



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-55-21-8
September 29, 2021

Central City [Village Planning Committee](#) Hearing Date October 11, 2021
[Planning Commission](#) Hearing Date November 4, 2021

Request From: [C-1 TOD-1](#) (Neighborhood Retail District, Interim Transit-Oriented Zoning Overlay District One) (0.93 acres)

Request To: [WU Code T5:5 EG](#) (Walkable Urban Code, Transect 5:5 District, Transit Eastlake-Garfield Character Area) (0.93 acres)

Proposed Use: Research and Testing Laboratory

Location: Approximately 200 feet east of the northeast corner of 11th Street and Washington Street

Owner: Clide Calfa, QSS LLC

Applicant: Kim Shaffer, Sky Analytical Laboratories, LLC

Representative: Benjamin Graff, Quarles & Brady, LLP

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Commercial	
Street Map Classification	Washington Street	Arterial with Light Rail	50-foot north half
<p><i>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.</i></p> <p>The proposed development is located within the Eastlake-Garfield Transit Oriented Development (TOD) District and is approximately 400 feet from the 12th Street/Washington Street light rail station. The Eastlake-Garfield TOD Policy Plan identified the site to be suitable for retrofit. The proposal to adaptively reuse the existing building for a research and testing laboratory is consistent with the vision identified in the TOD Policy Plan and is compatible to the surrounding area.</p>			

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; LOCAL AND SMALL BUSINESS; LAND USE PRINCIPLE: Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive and grow.

The proposal to adaptively reuse an existing building on site activates an underutilized property near a light rail station and provides an opportunity for a new business to operate.

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 and is located near a light rail transit station. The proposed laboratory and testing facility as an employment use is appropriate at this location given the site's proximity to light rail.

Applicable Plans, Overlays, and Initiatives

[Transit Oriented Development Strategic Policy Framework](#) – See Background Item No. 3.

[Eastlake-Garfield TOD Policy Plan](#) – See Background Item No. 4.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 8.

[Complete Streets Guiding Principles](#) – See Background Item No. 9.

[Tree and Shade Master Plan](#) – See Background Item No. 10.

[Zero Waste PHX](#) – See Background Item No. 11.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant office	C-1 TOD-1
North	Multifamily residential	R-4A TOD-1
South (across Washington Street)	Vacant land	WU Code T5:7 EG
East	Vacant office, proposed multifamily residential	WU Code T5:6 EG
West	Restaurant/Bar	WU Code T5:2 EG HP

Walkable Urban Code T5:5		<i>*variance required or design alternative</i>
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
Gross Acreage	N/A	0.93
Total Number of Units	N/A	None
Density	No maximum	N/A
Building Height	56-foot maximum	30 feet (Met)
Min. Parking – Per Section 702 <ul style="list-style-type: none"> 25% reduction when within 1,320 feet of a light rail stop 	7 spaces, 10 employees 1 space per 1.5 employees	36 spaces (Met)
Bicycle Parking – Per Section 1307.H.6.d	None required for nonresidential uses less than 5,000 square feet	0 spaces (Met)
<i>Streetscape Standards (Section 1312.C)</i>		
Arterial Street-Light Rail Corridor	8-foot sidewalk (minimum)	8 feet (Met)
	5-foot landscape (minimum)	7 feet (Met)
<i>Main Building Setbacks</i>		
Primary Frontage	12-foot maximum	Approximately 9 feet (Met)
Side (North)	0-foot minimum	0 feet (Met)
Side (South)	0-foot minimum	0 feet (Met)
Rear (West)	0-foot minimum	15 feet (Met)
<i>Parking Setbacks</i>		
Primary Frontage (Washington Street)	30-foot minimum or behind building	Approximately 15 feet (Not Met)**

Walkable Urban Code T5:5		*variance required or design alternative
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
<i>Lot Requirements</i>		
Lot Coverage	80% maximum	Approximately 36% (Met)
Primary Building Frontage	70% minimum	Approximately 17% (Not Met)**
<i>Frontage Types Allowed</i>		
Primary Frontage (Washington Street)	All frontages or alternative frontages per Section 1305.B.1.c	None (Not Met)**

