



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report
Zoning Ordinance Text Amendment
Z-TA-1-20-8
August 25, 2020

Application No. Z-TA-1-20-8: Amend Section 1202.D. (Regulating Maps, Density Map) of the Phoenix Zoning Ordinance to replace the Downtown Code Density Map to amend density provisions from 218 maximum dwelling units per acre to No Density Limit at the southeast corner of 6th Street and Garfield Street and amend Section 1214.B. (Evans Churchill East, Development Standards) to allow for a height bonus up to ten percent and to increase the maximum lot coverage south of Garfield Street from 50 percent to 90 percent.

Staff Recommendation: Staff recommends approval of Z-TA-1-20-8 as shown in the recommended text in Exhibit A.

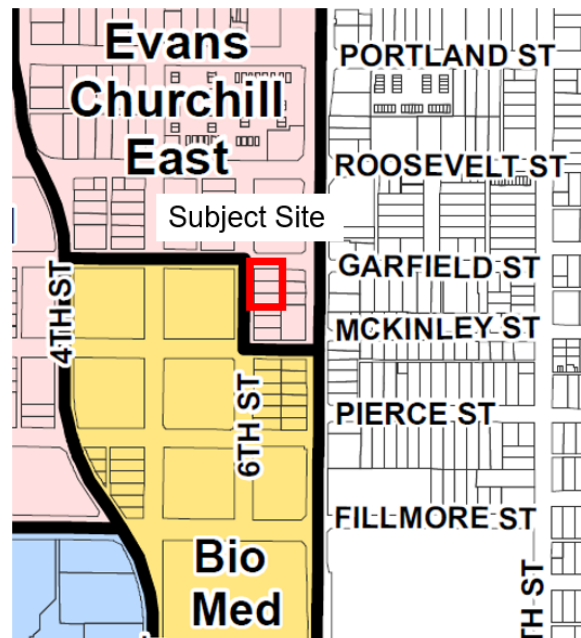
Background

This request is to amend the following:

- Allowable density to no density limit
- Allow for a height bonus to increase height up to 10 percent
- Increase the maximum lot coverage to 90 percent south of Garfield Street

The proposed development is located at the southeast corner of 6th Street and Garfield Street in the Evans Churchill East Character Area. The Evans Churchill East Character Area is primarily intended to be a continuously evolving arts-oriented mixed-use community where new mixed-use development shares space with old bungalows and historic homes, and new live-work units provide additional commercial spaces to cater to the needs of artists. The site is located south of Garfield Street, which is a part of the Evans Churchill East Character Area bordered by the Bio Med Character Area to the south and west. The area bordered by Garfield Street to the north, 6th Street to the west, McKinley

Figure A: Character Areas



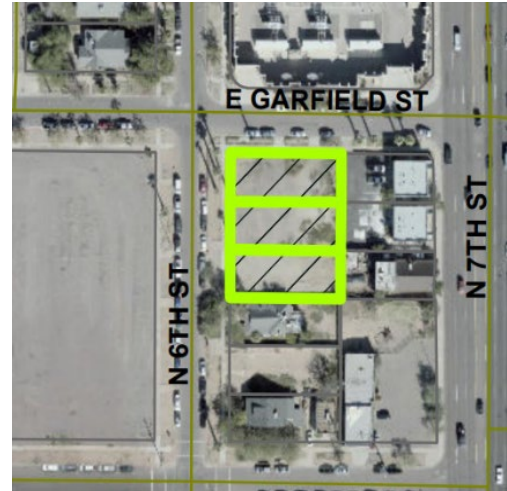
Source: City of Phoenix Planning and Development Department

Street to the south and 7th Street to the east serves as an area for transition between the higher scale and intensity envisioned for the Bio Med Character Area and the lower-scale arts-oriented community and historic bungalows north of Garfield Street in the Evans Churchill East Character Area.

The subject site is currently vacant. To the north, across Garfield Street, is an APS substation. To the east are two multifamily buildings and a single-family residence. To the south is a single-family residence. To the west, across 6th Street, is a vacant lot proposed to be a temporary parking lot for the Arizona State University Phoenix Biomedical Campus Innovation Center under construction at 5th Street and Garfield.

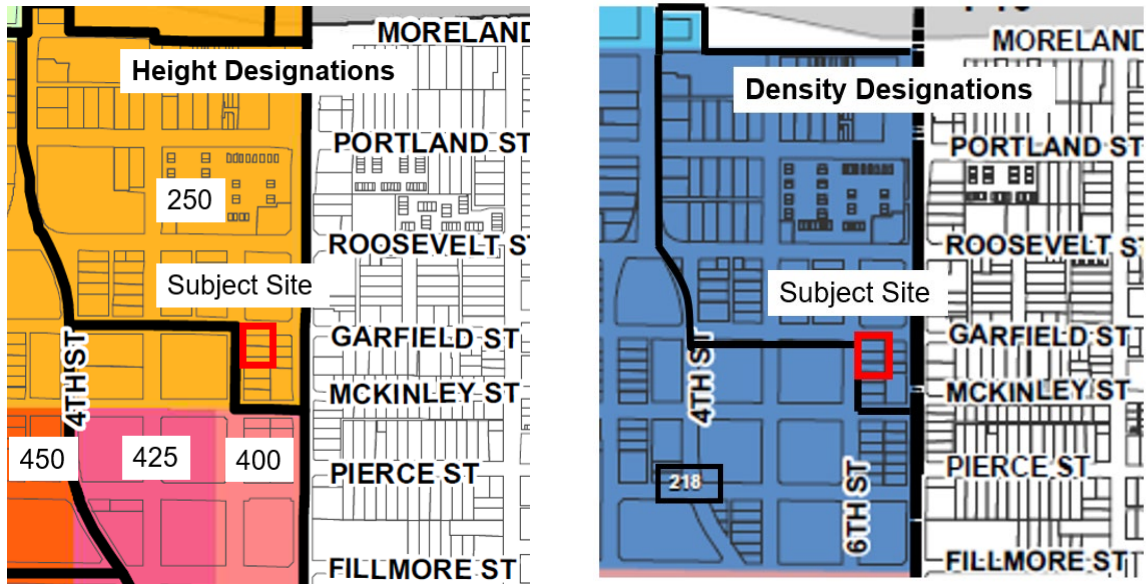
The current regulating maps of the Downtown Code permit a maximum density of 218 dwelling units per acre and maximum height of 250 feet on the proposed development site, as shown in Figure C below. The current maximum density and height was determined by the previous zoning, R-5 HRI (Multifamily Residence District, High Rise and Mixed-Use District), prior to the adoption of the Downtown Code in 2010. The properties surrounding the subject site are also permitted a maximum density of 218 dwelling units per acre and maximum height of 250 feet. The current development standards of the Evans Churchill East Character area permit a maximum lot coverage of 50 percent with the option to increase to 100 percent using the sustainability bonus provisions.

