

ATTACHMENT D

Z-TA-5-22-4-7-8 Downtown Code Village Planning Committee Summary Results

Village	Information Only Date	Recommendation Date	Recommendations	Vote
Central City	8/12/2024	9/9/2024	Approval, per the staff recommendation	12-0
Encanto	8/5/2024	9/9/2024	Approval, per the staff recommendation	9-1

Village Planning Committee Meeting Summary
Z-TA-5-22-4-7-8
INFORMATION ONLY

Date of VPC Meeting	August 12, 2024
Request	<p>Add a new Section 312 and amend the following sections of the Phoenix Zoning Ordinance to revise and clarify definitions, and variance and Design Review appeal processes and to clarify how other sections interact with Chapter 12 (Downtown Code):</p> <p>Section 201 (Rules of Construction), Section 202 (Definitions), Section 307.A (Authority and duties of the Zoning Administrator), Section 507 (Development Review Approval), Section 669 (Arts, Culture, and Small Business Overlay District), Section 702 (Off-Street Parking and Loading), and Section 703 (Landscaping, Fences and Walls), Chapter 12 (Downtown Code)</p>

VPC DISCUSSION:

No members of the public registered to speak on this item.

STAFF PRESENTATION

Christopher DePerro, staff, provided a presentation about the proposed amendments to the Downtown Code, highlighting the revisions to the appeals processes, frontage and streetscape zones, the Taylor Street Paseo, and clarifications about issues in the right-of-way, further reviewing the timeline for the text amendment.

QUESTIONS FROM COMMITTEE

Committee Member Sonoskey asked about variances and if adding DRC review will make it take longer to get a variance. **Mr. DePerro** replied that a lot of other changes to the DTC will make variances necessary less often and that in some cases a variance can be obtained in conjunction with the DRC review.

Mr. Sonoskey asked if valet parking is currently allowed in the DTC. **Mr. DePerro** replied that the text doesn't currently say whether it's allowed and that the proposed

text requires Street Transportation Department approval for valet parking within the right-of-way.

Vice Chair Gaughan asked how long this revision has been in the works. **Mr. DePerro** replied that it has been since 2021.

PUBLIC COMMENTS

None.

Village Planning Committee Meeting Summary
Z-TA-5-22-4-7-8
INFORMATION ONLY

Date of VPC Meeting	August 5, 2024
Request	Add a new Section 312 and amend the following sections of the Phoenix Zoning Ordinance to revise and clarify definitions, and variance and Design Review appeal processes and to clarify how other sections interact with Chapter 12 (Downtown Code): Section 201 (Rules of Construction), Section 202 (Definitions), Section 307.A (Authority and duties of the Zoning Administrator), Section 507 (Development Review Approval), Section 669 (Arts, Culture, and Small Business Overlay District), Section 702 (Off-Street Parking and Loading), and Section 703 (Landscaping, Fences and Walls), Chapter 12 (Downtown Code)

VPC DISCUSSION:

No members of the public registered to speak on this item.

STAFF PRESENTATION

Chris DePerro introduced himself and stated that changes to the Downtown Code have been in development for some time and there is a portion that is within the Encanto Village. Mr. DePerro stated the downtown area is between 7th Street and 7th Avenue extending to Buckeye Road to the south. Mr. DePerro stated that one of the reasons for changes was due to unclear language and over the years other changes were not made to update different provisions, tables and there was the intent to have a more traditional downtown code. Mr. DePerro stated that one of the big changes is clarification to the appeal process that was discovered when addressing large projects. Mr. DePerro said they also updated development requirements to be consistent and there were revisions to format, terminology, and grammar to have better interactivity with the rest of the ordinance. Mr. DePerro stated that what has not changed are the existing entitlements, the street classifications and character areas. Mr. DePerro said that one update that

