



Village Planning Committee Meeting Summary

Z-TA-3-19

Date of VPC Meeting	October 25, 2021
Request	Amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts
Recommendation	Approval per the staff recommendation in Addendum A with modifications
Vote	6-4-1 , motion passed; Members Benezra, Crouch, Meier, Pritchette, Gasparro and Elliott in favor; Members Fisher, Maloney, Sharer and Symes in dissent. Member Holt abstained.

VPC DISCUSSION:

Three members of the public registered to speak on this item.

Enrique Bojórquez, staff, introduced himself and provided a presentation on this citywide text amendment case Z-TA-3-19. He provided a summary of the request involving the expansion of the Walkable Urban (WU) Code applicability area, noting the existing boundaries where WU Code is available today. He discussed the need for this text amendment given the expansion of mass-transit to other parts of the city. He discussed elements of the WU Code which prioritize the pedestrian environment and explained the transect district acronym plus unique development standards. Examples of what each transect district could look like were provided. This proposal would allow property owners to rezone to WU Code citywide and update standards regarding single-family attached standards outside of TOD areas. This proposal does not rezone any property, does not modify the current rezoning process, does not modify the applicability or standards of adopted City policy plans including TOD District plans. Addendum A of the staff report revises applicability of regulatory overlay districts and plans, plus adds Administrative Temporary Use Permit fees. An overview of existing zoning tools, rezoning evaluation process and impacts was provided. Staff recommends approval per Addendum A of the staff report and discussed the schedule for this case.

Chairman Elliott asked for committee member questions or comments from the public.

Neal Haddad, member of the public, stated that this text amendment case is putting the cart before the horse, as the concept does not work without having a transect map. A vision document like the General Plan that incorporates citizen input is needed for this vision. This case has a generational impact, and VPC members should not be forced into deciding without understanding this better. Other VPC's have denied this request and requests that this committee also vote to deny this case.

Bramley Paulin, member of the public, stated that this text amendment is better suited for TOD areas like the original WU Code applicability boundary. There was no public input on this proposal, which allows parking waivers without imposing a cap on density. He wonders who will decide on what WU Code transect is appropriate citywide. Homeowners are left wondering where development will happen and will have to battle each project with an applicant's attorney regarding the density. Eight Village Planning Committees have denied this case and asked the committee to deny the request too.

Alex Benezra stated that a walkable street was designed to resemble something like the Miracle Mile corridor along McDowell Road. He asked the speaker on what a walkable street should look like.

Mr. Paulin responded that if staff provided more details on the request, there might be areas where this could be appropriate. McDowell Road is not a walkable street and discussed the corridor. This is an issue largely of encouraging higher density in neighborhoods.

Mr. Benezra asked if this proposal seems to be ahead of where the city is at now.

Mr. Paulin responded that the issue is cramming density into established neighborhoods. The city needs housing and discussed the original proposal for the WU Code which limited the applicability areas along light rail transit.

Ryan Boyd, member of the public, supports this text amendment which will allow WU Code as an option citywide. He stated that all can agree that at a minimum WU Code is appropriate along TOD areas, but there are other areas where it could be appropriate. There was lots of public input during the Housing Phoenix Plan adoption, which discussed the potential expansion of WU Code. This allows for a wide range of housing options through various transects which are not all high intensity transects.

Mike Maloney asked staff for clarification on why this text amendment case is being requested. **Mr. Bojórquez** responded that this case is being requested for two primary reasons including the expansion of mass-transit corridors throughout the city. Also, WU Code will allow for the various forms of housing types.

Chairman Elliott asked staff for clarification on the applicability for this text amendment case. **Mr. Bojórquez** responded by discussed the staff recommendation found in Addendum A of the staff report, which proposes to allow WU Code citywide. However, the Village Planning Committee may impose a geographic restriction to limit the applicability of WU Code to areas such as Village Cores and/or mass-transit corridors, among other recommendations.

Darin Fisher asked for clarification of how the WU Code would affect the Village.

Mr. Bojórquez responded this text amendment case would allow property owners to rezone to WU Code across the city or based on the geographic restrictions if

imposed by the committee. He discussed the location of the Ahwatukee Foothills Village Core.

Darin Fisher stated that the Village Core along 48th Street and Ray Road is one of the most dangerous intersections in the Ahwatukee Foothills Village for pedestrians. **Mr. Bojórquez** responded that the committee could limit this text amendment only to apply along mass-transit corridors if Village Cores were a concern.

Mr. Benezra agrees with Mr. Fisher regarding the Ahwatukee Foothills Village Core being a dangerous location for more pedestrians. He would love Phoenix to be more walkable and feels that there are areas of the city where WU Code could be more appropriate.

Chairman Elliott asked for further discussion or a motion on this item.

