

# \*\*REVISED Staff Report: Z-86-22-8

March 14, 2023

Central City Village Planning Committee Hearing Date:	March 13, 2023
Planning Commission Hearing Date:	April 13, 2023
Request From: Request To:	A-1 TOD-2 (Light Industrial District, Interim Transit-Oriented Zoning Overlay District Two) (1.59 acres) R-4 TOD-2 (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District Two) (0.80 acres) <u>WU Code T5:5 GW</u> (Walkable Urban Code, Transect 5:5 District, Transit Gateway Character Area) (1.59 acres) <u>WU Code T4:3 GW</u> (Walkable Urban Code, Transect 4:3 District, Transit Gateway Character Area) (0.80 acres)
Proposed Use:	Multifamily residential
Location:	Approximately 250 feet east of the northeast corner of 25th Street and Washington Street
Owner:	Walter Strazzara, et al.
Applicant:	Michael S Buschbacher, Earl & Curley, PC
Representative:	Taylor Earl, Earl & Curley, PC
Staff Recommendation:	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Residential 10 to 15 dwelling units per acre	
		Arterial (Light Rail Transit)	50-foot north half street
Street Map Classification	Adams Street	Local Street	30-foot south half street

Staff Report: Z-86-22-8 March 14, 2023 Page 2 of 13

#### **General Plan Conformity**

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 Gateway Transit Oriented Development (TOD) District and is within quarter mile of the 24th Street / Washington Street / Jefferson Street light rail transit stations. The proposed multifamily residential is appropriate at this location given that the site is near a high-capacity transit corridor.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Include a mix of housing types and densities where appropriate within each village that support a broad range of lifestyles.

The proposed development will provide new higher-density multifamily housing opportunities in close proximity to the major employment centers of Downtown Phoenix and Sky Harbor Airport. The proposal will broaden the range of housing types and densities available in this high opportunity neighborhood.

#### BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposed development provides trees and shade on Washington Street and Adams Street which will reduce the urban heat island effect while also improving thermal comfort to site users and the surrounding neighborhood.

#### Applicable Plans, Overlays and Initiatives

Transit Oriented Development Strategic Policy Framework – See Background Item No. 3.

Gateway Transit Oriented Development Policy Plan – See Background Item No. 4.

Housing Phoenix Plan – See Background Item No. 7.

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		
	Land Use	Zoning
On Site	Multifamily residential and vacant land	R-4 TOD-2 and A-1 TOD-2
North (across Adams Street)	Multifamily residential and educational facility	R-4 TOD-2 and C-3 TOD-2
South (across Washington Street)	School	A-1 TOD-2
East	Industrial and multifamily residential	A-1 and R-4 TOD-2
West	Multifamily residential and medical office	R-4 TOD-2 and A-1 TOD-2

Walkable Urban Code T5:5 GW and T4:3 GW		
<u>Standards</u>	<b>Requirements</b>	Provisions on the Proposed Site Plan
Gross Acreage	N/A	2.39
Total Number of Units	No Maximum	96
Density	No Maximum	40.17 dwelling units per acre
Building Height	T5:5 portion: 56-foot maximum	40 feet (Met)
	T4:3 portion: 40-foot maximum	
Minimum Parking <ul> <li>As per Section 702.</li> <li>Additional 25%</li> <li>reduction when the off-street parking</li> </ul>	<ul><li>15 one- and two-bedroom units: 23 spaces</li><li>81 studio and 1-bedroom (&lt;600 square feet): 81 spaces</li></ul>	85 spaces (Met)
area is located within 1,320 feet from a light rail station	104 spaces (-25% reduction) = 78 spaces	
Bicycle Parking – Per Section 1307.H.6.d • Minimum 0.25 per residential unit, with a maximum of 50 required spaces	24 spaces	20 spaces (Not Met)

