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October 15, 2018

Via Email
City Council

Re: Opposition to Z-41-18: H-R, Northeast Corner of 7th Street and Thomas Road

Dear Mayor and Council Members,

Thank you for your attention to this matter. I hope that you have been provided with my correspondence on behalf of La Hacienda Historic District in opposition to the rezoning provided to the Encanto Village dated **August 29, 2018** that goes into great detail about the General Plan and MidTown TOD Policy Plan as it relates to this Application. This letter is intended to update my earlier correspondence and not repeat it.

La Hacienda Historic District is just to west of the subject property, on the other side of 7th Street and a row of commercial uses.



This Google Maps view with the proposed 175 foot Application demonstrates how it looms over mostly one and two story buildings, and three neighborhoods of single family homes.

On **September 4, 2018** the City of Phoenix issued a Staff Report that validated most of the issues I raised in my letter and that were voiced by other neighbors. The Staff Report confirms this High Rise High Density District request should be denied:

- **"not complying"** with land use principles; at p. 1 (once) & p. 2 (thrice).
- **"not a reasonable level of increase in intensity"**; at p. 2.
- **"ignores policies designed to protect residential areas"**; at p. 2.
- **"in no way furthers the certainty or character of the surrounding area"**; at p. 3.
- **"is not appropriate"**; at p. 2.
- **"is in conflict** with the careful work of the Strategic Policy Framework"; at P. 7.
- **"is in conflict with the policies in the General Plan that direct greater heights to village cores"**; at P. 7.
- constitutes impermissible **"spot zoning"**; at p. 9.

(emphasis added).

The Applicant urges that this project is just outside the MidTown TOD Policy Plan, which provides height incentives, and that ends on the west side of 7th Street. It is important to note that within the TOD on the west side of 7th Street the policy plan provides for 56 feet, not 175 feet. Furthermore, the Applicant may use the buzz word "infill", however, the height incentive for the infill district ends south of Thomas Road in this area, and this project is to the north of Thomas Road. The infill district only provides a height incentive of 65 feet, not the 175 feet requested in the Application.

On **September 26, 2018**, I filed a formal interpretation and determination of whether the northeast corner of 7th Street and Thomas is one of the "few areas" of the city that "generate exceptional amounts of activity of a commercial nature" "intended" to have "high rise high density zoning" as required by § 631 of *The Zoning Ordinance of the City of Phoenix*, initiating **ZA-505-18**.

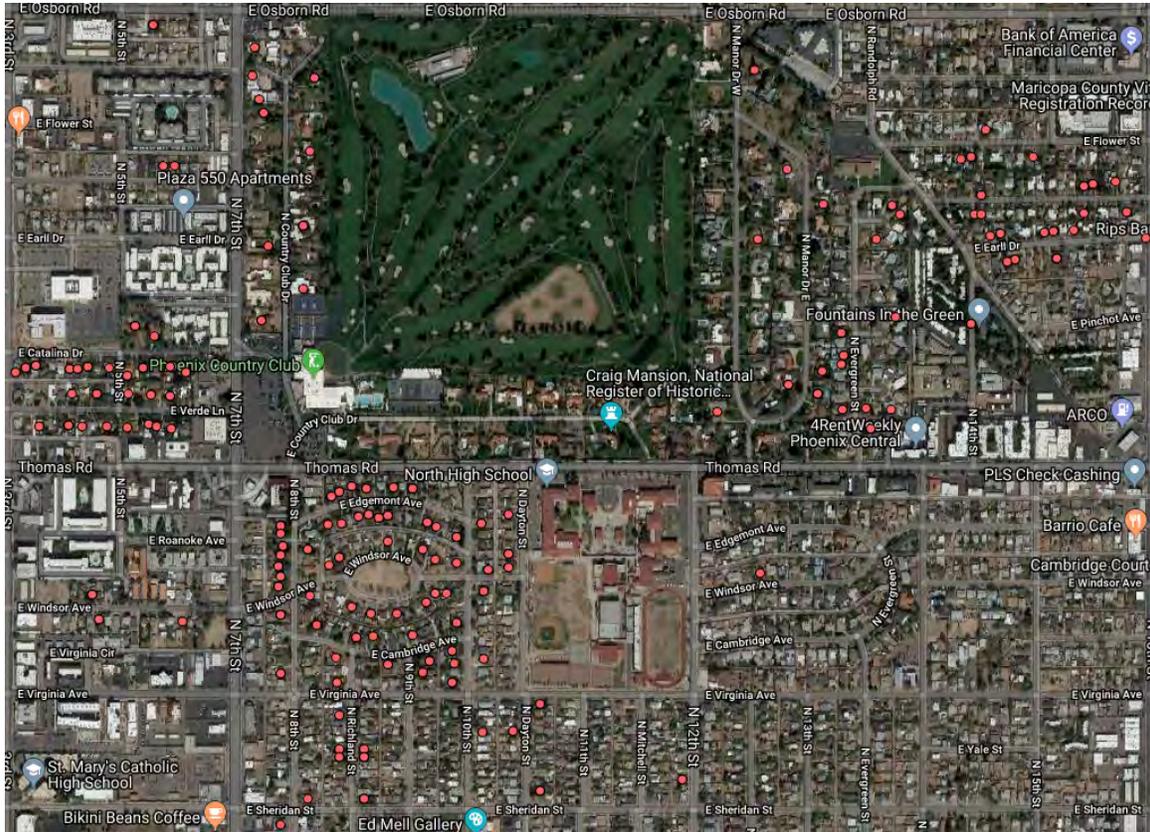
631 High-Rise H-R District—High-Rise and High Density District.