****Existing condition**

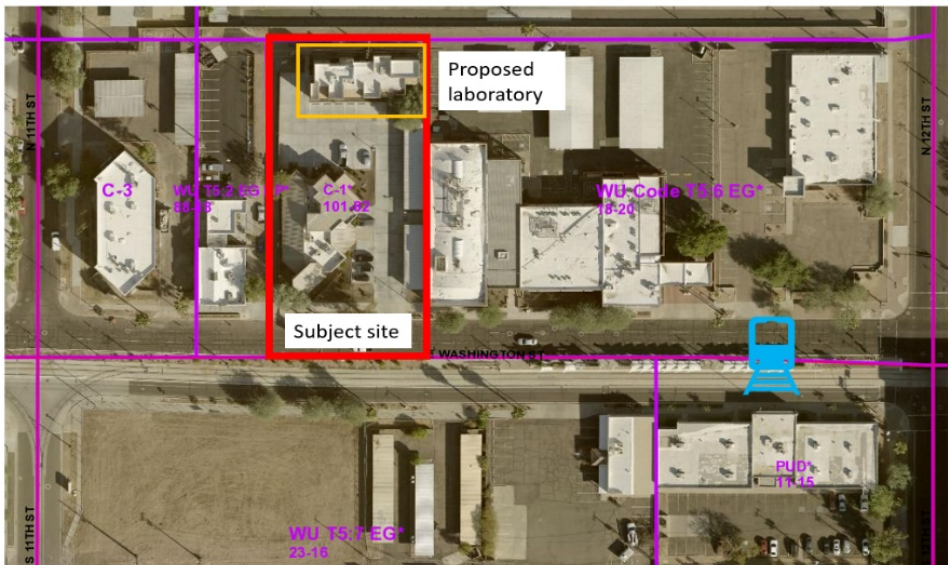
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone a 0.93 acre site located approximately 200 feet east of the northeast corner of 11th Street and Washington Street from C-1 TOD-1 (Neighborhood Retail District, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:5 EG (Walkable Urban Code, Transect 5:5 District, Transit Eastlake-Garfield Character Area) to allow a research and testing laboratory. The proposed use is a testing laboratory to test samples of cannabis, cannabis products and other agricultural products. The proposed laboratory use is permitted in the Walkable Urban Code in Transect T5:2 and above.

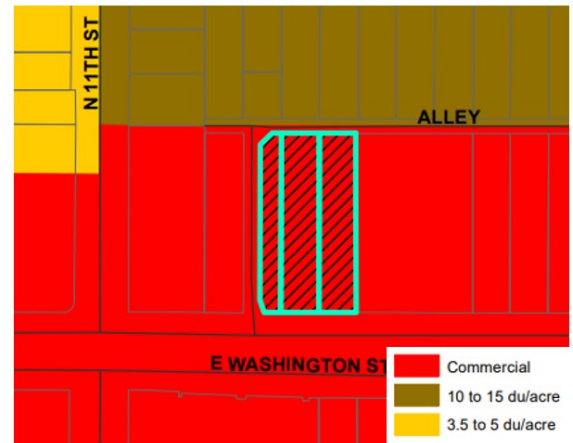
The subject site contains two existing buildings which were constructed in the 1980s. One existing building fronts Washington Street and is an office and the proposed laboratory use will take place in the building to the rear of the site. The applicant proposes to adaptively reuse the rear existing building on site and does not propose any new construction. The subject site is also located along the light rail line and is approximately 400 feet from the 12th Street/Washington Street light rail station.

Aerial Map, Source: Planning and Development Department



2. The General Plan Land Use Map designation for this site is Commercial. The proposed testing laboratory use is consistent with this designation. The General Plan Land Use Map designations to the south, east and west are Commercial, and the General Plan Land Use Map designation to the north is Residential 10 to 15 dwelling units per acre.

General Plan Land Use Map, Source: Planning and Development Department



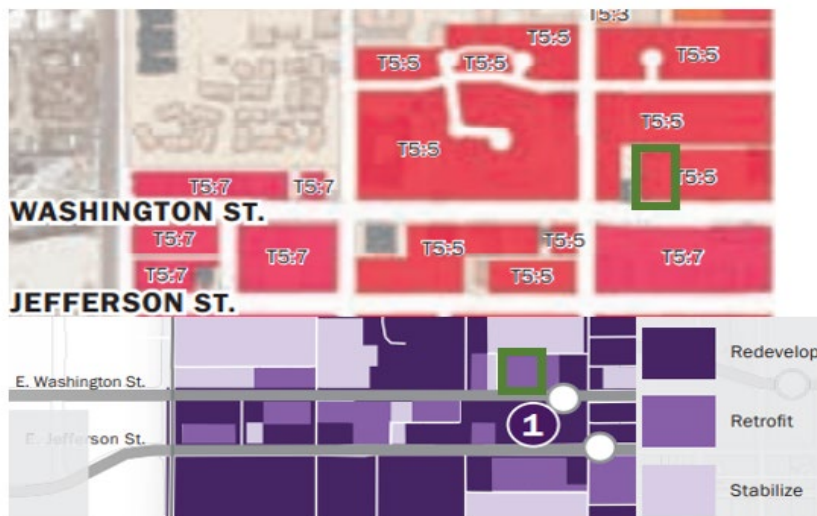
3. **Transit Oriented Development Strategic Policy Framework**
 The Transit Oriented Development Strategic Policy Framework is part of the city's General Plan which identified planning typologies to describe urban environments. The identified environment for the 12th Street and Washington Street light rail station area is Major Urban Center. A Major Urban Center is a place type that provides policy support for medium to high intensity uses, with building heights typically from four to eight stories, with incentive heights of up to fifteen stories. Land uses may include entertainment, retail, mid-rise living and office employment. The proposed testing laboratory as an employment use falls within the parameters of the Major Urban Center place type.