Walkable Urban Code T5:5 GW and T4:3 GW (Continued)			
Standards	<b>Requirements</b>	Provisions on the Proposed Site Plan	
Streetscape Standards (Sect	ion 1312.A)		
Arterial Street – Light Rail Corridor (Washington Street)	8-foot sidewalk minimum 5-foot landscape minimum	Sidewalk: 10 feet (Met)** Landscape: 8 feet	
Local Street (Adams Street)	5-foot sidewalk minimum	(Met) Sidewalk: 5 feet (Met)	
	5-foot landscape minimum	Landscape: 5 (Met)**	
Main Building Setbacks			
Washington Street (Primary Frontage)	12 feet maximum	2 feet 6 inches (Met)**	
Adams Street (Primary Frontage)	20 feet maximum	20 feet (Met)	
Side (East and West)	0 feet minimum	Not specified	
Rear (North Interior)	0 feet minimum	Not specified	
Parking Setbacks	1 -	· ·	
Washington Street (Primary Frontage)	30-foot minimum or behind building	Behind building and 30 feet (Met)	
Adams Street (Primary Frontage)	30-foot minimum or behind building	30 feet (Met)	
Side (East and West)	0 feet minimum	Behind building (Met)	
Rear (North Interior)	0 feet minimum	Not specified	
Lot Requirements		· ·	
Lot Coverage	T5:5 portion: 80 percent maximum T4:3 portion: 70 percent maximum	Overall: 27 percent (Met)	
Primary Building Frontage (Washington Street)	70 percent minimum	70 percent (Met)	
Primary Building Frontage (Adams Street)	60 percent minimum	48 percent (Not Met)**	
Open Space	5 percent minimum	5 percent (Met)	

Walkable Urban Code T5:5 GW and T4:3 GW (Continued)		
<u>Standards</u>	<b>Requirements</b>	Provisions on the Proposed Site Plan
Frontage Types Allowed		
Primary Building Frontage (Washington Street)	All frontages or alternative frontages per Section 1305.B.1.c	Patio (Met)
Primary Building Frontage (Adams Street)	Porch, patio, stoop, forecourt or alternative frontages as per Section 1305.B.1.c	Patio (Met)

\*Variance or design alternative required

\*\* Revised dimension

#### Background/Issues/Analysis

#### SUBJECT SITE

 This request is to rezone a 2.39-acre site located approximately 250 feet east of the northeast corner of 25th Street and Washington Street from A-1 TOD-2 (Light Industrial District, Interim Transit-Oriented Zoning Overlay District Two) and R-4 TOD-2 (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District Two) to WU Code T5:5 GW (Walkable Urban Code, Transect 5:5 District, Transit Gateway Character Area) and WU Code T4:3 GW (Walkable Urban Code, Transect 4:3 District, Transit Gateway Character Area) to allow multifamily residential.

The subject site is within one-quarter mile of the 24th Street / Washington Street / Jefferson Street light rail stations with frontage on Washington Street, which is an arterial light rail corridor, and Adams Street, which is a local street.

 The General Plan Land Use Map designation for this site is Residential 10 to 15 dwelling units per acre. The proposal is not consistent with the designation; however, a General Plan Amendment is not required, as the site is less than 10 acres. The General Plan Land Use Map designations to the north, east, and west are Residential 10 to 15 dwelling units per acre. The General



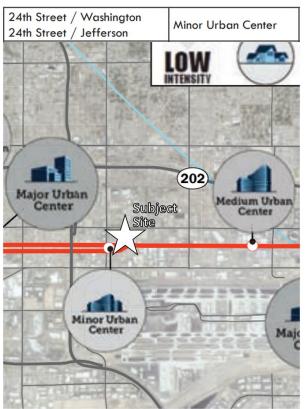
*General Plan Land Use Map, Source: Planning and Development Department* 

Staff Report: Z-86-22-8 March 14, 2023 Page 6 of 13

Plan Land Use Map designation to the south is Commercial.