Figure B: Site Context



Source: City of Phoenix Planning and Development Department

Figure C: Height and Density Designations



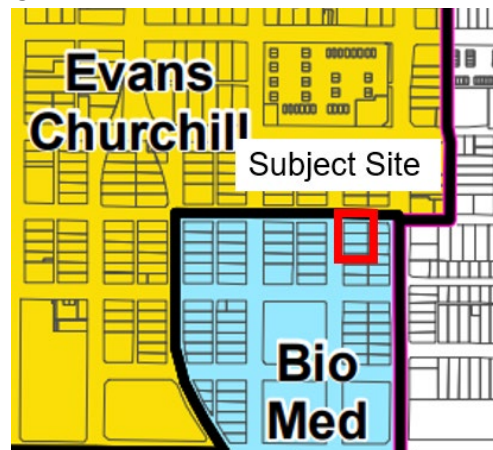
Source: City of Phoenix Planning and Development Department

Background: Urban Form Project and the Downtown Code

The Downtown Urban Form Project was initiated in 2006. The Downtown Phoenix Plan is a product of the Downtown Phoenix Urban Form Project and was prepared to provide direction for implementation of the community vision for an active, pedestrian-oriented and sustainable Downtown. The Downtown Phoenix Plan was adopted by City Council in 2008 and served as a precursor to the Downtown Code, adopted in 2010, which is now Chapter 12 of the Phoenix Zoning Ordinance.

The site is included in the Bio Med Character Area in the Downtown Phoenix Plan and was then included in the Evans Churchill East Character Area when the Downtown Code was adopted. The vision for how the Bio Med Character Area will develop as listed in the Downtown Phoenix Plan is as a major educational, medical and technological employment center. The Bio Med Character Area will be a key economic engine in Downtown, in an increasingly high-tech Arizona. It was envisioned to be a high-tech hub surrounded by comfortable pedestrian-oriented streets that connects workers, researchers, and students to restaurants, shops and galleries in the arts-oriented Evans Churchill neighborhood, and to the fine dining,

Figure D: Downtown Phoenix Plan Character Area



Source: City of Phoenix Planning and Development Department

music, sports, and convention venues in the Business Core (pg. 3-33). The Downtown Phoenix Plan lists two policies that address specific issues or opportunities unique to the planning area. The two policies for the Bio Med Character Area are:

Policy 3-28: Maintain the existing block structure and street grid between Garfield and Fillmore Streets.

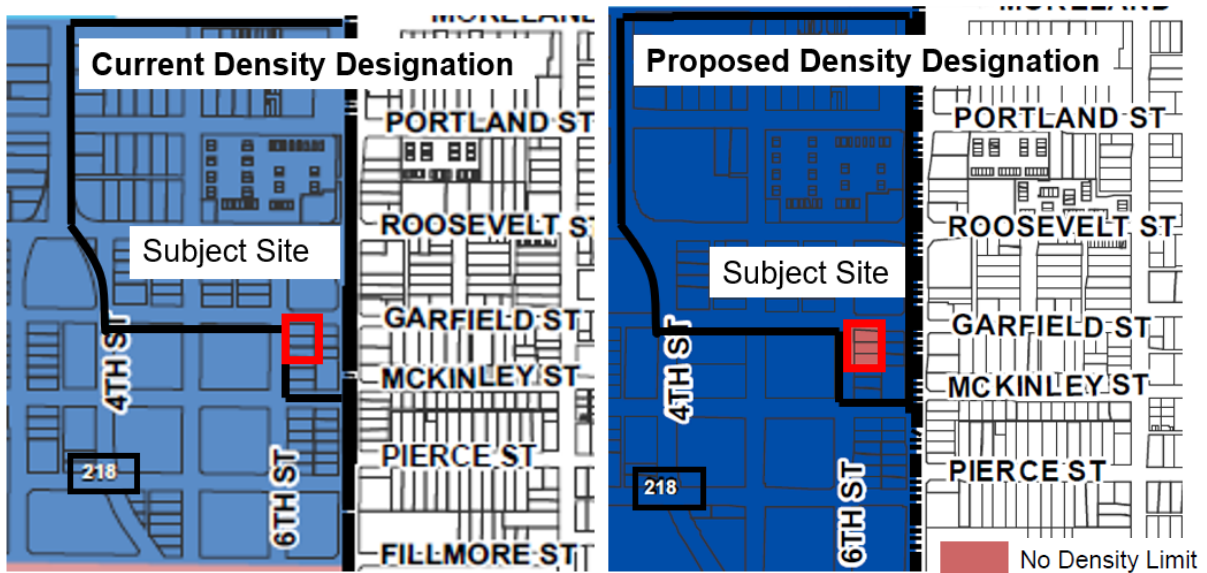
Policy 3-29: Develop height transition strategies to ensure compatibility between new high-rise and high-density development south of Garfield Street and the bungalow row north of Garfield Street.

