



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM B

Staff Report: Z-TA-3-19

(Walkable Urban Code Expansion/Fee Schedule Update)

December 3, 2021

Application No Z-TA-3-19: Amend Chapter 3 (Decision Making and Administrative Bodies), Chapter 5 (Development Review Procedures) and Chapter 13 (Walkable Urban Code) of the Zoning Ordinance to expand the WU Code boundaries citywide, including updates to clarify relevant policy plans, clarification of WU Code process and procedure, and updating general lot standards relevant to the expansion; and amend the Zoning Fee Schedule to include fees for WU Code Transect Districts, Downtown Code-Character Areas, and update fees for new processes.

Staff recommendation: Staff recommends approval of Z-TA-3-19 as shown in the recommended text in Exhibit A.

The purpose of this Addendum is to address revisions to the recommended text in Exhibit A. Below is a summary of the proposed revisions to the text amendment which are also denoted as underlined text in Exhibit A.

1. Section 1301.C

New language is proposed to modify the Walkable Urban (WU) Code's applicability provision to allow the WU Code to apply to land uses, subdivisions, and development within approved Transit Oriented Development (TOD) District Boundaries as depicted on the Transit Oriented Communities Map (Exhibits A and B).

During the Village Planning Committee (VPC) meetings, staff heard various concerns regarding the proposed revisions in the Addendum A Staff Report to expand WU Code applicability citywide. These concerns are summarized as follows:

- Concerns regarding the compatibility of WU Code development standards and design guidelines with established neighborhoods.
- Concerns regarding implementing the proposal without transect maps for impacted properties.
- Preferences to limit WU Code applicability to major transit corridors, bus rapid-transit corridors, light rail corridors, TOD districts, and/or Village Cores.

Two VPCs recommended approval with a modification to limit the proposed expansion of WU Code applicability to either high-capacity transit corridors (Ahwatukee Foothills) or high-capacity transit corridors and Village Cores (Laveen).

The proposed revision addresses many of these concerns by limiting applicability of the WU Code to the Reinvent Phoenix TOD Policy Plan areas and within approved TOD district boundaries. The existing Ordinance language already permits WU Code development in the Reinvent Phoenix TOD Policy Plan areas and there is no change to this existing provision. The five existing Reinvent Phoenix TOD Policy Plans are Gateway, Eastlake-Garfield, Midtown, Uptown, and Solano.

New proposed language regarding approved TOD district boundaries would expand applicability of the WU Code to the 19North, 50th Street Station Area, Capitol Extension, I-10 West Extension, Northwest Extension Phase II, and South Central TOD districts. These six TOD districts have defined geography documented in Phoenix City Council adopted policy plans (19 North), Federal Transit Administration planning grants (Capitol Extension, I-10 West Extension, Northwest Extension Phase II, and South Central), or are located within close proximity to an existing Valley Metro Rail station (50th Street Station Area). Expanding applicability of the WU Code to these TOD districts is consistent with the City's significant planning and investment in public transit within these areas. The proposal is also consistent with the recommendations of the Ahwatukee Foothills and Laveen Village Planning Committees and responsive to concerns raised in other VPC meetings.

The proposed revision includes a new map titled the "Transit Oriented Communities Map" which depicts the boundaries of the five existing Reinvent Phoenix TOD Policy Plan areas and the six additional TOD districts as described above. This map is included in the revised text (Exhibits A and B) to confirm the proposed WU Code applicability area. Expansion of WU Code applicability outside the areas depicted on this map would require a future text amendment to this map and/or related text.

2. Section 1306.H.1.b

One minor revision is proposed to this section regarding use permit requirements for interim vacant lot activation. Given the proposed revision to Section 1301.C it is appropriate to permit property owners within areas depicted on the Transit Oriented Communities Map, who do not meet the geographic restrictions outlined in Section 1306.H.1, an opportunity to apply for a use permit for interim vacant lot activation. This modification is consistent with the proposed expansion of WU Code applicability and with the current process for properties within the boundaries of the existing Reinvent Phoenix TOD Policy Plan areas.

3. Section 1311.A.1

One minor revision is proposed to this section regarding general design development considerations to remove references to the names of the Reinvent Phoenix TOD Policy Plan areas. This revision is solely to clarify that the stated goal of encouraging walking and bicycling should apply to any property designated with WU Code zoning.