## 3. Transit Oriented Development Strategic Policy Framework

The Transit Oriented Development Strategic Policy Framework is part of the Phoenix General Plan which identified planning typologies to describe urban environments. The subject site is within one-quarter mile of the 24th Street / Washington Street / Jefferson Street light rail stations. The identified environment for the station is Minor Urban Center. Minor Urban Center is a Place Type characterized by medium to low intensity with building heights typically from two to five stories with incentive heights of up to seven stories. Land uses may include supportive retail, mid-rise living and low-rise office employment. The proposed threestory multifamily residential development is consistent with the Minor Urban Center Place Type.

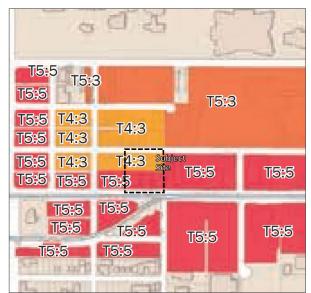


TOD Strategic Policy Framework Placetypes, Source: Planning and Development Department

## 4. Gateway Transit Oriented Development District Policy Plan

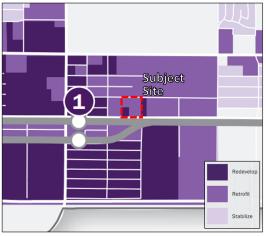
The site is located within the Gateway TOD (Transit Oriented Development) District, the boundaries for which are State Route 143 or the Hohokam Expressway to the east, Interstate 10 to the west, the Loop 202 to the north, and Air Lane to the south. The policy plan adopted for the Gateway TOD District 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. Staff Report: Z-86-22-8 March 14, 2023 Page 7 of 13

> In order to realize the implementation of the Vision and Master Plan for the Gateway TOD District, one key recommendation is the implementation of a form-based zoning code. The proposal to Walkable Urban Code furthers that vision. The proposed T5:5 and T4:3 transects are consistent with the conceptual zoning map in the Gateway TOD District Plan.

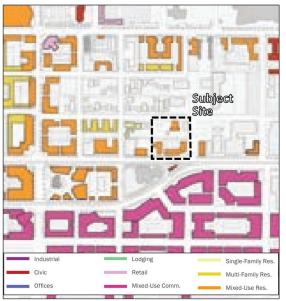


Gateway TOD Policy Plan, Conceptual Zoning Plan, Source: Planning and Development Department

The Gateway TOD Policy Plan indicates that the subject site is suitable for retrofit with a portion identified for redevelopment. The plan also identifies the subject site for mixed-use residential development in the master plan. The proposal to redevelop the site with multifamily residential development is consistent with those designations.



Gateway TOD Policy Plan, Land Use Element Map, Source: Planning and Development Department



Gateway TOD Policy Plan, Master Plan Infill and Land Use Map, Source: Planning and Development Department

Although the proposed development does not incorporate a commercial component, the T5:5 portion fronting on Washington is a mixed-use transect that would allow commercial uses and vertical mixed-use development, which is consistent with the vision of the TOD Policy Plan.

#### EXISTING CONDITIONS AND SURROUNDING ZONING

5. The subject site is zoned R-4 TOD-2 and A-1 TOD-2 and contains vacant land and a multifamily community consisting of a series of small, detached units and mobile homes. To the east are industrial and multifamily uses zoned A-1 and R-4 TOD-2. To the west are multifamily residential and medical office uses in R-4 TOD-2 and A-1 TOD-2 districts. Across Washington Street to the south is a school zoned A-1 TOD-2. Across Adams Street to the north are multifamily residential uses and an educational facility zoned R-4 TOD-2 and C-3 TOD-2.

