



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-TA-4-15
Zoning Ordinance Text Amendment

Application No Z-TA-4-15: A request to amend Section 309 (Design Review Committee) regarding membership appointments, and amend Section 507 (Design Review Approval) regarding technical modifications relating to public notification notices for appeals to the Design Review Committee.

Staff recommendation: Staff recommends approval of Z-TA-4-15 as shown in the recommended text.

Background

As part of the Reinvent PHX project, five new Transit Oriented Districts (TOD) were formed: Solano, Uptown, Midtown, Eastlake-Garfield, and Gateway. The five TODs span four Villages: Alhambra, Camelback East, Central City, and Encanto.

The new Walkable Urban (WU) Code (Chapter 13 of the Zoning Ordinance) was created to address future development along the 11 miles of the Light Rail Corridor within the boundaries of the five TODs. A major goal of the WU Code is the promotion of design excellence for a pedestrian and transit oriented environment. Section 1313, Design and Standards Alternatives, provides standards for the approval of design alternatives by the Design Review Committee (DRC). The process creates flexibility and encourages innovative alternatives to the code standards.

Section 309 was amended to include the WU Code as part of the DRC role in reviewing design alternatives, and it was approved by City Council on July 1, 2015.

At present, only the Central City Village is represented with two members on the DRC since the DRC currently reviews design alternatives and sustainability bonuses for projects within the boundaries of the Downtown Code.

Purpose

The intent of the changes in Section 309 is to modify the DRC membership composition to include one member each from the Alhambra, Camelback East and Encanto Village Planning Committees for full representation of all villages for projects that may be subject to design review alternatives by the DRC within the boundaries of the WU Code and the Downtown Code.

The proposed changes in Section 507 would modify the public notification notices for appeals to the DRC and address technical modifications.

Description of the Proposed Text

The proposed text for Section 309 modifies the membership appointments to add three new members to represent the Alhambra, Camelback East, and Encanto Village Planning Committees. Two members representing the public will be removed, and the number of the Central City Village Planning Committee members will be reduced from two to one member.

The proposed text for Section 507.G. modifies the public notification notice from 20 to 30 calendar days to correspond to language in Section 507.H.b., and makes technical modifications.

See attachment "A" for recommended language.

Conclusion

This text amendment will amend the Section 309 and Section 507 to comply with language for Section 1313.

Staff recommends approval of the amendment to the Zoning Ordinance as proposed in Attachment A.

Writer

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3/24/16

Attachments

A. Proposed Language

ATTACHMENT A
Text Amendment Z-TA-4-15 – Design Review Committee

Proposed Language:

Amend Chapter 3, Section 309 (Design Review Committee) to read as follows:

- A. **Powers and Duties.** The Design Review Committee shall have the power and duty under the provisions of these regulations to hear specific items appealed by the development review applicant contesting decisions made by the Planning and Development Department regarding the interpretation and implementation of design guidelines and architectural diversity standards to review and approve Design Alternatives and Sustainability Bonuses for properties within the boundaries of the Downtown Code, and to review and approve design alternatives and modification to standards within the boundaries of the Walkable Urban Code.
- B. **Membership.** Members of the Design Review Committee shall be appointed and removed as follows:
1. The Design Review Committee shall consist of nine members who are residents of the City of Phoenix, no more than two of whom may be members of the Design Standards Committee, composed as follows:
 - a. One member of the Planning Commission;
 - b. ~~Two~~ **ONE** members of the Central City Village Planning Committee;
 - c. ~~Two residents~~ **ONE MEMBER OF THE ALHAMBRA VILLAGE PLANNING COMMITTEE;**
 - D. **ONE MEMBER OF THE CAMELBACK EAST VILLAGE PLANNING COMMITTEE;**
 - E. **ONE MEMBER OF THE ENCANTO VILLAGE PLANNING COMMITTEE;**
 - dF. One representative of an owner or developer of projects that are subject to design review; and
 - eG. Three design professionals, such as architects, landscape architects, planners, and civil engineers.