4. Section 1313.D.3.a

One minor revision is proposed to this section to delete the Transit Oriented Development Districts Map. This graphic is not referred to in Section 1313 and is not referenced in any other Zoning Ordinance section. This map is unnecessary, outdated, and conflicts with the Transit Oriented Communities Map proposed to be added to Section 1301.C.

Transit Oriented Communities Map: Included in this Addendum as Exhibit B is a copy of the Transit Oriented Communities Map which is depicted in Exhibit A – Proposed Language in Section 1301.C.

Village Planning Committee meeting results: Included in this Addendum as Exhibit C is a summary of the results of the Village Planning Committee meetings regarding the proposal.

Correspondence: Included in this Addendum as Exhibit D are four pieces of correspondence received by staff since the approval of the Addendum A Staff Report.

Exhibits

Exhibit A: Proposed Language (9 pages)

Exhibit B: Transit Oriented Communities Map (1 page)

Exhibit C: Village Planning Committee meeting results summary (3 Pages)

Exhibit D: Correspondence (5 pages)

EXHIBIT A

Text Amendment Z-TA-3-19: Walkable Urban Code Expansion/Fee Schedule Update

Proposed Language:

Amend Section 309.A (Design Review Committee) to read as follows:

A.	Powers and Duties. The Design Review Committee shall have the power and duty under the provisions of these regulations to hear specific items appealed by the development review applicant contesting decisions made by the Planning and Development Department regarding the interpretation and implementation of design guidelines and architectural diversity standards, to review and approve Design Alternatives and Sustainability Bonuses for properties within the boundaries of the Downtown Code, and to review and approve design alternatives and modification to PROPERTIES WITH standards within the boundaries of the Walkable Urban Code ZONING.

Amend Section 507.G (Design Alternatives and Sustainability Bonus Appeals) to read as follows:

G.	Design Alternatives and Sustainability Bonus Appeals. A Design Alternative or Sustainability Bonus Appeal is a deviation from the prescribed standards and design guidelines. Design Alternatives and Sustainability Bonus Appeals apply to properties within the boundary of the Downtown Code, which would result in a furtherance of the goals and policies of the Downtown Phoenix Plan and the specific intent of the subject Character Area as approved by the DRC. Design Alternatives apply to properties within the boundaries of the WITH Walkable Urban Code ZONING, which would result in a furtherance of the goals and policies of the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano Transit Oriented District (TOD) Policy Plans OR OTHER RELEVANT POLICY PLANS.

Amend Section 507.G.1.c to read as follows:

c.	A narrative statement describing the justification for the Design Alternative and the manner in which the proposed Design Alternative would result in a furtherance of the goals and policies of the Downtown Phoenix Plan, or of the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano TOD-TRANSIT ORIENTED Policy Plans, OR OTHER RELEVANT POLICY PLANS and would satisfy the findings required for approval;

Amend Section 507.G.4.c to read as follows:

