



Village Planning Committee Meeting Summary

Z-22-24-8

INFORMATION ONLY

Date of VPC Meeting	April 2, 2024
Request From	R1-6
Request To	PUD
Proposed Use	Multifamily residential
Location	Southeast corner of 40th Street and McDowell Road

VPC DISCUSSION

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

APPLICANT PRESENTATION:

Benjamin Graff with Quarles & Brady, LLP introduced himself and stated he is presenting on behalf of the 40th and McDowell, LLC. Mr. Graff noted the architect Kaiser Works was also present at the meeting. Mr. Graff expressed his gratitude to present an information presentation to the committee. Mr. Graff discussed the unique characteristics of the site, the history, location, and size of the area. Mr. Graff said there were some challenges, but the design team was responsive to the conditions and adjacent developments. Mr. Graff stated that the proposal is adjacent to existing residential developments. Mr. Graff noted that the development will require an abandonment which is in process. Mr. Graff displayed maps, site and conceptual landscape plans and anticipated traffic plans. Mr. Graff shared with the committee two letters of support that have been received from neighboring residents. Mr. Graff discussed the existing zoning and the importance of adjusting the zoning to allow a multifamily development on the proposed site. Mr. Graff discussed the General Plan Land Use designation and the 44th Street Corridor Specific Plan and their applicability for the site. Mr. Graff reviewed the PUD requirements and how the site is best suited for the proposal. Mr. Graff discussed the proposed density and compatibility with the area for residential development. Mr. Graff stated the design includes 63 units that will include studios and one-to-two-bedroom units. Mr. Graff discussed the building configuration, setbacks, amenities, open space, and orientation to the adjacent developments. Mr. Graff discussed the enhanced design guidelines, environment and sustainability standards that are part of the design. Mr. Graff stated that the project will be a market rate development to bring in families. Mr. Graff discussed the elevations, shade features, exterior materials and appearance, and the building height. Mr. Graff

discussed the first neighborhood meeting, the preliminary results and plans for the next meeting. Mr. Graff thanked the committee and concluded his comments.

QUESTIONS FROM THE COMMITTEE:

Committee Member Paceley commented that this property is entitled to flood irrigation from SRP (Salt River Project) and this would allow some creativity for sustainability. Committee Member Paceley noted the traffic flow and access to the site from McDowell Road. **Mr. Graff** responded that the circulation was developed to reduce traffic flow on the north side of the development.

Committee Member Guevar commented that the proposal incorporates energy efficiency, and this is important, and the developer should consider every opportunity to maximize energy efficiency and sustainability. **Mr. Graff** responded that prior to acquiring the property there were homeless encampments on the site and developing this site is an improvement for the area.

Committee Member Whitesell asked about bicycle and pedestrian safety and from the information provided it is not clear where the sidewalks are located. **Mr. Graff** displayed the site plan and showed the location of the detached sidewalks. Committee Member Whitesell asked how the development is categorized as market rate. Mr. Graff responded that there is no price point but are still assessing the anticipated rental rate. Mr. Graff stated the proposal is not subsidized and is not affordable housing, and the target is for average income earners and based on the cost of square footage. Mr. Graff asked the committee what is better suited to market rate. Committee Member Whitesell responded that work force housing would be a more suitable target for residential development. Mr. Graff responded that work force is more commonly used when a subsidy is included.

Vice Chair Fischbach commented that if a term is going to be used such as market rate have a definition to go along with it and the committee is entitled to information and with amorphous terms it creates confusion. **Mr. Graff** responded they will revise they information and respond appropriately.

Chair Swart commented that the committee has a passion for affordable housing so there is interest in having the best information available.

Vice Chair Fischbach expressed his involvement with non-profit and philanthropic organizations and has great interest in housing at many levels.

Committee Member Guevar asked if they could have color renderings at the next presentation. **Mr. Graff** responded that they would have more site colored details with landscaping for the next presentation.

Committee Member Langmade commented that the proposal is ideal for the site and if it can be developed as market rate housing it is a good concept. Mr. Graff expressed gratitude for the comment.