The High-Rise H-R is intended to be a special district to allow greater building height and density within those few areas of the City that, by their strategic location and intense land use, generate exceptional amounts of activity of a commercial nature. Within these areas of greatly intensified activity the H-R districts may be combined with the R-4, R-4A, R-5, C-O, C-1, C-2, C-3, A-1, A-2, P-1 or P-2 districts and shall control in those requirements which it sets forth.

The Application in Z-41-18 actually demonstrates that the § 631 cannot apply to the subject property, with a map showing vacant buildings in the area as "Opportunity Sites." See Narrative for Application in Z-41-18 at p. 6. We agree with the inference from the

Application that the corner does not generate exceptional amounts of commercial activity. The Application is asking the City Council to commit an unlawful act by requesting high rise zoning.

We also wanted to present you with a map of the closest opposition to this project by people that have voiced their feelings in letters and petitions:



That is a lot of red dots representing outraged stakeholders.

The Planning Commission was concerned that if this project does not go through the corner will be left with an ugly parking lot. On a split vote, the Planning Commission recommended 140 feet, which is still much too high for the context. The Phoenix Country Club has chosen to maintain the property as a parking lot for decades, and we believe they recently shut off the water to the vines that use to grow on the metal fencing that surrounds the existing parking lots. An extraordinary zoning entitlement should not be given out because the current owner is not keeping the property beautiful. We disagree that the proposed rezoning change will be a catalyst or revitalize *any* of the corners, particularly because the proposed project turns its back on the corner and offers the corner a 15-20 foot high concrete walled parking structure with faux windows.

Another issue raised at the Planning Commission is the developer's Portland Place/Portland on the Park project, and the discussion was about how impressive the Portland project was, the similar height, and that it worked well within the community. Notably, the Applicant abandoned strongly relying on Crystal Point as precedent for this project in front of the Planning Commission, and yet Crystal Point is mentioned no fewer

than 12 times in the Application, even quoting from the justifications offered for the high rise zoning at that location in 1963 and arguing that the same justifications exist today at 7th and Thomas. The Applicant was anxious to discuss the Portland project instead because the City Staff analysis and the Encanto Village 13-2 vote demonstrates that Crystal Point has been not the model for redevelopment in Phoenix *for decades*.

Upon any actual analysis of context, the Portland project does not support this application. The Portland project is between Central and 3rd Avenue.



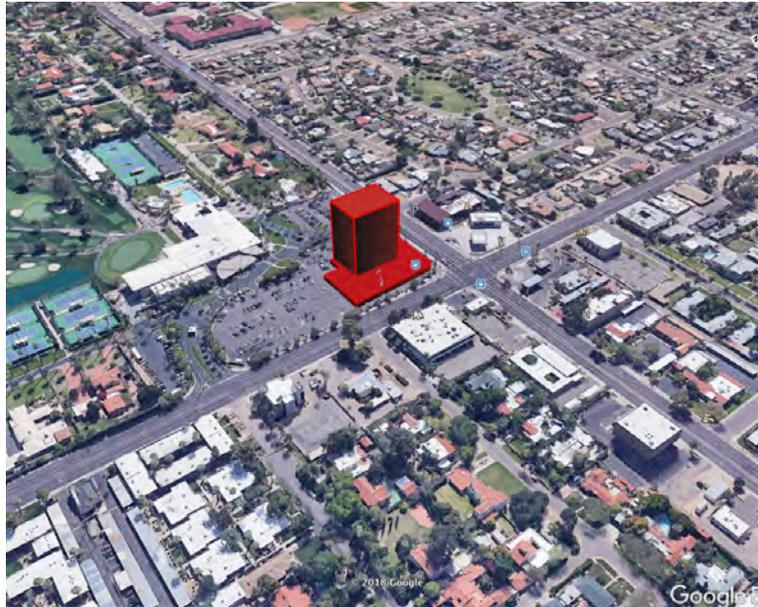
The tallest portion of the project, represented to be approximately 165 feet at the Planning Commission, is on the side closer to Central Avenue. Central is to the east of the project, just on the other side of mid-rise hotel property. Furthermore, precisely as the General Plan provides, to protect an existing neighborhood of single-family homes, Portland steps down from its highest elements to 6 stories as it extends west toward 3rd Avenue, where the neighborhood is on the other side of 3rd Avenue. Even then, *the much shorter 6 story element is still several hundred feet away from the neighborhood*. To the south there is a large low-rise multifamily project and to the north the park.

