

Robert Warnicke
506 E. Catalina Drive
Phoenix, Arizona 85012

October 13, 2008

Councilmember
200 West Washington Street 11th Floor
Phoenix, Arizona 85003

Re: Z-119-07-4: Vote No on October 15, 2008

Dear Councilmember,

I serve as the President of La Hacienda Historic District, a neighborhood of single family homes just North of Thomas Road, between Third and Seventh Streets. Our neighborhood has survived development since it was first established over 80 years ago, but it now faces a rezoning application which it may not survive.

We would love to see the property redeveloped with appropriate scaling, setbacks and common sense. Unfortunately these words do not describe this rezoning request. Up to seven story apartments are proposed to replace the existing one and two story Country Club Apartments next to our homes: more than triple the current height and about twice the density.

As a compromise to promote redevelopment, which we welcome, we requested that the height next to our homes be limited two stories, but stepping up to a greater than currently allowed height further away. The Developer's response was that the project would be "transitional" for the neighborhood and that the project needed an "urban feel."

Please do not be seduced by the words "urban feel" and "transitional." In this context, "urban feel" means reduced setbacks with four and five story buildings next to our properties, invasively looking into our backyards and windows, and with seven stories towering over everything. The proposed "transitional" benefit is to make the zoning on this property more intense, but less intensive than other zoning nearby. This means nothing more than the Developer seeks to put tall and dense buildings next to our homes today because someday there might be a taller and denser development further from our homes; we do not see this as a benefit, it is detriment.

This project has height, density and setbacks that belong in the Transit Oriented District ("TOD"). A billion dollars has been spent on light rail, yet this rezoning undermines the efforts and sacrifices made to have an urban Central corridor, an area that anyone can see remains underdeveloped. Good urban planning focuses height and density in the areas where we have invested in infrastructure, and does not disburse development outside of the core. Density sprawl, as proposed here, will not help create the city living Phoenix seeks and will instead destroy existing neighborhoods and at the same time

devalue our attempts to build an living and working environment in the TOD. The Developer claims the project is close enough to the TOD to be influenced by it, but the TOD is rendered meaningless if close justifies a height and density outside its bounds.

The application is Phoenix's first ever use of new PUD zoning, where a developer proposes all aspects of the new zoning. We were not appropriately involved in the formation of the PUD plan. The application was changed from UR to PUD by the Developer without changes in height or density from the UR plan. The project is not compatible with our neighborhood as required by the code authorizing PUD zoning which provides: "[a]ppropriate limitations will be placed on the character and intensity of permitted uses to promote neighborhood compatibility" and that the development will "compliment the dimensions and physical features of a site and the character of the neighborhood." This PUD is virtually the same insensitive and invasive project first proposed as a UR. The Developer's resubmittal of a UR plan as a PUD hijacks the process and renders meaningless the language in the code that protects and involves neighborhoods.

The Developer has told us it has a confidential "feasibility study" with which it does not agree and will not share. The information is particularly relevant because this Developer originally wanted 397 condominium units, mostly, in a tall fifteen story tower, and now the Developer wants 430 of apartments in buildings as high as seven stories. The unit density has actually gone up since the Developer started negotiating with us, yet it is the neighbors that have been depicted as opposed to anything in front of the Planning Commission and Village Committee, because the Developer emphasizes that the request has gone down from a height of fifteen stories to seven. In the compromise discussions over the last few months, the Developer has offered to move the Lego bricks around, but without significant change. It is clear to us what is going on here: building more and smaller units in seven stories structures is less expensive for the Developer than building a taller tower, and necessary since there is no longer a market for high end condominiums. The only changes to the project have been due to market forces, and are not an effort by the Developer to work with the neighbors as is required in a PUD.

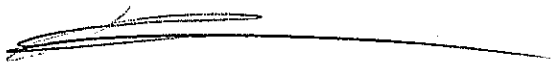
Unchanged is this project's hostile "urban castle" design which places most of its open space on streets interior to the project and above grade on parking structures that are surrounded by apartment towers. The project's residents will enjoy views of the open space surrounding our homes (our backyards), and yet the project hides much of its open space in interior courtyards. The open space should be used as a buffer to protect nearby neighborhoods, especially our neighborhood known for its large lot size and where the homes have significant setbacks. The "urban castle" design belongs in the TOD and not between neighborhoods of single family homes.

Finally, I would be remiss in failing to point out that the City of Phoenix has spent a lot of resources protecting, conserving, and restoring historic home and historic neighborhoods, and has encouraged its residents to give new life to old neighborhoods. This project breaks Phoenix's commitment to preserve and protect its history by

overwhelming our small neighborhood of 46 home with too much intense and insensitive development.

This Developer should be told "no" until he treats neighborhoods reasonably as is required in a PUD submittal. **We ask you to vote no on Z-119-07-4.**

Sincerely,



Robert C. Warnicke