PUBLIC COMMENTS:

None.

APPLICANT RESONSE:

None.

FLOOR/PUBLIC DISCUSION CLOSED: COMMITTEE DISCUSSION:

None.

Village Planning Committee Meeting Summary
Z-22-24-8

Date of VPC Meeting	November 12, 2024
Request From	R1-6
Request To	PUD
Proposal	Multifamily residential
Location	Southwest corner of 40th Steet and McDowell Road
VPC Recommendation	Approval, per the staff recommendation, with an additional stipulation
VPC Vote	10-4

VPC DISCUSSION:

Three members of public registered to speak on this item, in support.

STAFF PRESENTATION:

John Roanhorse, staff, provided an overview of the rezoning request, describing the location, general plan designation, existing and proposed zoning district, and the surrounding uses. Mr. Roanhorse discussed the staff report analysis, findings and stipulations.

APPLICANT PRESENTATION:

Ben Graff, representing the applicant with Quarles and Brady, LLP, introduced himself, Ms. Danielle Jordan and the architect Mr. Christopher Kaiser. Mr. Graff presented and discussed the proposed Planned Unit Development (PUD) which includes 78 apartments consisting of studio, one-bedroom, and two-bedroom units. Mr. Graff discussed the marketing and analysis conducted in preparation of this proposal. Mr. Graff reviewed the traffic and parking information and a partial abandonment on 40th Street. Mr. Graff stated this proposal was presented for information only in April and several revisions were made in response to the Committee's recommendations and questions.

QUESTIONS FROM THE COMMITTEE:

Committee Member Williams asked if the units would be directly marketed to the data center and whether there had been any contact with the data center. **Mr. Graff** responded

that there has not been direct contact made but as the project proceeds that marketing will include all potential residents specifically to key employment areas.

Committee Member Grace asked about the anticipated unit price point and if the project would focus on workforce or affordable housing, and what the intended target was. **Mr. Graff** responded that question came up in April and since then some research was conducted into the definitions and into what the City of Phoenix considers market rate housing, and these units will be market rate housing. Mr. Graff stated the reason for this is they are not using any government subsidies, tax credits, or other forms of assistance to lower the rent. Mr. Graff said that when you propose a majority of one-bedroom and studio units, the units naturally become more attainable, and an estimated price point is approximately \$2.00 per square foot per month in rent and this places the monthly rent range at roughly \$1,200 to \$1,500.

Committee Member Whitesell stated that the current data center adjacent to the proposed site includes a call center component, which was not part of the original plan when it was initially presented at the Village. **Mr. Graff** asked for clarification from staff. Mr. Roanhorse responded that the review did include the adjacent developments as expressed in the staff report. **Chair Swart** commented that there was significant controversy regarding the data center, and it was expected to have at least 100 employees. **Committee Member Paceley** echoed Chair Swart's comment and noted the location is highly secure and the project initially included three approved buildings, but it has been expanded and this would increase the employee count to around 125.

Committee Member Whitesell stated concerns regarding on-street parking and noted the recent text amendment on parking reductions which involved significant debate and calls for 1.5 parking spaces per unit. Committee Member Whitesell stated that there was extensive public participation and deliberation that shaped this decision and stated it is important to respect the established standards. **Mr. Roanhorse** responded that the methodology and approach for adjusting parking standards were thoroughly analyzed which is reflected in the staff report. **Chair Swart** commented that the Council's final approval was for 1.5 parking spaces per unit.

Committee Member Whitesell stated we should honor the process and the Council's approval of the text amendment, which took effect in January. **Mr. Graff** responded that regardless of the parking ordinance approved by City Council the PUD provides a practical response for development.

Committee Member Sharaby expressed concerns about the number of parking spaces and noted it is unclear how this achieves a one-to-one parking ratio. Committee Member Sharaby asked for an explanation of the parking calculations. **Mr. Graff** responded there are currently projecting various one-bedroom and multiple studio units, and this does not significantly impact parking demand. Mr. Graff stated that based on their parking analysis and marketing research, they anticipate that at least 15 percent of residents will not own or use cars due to the availability of public transportation, nearby amenities, and the walkability of the area. Mr. Graff said they did not count the 19 on-street parking spaces

toward the total, but they are a contributing factor, alongside the bus stop improvements, bike lanes, and proximity to the data center and call center.

