



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: February 2, 2021

From: Alan Stephenson 
Planning and Development Director

Subject: ITEMS 59, 60 & 61 ON THE FEBRUARY 3, 2021 FORMAL AGENDA – PUBLIC HEARING/ORDINANCE ADOPTION OF Z-26-20-7 (G-6806), Z-TA-5-20-7 (G-6807) & HISTORIC PRESERVATION CONSERVATION EASEMENT RELEASE OF ARIZONA OIC- – SOUTHWEST CORNER OF 1ST AND JACKSON STREETS

This memo provides an update on proposed modifications to items 59, 60, and 61. All the items relate to a proposed redevelopment on 1.13 acres located at the southwest corner of 1st Street and Jackson Street in downtown Phoenix.

Item 59, Z-26-20-7, is a request to remove the Historic Preservation Overlay on the property. Item 60, Z-TA-5-20-7, is a proposed amendment to the Downtown Code's Building Height Map. Item 61 is a request to release a Historic Preservation Conservation Easement on the property.

Each of the requests has been the subject of ongoing discussions between the applicant, city staff and stakeholders. As a result of these discussions, the applicant has proposed modifications to each of the requests, as stated in the attached email correspondence. The modifications are outlined below:

Item 59: Z-26-20-7 (Historic Preservation Overlay)

The Historic Preservation Commission did not support approving the removal of the Historic Preservation Overlay citing the applicant was circumventing the Historic Preservation Ordinance to avoid the one year stay of demolition. The Commission felt it would set a bad precedence with the removal of overlay zoning when the building had not been demolished. In response to these concerns the applicant is proposing to modify the effective date of the ordinance to February 4, 2022. This date coincides with the one-year demolition hold if the Historic Preservation Overlay was left in place. By delaying the effective date of the removal of the overlay by one year, the one-year stay, in effect, remains intact. The applicant can then proceed, at risk, to process their site plan and building plan approvals. The city would not issue any permits until after the one year period has expired.

Item 60: Z-TA-5-20-7 (Downtown Code Height Map)

The proposed maximum building height increase for the site on the Downtown Code's Building Height Map (285) conflicts with the maximum building height permitted in Chapter 4 of the Phoenix City Code. The applicant is proposing to modify the proposed text amendment to the Downtown Code Height Map to limit the maximum height on the site to 250 feet. In addition, staff is recommending that language be added to the map to reiterate the City Code provision that states should a conflict exist between the City Code building height limitations and the Downtown Code Building Height Map the lower limitation shall apply. An updated version of the map is attached to this memo.

Item 61: Release of Historic Preservation Conservation Easement

The Historic Preservation Commission was concerned that releasing the conservation easement would set a bad precedent for the release of other conservation easements and that the action would result in the misrepresentation of the intent of the grant program. Given the fact that the sum of the two conservation easements totaled less than \$10,000, the Commission felt amending the easement from the second grant date of 2007 to 2022 would be more in keeping with the requirements of the program and that the return of the funds in addition to 10% interest would address the precedent issue. In response to this feedback from the Commission the applicant has agreed to amended conservation easement set to expire on February 4, 2022. The applicant has also agreed to repay the \$9,592.50 in historic preservation grant funds, plus 10% interest. In addition, the applicant has agreed to record a new 30-year conservation easement on the three remaining walls (north, east, and west).

Approved: _____

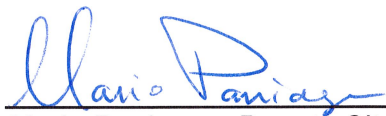

Mario Paniagua, Deputy City Manager

Exhibit: Email from applicant

Exhibit B: Proposed Downtown Code Building Height Map dated February 1, 2021

Stephanie Vasquez

From: Alan Stephenson
Sent: Tuesday, February 2, 2021 11:52 AM
To: Stephanie Vasquez
Subject: FW: 39 E. Jackson Airport Height Map & Downtown City Height Code

Alan Stephenson
Planning and Development Director
alan.stephenson@phoenix.gov
(602) 262-6656
www.phoenix.gov/pdd

-----Original Message-----

From: Wood, Nick <nwood@swlaw.com>
Sent: Tuesday, February 2, 2021 8:00 AM
To: Charlene Reynolds <charlene.reynolds@phoenix.gov>
Cc: Alan Stephenson <alan.stephenson@phoenix.gov>; Rodriguez, Rosalind M. <rmrodriguez@swlaw.com>; Griemsmann, Noel <ngriemsmann@swlaw.com>
Subject: Fwd: 39 E. Jackson Airport Height Map & Downtown City Height Code

Good morning Charleen.

Thanks again for your time yesterday, and please convey my thanks to Mario as well, for the City's willingness to seek a compromise.

As you will read below, my client is in agreement with the City staff's suggestion to process a text amendment to the airport height map, (as well to amend our current application for a change to the downtown form based code map), to 250 feet for the OIC project.

You anticipate that the airport map text amendment may take approximately six months to get through the notifications to your list of carriers and then through Central City planning committee, city planning commission, and City Council.

With that in mind, I'd like to try to get the item before the City Council in at least June of 2021 but no later than the July hearing before the Council's summer break.

I believe that Alan is working on a memorandum and appropriate verbiage describing the application and development process going forward.

Thanks again for everyone's time and consideration.

