DY, S	5'	6'
McKinley Street Alley west of 6th Ave. to 3rd Ave.	10'	15'	Minimum 50%	ALL	5'	10'
Fillmore Street Alley west of 6th Ave. to 3rd Ave.	10'	15'	Minimum 50%	ALL	5'	7'5"
6th Avenue Roosevelt St. to Fillmore St.	20'	25'	Minimum 50%	AFY, SD, DY, S	5'	6'
5th Avenue Roosevelt St. to Fillmore St.	20'	25'	Minimum 50%	AFY, SD, DY, S	5'	14'
4th Avenue	20'	25'	Minimum 50%	AFY, SD, DY, S	5'	15'

REQUIRED SETBACK
DESIGNED & APPROVED

25'
29'

ITEM 02 SETBACK REQUIREMENT

Per General Design Guidelines (Pages 1 & 13)



**REQUIRED SETBACK
DESIGNED & APPROVED**

**26' 7"
29'**

ITEM 02 SETBACK ILLUSTRATION

AVERAGE SETBACK ALIGNMENT

26' 7"

DESIGNED AND APPROVED

29'

20'

38'

24'

38'

29'

37'

30'



ITEM 03 STEPPING BACK

THE HISTORIC PRESERVATION GENERAL DESIGN GUIDELINES SUGGEST STEPPING BACK STRUCTURES IF THERE'S A CHANGE IN SIZE. HOWEVER, THIS GUIDELINE IS SPECIFIC TO RESIDENTIAL AREAS. THE FOLLOWING SLIDES PROVIDE THE ACTUAL GUIDELINE, AN ILLUSTRATION THAT CLEARLY DEMONSTRATES THIS IS NOT A RESIDENTIAL AREA, AND AN EXISTING EXAMPLE THREE LOTS SOUTH OF OUR PROPERTY.

