

# **Staff Report Z-23-16-8** July 8, 2016

Central City Village Planning July 11, 2016

**Committee Meeting Date:** 

Planning Commission Hearing Date: August 4, 2016

Request From: C-O TOD-1 (Pending WU T5:5 EG)

(1.37 acres), C-3 TOD-1 (Pending WU T5:5 EG) (1.58 acres) and PUD

(2.42 acres)

Request To: WU (Walkable Urban Code) T5:7 EG

(Eastlake Garfield Transit Oriented Development Policy District) (5.37

acres)

**Proposed Use:** Mixed Use, Commercial/Hotel/

Retail/Multifamily Residential

**Location:** Northeast corner of 11<sup>th</sup> Street and

Jefferson Street

Owner: Various

**Applicant/Representative:** Michael J. Lafferty

**Staff Recommendation:** Approval, subject to stipulations

General Plan Conformity					
General Plan Land Use Designation		Commercial (Pending Mixed Use Commercial/Residential 15+ du/ac)			
Street Map Classification	11 <sup>th</sup> Street	Local	37.5 feet east half street		
	Jefferson Street	Arterial	50 feet north half street		
	Washington Street	Arterial	50 feet south half street		

CONNECT PEOPLE & PLACES CORE VALUE; CORES, CENTERS & CORRIDORS; LAND USE PRINCIPLE: Locate land uses with greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.

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The proposed development envisions several buildings at 100 feet in height adjacent to the 12<sup>th</sup> Street light rail stations. The project proposes commercial retail, multifamily residential and a hotel. These uses and intensities are consistent with the Minor Urban Center place type for this station area and policies for achieving incentive heights.

CONNECT PEOPLE AND PLACES CORE VALUE; CORES, CENTERS & CORRIDORS, DESIGN PRINCIPLE: Promote development in compact areas, centers and corridors that are connected by roads and transit, and are designed to encourage walking and bicycling.

The site is located in a compact area between the westbound and eastbound lines of the light rail corridor on Washington and Jefferson Streets. This corridor connects to the rest of the city through light rail, bike lanes, sidewalks and local streets. 11<sup>th</sup> Street is an identified bicycle and pedestrian route to the north.

CONNECT PEOPLE AND PLACES CORE VALUE; TRANSIT ORIENTED DEVELOPMENT; LAND USE PRINCIPLE: Encourage high-density housing and high intensity employment uses to locate adjacent or close to transit stations per adopted transit district plans.

The site is located within the Eastlake-Garfield Transit Oriented Development (TOD) District between Washington and Jefferson Streets east of 11<sup>th</sup> Street. The land use proposal includes commercial retail, high density residential, and a hotel and is consistent with the Minor Urban Center place type and policies for achieving incentive heights.

CONNECT PEOPLE AND PLACES CORE VALUE; INFILL DEVELOPMENT; LAND USE PRINCIPLE: Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.

This proposal provides compatible infill development on a property that is partially vacant and that has single story office uses. The proposal at the location between Washington and Jefferson Streets is compatible with nearby uses. The multifamily housing type contributes to the mix of housing types in the area. It is centrally located, close to employment centers and commercial areas.

## **Applicable Plan and Principles**

Transit Oriented Development Strategic Policy Framework – see background item #s 4, 5 and 6 below.

Eastlake-Garfield Transit Oriented Development Policy Plan – see background item #s 7, 8, 9 and 10 below.

Tree and Shade Master Plan – see background item #11 below.

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Bicycle Master Plan – see #13 below.

Surrounding Land Uses/Zoning				
	Land Use	Zoning		
On Site	Vacant, office, parking	PUD, C-O TOD-1, C-3 TOD-1 [pending EG T5:5]		
North	Office	C-1 TOD-1, C-1 HP TOD-1, C-3 TOD-1 [pending EG T5:5]		
South	Church	C-3 TOD-1 [pending EG T5:5]		
East	Office	PUD, C-3 TOD-1 [pending EG T5:5]		
West	Offices, surface parking	C-3 TOD-1 [pending EG T5:5]		