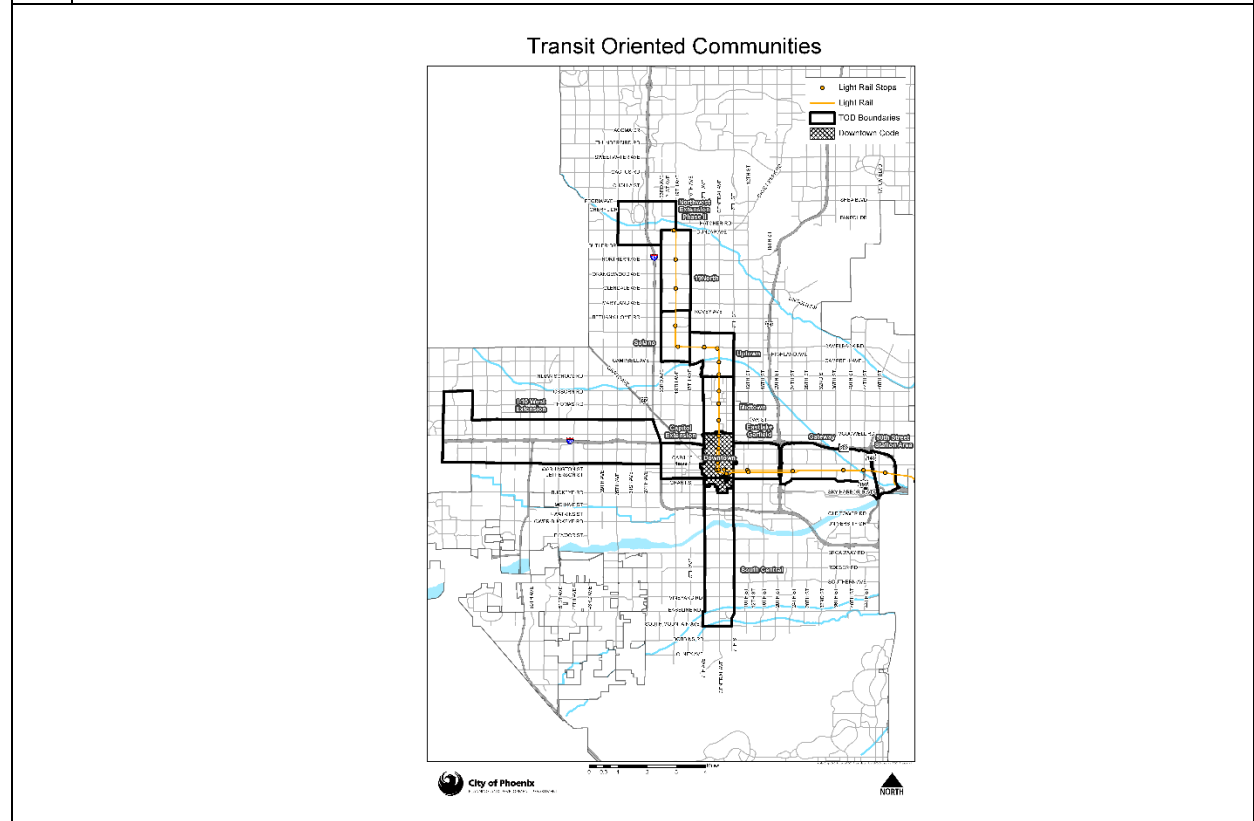
c.	That the project demonstrates design excellence by addressing Design Alternatives that demonstrate conformance with the intent of the Walkable Urban Code as set forth in Section 1301.B and in general conformance with the policies contained within the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano TOD TRANSIT ORIENTED Policy Plans OR OTHER RELEVANT POLICY PLANS. The modifications must meet the standards set forth in Section 1313.

Amend Section 1301.B (Purpose and Intent) to read as follows:

B.	Purpose and Intent. The primary purpose S of this chapter is ARE to implement the vision and policies of the Transit Oriented District (TOD) Policy Plans for Gateway, Eastlake-Garfield, Midtown, Uptown and Solano ; encourage an appropriate mixture and density of activity around transit stations; to increase transit ridership in general and along the Central Phoenix/East Valley Light Rail Corridor in particular TRANSIT CORRIDORS; and to promote multiple modes of transportation; The secondary purpose of the Code to improve pedestrian safety from crime; ; to avoid or mitigate nuisances; to promote the public health; to decrease automobile-dependence; and to mitigate the effects of congestion and pollution. These regulations seek to achieve these purposes by providing the following:

Amend Section 1301.C (Applicability) to read as follows:

C. **Applicability.** The Walkable Urban Code may be applied and is limited to land uses, subdivisions, and development within the Reinvent PHX Transit Oriented District Policy Plans APPROVED TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT BOUNDARIES AS DEPICTED ON THE TRANSIT ORIENTED COMMUNITIES MAP for Gateway, Eastlake-Garfield, Midtown, Uptown and Solano. The boundaries of these areas are shown in the District Maps located in the Transit Oriented District Policy Plans for Gateway, Eastlake-Garfield, Solano, Midtown and Uptown.



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| 1. | When in conflict, text and numerical metrics in tables shall take precedence over diagrams and illustrations. WALKABLE URBAN CODE TRANSECT DISTRICTS ARE ZONING DISTRICTS AND MAY BE APPLIED FOR THROUGH THE PROCEDURES OUTLINED IN SECTION 506.B. |
| 2. | The Zoning Ordinance of the City of Phoenix applies in its entirety for properties subject to Chapter 13 except as follows: |