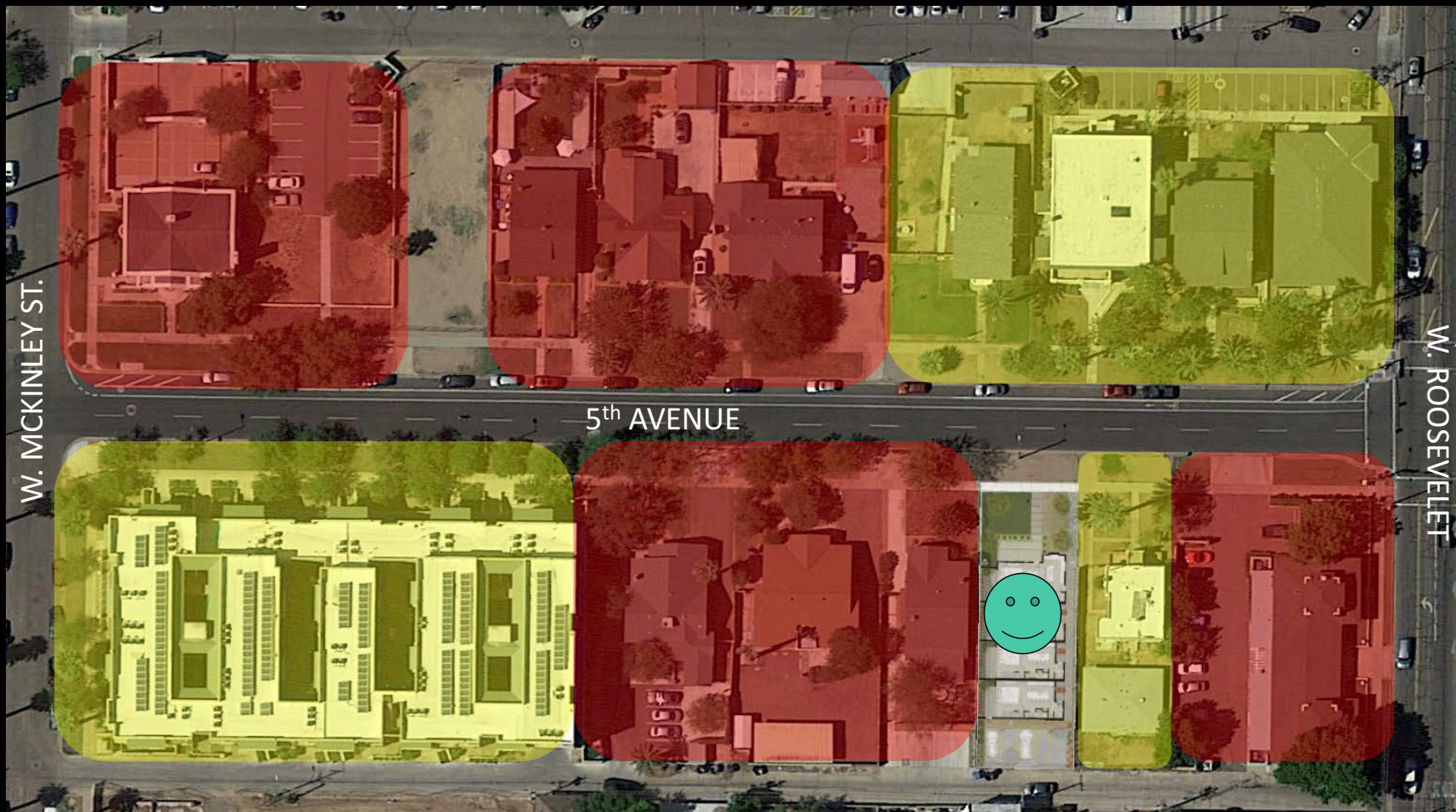
ITEM 03 STEPPING BACK

- Within the historic residential areas, new construction should be similar in height, shape and materials to the historic structures in its vicinity. Where changes in size must occur, the visual impact of the new construction should be minimized by stepping back the new construction from the historic buildings.

ITEM 03 PROPERTY USE MAP

COMMERCIAL

MULTI-FAMILY



ITEM 03 A RECENTLY APPROVED PROJECT



ITEM 04 SETTING THE RECORD STRAIGHT

THE APPELLANT PROVIDED INACCURATE INFORMATION AND THE RECORD NEEDS TO BE SET STRAIGHT. 1) THE SECRETARY OF INTERIOR STANDARDS HAVE NO RELEVANCE TO THIS PROJECT, AND 2) THE EXAMPLE PHOTO PROVIDED SUGGESTING WHAT OUR BUILDING SETBACK WILL LOOK LIKE IS COMPLETELY AND TOTALLY INACCURATE. THE FOLLOWING SLIDES SET THE RECORD STRAIGHT.

ITEM 04 SETTING THE FACTS STRAIGHT



THE SECRETARY
OF THE INTERIOR'S
**STANDARDS FOR
THE TREATMENT
OF HISTORIC
PROPERTIES**
WITH
**GUIDELINES FOR
PRESERVING,
REHABILITATING,
RESTORING &
RECONSTRUCTING
HISTORIC
BUILDINGS**



the 1978 and 1983 versions of 36 CFR Part 68, entitled *The Secretary of the Interior's Standards for Historic Preservation Projects*. The revised Guidelines herein replace the Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, published in 1995 to accompany the treatment Standards.

The Secretary of the Interior's Standards for the Treatment of Historic Properties are regulatory only for projects receiving Historic Preservation Fund grant assistance and other federally-assisted projects. Otherwise, these Guidelines are intended to provide general guidance for work on any historic building.

Another regulation, 36 CFR Part 67, focuses on “certified historic structures” as defined by the Internal Revenue Service Code of 1986. The Standards for Rehabilitation cited in 36 CFR Part 67 should

ITEM 04 SETTING THE FACTS STRAIGHT

INACCURATE REPRESENTATION



ITEM 04 SETTING THE FACTS STRAIGHT

TRUE & ACCURATE REPRESENTATION





THINK LOCAL. BUY LOCAL. BE LOCAL. 407 E. ROOSEVELT STREET • PHOENIX, AZ • 85004

November 17, 2017

City of Phoenix HPO, HP Commission, City Council
200 W Washington St
Phoenix, AZ 85003

Re: 837 N 5th Ave

Dear Council & Staff:

I am writing to convey Local First Arizona's full support of Danny Bockting and Pint Ventures' proposed infill development in the Roosevelt neighborhood.

Our organization works daily to protect and enhance Arizona's sense of place, representing over 3000 businesses total, and specifically over 30 developers, architects, and builders dedicated to a more sustainable and place-conscious Phoenix in our For(u)m program. Daily, we see and assess infill and reuse projects, and are keenly aware of the caliber of projects being built throughout downtown, an area quickly being overrun by cheaply-built large apartment complexes, with no reference to their surroundings. Representatives from Venue Projects, Wetta Ventures, Ranch Mine, Harder Development, and Sunbelt Holdings on our Advisory Council all immediately expressed excitement and support for projects like this in our city's historic neighborhoods.

Working at a variety of scales, the developers and architects who make up our network each seek to fit into the specific neighborhood contexts in which they build, and work extensively with neighbors to ensure collaboration and support. Looking at the heights and building typologies on Fifth Avenue and adjacent streets, we see this development as fitting perfectly the profile of single-family and small multifamily projects throughout the neighborhood, remaining of comparable height to buildings to its north and south, as well as across the street. Similarly, the design does not seek to emulate the historicity of its surroundings, but draws from the red-brick and roof gables which have made the area iconic, melding those elements into a modern finish.