Kind regards,

Nick

Begin forwarded message:

From: Kurt Mangum <k.mangum1@gmail.com>
Date: February 2, 2021 at 7:30:46 AM MST
To: "Wood, Nick" <nwood@swlaw.com>

Cc: "Dwight S. Alexander" <dsalex11@gmail.com>, Brian Cassidy <bcassidy@ccbgarchitects.com>, "Griemsmann, Noel" <ngriemsmann@swlaw.com>, "Rodriguez, Rosalind M." <rmrodriguez@swlaw.com>, "Martha dePlazaola Abbott, LEED AP" <martha_abbott@gensler.com>, Jay Silverberg <jay_silverberg@gensler.com>
Subject: Re: 39 E. Jackson Airport Height Map & Downtown City Height Code

[EXTERNAL] k.mangum1@gmail.com<mailto:k.mangum1@gmail.com>

Nick,

We are in agreement.

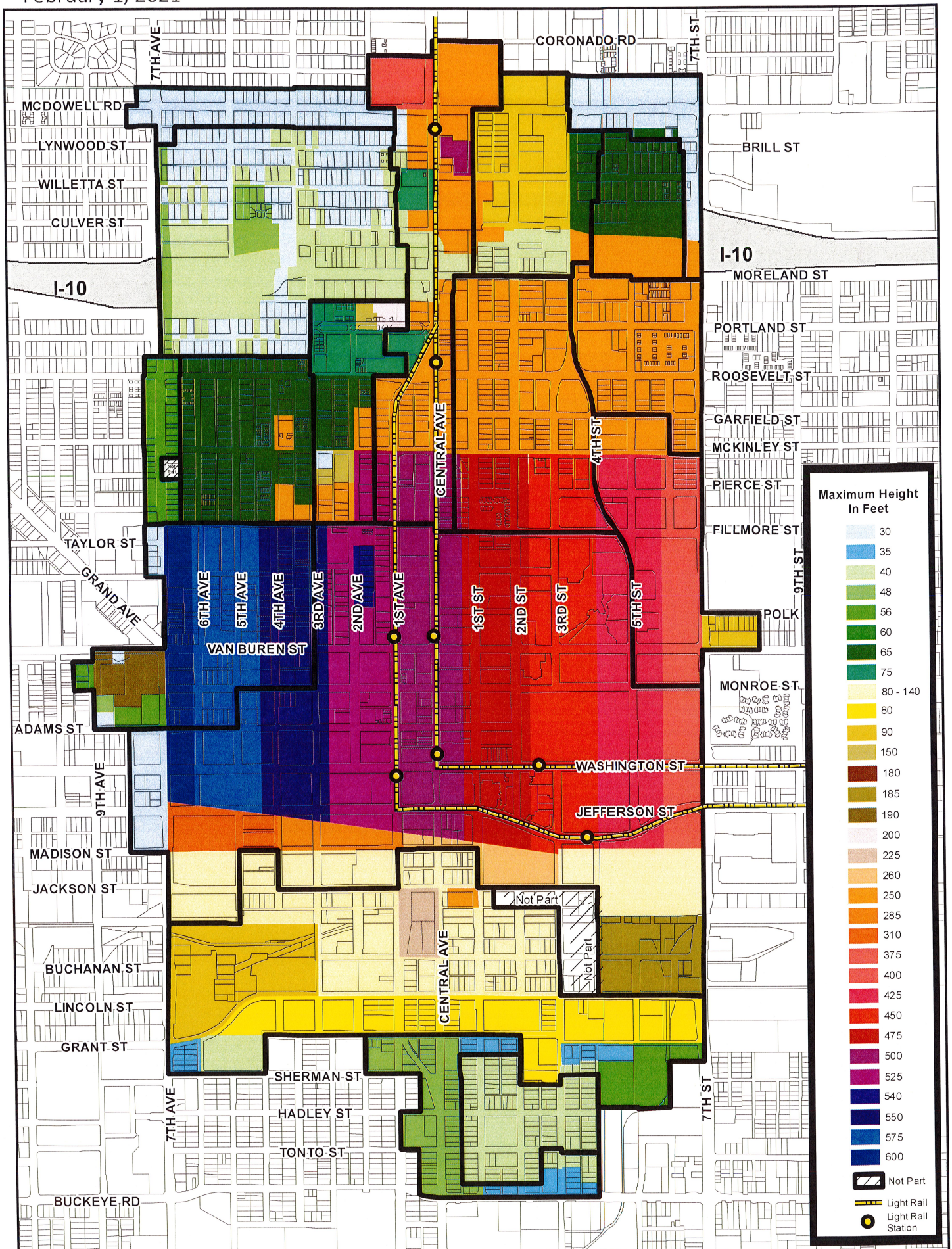
After speaking with both Gensler and CCBG they have confirmed that the existing height of the current design at its highest point is 270 feet.

Therefore with the reduction of 20 feet the new design will be 250 feet at it's highest point which includes (top of the elevator shaft, top of a stair overrun, top of a lightning rod etc.).

Thank you for the clarification.

Kurt

February 1, 2021



WHERE THERE EXISTS A CONFLICT BETWEEN THE HEIGHT LIMITATION PRESCRIBED IN THE CHAPTER AND ANY OTHER REGULATIONS IN CHAPTER 4 OF THE PHOENIX CITY CODE, THE LOWER LIMITATION SHALL GOVERN AND PREVAIL. (SEE PHOENIX CITY CODE SEC. 4-247)