	a.	If a conflict occurs between requirements of the WU Code and the City of Phoenix Zoning Ordinance, the requirements of the WU Code shall prevail. PROPERTIES WITH HISTORIC PRESERVATION (HP) ZONING ARE SUBJECT TO THE PROVISIONS OF CHAPTER 8, HISTORIC PRESERVATION. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF CHAPTER 8 AND CHAPTER 13, THE PROVISIONS OF CHAPTER 8 SHALL PREVAIL.
	b.	Properties with Historic Preservation (HP) zoning are subject to the provisions of Chapter 8, Historic Preservation. In the event of a conflict between the provisions of Chapter 8 and Chapter 13, the provisions of Chapter 8 shall prevail. IF A CONFLICT OCCURS BETWEEN REQUIREMENTS OF THE WALKABLE URBAN CODE AND THE REMAINDER OF THE CITY OF PHOENIX ZONING ORDINANCE, THE REQUIREMENTS OF THE WALKABLE URBAN CODE SHALL PREVAIL. THE WALKABLE URBAN CODE DOES NOT ELIMINATE ANY OVERLAY ZONING DISTRICT, REDEVELOPMENT AREA, SPECIAL PLANNING DISTRICT, OR SPECIFIC PLAN. WHERE CONFLICTS OCCUR BETWEEN THE REQUIREMENTS OF THE WALKABLE URBAN CODE AND OVERLAY ZONING DISTRICTS, REDEVELOPMENT AREAS, SPECIAL PLANNING DISTRICTS, OR SPECIFIC PLANS, THE REQUIREMENTS OF THE OVERLAY ZONING DISTRICT, REDEVELOPMENT AREA, SPECIAL PLANNING DISTRICT, OR SPECIFIC PLAN SHALL APPLY.
	c.	IF A CONFLICT OCCURS BETWEEN REQUIREMENTS OF THE WALKABLE URBAN CODE AND THE REMAINDER OF THE CITY OF PHOENIX ZONING ORDINANCE, THE REQUIREMENTS OF THE WALKABLE URBAN CODE SHALL PREVAIL.
	3.	WHEN IN CONFLICT, TEXT AND NUMERICAL METRICS IN TABLES SHALL TAKE PRECEDENCE OVER DIAGRAMS AND ILLUSTRATIONS.

Amend Section 1303.A (General Lot Standards) to read as follows:

A. General Lot Standards.	
1.	The single family attached development option (SFA) is allowed in all transect districts except T3:2 and must meet sections 608.F.8 and 615, Table B. SUBDIVISIONS SHALL COMPLY WITH DEVELOPMENT STANDARDS PER THIS CHAPTER, INCLUDING FRONTAGE

		STANDARDS, FOR ALL EXISTING AND NEWLY CREATED LOTS ABUTTING PUBLIC STREETS, PRIVATE ACCESSWAYS, AND PRIVATE DRIVEWAYS, WITH THE FOLLOWING CAVEATS:
	a.	A DEVELOPMENT MAY INSTEAD UTILIZE THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION STANDARDS PER SECTION 608.F.8 AND SECTION 614, TABLE B, COLUMN D (EXCEPT FOR THE DENSITY, WHICH IS NOT RESTRICTED) IF IT MEETS ALL THREE OF THE FOLLOWING CONDITIONS:
	(1)	THE DEVELOPMENT CONSISTS SOLELY OF ATTACHED DWELLING UNITS AND ALLOWABLE ACCESSORY USES;
	(2)	THE DEVELOPMENT IS LOCATED WITHIN THE APPLICABLE AREA FOR THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION OR THE INFILL DEVELOPMENT DISTRICT AS DEPICTED ON THE MAP PROVIDED IN SECTION 608.F.8; AND
	(3)	THE DEVELOPMENT IS LOCATED IN ANY TRANSECT OTHER THAN T3.
	b.	ALL SUBDIVISIONS MUST COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE (CHAPTER 32 OF THE CITY CODE), AS MAY BE MODIFIED BY THE SUBDIVISION COMMITTEE TO FURTHER THE GOALS OF THE WALKABLE URBAN CODE.
	2.	Development in T4, T5 and T6 shall follow the same setback and stepback standards as the single-family attached development option. If development is adjacent to a single-family zoning district (Sections 611, 613) or historic preservation designated property or district the following additional requirements shall apply: ALL DEVELOPMENTS ADJACENT TO SINGLE-FAMILY ZONING DISTRICTS SHALL FOLLOW THE SAME SETBACK AND STEPBACK STANDARDS AS THE SINGLE-FAMILY ATTACHED DEVELOPMENT OPTION (SECTION 614, TABLE B, COLUMN D); WITH ADDITIONAL REQUIREMENTS AS FOLLOWS:
	a.	Minimum ten-foot landscape setback, except for single-family detached dwellings. STEPBACK PROVISION SHALL NOT EXCEED MAXIMUM 75-FOOT SETBACK FROM REAR AND SIDE PROPERTY LINES FOR BUILDING HEIGHT BEFORE MAXIMUM HEIGHT ALLOWED.
	b.	Stepback provision shall not exceed maximum 75-foot setback from rear and side property lines for building height before maximum height allowed. FOR ALL DEVELOPMENT ABUTTING A HISTORIC