Staff Analysis

Density

The proposal to increase the allowable density to no density limit is consistent with the Walkable Urban Code applicability. As part of the Reinvent PHX project, the Walkable Urban Code was adopted by City Council in 2015 as a new urban and transit-oriented zoning code. The code regulates development in proximity to light rail stations and is Chapter 13 of the City of Phoenix Zoning Ordinance. The Walkable Urban Code is a zoning option applicable to properties outside of the Downtown Code that are within the Transit Oriented District Policy Plan areas typically encompassing a half-mile radius around station locations. The subject site is located approximately 0.46 miles from the Roosevelt/Central Avenue light rail station. If the project was not within the Downtown Code zoning district, the Walkable Urban Code applicability may have been extended to include the subject site and would allow the physical form, building design, and lot standards to dictate the allowable density on the site without the need to specify a maximum allowable density. The site is also located within walking distance of the Phoenix Biomedical Campus. Increasing the scale and intensity for projects in this area is also consistent with the General Plan transit-oriented development goals and principles which are to ensure that downtown housing is dense, and to encourage high-density housing and high intensity employment uses located adjacent or close to transit stations.

Figure E: Maximum Density Existing and Proposed



Source: City of Phoenix Planning and Development Department

Lot Coverage

The request to increase lot coverage to 90 percent south of Garfield Street and maintain the 50 percent lot coverage north of Garfield Street contributes to the transitional nature of the site, as it is bordered by Bio Med Character Area which allows for 100 percent maximum lot coverage. Further, the request would allow for the option to increase lot coverage by using the sustainability bonus point provisions in the Downtown Code which requires projects to include community benefits in the site design.

Height

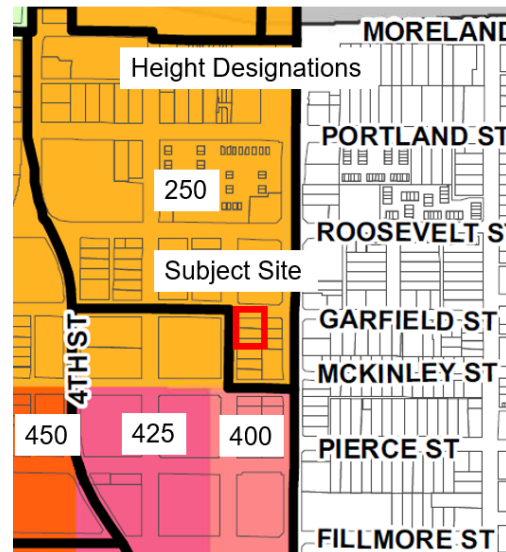
The request does not increase the height allowed in the Evans Churchill East Character Area by right, rather it creates the opportunity for projects to achieve more height by providing community benefits through sustainability bonus points. The proposal to increase the allowable height by a sustainability bonus provision is consistent with the Downtown Phoenix Plan policies and provides for a public benefit that is sensitive to the surrounding area.

The proposed amendment meets the policies in the Downtown Phoenix Plan for the Evans Churchill East Character Area.

Policy 3-29: Develop height transition strategies to ensure compatibility between new high-rise and high-density development south of Garfield Street and the bungalow row north of Garfield Street.

The proposed amendment is to allow for a height increase up to 10 percent for sites south of Garfield Street. The proposal would create a more appropriate height transition from properties in the adjacent Bio Med Character Area to the south with significantly higher height designations and the height designations north of Garfield Street. A height transition strategy south of Garfield Street developed by the proposed text amendment provides the opportunity for projects to incorporate community benefits through the Downtown Code's sustainability bonus point system.

Figure F: Maximum Height



Source: City of Phoenix Planning and Development Department

Conclusion

Staff recommends approval of Z-TA-1-20-8 to amend the density map and Evans Churchill East Character Area text as shown in Exhibit A of the staff report.

The proposal for additional density and option for more lot coverage and height is warranted given the proposed development's proximity to the Bio Med Character Area and public transit. The proposal is in line with the policies of the Downtown Phoenix Plan, the General Plan, and transit-oriented development goals and principles. The sustainability bonus option develops a height and lot coverage transition strategy for the area south of Garfield Street and offers community benefits in exchange for the option for additional height and lot coverage.

Writer

Sarah Stockham

August 25, 2020

Team Leader

Samantha Keating

Exhibits

Exhibit A: Proposed Language (4 pages)

Exhibit B: Applicant Narrative and Site Plan (8 pages)