Committee Member Sharaby responded the PUD allows a unique opportunity to develop a site with its specific challenges and should account for the basic parking needs of residents. Committee Member Sharaby stated concerns about the adequacy of parking and how it aligns with the marketing targets and there needs to be assurance that this project meets the practical needs of the market.

Committee Member Augusta commented that it was great to see attainable housing projects progressing in this area and this project has been in development for many years, and its location near the light rail and a bus stop are ideal, but there are concerns about the need for parking including along the 40th Street bypass. Committee Member Augusta asked how the on-street parking would be developed. **Mr. Graff** responded that the bus stop adjacent to the site is being enhanced as part of the site improvements and the 40th Street bypass provides parking with a unique solution and noted that they worked with the Street Transportation Department who had concerns about the width of the existing one-way street and an abandonment allowed a one-way street and the solution involved is a partial abandonment of the west side of 40th Street, narrowing it to the proper width for a one-way street and incorporating on-street parking.

Committee Member Grace asked about parking and if it was going to be assigned for some units and if residents will have to pay for parking. **Mr. Graff** responded this has been discussed, although it is still very early in the process, prior to building permits and openings. Mr. Graff responded yes, we have considered that parking would come with an additional fee, which could discourage car ownership and incentivize the use of public transportation and at this stage, the parking would likely be unassigned. Mr. Graff stated residents would be required to display a permit indicating they have paid for parking, which aligns with our goal of reducing vehicle dependence.

Vice Chair Fischbach commented that the site appears to be a remnant parcel and asked about the history behind the parcel and why it is shaped that way. **Mr. Graff** responded that this goes back to the 44th Street Corridor Specific Plan. Mr. Graff explained that the parcel is a remnant from the original annexation and was never developed and was designated under the 44th Street Corridor Specific Plan for multifamily use in the General Plan. Vice Chair Fischbach commented that for this proposal to be approved, the City Council must approve it and has discretion over the project details. Vice Chair Fischbach noted that any future changes may involve the Planning Hearing Officer (PHO) and noted this is a unique instance in which the City Council will have discretion over whether to grant access and use of the site.

Vice Chair Fischbach asked about the staff report and the unique nature of the parcel and if it makes this proposal an acceptable compromise given its unusual shape, size, and characteristics. Vice Chair Fischbach asked about the applicability of the 207 Waiver requirement for this site and whether there was concern about the City being sued over issues such as the number of parking spaces. **Mr. Graff** responded that the rezoning application is a PUD, and every standard becomes part of the new ordinance and noted

that his client will be subject to the 207 Waiver ensures that the client cannot sue the City over any aspect of the project.

Committee Member Whitesell asked about access to the light rail on Washington Street to the south and whether it is a relevant factor for this proposal, as well as the location of the bike lanes. **Mr. Graff** requested staff clarification on the location of the bicycle lane on 40th Street. **Mr. Roanhorse** noted the presence of an existing bicycle lane on 40th Street. Mr. Graff responded that while the light rail is nearby and is a positive factor, their focus remains on bikes and the bus stop and acknowledged that the light rail is a factor, but it requires a longer walk to access.

Committee Member Langmade commented on the parking, suggesting that having assigned parking spaces would probably be optimal for this residential development.

Vice Chair Fischbach inquired about the distance to the light rail location. **Mr. Graff** responded that it is over one mile away. Vice Chair Fischbach then asked what the effective distance would be to include the light rail as a transportation feature for the project. **Mr. Roanhorse** noted that the development is located outside the Transportation Overlay Corridor (TOC) by approximately one-half mile.