	Walkable Urban Code T5:7	*if variance required		
<u>Standards</u>	Requirements	Provisions on the Proposed site Plan		
Gross Acreage	N/A			
Total Number of Units	N/A	Up to 650 units		
Number of Hotel Rooms	N/A	150 rooms		
Density	No cap required			
Building Height	100-foot maximum	100-foot maximum		
Parking Structure	Cannot exceed	Four levels below		
	building height	grade		
Parking (1307.1)	Per WU Code	Not specified		
Bicycle Parking (1307.H.6.)	Per WU Code	Not specified		
Public Open Space	5% of gross area over	Provided but		
(Section 1310)	one acre, areas	calculation not		
	minimum of 500	specified		
	square feet			
Table 1303.2 TRANSECT T5				
Main Building Setbacks Site A				
Light Rail Frontage				
Jefferson Street	12-foot maximum	Met – 5 feet six inches		
Washington Street	12-foot maximum	Met – 9 feet 6 inches		
Interior Lot Line (west)	0-foot minimum	Met – 26 feet 9 inches		
Interior Lot Line (east)	0-foot minimum	Met – 11 feet 4 inches		

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Main Building Setbacks Site B		
Light Rail Frontage		
Jefferson Street	12-foot maximum	Met – 10 feet
Washington Street	12-foot maximum	Met – 11 feet 5 inches
Secondary Frontage		
11 <sup>th</sup> Street	10-foot maximum	Met – 3 feet
Interior Lot Line	0-foot minimum	N/A
Interior Lot Line	0-foot minimum	N/A
		1 4,7 1
Parking Setbacks		
Primary Frontage	30-foot minimum or behind building	Met – below grade
Secondary Frontage	20-foot minimum	Met – below grade
Side Lot Line	0-foot minimum	Met – below grade
Rear Lot Line	0-foot minimum	Met – below grade
Lot Requirements		
Lot Coverage – Site A	80% maximum	Met - 51%
Lot Coverage – Site B		Met - 51%
Primary Building Frontage – Site A	70% minimum	
Washington Street		Met - 85%
Jefferson Street		Met - 71%
Primary Building Frontage – Site B	70% minimum	
Washington Street		Met – 75%
Jefferson Street		Met – 75%
Secondary Building Frontage – Site B	50% minimum	
11 <sup>th</sup> Street		Met – 78%
11 Officer		Wet - 7070
Frontage Types Allowed		
Light Rail Frontage	All frontages or	Unknown
	alternative frontages	J. H.
Secondary Frontage	All frontages or	Unknown
	alternative frontages	3
Entry Requirements	Common Entry: one	Unknown
	per 50 feet of primary	
	building frontage and	
	one per 80 feet of	
	secondary frontage	
Glazing Standards for Frontages		
Ground Floor	75%	Unknown
Second Floor	45%, 25% east and	Unknown
	west	

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25%, 15% east and west	Unknown
25%	Unknown
25%, 10% east and west	Unknown
	25% 25%, 10% east and

## Background/Issues/Analysis

- 1. This request is to rezone a 5.37 acre site located at the northeast corner of 11<sup>th</sup> Street and Jefferson Street from C-O TOD-1 (Pending WU T5:5 EG), C-3 TOD-1 (Pending WU T5:5 EG) and PUD to WU (Walkable Urban Code) T5:7 EG (Eastlake-Garfield Transit Oriented Development Policy District) to allow development of up to 650 apartment units, 150 hotel units, ground floor retail and four levels of underground parking. The west portion of site is currently vacant, the rest of the site contains one story offices and surface parking. A church is to the south across Jefferson Street, and various single story commercial office buildings are to the west, north and east. A five story mixed use/multifamily residential development exists east of 12<sup>th</sup> Street and a five story mixed use/multifamily development exists at the northwest corner of 11<sup>th</sup> Street and Washington Street.
- 2. A goal of the Eastlake-Garfield Transit Oriented Development District Policy Plan is to implement a form based code for the area generally around the 12<sup>th</sup> Street light rail stations. A zoning case (Z-9-16-8) is currently pending to rezone approximately 116 acres around the 12<sup>th</sup> Street light rail stations to various transects in the Walkable Urban Code. The case is scheduled before the City Council on August 31, 2016. The proposed transect designation for the subject site is EG T5:5, a mixed use designation that allows building height up to 56 feet.
- 3. The General Plan Land Use Map designation is Commercial. Although the proposal is not consistent with the General Plan designation, an amendment is not required as the subject parcel is less than 10 acres. The site is located within an area proposed for a designation of Mixed Use Commercial, Residential 15+ du/ac (pending GPA-CC-1-16).