			PRESERVATION DESIGNATED PROPERTY OR DISTRICT, A MINIMUM TEN-FOOT LANDSCAPE SETBACK SHALL BE PROVIDED.
		c.	NO STEPBACk PROVISIONS OR LANDSCAPE SETBACKS ARE REQUIRED WHERE THE DEVELOPMENT ABUTS A PERMANENT OPEN SPACE AT LEAST 40 FEET IN DEPTH, SUCH AS A WASH, PRESERVE, PARK, EXISTING GOLF COURSE, OR DEDICATED OPEN SPACE.

	6.	Primary Frontages. Lot lines abutting a right-of-way, PRIVATE ACCESSWAY, OR PRIVATE DRIVEWAY are designated as primary frontage lineS or secondary frontage lineS as follows:	
		a.	For lots abutting a right-of-way, PRIVATE ACCESSWAY, OR PRIVATE DRIVEWAY along a single lot line, the abutting lot line is designated the primary frontage.
		b.	For lots abutting MULTIPLE rights-of-way, PRIVATE ACCESSWAYS, OR PRIVATE DRIVEWAYS along multiple streets right-of-way , primary frontage is designated by the Planning and Development Department, AND all remaining frontages are designated secondary frontages.

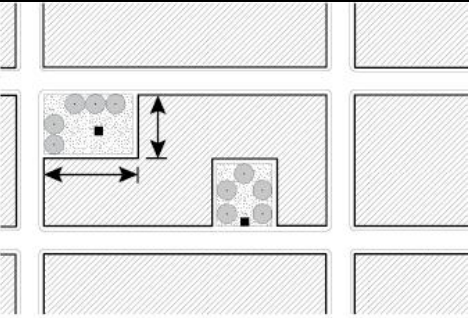
Amend Section 1304.F.2 (Building and Shade) to read as follows:

2.	Developments should include shading along their entire right-of-way frontage, excluding driveways, loading, and service berths.

Amend Section 1305.A (Applicability) to read as follows:

A.	Applicability. Standards and frontage types in this section regulate the area between the property line and the front facade of a building in order to support an urban, pedestrian and transit oriented environment within the boundaries of the WU Code.

Amend Section 1310, Table 1310.1 (Public Space Type Guidelines) to read as follows:

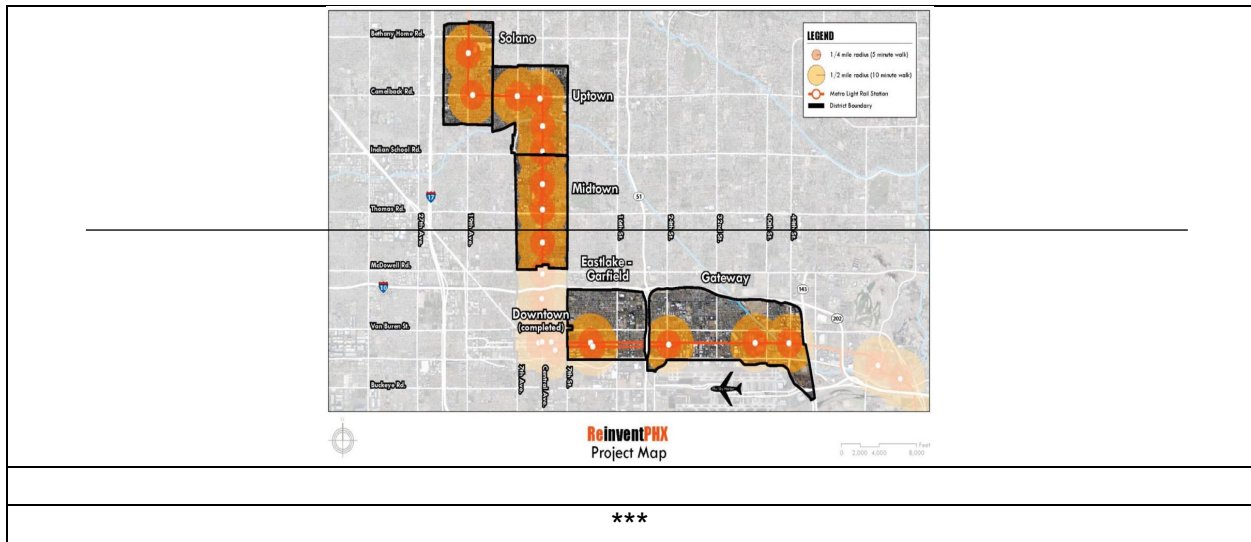
Table 1310.1 Public OPEN Space Type Guidelines	
PUBLIC OPEN SPACES	
Transect Zone	T4, T5, T6
Size	Five percent of the gross site area above one acre.*
Edge Condition	One side minimum fronting a thoroughfare or pedestrian way.
Surface	Paved and landscaped.
Shade and Landscaping	50 percent shade provided by trees. Ground cover and shrubs: Should be provided in areas with no pavement or structures.
	