Committee Member Noel asked about the east side of the site along the bypass street and whether there was an existing wall near the adjacent residential development. **Mr. Graff** responded that the adjacent residential development is the Aztec Apartments, which has a solid masonry wall with one access point and explained that people may not park on the street since they will be on-street spaces that are public and are not convenient for use by anyone other than the development residents. Mr. Graff further stated that the adjacent apartments have assigned parking and will not allow residents from the PUD to park there.

Committee Member Whitesell commented on the earlier discussion regarding parking reductions for multifamily housing within the Transportation Overlay Corridor (TOC) and the distance to light rail or other public transit. Committee Member Whitesell asked about the specific distance required to be included in the TOC. Staff responded that the TOC extends approximately over one mile.

Committee Member Augusta remarked that the relevancy of light rail access is becoming a key point of the discussion and noted that, according to research, the light rail is just over one mile from the proposed site. Committee Member Augusta shared her perspective, stating, she would ride to the light rail that is 5.5 miles away, and it is relevant to consider access to the light rail to the south.

Committee Member Whitesell inquired about the project's timeline, specifically the duration from City Council approval to the submission of permit applications. **Mr. Graff** responded that it typically takes 12 months to finalize the site plan and obtain building permits and noted that after factoring in contractor selection, the process will likely take about one and a half years from City Council approval to construction commencement if the project proceeds quickly. Committee Member Whitesell commented that there are currently thousands of approved units that have not been developed, and this proposal may

contribute to the ongoing housing shortage and encouraged the development team to move forward promptly if the proposal is approved.

PUBLIC COMMENTS:

Jay Pearlman introduced himself as a resident living north of the proposed site since 2008. Mr. Pearlman stated he has driven on that corridor thousands of times and has ridden on that corridor many of times on his bicycle. Mr. Pearlman stated that his rides typically start from his home, which is just north of McDowell Road, to the light rail and bus stop. Mr. Pearlman responded to the concerns raised by the committee, noting that Phoenix, as a city, needs to move away from cars and parking. Mr. Pearlman stated he appreciates this unique perspective on the PUD, which furthers those goals and stated the development is unique and is a thoughtfully designed project that would be an asset to the City of Phoenix. Mr. Pearlman emphasized that it would increase housing, reduce reliance on cars, and support public transit. Mr. Pearlman stated he knew that the light rail is 1.2 miles away because he has looked it up before and had ridden his bicycle there many times and noted that the airport is accessible from that stop, which connects to the entire city, east and west which aligns with what he thinks Phoenix envisions for its future. Mr. Pearlman further commented on parking, stating that there are never any cars parked on the street because of the wall from the adjacent apartment complex and added the only vehicles parked on that street are 18-wheeler trucks that pull in to spend the night. Mr. Pearlman stated this is a great solution for the neighborhood and the people who need housing, and those who rely on transportation and it supports the Phoenix Plan and everything the City is striving for. Mr. Pearlman concluded he fully supports this project.

Vice Chair Fischbach asked if there would be any concerns if the site remains vacant, such as issues with vagrancy or littering and stated that whenever we have open spaces in the city, sometimes undesirable elements are attracted to them. Mr. Pearlman responded that he would disagree with the term undesirable elements. Vice Chair Fischbach clarified, he does not mean to cast a shadow on anyone experiencing homelessness and was simply saying that littering and similar issues can sometimes be a problem. Mr. Pearlman acknowledged that having seen many unhoused individuals living in tents on the site in the past and commented that the area has been chained off and fenced, likely since the current owner purchased the site. Mr. Pearlman stated from his perspective, he is okay with people living in parks when they do not have houses and need space however he would prefer to see housing built that is attainable, though not necessarily affordable. Mr. Pearlman stated he has lived in this area for a long time and owned his home there since 2008, is very familiar with this undeveloped land, and he strongly believes that development is much better than leaving it as an empty lot. Vice Chair Fischbach asked if there was a preference for this development over maintaining the current status quo. Mr. Pearlman responded he is entirely in favor of housing for people and fully supports this project.