### TRANSIT ORIENTED DEVELOPMENT STRATEGIC POLICY FRAMEWORK

4. The Transit Oriented Development Strategic Policy Framework is part of the city's General Plan which identified planning typologies to describe urban environments. The policy framework is intended to improve the investment

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environment around key nodes in the Phoenix transit network and guide sustainable urban development to benefit all residents. Compact development, when focused near transit stations, helps increase public transit fare recovery and requires fewer roads, utility lines, parks, police stations and other infrastructure. Other benefits to compact development near transit include: improved public health and creating new markets for business formation.

- 5. The TOD policy framework mentioned in #3, established TOD place types for existing and planned light rail station areas to provide a city-wide framework to improve the linkage between land use and transportation. The place types help to describe urban environments by categorizing related characteristics to avoid a one-size-fits-all approach to planning. The place types are intended to accomplish these basic objectives: specify a general range of possibilities for new development near light rail stations; provide guidance for rezoning decisions; and provide guidance for transit system planning by coordinating land use intensity with regional transit accessibility.
- 6. The TOD policy framework established place types for all existing and planned light rail stations in Phoenix. The place type policy designated for the 12th Street and Washington Street/ Jefferson Street stations is the Minor Urban Center. The Minor Urban Center envisions medium to low intensity development of commercial and residential, retail, entertainment and some employment with building heights typically from two to five stories with incentive heights of up to seven stories. The TOD policy framework provides specific policies to address requests for increased heights around light rail stations. The proposed project falls within the parameters of the Minor Urban Center place type and meets the policies outlined for earning incentive height.
  - a. Policy E.1: Increase heights and intensities on applicable properties within a ¼ mile radius of light rail stations within the parameters of the station's Place Type.
    - The proposal is directly adjacent to a light rail station and is within the parameters of the station's Place Type (See General Plan Conformity discussion above).
  - b. Policy E.2: Increase heights and intensities only for proposals that meet or exceed the standards of the Walkable Urban (WU) zoning district or the interim TOD Zoning Overlay if proposed prior to the adoption of the WU zoning district.
    - The proposed development is intended to fully comply with the standards of the Walkable Urban Code.
  - c. Policy E.3: Only permit the maximum height within the Place Type for properties that have the highest degree of neighborhood compatibility and

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> station accessibility. Heights should generally step down with distance from the station and with the proximity to single family properties.

> During the ReinventPHX process when the Eastlake-Garfield Transit Oriented Development Policy Plan was being crafted, the Eastlake-Garfield TOD District Steering Committee worked with staff to develop a conceptual transect-based zoning map for the TOD area around the light rail stations. The recommendation of the Policy Plan is consistent with Policy E.3., providing for maximum heights between the light rail tracks near the 12th Street stations and in areas near 7th Street where there are not nearby residential impacts.

The proposal for 100-foot multi-family residential, commercial retail and hotel buildings directly adjacent to the light rail station is consistent with the language for height in the T5:7 transect in the Walkable Urban Code. Commercial buildings generally have taller floor plates and residential buildings generally have shorter floor plates. Therefore, for the buildings proposed in this development, it is possible to achieve 10 stories within the 100-foot height identified for the T5:7 transect. This is consistent with this policy as the T5:7 transect district is defined by height, not stories.

- d. Policy E.4: When located on highly neighborhood-compatible and stationaccessible properties, mixed-use buildings that comply with the Phoenix Green Construction Code are eligible for increased entitlement up to the incentive in the Place Type when one of the following performance standards are met:
  - A minimum of 30 percent of housing units are dedicated for long-term affordability for moderate income households (between 50% and 100% of the metro area median), as approved by the Housing Department.

The developer has not elected to meet this standard for this proposal.

 A minimum of 30 percent of the gross site area is dedicated for public open space, as approved by the Parks Department.

The developer has not elected to meet this standard for this proposal.

 A Deed of Conservation easement is dedicated for an eligible historic property, as approved by the Historic Preservation Officer.

The developer has not elected to meet this standard for this proposal.

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> A proportionate in-lieu fee is paid (if a program is available) for affordable housing, parks, public parking, or other infrastructure, as approved by the City.

The developer has committed to compliance with the Green Building Code and will provide \$3.25 per square foot of development in excess of the base height of 56 feet to the City of Phoenix Housing Department for affordable housing to be used within the Eastlake-Garfield TOD District.