2. The members of the Design Review Committee shall be appointed by the City Council, except the Planning Commission member who shall be selected by the Planning Commission, and shall serve without pay.
3. Except for the Planning Commission member, each appointment shall be for a term of two years, and no member shall serve more than two successive terms. The Planning Commission member shall serve for two years, but the term shall not be renewable.
4. Except for the Planning Commission member, in the event of a death or resignation of a member, the vacancy may be filled for the unexpired term by the City Council. The vacancy of a Planning Commission member shall be filled by the Planning Commission.

Amend Chapter 5, Section 507 (Development Review Approval) to read as follows:

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

1. Each Design Alternative application shall include, at a minimum, the following:
 - a. A Certificate of Appropriateness or Certificate of No Effect must be obtained in advance of filing for any property with a Historic Preservation (HP) zoning designation;
 - b. A listing of the standard(s) or guideline(s) that are the subject of the proposed Design Alternative;
 - c. A narrative statement describing the justification for the Design Alternative and the manner in which the proposed Design Alternative would result in a furtherance of the goals and policies of the Downtown Phoenix Plan or of the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano TOD Policy Plans, and would satisfy the findings required for approval;

- d. Site plan;
 - e. Building elevations;
 - f. Context plan;
 - g. Landscaping and Shading plan;
 - h. List of property owners located within 150 feet of the subject property as supplied by the Maricopa County Assessor's Office; and
 - i. Such other information as may be required by the Planning and Development Director or DRC.
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- 3. Within 105 calendar days of the date of filing a Design Alternative or Sustainability Bonus Appeal application, the applicant shall mail a notice by first class mail to all property owners within 150 feet of the subject site explaining the request and providing the date, time and location of the DRC meeting at which the application will be reviewed.
 - 4. In order to approve a Design Alternative, the DRC must make findings as follows:
 - a. That the project is consistent with the intent stated for the subject Character Area in the Downtown Code;
 - B. THAT THE PROJECT DEMONSTRATES DESIGN EXCELLENCE BY ADDRESSING DESIGN ALTERNATIVES THAT DEMONSTRATE CONFORMANCE WITH THE INTENT OF THE WALKABLE URBAN CODE AS SET FORTH IN SECTION 1301.B AND IN GENERAL CONFORMANCE WITH THE POLICIES CONTAINED WITHIN THE GATEWAY, EASTLAKE-GARFIELD, MIDTOWN, UPTOWN AND SOLANO TOD POLICY PLANS. THE MODIFICATIONS MUST MEET THE STANDARDS SET FORTH IN SECTION 1313.**
 - bC.** That the project demonstrates design excellence by addressing at least two of the following:
 - (1) Design innovation and the imaginative use of space, form and materials.
 - (2) Permeability and connectivity which enables people to move within, around and through the project with ease.

- (3) The project improves safety and security by introducing human activity to the public realm with active building frontages onto streets and other public spaces, and enable “Eyes on the Street.”
 - (4) The project incorporates materials and design which enhances thermal comfort.
 - (5) ~~Modifications from prescribed standards as per Section 1313 and~~
- e. ~~That the project demonstrates design excellence by addressing Design Alternatives that demonstrate conformance with the intent of the Walkable Urban Code as set forth in Section 1301.B and in general conformance with the policies contained within the Gateway, Eastlake-Garfield, Midtown, Uptown and Solano TOD Policy Plans. The modifications must meet the standards set forth in Section 1313~~
5. In order to approve a Sustainability Bonus Appeal, the DRC must make findings as follows:
 - (a). That the project is consistent with the intent stated for the subject Character Area;
 - b. That the project is improving the overall performance of the building(s) through generally accepted building and design standards and innovation; and
 - c. The increased entitlements are consistent with the improved performance of the building(s).
6. In approving a Design Alternative or Sustainability Bonus Appeal, the DRC may impose any reasonable conditions to ensure that the approval complies with the findings required above.
7. A Design Alternative or Sustainability Bonus Appeal application will be reviewed at a public meeting within ~~2~~**30** calendar days from the date of submission of the application. Any person invited to the review of the preliminary report with the applicant shall be informed by the Planning and Development Department of the date, time and location of the meeting.

8. A decision on the Design Alternative or Sustainability Bonus Appeal application will be made by the DRC on the date of the public meeting unless continued at the discretion of the Committee and a certificate of approval shall be transmitted to the applicant in writing.

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