#### PROPOSAL

6. The proposed T5:5 District is described as a medium-high-intensity mixed-use fabric characterized by a broad mix of buildings that integrate retail, offices, live-work and residential units adjacent to the Light Rail Corridor, up to 56 feet in height. The proposed T4:3 District is described as a low-intensity urban residential fabric characterized by single-family homes, duplexes, single-family attached and small multifamily developments, up to 40 feet in height. As shown on the conceptual site plan attached as an exhibit, the proposed development will be two new multifamily residential buildings with a total of 96 units. The applicant states units will be affordable. The two buildings will have frontage on Washington Street and Adams Street with parking generally behind the buildings and driveways located at each street frontage.

The conceptual elevations, attached as an exhibit, demonstrate three-story buildings with patio frontage types and four-sided architecture with architectural detailing. Staff recommends Stipulation No. 1 which would require a common entry for each building fronting a street. This will allow residents direct access to the sidewalk from the interior corridors of the building.

The proposal will provide bicycle infrastructure and enhance the streetscape along Washington Street and Adams Street. Staff recommends Stipulation No. 1 which requires the development to provide a mix of secure and guest bicycle parking per Section 1307.H. Furthermore, Stipulation No. 2 requires that a bicycle repair station will be provided on site. Section 1312 of the Zoning Ordinance requires a detached sidewalk along Adams Street with a five-footwide landscape strip. Furthermore, staff recommends Stipulation No. 3 that would require an eight-foot-wide detached sidewalk with a 10-foot-wide landscape strip along Washington Street. All public sidewalks will be shaded to a minimum of 75 percent at tree maturity, per Section 1304.F of the Zoning Ordinance. Staff Report: Z-86-22-8 March 14, 2023 Page 9 of 13

### AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

#### 7. Housing Phoenix Plan

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by constructing additional affordable housing, contributing to the mix of housing types in the area and helping address the housing shortage in Phoenix.

#### 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. To create a bike-supportive environment for residents, bicycle infrastructure is incorporated into the proposed project. Staff recommends Stipulation No. 2 which will require guest and residential bicycle parking and a bicycle repair station to be provided on site in addition to the bicycle parking requirements of the Walkable Urban Code.

#### 9. Complete Streets Guiding Principles

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. The proposal includes shaded, detached sidewalks along Washington Street and Adams Street, which will increase the thermal comfort and usability for those walking to and from nearby transit and those patronizing local businesses, per Stipulation No. 3. The proposal also includes bicycle parking spaces for visitors and residents as required in Stipulation No. 2. Additionally, building frontages are designed, pursuant to Walkable Urban Code requirements, to improve the quality of the public realm adjacent to the site.

#### 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. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Stipulation No. 3 requires that the development will provide shaded Staff Report: Z-86-22-8 March 14, 2023 Page 10 of 13

detached sidewalks on Washington Street. Additionally, other shade elements are required by the Walkable Urban Code.

### 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 development will provide recycling services for residents.

#### COMMUNITY INPUT SUMMARY

12. At the time this staff report was written, staff has received one letter of opposition to this rezoning application. The stated concerns are the high rates of crime and risk of property damage to adjacent properties.

#### INTERDEPARTMENTAL COMMENTS

- 13. The Street Transportation Department requested that all streets be constructed with the required improvements and comply with current ADA standards and that the proposal provide an eight-foot-wide detached sidewalk with a 10-foot-wide landscape strip along Washington Street. Construction of a five-foot-wide detached sidewalk along Adams Street will also be required per the Walkable Urban Code. These are addressed in Stipulation Nos. 3 and 4.
- 14. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development; however, water capacity is a dynamic condition that can change over time due to a variety of factors.
- 15. 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. This is addressed in Stipulation No. 5.
- 16. The Public Transit Department noted that a bus stop pad is proposed for the site and no stipulations are required for this case.

#### OTHER

17. 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. 6 through 8.

- 18. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 9.
- 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 consistent with the Gateway TOD Policy Plan vision for the site and with the character of the surrounding area.
- 2. The proposal will develop new affordable housing, provide a new housing option to contribute to the mix of housing types in the area, and will help alleviate the housing shortage in Phoenix.
- 3. As stipulated, the proposal provides enhanced pedestrian and bicycle amenities consistent with the Gateway TOD Policy Plan, Comprehensive Bicycle Master Plan, Tree and Shade Master Plan, and the Complete Streets Guiding Principles.

