



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: City of Phoenix Planning Commission **Date:** December 6, 2023

From: Racelle Escolar, AICP
Principal Planner

Subject: ITEM NO. 12 (Z-52-23-8) – SOUTHEAST AND SOUTHWEST CORNERS OF 13TH STREET AND WASHINGTON STREET

The purpose of this memo is to recommend modified stipulations in response to the Central City Village Planning Committee (VPC) recommendation.

Rezoning Case No. Z-52-23-8 is a request to rezone 4.72 acres from 0.95-acres of R-5 RI TOD-1 (Multifamily Residence District, Residential Infill District, Interim Transit-Oriented Zoning Overlay District One) and 3.77 acres of C-3 TOD-1 (General Commercial, Interim Transit-Oriented Zoning Overlay District One) to 4.49 acres of WU Code T5:7 EG (Walkable Urban Code, Transect 5:7 District, Transit Eastlake-Garfield Character Area) and 0.23-acres of WU Code T5:7 EG HP (Walkable Urban Code, Transect 5:7 District, Transit Eastlake-Garfield Character Area, Historic Preservation Overlay) to allow mixed use including multifamily residential, hotel, and general retail; and a Historic Preservation (HP) zoning overlay for the Greenlee-Hammond House/Virgil J. Berry Real Estate & Insurance Agency (1321 East Washington Street).

The Central City VPC heard this request on November 13, 2023 and recommended approval, per the staff recommendation with a modification and an additional stipulation, by a vote of 11-3. The VPC recommended adding a sentence to Stipulation No. 2 to clarify that an easement is required for public access and recommended adding an additional stipulation requiring a minimum of five percent of the units be reserved for affordable housing.

Staff recommends modifying the language of Stipulation No. 2 for clarity and deleting Stipulation No. 14 because State law prohibits stipulating sales or lease prices for a residential housing unit as a condition of approval.

Staff recommends approval, per the modified stipulations in bold font below.

1. For any multifamily residential use, the ground floor area of the development shall include a minimum of 10,000 square feet of non-residential uses and shall have frontage on both the Washington Street and Jefferson Street rights-of-way. Non-residential uses shall not include lobby, exercise, reception areas, or other similar uses intended for exclusive use by residents.
2. If 13th Street is abandoned, public cross block pedestrian access shall be maintained between Washington Street and Jefferson Street through either a private drive or a paseo meeting the standards of Section 1304.H of the Zoning

Ordinance. ~~THE APPLICANT SHALL USE A PERPETUAL EASEMENT TO MAINTAIN PUBLIC ACCESS., OVER WHICH A PEDESTRIAN ACCESS EASEMENT SHALL BE DEDICATED.~~

3. For any multifamily residential use, the following additional standards for bicycle parking shall apply, as approved by the Planning and Development Department.
 - a. All required bicycle parking, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking 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 1307.H. of the Phoenix Zoning Ordinance.
 - c. A bicycle repair station (“fix it station”) shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - d. All bicycle infrastructure shall be shaded by a structure, landscaping or a combination of the two to provide minimum 75% shade.
4. A minimum of 10 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
5. A minimum of 5 percent of the required on-site parking shall be EV Capable.
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 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. Prior to preliminary 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.
14. ~~**A MINIMUM OF 5 PERCENT OF DWELLING UNITS SHALL BE RESERVED FOR AFFORDABLE HOUSING.**~~