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Sketch Map

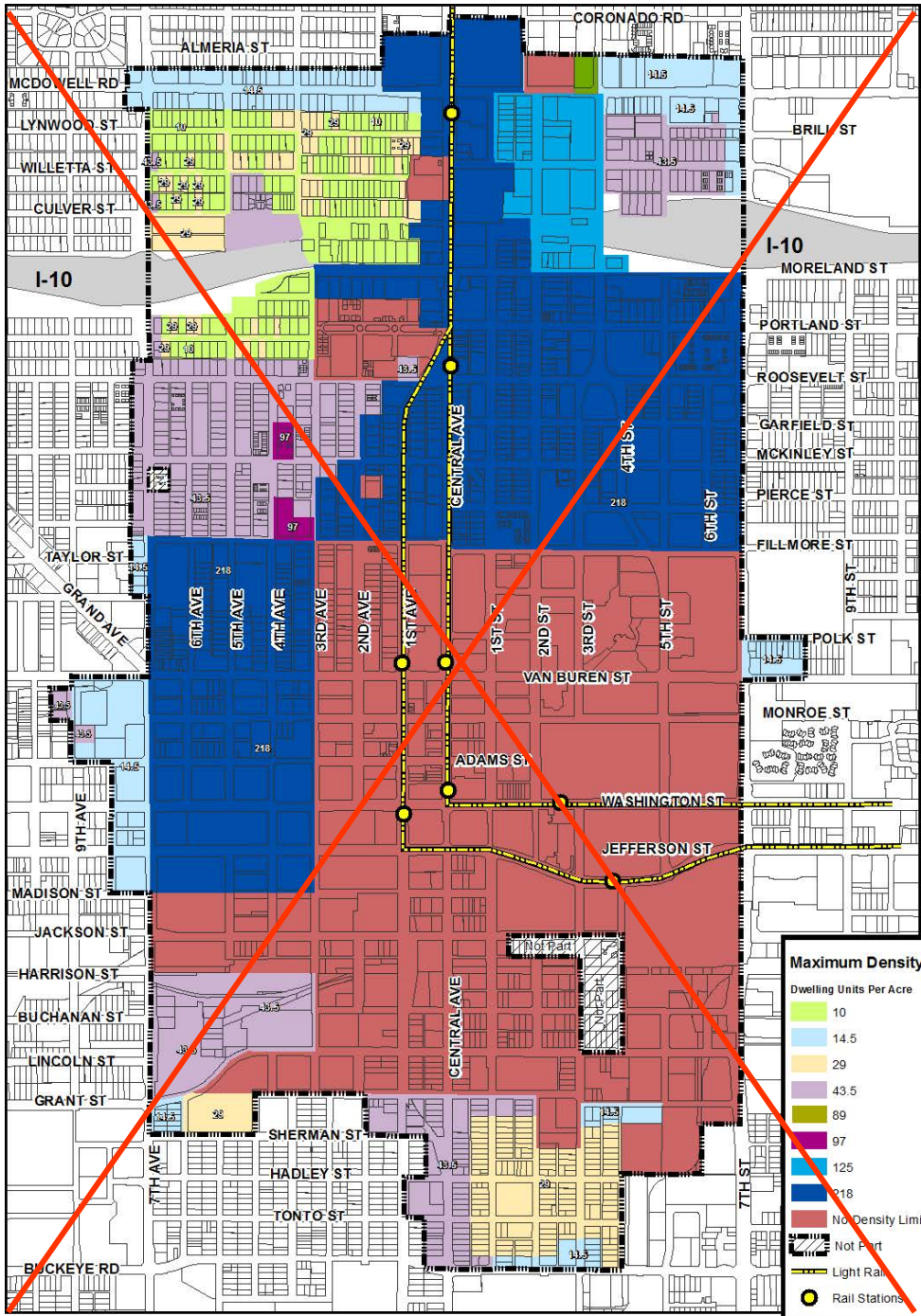
EXHIBIT A

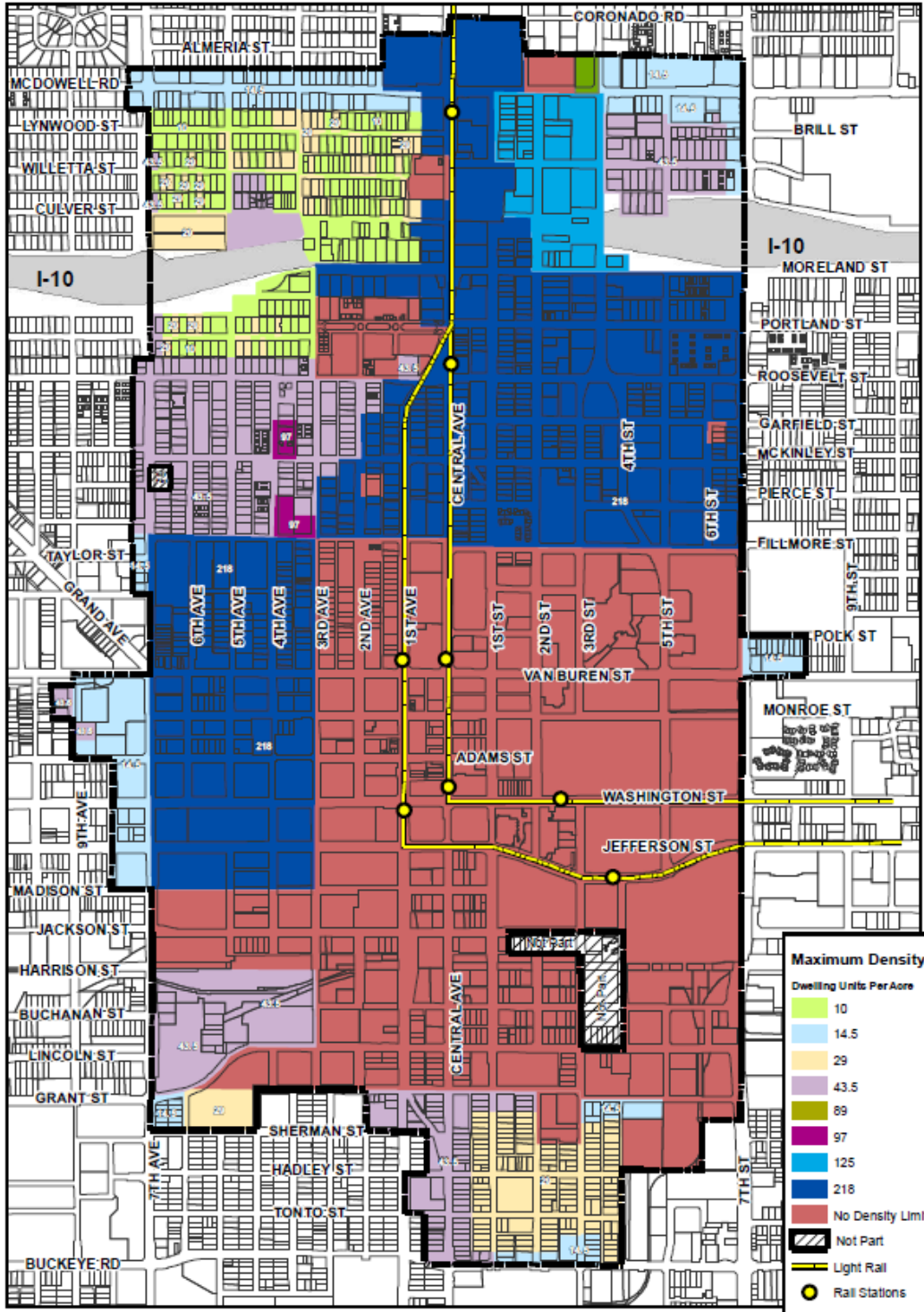
Application No. Z-TA-1-20: Amend Section 1202.D. (Regulating Maps, Density Map) of the Phoenix Zoning Ordinance to replace the Downtown Code Density Map to amend density provisions from 218 maximum dwelling units per acre to No Density Limit at the southeast corner of 6th Street and Garfield Street and amend Section 1214.B. (Evans Churchill East, Development Standards) to allow for a height bonus and increase the maximum lot coverage south of Garfield Street from 50 percent to 90 percent.