#### **Stipulations**

- 1. A minimum of one common entry shall be provided for each street frontage, except for buildings where every unit has private entry directly to the street, as approved by the Planning and Development Department.
- 2. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

- a. A minimum of half of all required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
- b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
- c. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
- 3. The public sidewalk along Washington Street shall be constructed to a minimum width of 8 feet and detached from the back of curb by a minimum 10-foot-wide landscape area, as approved by the Planning and Development Department.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. 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.
- 8. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-

Staff Report: Z-86-22-8 March 14, 2023 Page 13 of 13

> foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

9. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

#### <u>Writer</u>

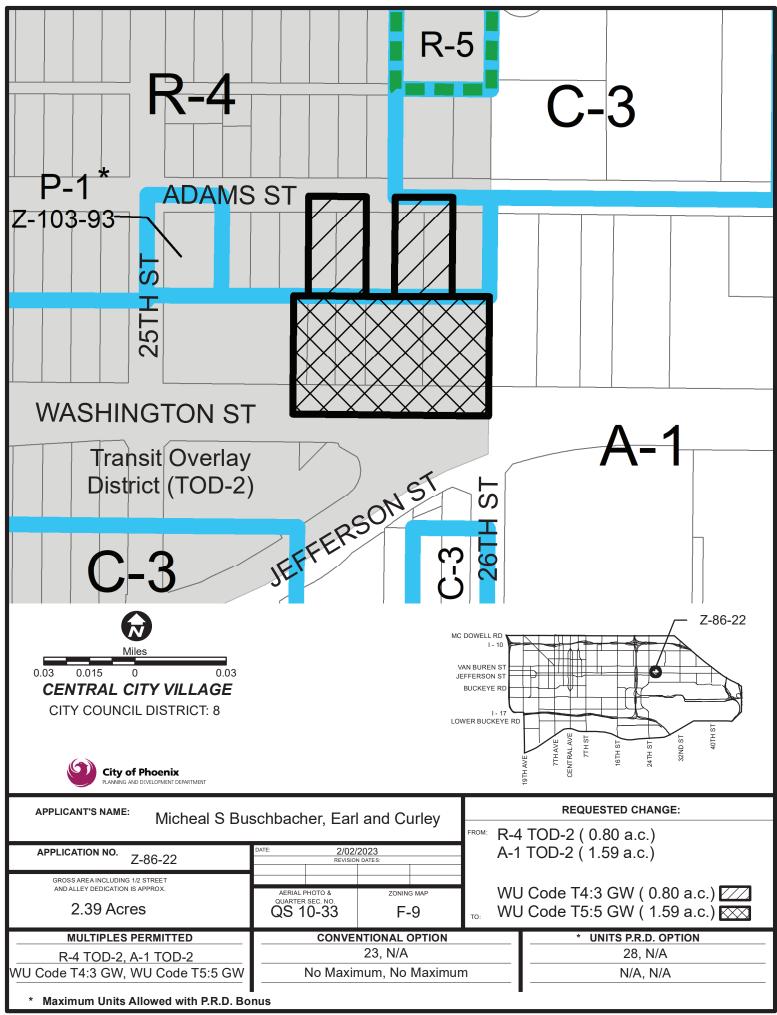
Anthony Grande and Nayeli Sanchez Luna March 14, 2023