With Mr. Bockting's track record of successful infill projects, role as a neighbor just north of downtown, and desire to preserve the lot size of his property while promoting incremental densification without imposition, we feel this project represents the best possible outcome for the parcel, welcoming four new families to the downtown to which we are all so devoted.

This project comes with the full support of Local First Arizona, and we hope that Mr. Bockting can continue to develop his unique project in our downtown.

Best,

A handwritten signature in black ink, appearing to read 'Kimber Lanning'.

Kimber Lanning
Executive Director
Local First Arizona



LETTER of SUPPORT

Attention: City of Phoenix HPO, HP Commission, City Council
200 W. Washington Street
Phoenix, Arizona 85003

From: Tim O'Neil
Principal: Ironline Partners & Evergreen Development

re: 837 N. 5th Avenue

Friends:

I am writing to support Danny Bockting, whom I know personally and professionally, with the captioned project.

In short, he is one of the good guys... talented, honest and committed. He has a unique balance of passion for our evolving downtown culture and the broad skills required to deliver excellent projects. His thoughtful approach to people and relationships is evidenced by his success developing properties in dozens of local and regional municipalities and his outreach in connection to 837 North 5th Avenue.

I am a fifth generation Arizona native with deep roots, and a current zip code, in Phoenix. I am involved as a principal in office, residential and retail projects (both new and aged) in the immediate submarket of Danny's project. As such, I feel qualified to comment on the merits of his application... and the weakness of his neighbor's appeal.

Danny's design and materials are exceptional, and the size and functionality of his units are highly appealing. This is the very class of project we should continue to fight for, not against. It is no surprise he plans to raise his family at this address.

I appreciate his neighbor's right to an opinion, but the Certificate of Appropriateness Approval granted by the Historic Preservation Office and the Historic Preservation Officer is logical and sound. There is no good, practical reason the building should suffer excessive setback penalties. It should flow intelligently with other similar projects in the neighborhood and on its specific street.

The tone and length of this run in direct disproportion to my confidence in Danny and enthusiasm for his project. We are lucky to have individuals like him in our community. And we will benefit from his thoughtful, quality development proposal.

Thank you for your consideration. Please do not hesitate to contact me directly if I can be helpful in any way.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Tim O'Neil', is written over the typed name 'Tim'.

Tim

602.315.8275



Roosevelt Action Association - est. 1981

Sept 26, 2017

Ms. Jodey Elsner
Historic Preservation Planner
City of Phoenix Planning & Development Historic Preservation Office
Via email – Jodey.Elsner@phoenix.gov

Re: 837 North 5th Ave Proposed project by Yosemite, LLC

Dear Jodey:

I'm writing regarding a proposed project for the vacant lot at 837 North 5th Ave; specifically the submission dated 8/24/2017 by Yosemite, LLC. The RAA board's understanding is that the project comports with the requirements as outlined in Section 1219 (Roosevelt South Character Area) of DTC and thusly voted to support this project as proposed, understanding that Yosemite is committed to working with the owner of the adjacent properties to identify and implement alternatives to increase the setback to the westernmost plane of the proposed building beyond that shown on the plans.

If you have any questions, please let me know.

Sincerely,

Andie Abkarian
President, Roosevelt Action Association
AndieAbkarian@gmail.com

cc: RAA file

Equus Capital LLC / EQ Properties / Farnam Realty Inc.
PO BOX 1810 • SCOTTSDALE AZ • 85252

November 9, 2017

City of Phoenix HPO, HP Commission, City Council
200 W. Washington Street
Phoenix, Arizona 85003

RE: 837 N. 5th Avenue – Letter of Support

To Whom It May Concern:

My name is Chuckie Duff, and I am an active Downtown Phoenix developer and business owner. I have developed, rehabbed, and own, many properties, buildings and projects in Downtown Phoenix. A few of the more recognizable projects, all of which are adaptive reuse projects that have protected and enhanced the character of the neighborhoods they are in, include:

1. **The Vig Fillmore** (4th Avenue & Fillmore)
2. **PALABRA** (1st Street & Roosevelt)
3. **Cobra Arcade Bar / Antique Sugar / Snoh** (2nd Street & McKinley)
4. **Sutra Yoga Studio** (1st Street & Portland)
5. **Gracie's Tax Bar** (7th Avenue & McKinley)
6. **ACME Prints** (7th Avenue & McKinley)
7. **The Continental Apartments Remodel** (3rd Street & Portland)

Danny Bockting has reviewed with me the design and details of his project at 837 N. 5th Avenue, and has explained that the neighboring property owner has appealed the Certificate of Appropriateness Approval granted by the Historic Preservation Office and the Historic Preservation Officer; suggesting that the building should be pushed back further to align with his buildings.