Staff Proposed Language That May Be Modified During the Public Hearing Process is as follows:

Amend Chapter 12, Section 1202 (Regulating Maps) by removing the old map, and inserting the new map as follows:

- D. The density for any parcel in the Downtown Area shall not exceed the following unless a density bonus is allowed by the Character Area and approved by the Planning and Development Department staff or an appeal is approved by the Design Review Committee (DRC) pursuant to Section 1223 requirements:





Amend Chapter 12, Section 1214 (Evans Churchill East) to read as follows:

B. Development Standards.

1. Maximum height.

- a. *Main building:* Governed by the height map, Section 1202.C.
 - (1) Height bonus: ~~None.~~ **NORTH OF GARFIELD STREET: NONE.**
 - (2) **HEIGHT BONUS SOUTH OF GARFIELD STREET: MAXIMUM 10%.**

2. Maximum density.

- a. Governed by the density map, Section 1202.D.
 - (1) *Bonus:* Maximum 50% increase in density

3. Maximum lot coverage.

- a. *Lot coverage:* ~~50%~~ **NORTH OF GARFIELD STREET: 50%**
- b. **LOT COVERAGE SOUTH OF GARFIELD STREET: 90%**
- c. ~~(1)~~ *Bonus, ALL AREAS:* maximum 100% lot coverage.

Snell & Wilmer

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May 8, 2020

Sarah Stockham
Central City Village Planner
Planning and Development Department
City of Phoenix
200 W. Washington Street
Phoenix, Arizona 85004

Re: Text Amendment Application to (i) the Downtown Code's Density Regulating Map, Section 1202.D, (ii) the Maximum Lot Coverage Standard, Section 1214.B.3, and (iii) the Maximum Height Standard, Section 1214.B.1.a of the City of Phoenix Zoning Ordinance for a Limited Area of the Evans Churchill East Character Area

Dear Sarah:

On behalf of Hubbard Street Group ("Hubbard"), we are pleased to submit this application to amend Chapter 12 of the City of Phoenix Zoning Ordinance ("Ordinance"), specifically Section 1202.D, the Maximum Density Map, Section 1214.B.2.a, Maximum Lot Coverage Standard and Section 1214.B.1.a, Maximum Height Standard for the Evans Churchill East Character Area.

This request pertains to the property located at the southeast corner of 6th Street and Garfield Street, otherwise known as Maricopa County Assessor's Parcel Numbers 111-44-119, 111-44-120 and 111-44-121 (the "Property") ([Exhibit A](#)), which will support development of a 26 story, 265-foot-tall, 309 dwelling luxury apartment high-rise with ground floor retail/commercial space (the "Project"). Initial conceptual images of the Project are attached as [Exhibit B](#).

The objective of this amendment is to establish development standards for these parcels that are consistent with modern development requirements as well as the specific site context conditions not fully addressed when the Ordinance was originally adopted. These development standards modifications are necessary for Hubbard (and other property owners on the block) to develop a high-quality urban residential project that will create activity at the street level and provide another housing choice for those that desire to live in Downtown Phoenix.

A. Section 1202.D – Density Regulating Map. The Downtown Code provides a regulating map for density levels. The Property is currently permitted a maximum of 218 dwelling units per

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acre, and through this request we are seeking an amendment to the Regulating Map to No Density Limit (Exhibit C). We are requesting this designation due to the Downtown Code’s lack of additional density classifications above 218 dwelling units per acre. Because of the smaller unit mix, the actual project density will be 443 dwelling units per acre.

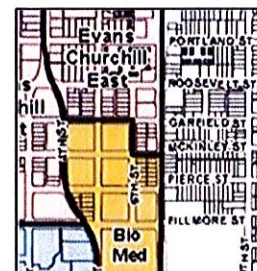
This request reflects the changing dynamics in Downtown Phoenix. The lack of available land within the area has driven development of the remaining smaller and smaller parcels. As the size of parcels under development continues to decrease, the actual density proposed on those parcels will increase. In Hubbard’s instance, the Property consists of only 0.41 buildable acres – a site that is a fraction of the average site area at the time of the Downtown Code’s implementation, when larger groups of parcels were readily available.

In addition, today’s residents demand smaller, more cost-effective dwelling units in a building that offers significant resident amenities and an exciting, active ground floor. Smaller units equates to more units per acre; the Downtown Code simply did not foresee the movement to smaller unit sizes.

Further, the Property exists in a unique location – bounded by the APS substation to the north and the Bio Med Character Area to the west and south. This results in an assurance that there will be, for the foreseeable future, a lack of residential density adjacent to the Property. The APS substation will continue to exist and serve Downtown Phoenix for many years into the future, and the Biomedical Campus is intended to develop primarily as laboratory or research space, consistent with the goals of the City. This creates a lack of residential density and intensity on the surrounding blocks. The lack of units results in fewer residents in the immediate area, which makes attracting and retaining restaurants and supporting retail more challenging for this part of Downtown. By allowing for more people to reside on the Property, the lack of available residential dwellings in the immediate area will be alleviated.