Team Leader

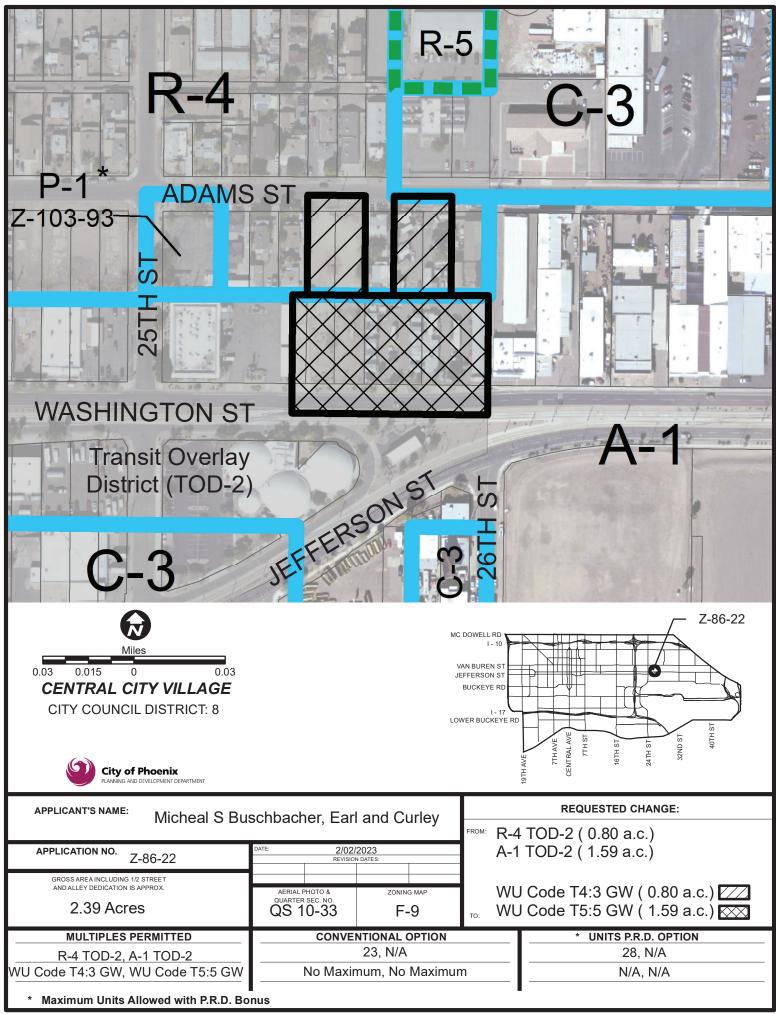
Racelle Escolar

## **Exhibits**

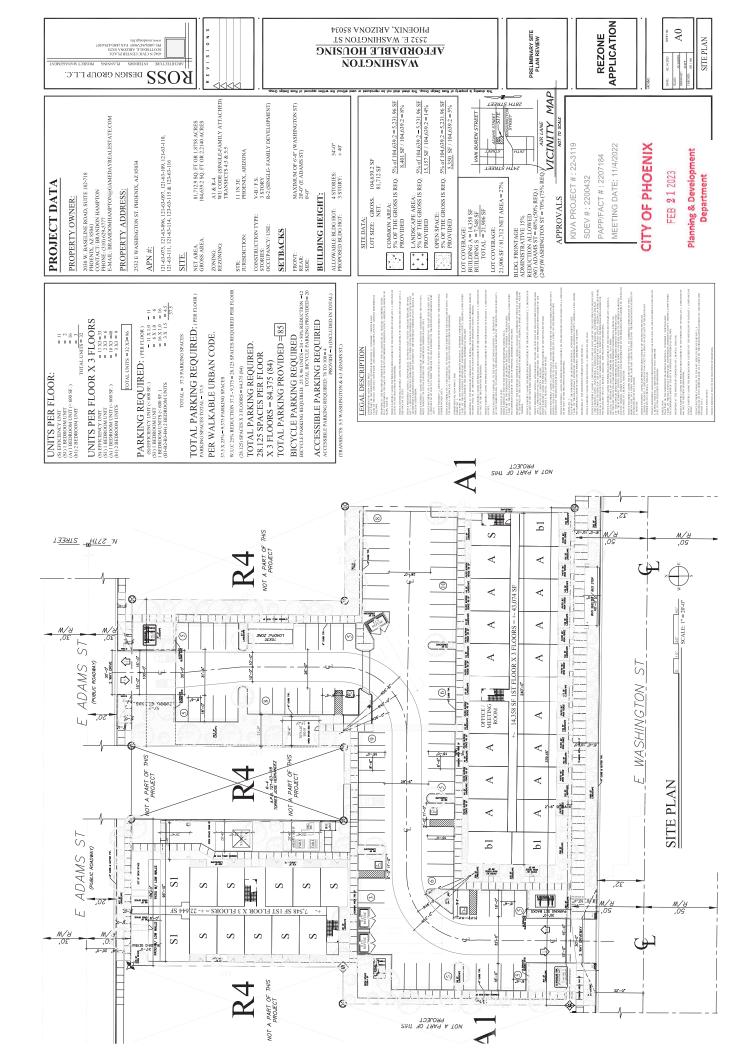
Sketch Map Aerial Map Conceptual Site Plan Date Stamped February 21, 2023 Conceptual Elevations Date Stamped December 2, 2022 (4 pages) Community Correspondence