was made was the inclusion of a parcel at the corner of 7th Avenue and Lynwood Street which was added back in to provide full coverage for the area. Mr. DePerro said no changes were made to permitted land uses with exception of one interpretation that was in error which was adjusted, and valet parking was added to the development standards. Mr. DePerro stated that Chapter 12 has been rewritten in the style of Section 507, Tab A and includes a reference to variance requirements and presumptions and technical appeals. Mr. DePerro said that performance standards can be evaluated by technical staff to evaluate the situation but does not go to a public hearing but can be appealed to the City Manager's representative. Mr. DePerro stated that variance relief would be maintained as required by state law. Mr. DePerro stated that what has been added is a process for design related items to go to the Design Review Committee for a recommendation addressing how the requirement items are met. Mr. DePerro stated that provisions were added for some items that are not design related that would be addressed by a design advisor. Mr. DePerro stated the 35 percent limitation on relief was removed and allowed for adjustments for alternative designs like storefront when they did not meet all the specific details. Mr. DePerro discussed the changes to frontages and streetscape zone to put more focus on the ground level environment for shade and landscaping. Mr. DePerro stated that provisions were added for sidewalks, bicycle parking, and amenities that match the WU (Walkable Urban) Code to be consistent. Mr. DePerro stated ride share and delivery space were added, and commercial loading remains to be kept off the street. Mr. DePerro discussed the streetscape zone that would include the minimum sidewalk and landscape setback. Mr. DePerro discussed the frontage setback zone and adjustments to the maximum setbacks to allow full use of the property as well as projections. Mr. DePerro displayed examples of commercial mixed-use frontages and residential frontages and how they will be expected to be developed in the future. Mr. DePerro discussed how public art would be utilized and placed in designated areas and corridors for display. Mr. DePerro stated that with the updates there would be new terminology, some terms would be updated to be consistent with the Zoning Ordinance to clearly express what is allowed with what is permitted. Mr. DePerro stated that certain terms like door yard, grand entry and traditional entry were updated to adapt to the WU Code and to be more functional options. Mr. DePerro stated that adjustments were added for windows, glazing and setbacks to encourage frontage options. Mr. DePerro discussed the Taylor Street Paseo which was updated to include portions of the character area and match the intended areas that were originally planned for. Mr. DePerro stated the Paseo would be preserved and there would be development incentives. Mr. DePerro stated that in making changes they evaluated streets and right of ways and driveways to maintain pedestrian activity and passenger loading. Mr. DePerro stated that the updates include provisions for valet parking that can be utilized across the street, but no new or additional parking is granted. Mr. DePerro stated that with adjusting the right of way allowances it still allows the Street Transportation Department to have flexibility and

does not override their role. Mr. DePerro discussed Historic Preservation and the general provisions of Chapter 12 and there would be no changes in preserving the existing developments. Mr. DePerro stated features such as height bonuses and corporate areas have been clarified when being rehabilitated. Mr. DePerro stated the availability of sustainability bonus points for reduced parking, additional lot coverage and the work with preservation and historical structures. Mr. DePerro stated the timeline for the proposed changes which began in 2022 and they have made the changes which are being presented. Mr. DePerro stated that the proposed changes will affect the Encanto Village and the Central City Village.

QUESTIONS FROM THE COMMITTEE

Committee Member Procaccini asked when there is a historic designation does it have to be nationally registered. **Mr. DePerro** responded this is addressed in Chapter 8 of the Ordinance when a site or building is designated HP (Historic Preservation) it is consider historic by City designation. Committee Member Procaccini asked if a site would be federally designated for preservation. Mr. DePerro stated he would check with the City's Historic Preservation Department for clarification.

Committee Member Warnicke stated there were changes made to the tree matrix and landscaping, but caliper size was not mentioned. **Mr. DePerro** responded that this was not addressed but there are installation requirements for tree size.