In summary, the limited supply of available land for residential development in the area, the changes in resident preferences for smaller, more economical homes, and the need to ensure density levels to support nearby businesses results in a need to reclassify the Property as “No Density Limit.”

B. Section 1214.B.3 - Maximum Lot Coverage Standard. The Evans Churchill East Character Area allows up to 50% lot coverage “by-right” and, with bonus, up to 100% lot coverage. Given the height in the area (up to 250 feet), the 50% lot coverage is in clear conflict with the intent of the area to support tall, dense residential buildings. As it relates to the Property, these parcels (and the overall block) are located in a “dog-leg” type of condition, with the Bio Med Character area to the west and south (note east is 7th Street, the edge of the Downtown Code).



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The Bio Med Character area permits up to 100% lot coverage “by-right” (Section 1208.B.3.a), while allowing the same (west) or more (south) height immediately adjacent to the Property. As a transitional area between these two Character Areas, it is appropriate to provide a lot coverage transition on this block.

This request is to amend Section 1214.B.3 to read as follows:

3. Maximum lot coverage.

a. Lot coverage, NORTH OF GARFIELD STREET: 50%

b. Lot coverage, SOUTH OF GARFIELD STREET: 90%

(1) Bonus, ALL AREAS: maximum 100% lot coverage.

This will permit the block, inclusive of the Property, to enjoy a transitional “by-right” base lot coverage of 90% (less than the abutting Bio Med) while maintaining the bonus provisions that allow up to 100% (via a 10% bonus under Section 1223.B.1.(c)). For those areas north of Garfield Street, the standards will remain the same, encouraging a transitional development pattern northward through the Character Area.

C. Section 1214.B.1.a.(1) – Maximum Height Standard. The Evans Churchill East Character Area allows heights up to the limits of the “Height Map” (Section 1202.C) without any bonus provisions.

The block (inclusive of the Property) is made up of a number of smaller parcels and is also one of the few blocks in the area that does not benefit from an alleyway. Some additional height is necessary and appropriate for development to maximize density and square footages to support a vibrant mixed-use area. As with the density map amendment discussed in Section A, the surrounding context of the block results in fewer residential development opportunities due to existing and planned development.

To provide opportunity to achieve additional height, which for the project requires an increase of only 10%, an amendment to permit a project to earn additional “bonus” height is proposed that would be limited to the block (areas south of Garfield only) to utilize the provisions of Section 1223.B.1.(a). A maximum 10% bonus would require 30 sustainability bonus points. As always, any height would be limited by the Airport Height Zoning Article, City Code Chapter 4, Article XIII.

This request is to amend Section 1214.B.1.a.(1) to read as follows:

1. Maximum height.

a. Main building: Governed by the height map, Section 1202.C.

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- (1) Height bonus, NORTH OF GARFIELD STREET: None.
- (2) HEIGHT BONUS, SOUTH OF GARFIELD STREET:
MAXIMUM 10%.

This will allow for parcels on the block to utilize up to 10% additional height, if necessary, to develop buildings of size required for modern high-rise development, particularly due to taller heights between floor plates in today's construction.

D. Summary. This is a request for approval of a text amendment Chapter 12 of the City of Phoenix Zoning Ordinance to modify (i) the Density Regulating Map of Chapter 12, Downtown Code, to allow for sufficient density to support modern residential high rise development, (ii) Section 1214.B.3 to provide sufficient base lot coverage for the area south of Garfield Street and (iii) Section 1214.B.1.a to allow for a bonus allotment up to 10% additional height for the area south of Garfield Street.

These changes provide for underlying development standards that are consistent with modern residential high-rise development, encourage development on the block of significant residential density to support retail and commercial uses envisioned for the Character Area and is in alignment with the overall goals of the Downtown Code.