MOTION:

Mr. Benezra motioned to approve case Z-TA-3-19 per the staff recommendation in Addendum A of the staff report, with a modification that restricts the applicability area of the WU Code to only along mass-transit corridors. **Mr. Meier** seconded the motion.

VOTE:

6-4-1, motion passed; Members Benezra, Crouch, Meier, Pritchette, Gasparro and Elliott in favor; Members Fisher, Maloney, Sharer and Symes in dissent. Member Holt abstained.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 26, 2021
Request	Presentation, discussion, and possible recommendation regarding a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts and administrative temporary use permits.
Recommendation	Deny
Vote:	13-3-0, motion passes with: Adams, Ammon, Bryck, DeGraffenreid, Ender, Fitzgerald, Harris, Jones, Krietor, LeBlanc, Malkoon, McCabe, and Smith in support; Keyser, Solorio, and Chair Shore in dissent; and none in abstention.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Ammon arrived bringing the quorum to 16 members (11 being required for a quorum).

STAFF PRESENTATION

Klimek, staff, provided an overview of the proposed text amendment which was presented to all village planning committees in July. The input received from the informational sessions was studied and the staff recommendation was revised in Addendum A which is now before the committee for a possible recommendation.

The WU Code was originally written to apply only within approximately one-half mile from light rail lines but, since that time it's become clear that the WU Code's form-based approach would be appropriate areas outside of light rail corridors, such as village cores and other high-capacity transit lines. The request removes geographic constraints and would allow owners to request rezoning to the WU Code city-wide. The request does not rezone any property, modify any process, or modify any existing policy plan or standard. The language proposed in Addendum A cleans up the original proposal to clarify how the WU Code will interact with other sections of the code.

The WU Code contains a continuum of urban forms intended to be deployed in different contexts, from suburban to downtown scales, all with an emphasis on

trees, shade, and human scale. Some have expressed the concern that the WU Code expansion would proliferate high-density development throughout the city but explained that this is a misconception because there are existing zoning tools that allow high density development in areas where the WU Code is not currently an option, including Planned Unit Developments. While certain WU Code Transects allow for high density, these transects prescribe pedestrian-oriented requirements that are not required in alternative high-density options. The rezoning process includes substantial oversight including two meetings with staff, one neighborhood meeting, and three public hearings – all focused on determining the appropriateness of a request.

He then provided an overview of the contents of Addendum A and concluded by stating that staff is recommending approval with the item scheduled to appear before the Planning Commission in November.

QUESTIONS FROM COMMITTEE

Adams expressed concern that this will allow intensity where it doesn't belong and asked staff if the request is motivated by a desire to increase revenue.

Klimek stated that the request doesn't rezone any property and doesn't change any process, thereby not a tactic to increase development activity. Where appropriate, the WU Code will produce a better built environment and the purpose of the TA is to allow it as another tool.

LeBlanc asked why other committees have opposed the request. **Klimek** responded that several have expressed concern about how the WU Code will be implemented outside of light rail corridors, about how it should be limited to light rail corridors only, and others felt there should have been more public engagement.

Malkoon noted that he has seen several WU Code projects that appear to have gotten out of their requirement for detached sidewalks including at the northwest corner of Central Avenue and Indian School Road. Explaining how important it is for pedestrian safety, he asked how developers are avoiding these requirements in WU Code. **Klimek** responded that shaded and detached sidewalks are required by the WU Code, that he does not have information regarding the project referenced but explained that there is a provision that allows for attached sidewalks if a utility conflict exists.

Ender asked if multi-story buildings are permitted to build anywhere within one-half mile of light rail. **Klimek** responded that the WU Code is not granted to any property by-right without a rezoning process, only that in the original ReinventPHX Planning Areas, an applicant can request to use the WU Code if they desire but they would still need to go through the rezoning process. **Ender** expressed concern that the request may have unintended consequences and the TA does not offer sufficient protections.

Jones expressed concern regarding the likelihood for unintended consequences on areas such as North Central or Arcadia and that this city-wide expansion would open the floodgates to high density requests. He asked staff for the best argument in support. **Klimek** responded that there are areas outside of the areas currently served by light rail where WU Code would be the best tool, including additional high-capacity transit corridors and village cores.

Fitzgerald stated that this is a one-size fits all approach that will make it easier for developers to max-out their entitlements and will be voting no because it gives the city and the developers too much flexibility.

Bryck stated that he supports housing development especially missing middle products, but the WU Code was written explicitly to accompany the ReinventPHX plans which had significant public engagement to thoughtfully map each property with a recommended transect. In these areas, the WU Code was intended as an incentive to fill in underutilized parcels with development and that he is concerned the expansion will draw development away from where it is needed and where it was planned through ReinventPHX before the core is built-out.