Chair Wagner stated the proposed changes will have a greater impact on Central City with some limited application on the southern boundary of the Encanto Village. Chair Wagner asked about the Design Review Committee and their decision that is final and non-appealable, noting that from the Village they address design questions without sufficient design details. Chair Wagner asked why there was a decision to grant power to a few people on a committee rather than a more public process. **Mr. DePerro** responded that the Design Review Committee was established with the original Downtown Code, and the committee was the final decision maker. Mr. DePerro stated that other options were considered for appeals that include a Design Advisor with a different board and at this time the updates are a major clarification of items that have been in practice for the last ten years and the focus has been on codification for clarity. Chair Wagner asked if staff could obtain the minutes from the Central City Village Planning Committee Meeting. Chair Wagner stated that it would be helpful to get information from the Central City Village perspective as well as seeing how the outreach was conducted. Mr. DePerro responded that they worked with the Downtown Phoenix Partnership, the Phoenix Community Alliance, the Roosevelt Action Association, and there was a work group that reviewed the language. Mr. DePerro stated that there will be additional presentations made to other groups. Chair Wagner asked if the City is currently rewriting other parts of the ordinance, to get a heads up on future changes. Mr. DePerro responded that there will be some upcoming changes based on the state

mandated requirements including revision to ADU's. Mr. DePerro stated they will be making some revisions to Adaptive Reuse as a follow up to SB 2297. Mr. DePerro stated there are many provisions that have to be updated but there is no immediate hurry, but they will be in progress.

PUBLIC COMMENTS

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION

None.

Village Planning Committee Meeting Summary
Z-TA-5-22-4-7-8

Date of VPC Meeting	September 9, 2024
Request	Add a new Section 312 and amend the following sections of the Phoenix Zoning Ordinance to revise and clarify definitions, and variance and Design Review appeal processes and to clarify how other sections interact with Chapter 12 (Downtown Code): Section 201 (Rules of Construction), Section 202 (Definitions), Section 307.A (Authority and duties of the Zoning Administrator), Section 507 (Development Review Approval), Section 669 (Arts, Culture, and Small Business Overlay District), Section 702 (Off-Street Parking and Loading), and Section 703 (Landscaping, Fences and Walls), Chapter 12 (Downtown Code)
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	12-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

Committee Member Nervis joined the meeting during this item and Committee Member Burton declared a conflict of interest on this item, bringing quorum to 12 members.

STAFF PRESENTATION

Christopher DePerro, staff, provided a presentation about the proposed amendments to the Downtown Code, highlighting the revisions to the appeals processes, frontage and streetscape zones, the Taylor Street Paseo, and clarifications about issues in the right-of-way, further reviewing the timeline for the text amendment.

QUESTIONS FROM COMMITTEE

Committee Member Olivas asked if there were any provisions in the proposal that have had opposition. **Mr. DePerro** stated that the proposal has been designed to

respond to comments from the community, highlighting the addition of a maximum grade for sidewalks.

Committee Member Martinez asked about the outreach conducted for this proposal. **Mr. DePerro** reviewed the process of conducting outreach to several organizations.

Chair O'Grady asked about the tree species matrix. **Mr. DePerro** described the purpose and history of the tree species matrix and the proposed text to allow alternatives to be approved administratively.

PUBLIC COMMENTS

None.

COMMITTEE DISCUSSION

Committee Member Olivas asked if this has gone to any other VPCs. **Mr. Hales** responded that the item is being heard at Encanto tonight.

MOTION

Vice Chair Gaughan made a motion to recommend approval of Z-TA-5-22-4-7-8 per the staff recommendation. **Rachel Frazier Johnson** seconded the motion.

VOTE

12-0; Motion to recommend approval of Z-TA-5-22-4-7-8 per the staff recommendation passed; Committee Members Ban, Burns, Greenman, R. Johnson, Martinez, Nervis, Olivas, Sonoskey, Starks, Vargas, Gaughan, and O'Grady in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary
Z-TA-5-22-4-7-8

Date of VPC Meeting	September 9, 2024
Request	Add a new Section 312 and amend the following sections of the Phoenix Zoning Ordinance to revise and clarify definitions, and variance and Design Review appeal processes and to clarify how other sections interact with Chapter 12 (Downtown Code): Section 201 (Rules of Construction), Section 202 (Definitions), Section 307.A (Authority and duties of the Zoning Administrator), Section 507 (Development Review Approval), Section 669 (Arts, Culture, and Small Business Overlay District), Section 702 (Off-Street Parking and Loading), and Section 703 (Landscaping, Fences and Walls), Chapter 12 (Downtown Code)
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	9-1

VPC DISCUSSION:

No members of the public registered to speak on this item.