Not only is this a beautifully designed project that will be a great addition and improvement to this neighborhood, the designed setback is clearly consistent with the setback patterns throughout this historic district, and even more specifically along its streetscape. The historic neighborhoods throughout our central city include buildings of all different shapes, sizes, and design styles. This is what makes these neighborhoods special and unique. And in this particular historic district, what makes it even more unique, being in the downtown core, is that there are a mix of property uses, building heights, staggering setbacks, and architectural styles.

After reviewing this project, and the character and context of this historic district, I am in full support of this project.

This project is an example of what Downtown Phoenix needs and wants. I fully support this design and project. It's an example of a project that will help our collective efforts to draw people to Downtown Phoenix. I hope that the City and it's elected representatives continue to support projects that are focused on creating desirable and attractive place people want to live and visit.

Sincerely,



Chuckie Duff
"EQ Properties"
Equus Capital LLC

Letter of support
Re: 837 N 5th Avenue
Owner: Danny Bockting

To whom it may concern/ HPO committee,

This letter is to show my support for Danny's project at 837 N 5th Ave. I have reviewed the project in great detail and I met with Danny in person to discuss and to hear his accounting of the project. It is of my opinion that Danny is the exact type of person we need Downtown. He has great energy and passion for being a contributor to the overall progress of our core. In the past I have seen developers take a shortcut with opportunities such as this and the design seems to be something lacking. Danny could have easily saved money by designing an inferior project. The design and materials and overall street elevation is very appealing to myself and to literally all of the Downtown Phoenix friends I have spoken to about this project. The fact that this is a four-plex is also something that I consider a huge victory for Downtown. There are so many young professionals wanting to reside in creative and interesting spaces that are affordable and close to the core and this project takes a vacant lot, which is bad for the city, and turns it into a great use of the space that will impact 4-10 residents now being able to call Downtown Phoenix home. New projects are supposed to be distinguishable as new. I have always felt that in order to be more competitive with other notable downtown cities that we would need to bring in quality architecture and fill up our vacant lots. This project meets the mark, and to me, passes my test for a quality project. Great downtowns have great architecture. Great modern design not only compliments, it enhances neighboring Historic properties. I also believe that Danny has attempted to compromise and that the party appealing the project isn't thinking about what is best for our city here, he is thinking about how this project will affect his lots flanking the parcel... -which is not the right attitude in my opinion.

I am a third generation Downtown Phoenix resident and I live very close to Downtown Phoenix in an historic district. I also design, and sometimes develop, infill projects such as these. It is nice seeing other people sharing in the vision. I pledge my full support for this design passing the committee and council.

Sincerely,

Joel Contreras
Joel Contreras Design
480-430-5939

November 12, 2017

City of Phoenix HPO, HP Commission, City Council
200 W. Washington Street
Phoenix, Arizona 85003

RE: 837 N. 5th Avenue – Letter of Support

To Whom It May Concern:

My name is Michael Hauer, and I am an Architect and Resident of the Roosevelt Neighborhood. I have lived and worked in Downtown Phoenix for nearly 10 years and have been a supporter of increased residential density and progressive architecture throughout my residence and career. I am also the Project Architect for the project in question. Throughout my career I have assisted in the design and construction of several projects in the downtown corridor including:

1. **Arizona State University Downtown Recreation Center** (Central and Fillmore)
2. **Maricopa County Sheriff's Office Headquarters** (5th Ave and Jackson)
3. **Culver Townhomes (Residential Development)** (3rd Ave and Culver)
4. **837 N. 5th Ave Residences** (Residential Development, 5th Ave and Roosevelt)
5. **Bruckal Residence** (Single Family home currently in Design, 3rd Ave and Culver)
6. **Meyer Rentals** (Multi family development currently in Design, 11th and Portland)

Danny Bockting and I have worked together for the past 5 months to develop 837 N. 5th Avenue, and have worked diligently to engage the surrounding neighborhood group, which have provided support for the project across the board.

Danny and I both live in historic residential districts within blocks of the project site. We each have a vested interest in creating a project that not only meets the functional demands of modern day tenants but also fits within the Architectural Context of the Roosevelt Historic district. The materials, building scale, setbacks and overall architectural vocabulary recognize the historical context but are arranged in a way to create a modern dwelling that appeals to a broad range of potential downtown residents.

The project is in full compliance with The Downtown Code Roosevelt South, section 1219 of the City of Phoenix Zoning Ordinance and has an Approved Certificate of Appropriateness from the Historic Preservation Department. The project is not seeking any variances to section 1219 of the Downtown Code.

Based on the Design, compliance with Chapter 12 of the Zoning Ordinance and approved Certificate of Appropriateness, I am fully supportive of the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Hauer', with a long horizontal line extending from the end of the signature.

Michael J. Hauer, RA, LEED AP
Michael Hauer Architecture, LLC