Kristin Heggli introduced herself as a representative of the Rancho Ventura Neighborhood Association and a resident Almeria Street, just one street to the north of the proposed site. Ms. Heggli stated their neighborhood consists of 63 mid-century modern homes and she is speaking on behalf of all of them, as well as some other neighbors in the larger area and they are excited to see this piece of land being developed. Ms. Heggli said regardless of

the issues they have had with this piece of land in the past it is great to see unused spaces being developed and during COVID, they faced challenges on this site, including drug activity, trafficking, and litter. Ms. Heggli stated similar issues might arise again if the land remains undeveloped and noted the unique challenges of the site adding it is a very oddly shaped piece of land, so it is encouraging to see someone willing to develop the site. Ms. Heggli stated that regarding parking, that she has driven and biked down that street many times, and there is rarely anyone parked there although the parking spots are not specifically assigned to this development, Ms. Heggli commented with the access to transit in the larger area she does not anticipate significant parking demands and in speaking on behalf of the immediate neighborhood, they would love to see this project move forward and design elements are impressive, and this development would help move the area in a positive direction, which is exactly what they are looking for.

Darryl Morgan introduced himself and stated he does not own a personal vehicle, so he can provide some insight into what it's like living in this area. Mr. Morgan stated he was born and raised in Phoenix, and while the public transportation system still has room for improvement, it is more usable now than ever and highlighted the benefits of the McDowell Road bus line. Mr. Morgan noted that during commute hours the McDowell Road bus has 10-minute frequency, and the bus stop is located right in front of the proposed building site. Mr. Morgan stated when he takes the bus in conjunction with the light rail along Central Avenue, it takes about 40 minutes to get to his job in Midtown and its even faster to reach Downtown, making public transit very convenient. Mr. Morgan also said he uses the Valley Metro app noting it offers live bus tracking and it works perfectly, and Valley Metro also recently introduced the Copper Card, which makes paying for buses easier than ever. Mr. Morgan stated he frequently use the light rail at Gateway and while the 202 freeway is a barrier, it is still walkable and there is a sidewalk, and biking is another great option. Mr. Morgan added he uses e-scooters to get there quickly and conveniently.

Mr. Morgan stated that regarding parking concerns along 40th Street he has not seen personal vehicles parked there but there are semi-trucks and occasionally personal RVs. Mr. Morgan stated as a member of the neighborhood, he believes this development is a fantastic opportunity. Mr. Morgan described the current state of the lot, stating the triangle-shaped piece of land is so unusual that he never would have imagined housing being built there and if this project does not go through, what else could they realistically hope for, and this seems like a golden opportunity. Mr. Morgan stated there were concerns in the past with the site but is has improved with the assistance of the community liaison officer, Lindsey Smith from Phoenix PD. Mr. Morgan stated in conclusion, neighborhoods are made of people, and he would like more people, and in his mind putting housing on this site would be a great step forward.

APPLICANT RESPONSE:

None.

COMMITTEE DISCUSSION:

None.

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

Committee Member Guevara stated that he has some concerns regarding traffic but noted that a study will be conducted prior to site plan approval and noted concerns about the aesthetics of the project and asked if the developers would be willing to consider making the balcony railing on the outside less transparent to avoid obtrusive features and maintain privacy, consistency, and cleanliness, since the units will be smaller.

Committee Member Augusta asked if a motion was made could a stipulation be included to modify the balcony railing for a non-transparent barrier to provide interior and exterior screening and privacy.

MOTION:

Committee Member Augusta made a motioned to recommend approval of Z-22-24-8 per the staff recommendation with an additional stipulation as follows:

Balcony railings shall have opaque coverage for privacy.

Committee Member Guevara seconded the motion.

DISCUSSION:

Vice Chair Fischbach noted that the intent presented would provide solid or distinct balconies that would screen the residential exterior and provide privacy for each unit. Vice Chair Fischbach asked if the balconies could be adjusted in design. **Mr. Graff** conferred with Mr. Christopher Kaiser, the architect and responded that additional screening could be added to the current building design.