Respectfully submitted,

Snell & Wilmer

Nicholas J. Wood

Exhibit A – Site Aerial

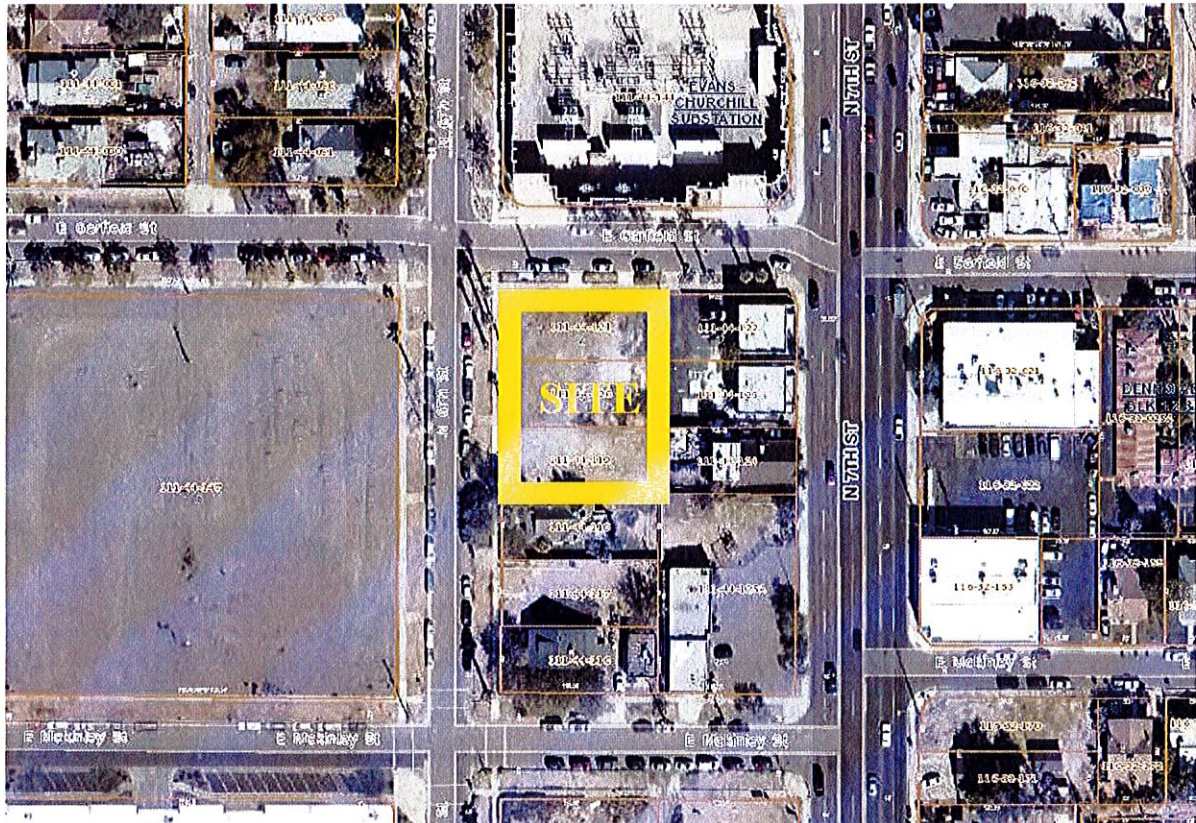


Exhibit B – Conceptual Project Images

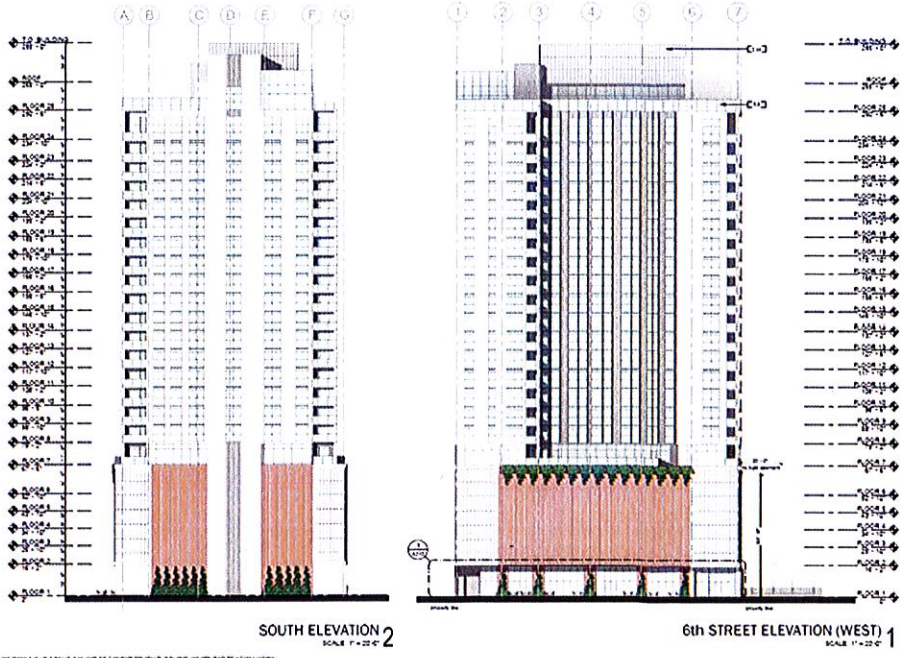
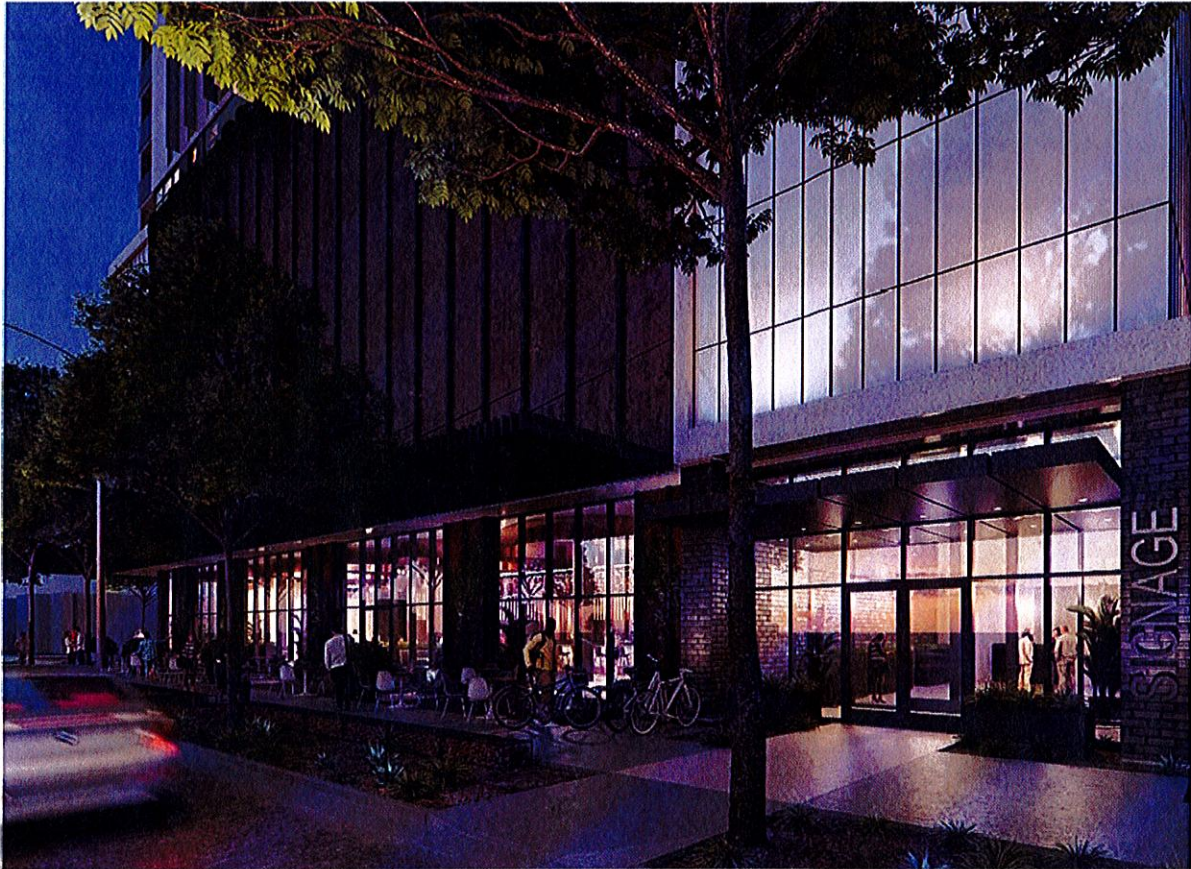
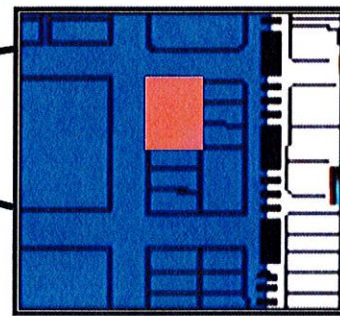
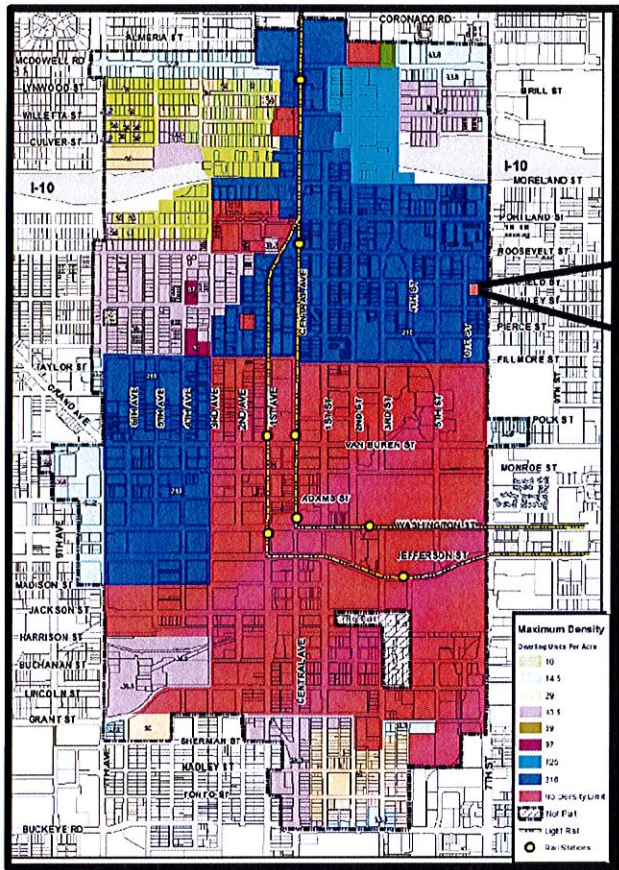