Internal meetings were held between the Housing and Planning and Development Departments regarding establishment of the incentive fee to be paid toward affordable housing. Various Department of Housing and Urban Development (HUD) factors for the development of affordable housing were reviewed and a cost of \$3.25 per square foot was determined.

This provision is addressed in Stipulation #2.

e. Policy E.5: Increase heights and intensities in accordance with adopted District Plans. If there is a conflict between the District Plan and the Place Type, the District Plan prevails.

As noted in the discussion about Policy E.3, above, the increased height and intensity is in accordance with the adopted Eastlake-Garfield TOD Policy Plan.

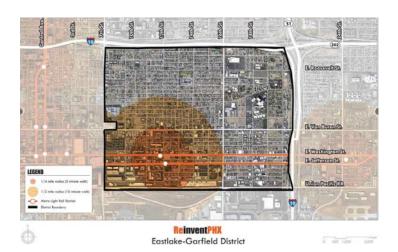
f. Policy E.6: Do not apply Place Types to single family zoned properties, historic or historic-eligible properties or properties determined to be incompatible due to size, adjacent land uses, a VPC Specifying Action or when not in conformance with an adopted District Plan.

The proposed development complies with this policy.

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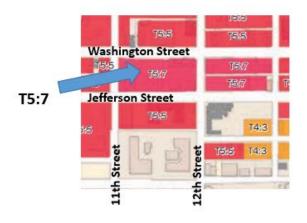
## EASTLAKE-GARFIELD TRANSIT ORIENTED DEVELOPMENT POLICY PLAN

7. The Eastlake-Garfield
Transit Oriented
Development (TOD)
Policy Plan is a
community-based vision
aimed at transforming the
Eastlake-Garfield TOD
District into a walkable
community by taking
advantage of its location
along the light rail
system. The plan
identifies policies aimed
at supporting the



introduction of a pedestrian-oriented zoning code, mixed-income neighborhoods, historic preservation, neighborhood compatibility, and infrastructure investment. The Eastlake-Garfield TOD District boundaries are the Southern Pacific Railroad to the south, Interstate 10 on the north, 7<sup>th</sup> Street on the west and Interstate 10 on the east.

- 8. The Eastlake-Garfield TOD Policy Plan includes a conceptual zoning plan for the Eastlake-Garfield Transit Oriented Development District that identifies desired transect zoning districts. The Walkable Urban (WU) Code is intended to implement the vision and policy of the Eastlake-Garfield TOD Policy Plan by identifying the development standards for property along the light rail corridor based on the transect district assignment.
- 9. The Eastlake-Garfield TOD Policy Plan utilized the Minor Urban Center place type to determine the recommended scale and character of the area around the 12th Street light rail stations and this scale and character was illustrated in both the conceptual master plan and the conceptual zoning plan. The subject site has a suggested zoning



designation of T5:5 with a maximum building height of 56 feet. The Policy Plan supports the T5:7 designation in identified areas if incentives are achieved (TOD

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Strategic Policy Framework), including adjacent to the 12<sup>th</sup> Street light rail stations between Washington and Jefferson Streets. The applicant has chosen to request a transect of T5:7 which allows a maximum height of 100 feet, and has agreed to meet an incentive for the provision of affordable housing in order to achieve that designation.

- 10. The proposal is generally consistent with the Eastlake-Garfield TOD Policy Plan. The addition of a commercial retail, dense multifamily development and a hotel helps to address the anticipated housing shortage in the area as well as providing commerce and jobs. In addition, the proposed project furthers many of the policies of the plan including pedestrian oriented and active street frontages, parking area located beneath the building, and providing a public pedestrian space through the development between Washington and Jefferson Streets.
- 11. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. Toward that end, development of this site will contribute to the urban forest infrastructure through the provision of trees along the rights-of-way, allowing trees to be planted to shade pedestrians as per the requirements of the Walkable Urban Code.
- 12. The below ground parking structure will be designed to be expanded for additional parking when the parcels to the east along 12<sup>th</sup> Street are redeveloped.
- 13. The Bicycle Master Plan has a goal of providing bicycle parking facilities for all development in the city. Bicycle parking is a requirement of the Walkable Urban Code. The conceptual plan does not show bicycle parking however it is anticipated to be located in the garage structure. It is recommended that two types of parking be provided on the property: secured parking for residents, and rack parking for guests located near entrances to the property. The property is adjacent to two light rail transit stations and near major bus routes. Providing secure bicycle parking for residents and parking for guests of the development is supportive of multimodal travel options.