*SINGLE-FAMILY ATTACHED DEVELOPMENTS MUST PROVIDE OPEN SPACE AS REQUIRED PER SECTION 1310.A.2.A.	

Amend Section 1311.A.1 (General Considerations) to read as follows:

c.	Walking and bicycling should be encouraged <u>within the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano Districts</u> , particularly in support of transit services, <u>TRANSIT ORIENTED POLICY PLANS, AND OTHER RELEVANT POLICY PLANS:</u>

Amend Section 1313.D.3.a to remove the map and read as follows:

a.	An approval from the DRC shall be included on the final site plan.
<u>Transit-Oriented Development Districts Map</u>	



Amend Appendix A (Zoning Fee Schedule) to read as follows and renumber accordingly:

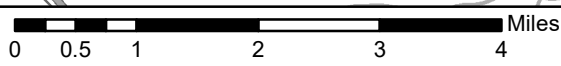
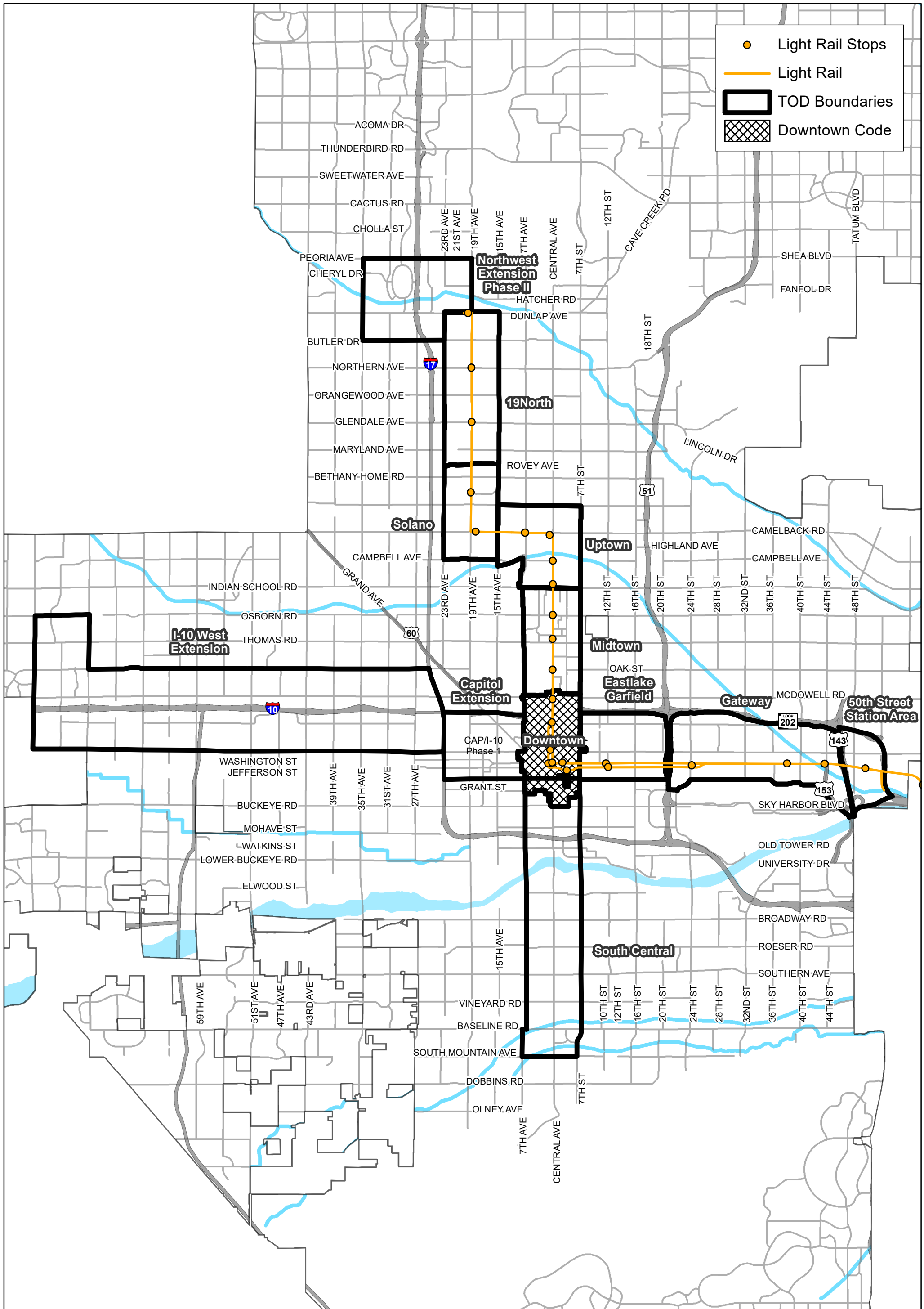
1 [Fee schedules].				
A. Applications for zoning amendments, hillside density waivers, written certification of zoning, promotional event permits, and specific plans shall be accompanied by appropriate fees as determined from the following schedule:				
1. Fees.				