Exhibit C – Proposed Density Regulating Map



Proposed Density Limit:
No Density Limit


Text Amendment

CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: TA-1-20	ACRES: 0.70 +/-
VILLAGE: Central City	COUNCIL DISTRICT: 8
APPLICANT: Nick Wood, Esq.-Snell & Wilmer, LLP	

EXISTING:

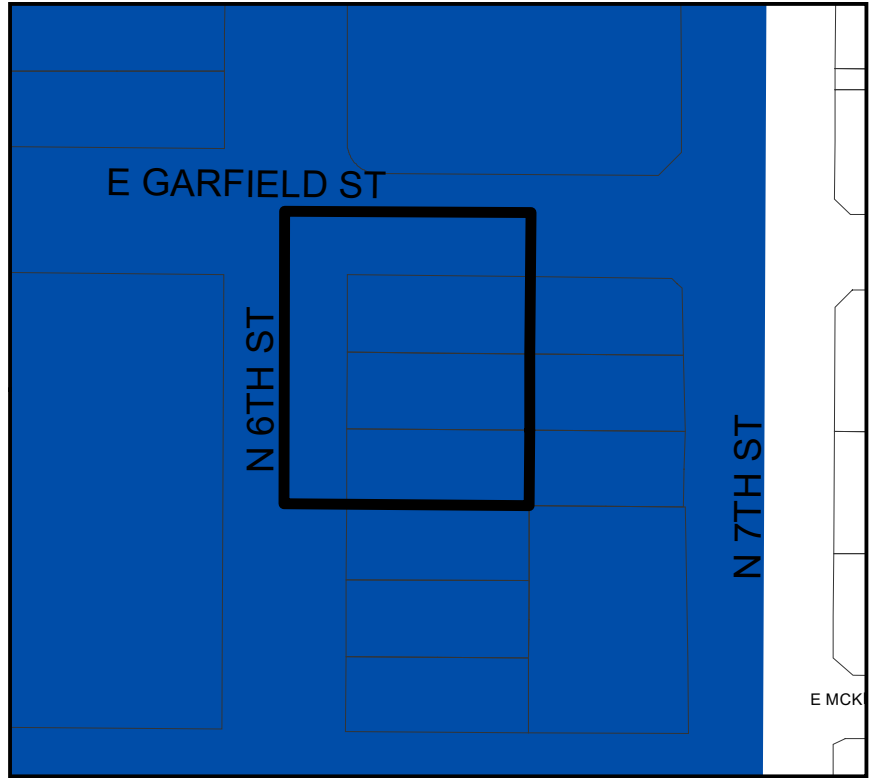
218 Dwelling Units Per Acre (0.70 +/- Acres)

 Proposed Change Area

Maximum Density


Dwelling Units Per Acre

 218



PROPOSED CHANGE:

No Density Limit (0.70 +/- Acres)

 Proposed Change Area