### **MISCELLANEOUS**

- 14. Fire prevention does not anticipate any issues with this request. But the site or/and building(s) shall comply with the Phoenix Fire Code. The water supply (gpm and psi) to this site is unknown. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.
- 15. The Archaeology Section has commented that a prehistoric canal crosses the corner of this project area and that the canal is unlikely to be affected by the proposed project. However, if any archaeological materials are encountered, all

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ground-disturbing activities must cease within 10 meters of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials.

- 16. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2210 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
- 17. The Aviation Department has provided comments regarding this request. The property is in the Public Airport Disclosure area. This area may be subject to overflights of aircraft operating at the Airport. People are often irritated by repeated overflights regardless of the actual sound level at the overflight site. Therefore, a Notice to Prospective Purchasers, which follows policy regarding properties in the City of Phoenix underlying the flight patterns of Phoenix Sky Harbor International Airport, is required. This is addressed in Stipulation #2.
- 18. Development of the parcel will require that all improvements are required to comply with all Americans with Disabilities Act (ADA) standards. This is addressed in Stipulation #3.
- Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments, abandonments or other formal actions may also be required.

## **Findings**

- 1. The proposal is not consistent with the General Plan map however a General Plan amendment is not required.
- 2. This infill proposal will provide commercial retail, multifamily housing and a hotel to contribute to the mix of land uses in the area.
- 3. The proposed building height is supported by the Minor Urban Place Type through the provision of meeting an incentive for affordable housing.

## **Stipulations**

- 1. Permission for incentive building height in excess of 56 feet shall be earned by compliance with the following:
  - a. Buildings in excess of 56 feet in height shall comply with the Phoenix Green Construction Code.

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- b. The developer shall make a financial contribution payable to the city of Phoenix Housing Department in the amount of \$3.25 per square foot of development in excess of the 56 feet of base height for each permitted building greater than 56 feet.
- c. Such funds shall be placed into an escrow account upon issuance of a building permit for commencement of development for any structure greater than 56 feet in height, which the city will use to support the provision of affordable housing within the Eastlake-Garfield TOD District.
- d. The city shall establish an escrow account with the Housing Department for receipt and holding of funds specifically for the support of providing affordable housing within the Eastlake-Garfield TOD District.
- The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
- 3. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