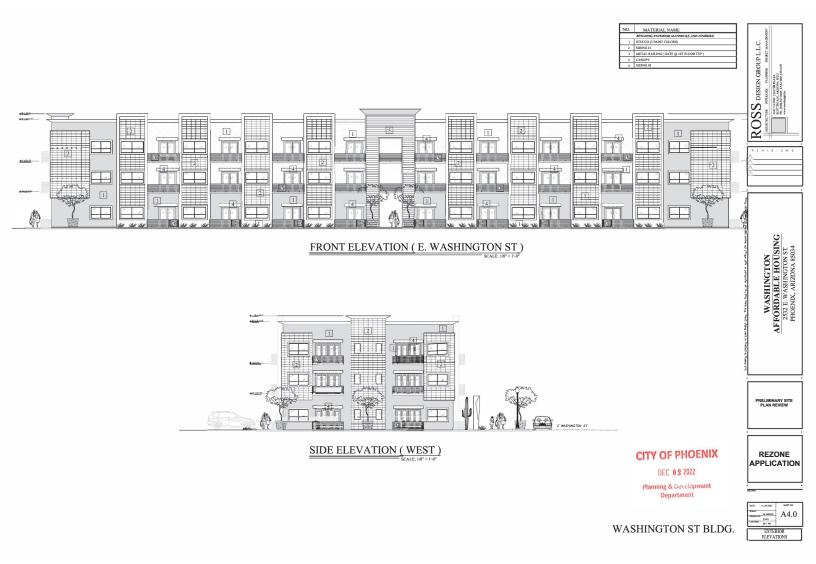


Document Path: S:\Department Share\Information Systems\PL GIS\IS\_Team\Core\_Functions\Zoning\sketch\_maps\2022\Z-86-22.mxd