4. [Eastlake-Garfield TOD Policy Plan](#)

The site is located within the Eastlake-Garfield TOD (Transit Oriented Development) District, the boundaries for which are Interstate 10 on the east and north, 7th Street on the west, and the Union Pacific Railroad on the south. The Policy Plan adopted for the Eastlake-Garfield TOD District provides a blueprint for fully achieving the transformative potential of light rail in a sustainable manner. Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage active, healthy lifestyles, ensure Phoenix increases its competitive advantage in the global marketplace, and improve prosperity by growing the economy in locations with existing infrastructure and public services. In order to realize the implementation of the vision and master plan for the Eastlake-Garfield TOD District, one key recommendation is the implementation of the Walkable Urban Code, a form-based zoning code. The request to rezone to Walkable Urban Code is appropriate because the proposal will further the goals of the Eastlake-Garfield TOD Policy Plan to increase transit-oriented developments along the light rail corridor.

The subject site has a suggested zoning designation of T5:5. The request for transect of T5:5 is consistent with the Eastlake-Garfield TOD Policy Plan and the Major Urban Center place type. Further, the subject site is noted as being suitable for retrofit. Adaptive reuse of commercial buildings is noted as an economic development strategy to increase investment in the policy plan area. The proposal to adaptively reuse one of the existing buildings on site is consistent with the retrofit designation.

Eastlake-Garfield TOD Policy Plan, Source: Planning and Development Department



EXISTING CONDITIONS AND SURROUNDING ZONING

5. The subject site has two existing buildings, one currently vacant, as shown in the aerial sketch map included as an exhibit. North of the subject site is an

affordable senior housing development zoned R-4A TOD-1 (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One). To the west is a restaurant/bar zoned WU Code T5:2 EG HP (Walkable Urban Code Transect T5:2 District, Transit Eastlake-Garfield Character Area, Historic Preservation). To the east is a vacant office building proposed for multifamily residences zoned WU Code T5:6 EG (Walkable Urban Code Transect T5:6 District, Transit Eastlake-Garfield Character Area). To the south is a vacant parcel zoned WU Code T5:7 EG (Walkable Urban Code Transect T5:7 District, Transit Eastlake-Garfield Character Area).

PROPOSAL

6. As shown on the site plan and elevations attached as an exhibit, the proposal is to use the existing building located at the rear of the site for a testing laboratory. There is no new construction proposed for the site. While the proposal is to adaptively reuse the existing building on site, Stipulation No. 1 requires that any new buildings or structures constructed on site be subject to Walkable Urban Code standards. Further, any significant changes to the existing buildings on site might also trigger Walkable Urban Code requirements as determined through the site plan review process.
7. As a primary purpose of the Walkable Urban Code and due to the site's proximity to public transit, Stipulation No. 2 addresses pedestrian safety and requires any street improvements to be built according to ADA accessibility standards.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

8. [Comprehensive Bicycle Master Plan](#)
The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. Bicycle parking is a requirement of the Walkable Urban Code and is supported by the City of Phoenix Comprehensive Bicycle Master Plan. The site will be required to meet the bicycle parking requirements outlined in Section 1307.H of the Zoning Ordinance.
9. [Complete Streets Guidelines](#)
In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. Stipulation No. 2 requires that street improvement be conducted to City and ADA standards.

10. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. The general development standards of the Walkable Urban Code require that 75 percent of sidewalks and pedestrian ways be shaded.

11. [Zero Waste PHX](#)

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The proposed project will be subject to the current City of Phoenix waste collection and recycling requirements.

COMMUNITY INPUT SUMMARY

12. At the time this report was written, staff had not received any public correspondence regarding the request.

INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department requested that all street improvements be constructed to ADA accessibility standards which is addressed in Stipulation No. 2.
14. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The Aviation Department also requires that the project receive a No Hazard Determination from the FAA. These are addressed in Stipulation Nos. 3 and 4.
15. The Fire Department commented that the building shall comply with the Phoenix Fire Code, the current water supply for the site is unknown and the proposed laboratory use may require operational permits through the Fire Department to use cryogenic fluids, compressed gases and other types of hazardous materials.

OTHER

16. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be

necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 5 through 7.

17. 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 to adaptively reuse the existing building on site is consistent with the Land Use Section of the Eastlake-Garfield TOD District Policy Plan.
2. The proposed testing laboratory is within the Eastlake-Garfield TOD District, is near the light rail corridor, and is compatible with the vision of this parcel and area as a site suitable for retrofit.
3. The proposal is consistent with the General Plan Land Use Map designation of Commercial.

Stipulations

1. Upon site plan approval and permit issuance for any new building(s) or structure(s) on the site, the new building or structure and adjacent landscaping shall be developed in compliance with the Walkable Urban Code (Chapter 13 of the Phoenix Zoning Ordinance), as approved by the Planning and Development Department.
2. The developer shall construct all streets within and adjacent to the development 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.

Writer

Sarah Stockham

September 29, 2021

Team Leader

Samantha Keating

Exhibits

Aerial Map

Sketch Map

Conceptual Site Plan and Elevations Date Stamped August 1, 2021 (2 pages)