### Writer

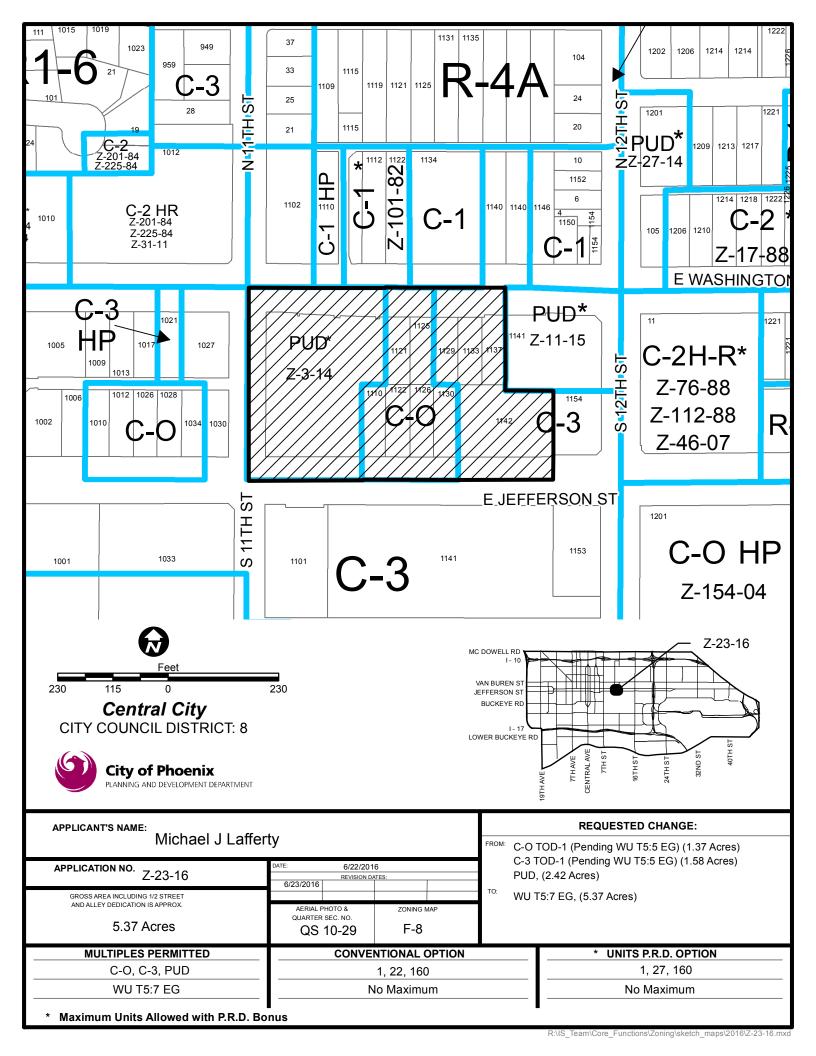
K. Coles July 6, 2016

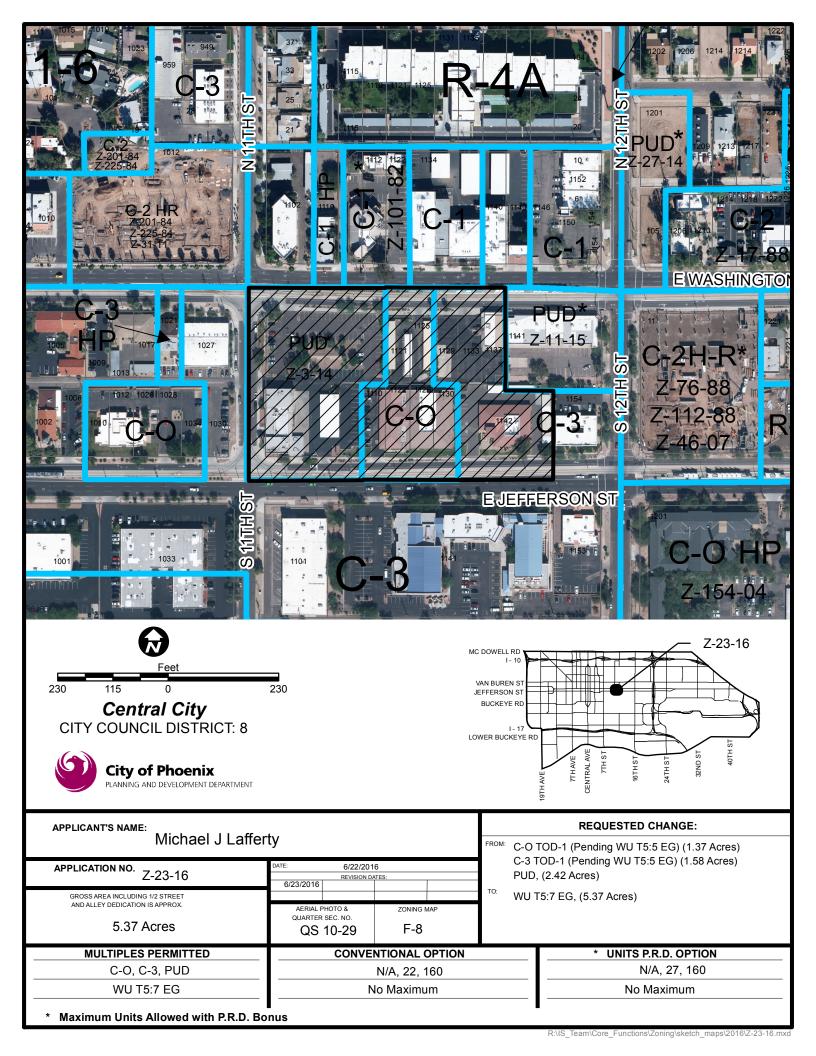
### Team Leader

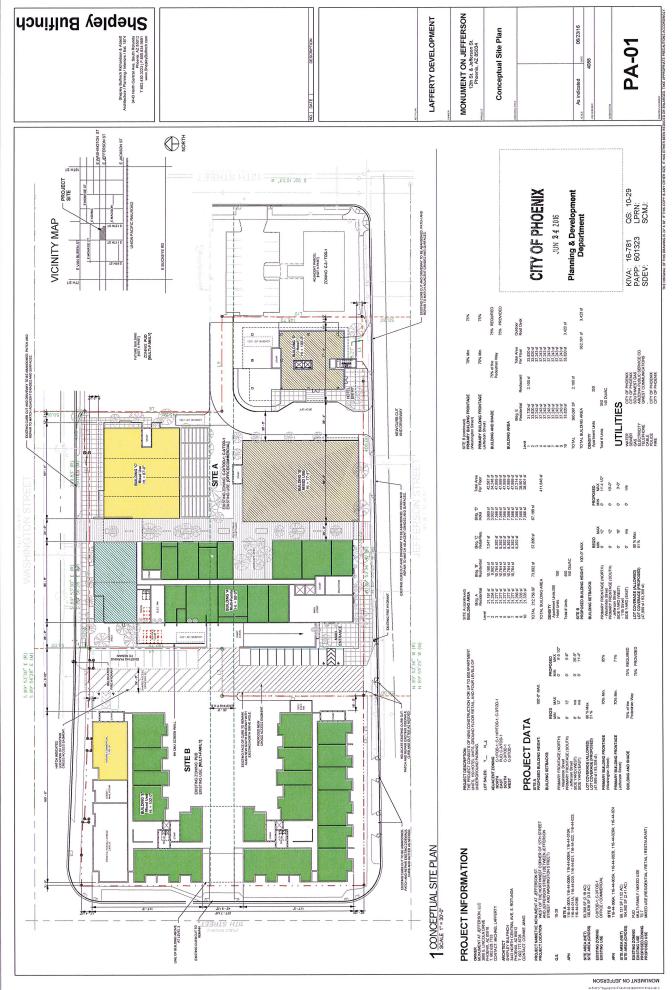
Joshua Bednarek