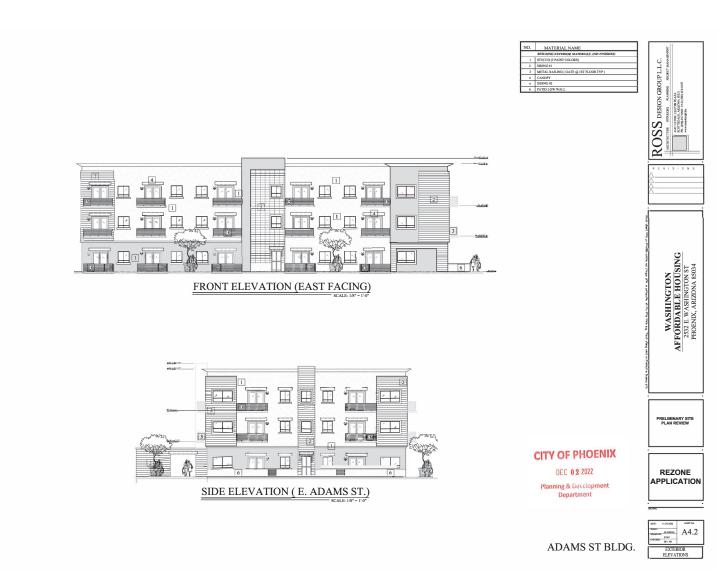


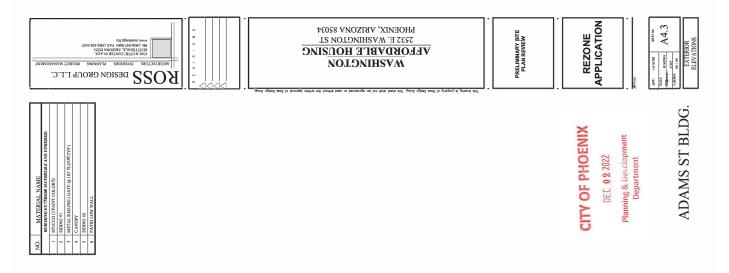
Document Path: S:\Department Share\Information Systems\PL GIS\IS\_Team\Core\_Functions\Zoning\sketch\_maps\2022\Z-86-22.mxd

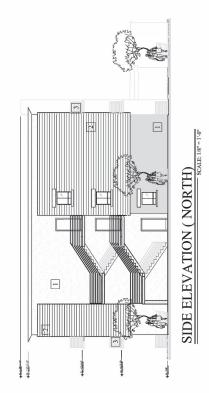














- Select

The same



4

4

[2]

4

-

-

-4

### Nayeli Sanchez Luna

Subject:FW: App # Z-86-22Attachments:Central Planning Complaint.odt

From: azindisat <azindisat@gmail.com> Sent: Sunday, February 26, 2023 1:46 PM To: Nayeli Sanchez Luna <nayeli.sanchez.luna@phoenix.gov> Subject: App # Z-86-22 Central City Village Planning Committee ATTN: Nayeli Sanchez Luna nayeli.sanchez.luna@phoenix.gov

#### 2-26-2023

To Whom It May Concern:

I have been a resident of the project property or living on my current property since 1955. I own the 64.5' R4 lot on the North/East corner of the proposed project.

1. This area according to Phoenix Police has more crime and assaults than any other part of the city. It has been this way since the 1950's. Phoenix City for my entire life has failed to protect responsible citizens from this out of control crime. Business's have consistently failed and left the area because of this fact. The empty lots speak to this truth.

2. The City encouraged a low cost housing project on 25<sup>th</sup> St and Van Buren a few years ago. The property quickly devolved into a drug crime zombie land and was destroyed by the inhabitants. It still sits empty.

3. The subject property had a 1.6M sales price that is suspect. The previous owners were ACE Properties and there is no reason to expect that new owners will interfere with their residents in this drug selling and manufacturing neighborhood.

4. For decades responsible citizens have been required to impose tight security systems to stop theft and assault. Visible damage to business properties shows the security is not always successful. This situation will not change with 100 low income renters piled on top of each other like sardines. The anarchy is built in with this proposal.

5. Looking at plans and regarding my property corners it appears a 6' set back is required on the South and West sides of my property line and only parking will be allowed. I insist that these setbacks not be changed and are designed to protect my property from damage and assault. Trees can not be allowed on the property line as the leaf garbage will fill my property.

6. The city has completely failed in developing this area for 50 years. It has remained a high crime area because of the prison on 24<sup>th</sup> St and Van Buren and a large illegal alien presence. Currently after 10PM, the area to the East of me remains full of drug addict and prostitution Zombies. I worked with Sheriff Joe Aripio decades ago in an attempt to clean the area but crime has remained prevalent. The proposed project will remain the center of crime and degradation for the area.

7. I vote against the high density proposal.

Stephen Letson azindisat@gmail.com