

Attachment H



downtownvoices.org

December 11, 2017

Re: City Council 12/13/17 Formal Agenda, Item No. 124; Application No. HPCA-1700399

Dear Mayor Stanton and Members of the City Council,

On behalf of Downtown Voices Coalition, I write to express our support for Mr. Jeffrey Swan's appeal of the above-referenced matter. We have heard from both the applicant and Mr. Swan, and we urge the City Council to modify the City Historic Preservation Office's recommendation and to step back the new construction – which is of much greater size, scale, and mass than surrounding properties – to align with the historic setback and adjacent historic houses.

The General Design Guidelines referenced in the City Historic Preservation Office's finding states "Within the residential areas, new construction should be similar in height, shape, and materials to the historic structures in its vicinity. Where changes must occur, the visual impact of the new construction should be minimized by stepping back the new construction from the historic buildings." However, staff's finding does the opposite, recommending the new construction of much greater size be placed 8 feet in front of the north historic house and 11 feet in front of the south historic house.

Those Guidelines also state that, like additions made to historic buildings, the design of new construction should be compatible with and respectful of the historic setting. Again, staff's recommendation contradicts this guideline by placing the new construction in front of the historic setback (established during the historic district's period of significance). This will undeniably create an adverse effect and diminish the district's historic integrity.

Furthermore, Chapter 8 of the City's Zoning Ordinance states that these guidelines shall be a set of principles that give direction on how the parts and details of a building's scheme or plan should be assembled when involving new construction on vacant land located in historic districts. Both the applicant and appellant purchased their properties in this historic district long after the General Design Guidelines and Chapter 8 of the Zoning Ordinance were adopted. Both parties should expect the City to apply these historic preservation guidelines, standards, and principles properly and equally. In this case, Mr. Swan relied on these guidelines to protect the historic setting his properties currently enjoy. The City's recommendation will adversely affect this historic setting and will undoubtedly devalue his properties and others in the vicinity.

We are surprised and concerned that Mr. Swan's legal rights as a property owner were minimized or ignored in this process. The City appears to be all too aware of new applicants' Prop 207 legal rights. It's possible that this incomprehensible decision was reached due to overcaution on that score. But the current neighbors, such as Mr. Swan, have Prop 207 rights, as well. And they are implicated if the City's decisions diminish his long-term investment in his property – investments made in reliance on the very guidelines and ordinance ignored here.

The Steering Committee of Downtown Voices asks that you modify staff's recommendation and respect the historic setting by stepping back the new construction. In the alternative, we urge Council to refer this matter back to the Historic Preservation Commission with instructions that this matter should be resolved while adhering to the guiding and relevant legal documents referenced here.

Sincerely,

A handwritten signature in black ink that reads 'Tim Eigo'.

Tim Eigo, Chair

Downtown Voices Coalition

cc: **Jennifer Boucek**, attorney and Preserve Phoenix board member; **G.G. George**, President, Phoenix Historic Neighborhoods Coalition; **Kathryn Leonard**, State Historic Preservation Office, Arizona State Parks; **Andie Abkarian**, President, Roosevelt Action Association; **Derek Horne**, Chair, City of Phoenix Historic Preservation Commission; **Michelle Dodds**, City of Phoenix Historic Preservation Office; **DVC Steering Committee**

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