7.	REZONING TO WALKABLE URBAN (WU) CODE			
	A.	T3:2, T4:2, AND T4:3	\$2,655.00 PLUS \$210.00 PER ACRE OR PORTION THEREOF	
	B.	T5:2, T5:3, T5:5, T5:6, T5:7, AND T6:7	\$3,910.00 PLUS \$415.00 PER ACRE UP TO 40 ACRES, \$210.00 FOR MORE THAN 40 ACRES UP TO 100 ACRES, AND \$70.00 PER ACRE FOR MORE THAN 100 ACRES	
	C.	T6:15 AND T6:22	\$8,610.00 PLUS \$830.00 PER ACRE OR PORTION THEREOF	
	D.	T6:HWR	IF PART OF THE ORIGINAL ZONING REQUEST, NO	

				ADDITIONAL FEE. IF A SEPARATE REQUEST, 30% OF THE T6:15 OR T6:22 FILING FEE APPLICABLE TO THE PROPERTY.

	21.	ADMINISTRATIVE TEMPORARY USE PERMIT		\$135.00

EXHIBIT B Transit Oriented Communities



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EXHIBIT C

Application No Z-TA-3-19: Amend Chapter 3, Section 309.A; Chapter 5, Sections 507.G, 507.G.1.c, and 507.G.4.c; Chapter 13, Sections 1301.B, 1301.C, 1303.A, 1304.F, 1305.A, 1306.A, 1310.A, and 1310, Table 1310.1; of the Zoning Ordinance to expand the WU-Code boundaries citywide; and amend Appendix A (Zoning Fee Schedule) of the Zoning Ordinance to include fees for WU Code.