Vice Chair Fischbach introduced a friendly amendment to the motion to add Stipulation No. 1.g. Page 14, Design Guidelines: Balcony railings for each unit shall provide screening for residential privacy and conform to the building's materials, treatments, and articulation.

Chair Swart asked Committee Member Augusta if the friendly amendment as recommended by **Vice Chair Fischbach** was acceptable. **Committee Member Augusta** agreed with the friendly amendment. Chair Swart confirmed that the friendly amendment was accepted.

MOTION:

Committee Member Augusta made a motioned to recommend approval of Z-22-24-8 per the staff recommendation with an additional stipulation as follows:

1.g. Page 14, Design Guidelines: Balcony railings for each unit shall provide screening for residential privacy and conform with the building's materials, treatments, and articulation.

Committee Member Guevar seconded the motion.

VOTE:

10-4; motion to approve Z-22-24-8 per the staff recommendation with an additional stipulation passes with Committee Members Abbott, Augusta, Garcia, Grace, Guevar, Langmade, Noel, Paceley, Fischbach and Swart in favor with Committee Members Jurayeva, Sharaby, Whitesell and Williams opposed.

VPC RECOMMENDED STIPULATIONS:

1. An updated Development Narrative for the 40th Street PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 3, 2024, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following: City Council Adopted: [Add Adoption Date].
 - b. Page 9, Development Standards, Maximum Density: Update to 34.67 du/acre.
 - c. Page 10, Streetscape Standards, c. 40th Street Bypass: Delete item 4 related to the landscape planting standards
 - d. Page 11, Parking Standards, a. Minimum Resident Parking Standards: Add On-street parking shall be for public use only, including residents, and may not be counted towards the required parking spaces for the site.
 - e. Page 14, Design Guidelines: Add following items into a Water Conservation section.
 - Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought Tolerant Plan list shall be utilized, as approved or modified by the Planning and Development Department.
 - Natural turf shall only be utilized for required retention areas (bottom of basin) and functional turf areas within common areas, as approved by the Planning and Development Department.
 - Landscaping shall be maintained by permanent and automatic/water, efficient WaterSense labeled irrigation controllers (or similar smart controllers) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
 - Pressure regulating sprinklers heads and/or drip irrigation lines shall be utilized in any turf areas to reduce water waste.
 - f. Tab B: Conceptual Site Plan Exhibit: Delete on-street parking. As noted in 1.d. the on-street parking is for public use only and does not count toward the required parking.

- g. **PAGE 14, DESIGN GUIDELINES: BALCONY RAILINGS FOR EACH UNIT SHALL PROVIDE SCREENING FOR RESIDENTIAL PRIVACY AND CONFORM TO THE BUILDING'S MATERIALS, TREATMENTS, AND ARTICULATION.**
- 2. Right-of-way shall be retained and the bus stop pad shall be reconstructed on eastbound McDowell Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and a minimum length of 40 feet. The bus stop pad shall be spaced from 40th Street according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide a minimum 50% shade coverage to the bus stop pad.
- 3. A minimum of 50 feet of right-of-way shall be dedicated and constructed for the southern half of McDowell Road, as approved by the Planning and Development Department.
- 4. The developer shall submit a Traffic Impact Study for this development, no preliminary approval of plans shall be granted until the study has been reviewed and approved by the City. The developer shall be responsible for any dedications, funding and construction of all recommendations in the study.
- 5. Unused driveways shall be replaced with sidewalk, curb and gutter. Also, any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced and all off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
- 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 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.
- 8. 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.
- 9. 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.

10. 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.
11. 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.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff recommends Stipulation No. 1.g. be modified to add the requested design guideline under the appropriate section.

PAGE 4413, E. DESIGN GUIDELINES, E.1 DESIGN GUIDELINES, A. EXTERIOR MATERIALS, ADD THE FOLLOWING LANGUAGE:

8. BALCONY RAILINGS FOR EACH UNIT SHALL PROVIDE SCREENING FOR RESIDENTIAL PRIVACY AND CONFORM TO THE BUILDING'S MATERIALS, TREATMENTS, AND ARTICULATION.