The Portland project is perfect for its context: it is well within the Central corridor and it's sensitive to the closest neighborhood of homeowners. And, interestingly, the first phase of the Portland project was the 6 story element, demonstrating that a developer can make money while using concrete for a condominium project that is not a high rise.

This proposal (in red below) is not right for the context: it is not within the Central Corridor, and it is not sensitive to the nearby homeowners. It is not sensitive to its context.



The Applicant merely proposes to plop a 175 foot building on the corner in one of five parking areas with no consideration for the presence of the nearby single family homes.



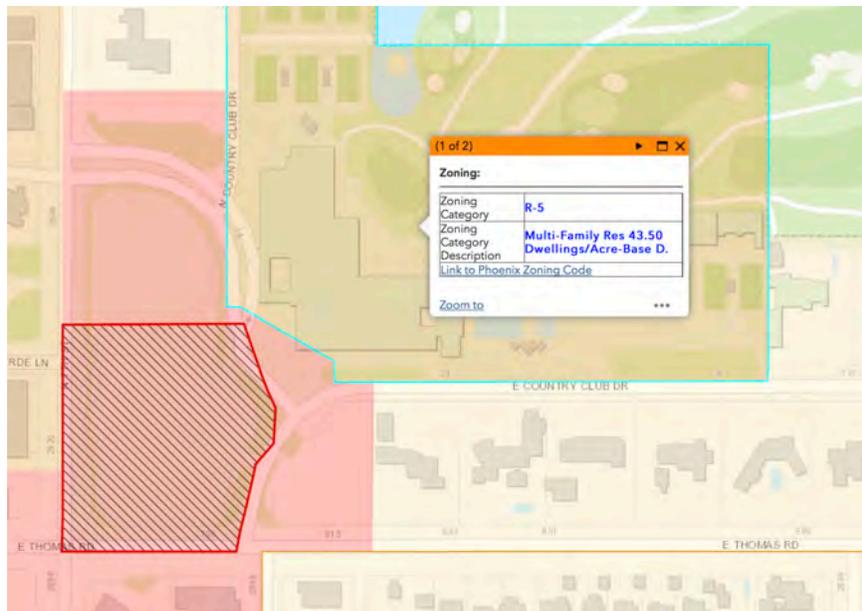
The proposed high rise high density zoning offers nothing to the corner but a 15-20 foot concrete wall around a parking structure with faux windows, it is also a mockery of the walkable city principles. The proposed high rise is a sharp departure from the promises made to nearby stakeholders in the General Plan about “certainty” and about focusing height, density and intensity in the Village Cores, as well as the MidTown TOD Policy Plan which, for this area, requires the height to be along the light rail on Central Avenue.

Fortunately, there is another possibility. The corner does not have to become concrete tomb, walled off to shield a parking structure, and the Phoenix Country Club (and neighbors) do not have to suffer losing at least 144 parking spaces, and the neighbors can enjoy the certainty promised in the General Plan. The Club has underutilized tennis courts, on the far side of the facility from the tennis shop, and a small parking area stretching along East Country Club Drive. As the East Country Club Drive residents notably do not represent *any* of the red opposition dots to the 175 foot high rise tower, we cannot see why they would have any opposition to a 48 foot high condominium project of a similar total volume where these extra tennis courts are currently located.





This alternative leaves the Club's parking lots around the corner available for some other project that addresses the corner and revisits all of the Club's surface parking lots, and not just the one. The best part is that even if these residents on East Country Club Drive were to suddenly change their minds about their needs, their neighbors' needs, the Club's needs, and the City plans and policies, *the tennis courts are already zoned R-5.*



We ask you to turn down the present Application as the High Rise High Density Zoning district in § 631 is completely inappropriate for the location. Please follow the General Plan, the MidTown TOD Policy Plan, and the language of § 631, and require that high rise project be constructed in the light rail corridor in this part of our great city.

/s/ Robert C. Warnicke
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