Village Planning Committee Summary Results

Village	Information Session		Recommendation			
	Date	Questions, Concerns	Date	Recommendation	Vote	Questions, Concerns
Ahwatukee Foothills	7/26/2021 (No quorum) 8/23/2021 (No quorum) 9/27/2021	Concerns with not having sufficient time to review the information. General questions about what this TA does. Would like to review the Addendum to this TA early.	10/25/2021	Approval with a modification to expand only to high capacity transit corridors.	6-4-1	Concerns with allowing TA citywide and concerns with allowing TA in Village Cores as the Ahwatukee Foothills Core is the most dangerous intersection in the Village. Concerns with potential pedestrian conflicts.
Alhambra	7/27/2021	Concerns that this is a density giveaway. Sensitivity regarding Christown Mall. Interest regarding details of SFA with a preference that this be a 1:1.	10/26/2021	Denial	12-3-0	Concerns with lack of outreach to community. Concerns with lack of policy on how this will be implemented. Concerns with compatibility with some established neighborhoods. Concerns with WU Code being abused by developers. Concern with eventual erosion of evaluation process to proliferate density citywide.
Camelback East	8/3/2021	No concerns at this time. Request to ensure no language regarding charter schools is included in proposed text.	10/5/2021	Denial	10-2	Not enough information, TA is vague, ambiguous, and "one-size-fits-all". Concern with WU Code being abused by developers like PUDs currently are.
Central City	7/12/2021	More explanation needed regarding how the current WU Code fees were created, and are there other parts of the WU Code that should be updated to be more current.	10/11/2021	Approval	10-3	Concern with lack of outreach to community.
Deer Valley	8/12/2021	No concerns	10/14/2021	Denial	4-3-1	Concerns that WU Code is not appropriate for properties citywide. Should be implemented on major transit corridors, BRT, Light Rail. Concerns about increased density.

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Village Planning Committee Summary Results

Village	Information Session		Recommendation			
	Date	Questions, Concerns	Date	Recommendation	Vote	Questions, Concerns
Desert View	7/13/2021 (No quorum) 8/3/2021	Concerns that WU Code (specifically frontage standards) will not be compatible with the southwestern character of the City. Concerns that WU Code is not compatible with the Desert View Village. Concerns that the City is pushing higher density. More explanation needed regarding how the TA will affect HP properties. More information required about the creation of new TOD districts. Distance to parks should be included in the analysis.	10/5/2021	Denial	6-1	Concerns that WU Code is not appropriate for properties citywide. Concerns about increased density.
Encanto	7/12/2021	Concerns that the expansion of the WU Code will draw development focus away from the light rail corridors. Concerns with the lack of design review requirements for WU Code. Concerns with how the transects will be implemented (i.e., policy basis) outside of TOD corridors.	10/4/2021	Denial	8-0	Too many unknowns. Questions regarding what policy guidance exists on which transects belong where. Concerns regarding lack of a transect map. Concerns regarding lack of public engagement.
Estrella	7/20/2021	Concerns that the expansion of the WU Code will not be compatible with some parts of the Estrella Village such as the areas far west.	10/19/2021	Denial	7-0	WU Code is not compatible with parts of Estrella Village which are not walkable. Open to reconsidering alternatives such as limiting the applicability to TOD districts and Village Cores.
Laveen	7/12/2021	Request for further information regarding implementation of WU Code and DRC process. Overall support.	10/11/2021	Approval with a modification to expand only to Village Cores and high capacity transit corridors.	8-0	Concern with applicability of WU Code outside of the context of transit areas.
Maryvale	7/14/2021	Concern with design standards for WU Code projects.	10/13/2021	Approval	6-2	No concerns. More information requested regarding what the WU Code is and how it will benefit Maryvale.

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Village Planning Committee Summary Results

Village	Information Session		Recommendation			
	Date	Questions, Concerns	Date	Recommendation	Vote	Questions, Concerns
North Gateway	8/12/2021	No concerns	10/14/2021	Denial	4-0	Concerns that the City has not provided WU Code transect maps. Concerns that WU Code is not appropriate citywide. Concerns that this will allow high density in residential areas. Concerns about lack of public input. Concerns that the text amendment lacks specificity.
North Mountain	7/21/2021	No concerns	10/20/2021	Approval	11-2-2	Too many unknowns. Unclear what policy guidance exists on which transects belong where. Concerns regarding lack of public engagement. Concerns regarding lack of a transect map.
Paradise Valley	7/12/2021	No concerns	10/4/2021	Approval	16-0	No concerns
Rio Vista	7/13/2021	No concerns	10/12/2021	Denial	3-2	Concerns that this would allow height where it does not belong. States that the text amendment should be accompanied by transect maps. Concerns that they would not know all conflicts between the WU Code and remaining Zoning Ordinance. Concerns that the TA is moving away from the original intent of WU Code. WU Code is not appropriate citywide.
South Mountain	7/13/2021	WU code should be focused along arterial streets. Concerns regarding WU code governing over regulatory overlay districts (e.g., BAOD, FCOD, RSIO, etc.).	10/12/2021	Denial	5-4-1	Concerns regarding potential impacts of citywide expansion. Concerns regarding lack of geographic boundaries to applicability, such as Village Cores and high-capacity transit corridors.