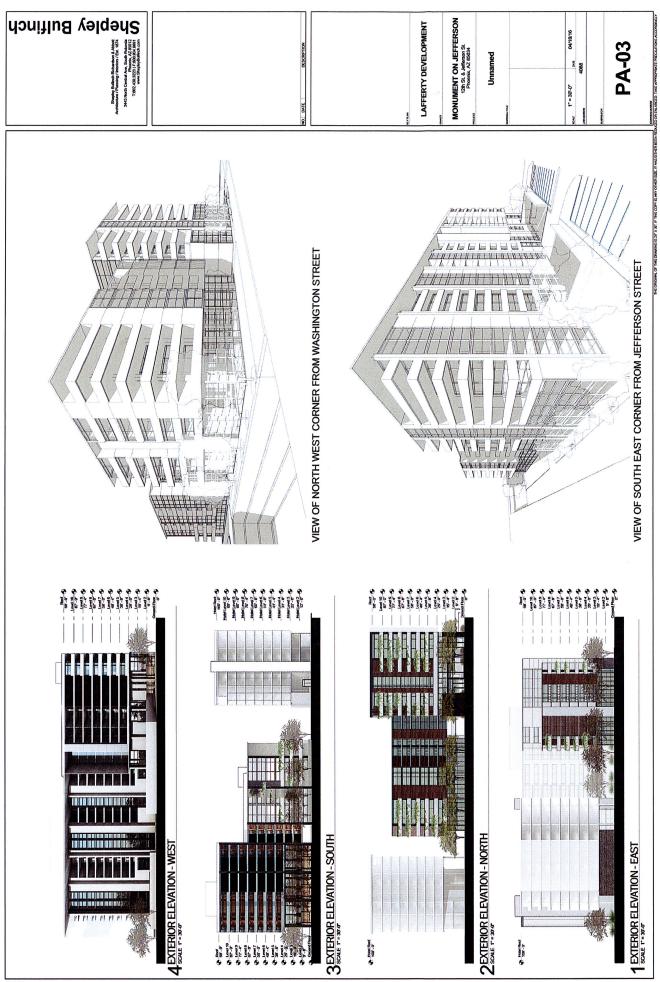
## **Attachments**

Sketch Map
Aerial
Site Plan date stamped June 24, 2016 (1 page)
Elevations date stamped April 25, 2016 (2 pages)









MONUMENT ON JEFFERSON