Committee Member Kleinman left the meeting room during this item, bringing quorum to 10 members.

STAFF PRESENTATION

Tricia Gomes, Planning and Development Department Deputy Director, introduced herself and provided a recap of the changes, explaining the updates aim to improve clarity, address contradictions, and simplify the language of the Downtown Code. Ms. Gomes stated the revisions focus on several key areas including appeals, an analysis of the pedestrian environment to improve shade, development regulations and some updated language and grammar. Ms. Gomes stated what is not changing are existing entitlements, pedestrian side streets, buffer alleys and character areas with one exception at the corner of Lynwood Street and 7th Avenue which had a unique update.

Ms. Gomes stated that the changes to the land use portions were interpretations for valet parking as an accessory use. Ms. Gomes stated that Chapter 12 was reevaluated and rewritten addressing technical appeals and design related variances and to address how other sections would interact with the changes. Ms. Gomes discussed the letters associated to the designations for the type of appeal and rationale behind them including T (Technical Appeal), R (Variance), R* (Design Review Committee) and P (Staff Discretion). Ms. Gomes stated that the Technical Appeal Committee is a newly added requirement and will address safety or performance standards and will be appealable to the City Manager (CMR) or the Design Advisory Board (DAB). Ms. Gomes said that design related variances will be reviewed by the Design Review Committee (DRC) for recommendations, allowing flexibility in design without requiring a variance for a minor adjustment. Ms. Gomes noted that the appeals for variances are handled by the Board of Adjustment or Superior Court focusing on hardship or unique circumstances. Ms. Gomes stated that design related items would be routed to the DRC for recommendation prior to a hearing. Ms. Gomes discussed the DRC public hearing, the removal of 35 percent limitation on relief, requests made with a design alternative and a new role of providing recommendations for design related variances. Ms. Gomes said frontages and streetscapes were addressed to include a minimum sidewalk width and setbacks were increased 10-15 feet and projections were added within frontage zones. Ms. Gomes stated the Grand Entry was added to allow prominent and large-scale developments such as hotels and this element is intended to create significant and welcoming entryways for high-traffic areas. Ms. Gomes discussed the Taylor Street Paseo which is now included and updated in the maps and provisions for paseo lines to connect parcel areas. Ms. Gomes said the new alignments and approved locations have been codified and allow incentives for properties along existing lines to provide advanced frontages if desired. Ms. Gomes discussed revisions to address vehicular access and driveway separation, providing greater flexibility while recognizing existing rights. Ms. Gomes stated this update aims to balance pedestrian needs with vehicular access requirements. Ms. Gomes stated that all the revisions regarding Historic Preservation have been revised to clarify the significance of historic designations noting the Chapter 8 (Historic Preservation) remains prominent in development actions. Ms. Gomes stated the changes provide clarity on Warehouse and Business Core Character Areas and outline the Sustainability Bonus Points for historic structure preservation and rehabilitation. Ms. Gomes thanked the Committee and noted staff recommends approval and asked the committee for their support noting Z-TA-5-22-4-7-8 will be heard by the Planning Commission in October.

QUESTIONS FROM THE COMMITTEE

Committee Member Mahrle asked if the appeals apply only to the DTC or does it apply to any place in the City. **Ms. Gomes** responded that with the appeal structure it is for the whole city but items identified by the T designation only exist in the downtown area.

Committee Member Warnicke commented that the larger caliper trees from the WU Code should be applied to the revisions.

Chair Wagner reiterated that the DTC extends only to the most southern portion of the Encanto Village and includes the Central City Village.

PUBLIC COMMENTS

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION, AND VOTE

MOTION:

Committee Member Jayson Matthews motioned to recommend approval of Z-TA-5-22-4-7-8 per the staff recommendation.

Committee Member Steve Procaccini seconded the motion.

VOTE:

9-1; motion to approve Z-TA-5-22-4-7-8 per the staff recommendation passes with Committee Members Carranza, Doescher, George, Jewett, Mahrle, Matthews, Procaccini, Montano Searles and Chair Wagner in support and Committee Member Warnicke opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

No comments.