Ammon echoed Bryck's comments. He asked what isn't working that makes this TA necessary such as processes or districts that need to be modified or replaced. He also asked where he can find materials to gain a much deeper understanding of this and its potential implications. **Klimek** responded that some of the existing zoning tools are not adaptable to the diverse contexts of the city and the WU Code was specifically written for areas that have or desire a walkable urban form, such as 19North, South Central, or the village cores. For a deeper understanding, he recommended the staff reports as the most thorough analysis available at this time.

Keyser sought to confirm the following: the TA does not rezone property; the TA does not change any processes; and the TA does not change development policy to support intensity at the interior of neighborhood. **Klimek** confirmed. **Keyser** stated that the WU Code contains many elements that the community wants and that the VPC often stipulates including shaded and detached sidewalks which was urgently needed. Instead of a handout to developers, he stated that this feels like it will create better built environments in areas most appropriate for intensity, such as arterial streets. **Klimek** stated that while people often think of intensity when they think of development, there have been two good examples of two- and three – story infill development projects in the Encanto Village. These projects utilized the WU Code, and the form-based approach allowed the applicants to tailor their project to the context of the neighborhood.

Solorio stated that an element missing from the discussion is the number of requests that are rejected by staff or the Council Offices before they ever begin the formal rezoning process or reach the VPC. The expanded WU Code will not

open the floodgates to inappropriate requests because staff processes and public processes will remain unchanged. The WU Code is a good tool to deliver missing middle housing in a form that is walkable.

McCabe stated that the WU Code is an effective tool and that he sees many areas where it could be effectively. He explained that he is generally supportive but that he will be keeping an open mind during public comment and discussion.

Harris stated that this isn't a free pass to developers because it does not change existing city processes. She asked if this could be amended in the future. **Klimek** confirmed that the code can be changed through a TA process identical to this one.

Adams stated that this will open the floodgates to inappropriate requests and that stringent processes and evaluations will eventually erode.

Jones stated that there is no reason to support this request and that other zoning districts could be amended to reflect priorities such as shade.

Keyser stated that projects succeed or fail on their own merits and that this TA only allows a new tool that could be considered in other parts of the city. If expanded, projects requesting WU Code would still succeed or fail on their own merits due to staff processes and the public processes.

PUBLIC COMMENTS

Ryan Boyd (registered in support of the item) introduced himself as being with the Urban Phoenix Project and thanked the members for their great discussion. He expressed that this TA is about options and that the Village, Planning Commission, and City Council can recommend approving or deny any request that comes before them based on appropriateness. He added that one of the reasons he supports to TA is because of the Housing Phoenix Plan and its dire need for additional housing, especially in small forms such as duplexes and multifamily which is best handled through a form-based code. He added that the lowest intensity transects permit a suburban form of development and even for low density redevelopment, an applicant would still need to navigate the 6-month rezoning process.

Bramley Paulin (registered in neutrality to this item) stated that the WU Code was specifically designed for properties along the light rail and its standards encourage reduced setbacks, increase of dwelling units, and reduction of parking. He stated that this is not appropriate for all areas of the city and that it was not ever created for this purpose. He stated that this request is an attack on established single-family residential neighborhoods and that this is part of the city's effort to add 50,000 dwelling units throughout the city, including in established neighborhoods. He concluded by sharing that 8 VPCs have recommended denial.

Neal Haddad (registered in opposition to item) introduced himself as being from the Neighborhood Coalition of Greater Phoenix. The WU Code only makes sense when transit is present and, in Phoenix that area is limited so, he asked why it makes sense to expand a transit-oriented code to govern land that is not walkable and served by transit. He added that the Congress for New Urbanism has stated that a form-based code should be accompanied by a transect map that has been developed with public input to guide density to where it belongs. At this stage, there are no standards or vision for how the code will be applied.

Opal Wagner (registered in opposition to item) introduced herself and stated that, like Member Jones, she has not heard a compelling reason for the TA. She stated that she supports the light rail and supports the WU Code but that it was written and adopted specifically to govern development along the light rail and the TA too broadly redefines the purpose of the Code. She expressed concern that this may promote auto-dependance by supporting density in areas without transit. She added that the WU Code includes parking reductions which only makes sense with high-capacity transit.

Anne Ender (registered in opposition to item) introduced herself as representing the North Central Phoenix Homeowners Association and stated that the board unanimously opposes this text amendment. There are not sufficient protections to neighborhoods and there are not enough details on how and where the WU Code will be implemented. She stated the light rail has blighted many of the neighborhoods with drugs and crime and that it is only through cooperation with law enforcement that neighborhoods have been able to protect themselves.

Nicole Rodriguez (registered in opposition to item) introduced herself as a member of the Encanto Village Planning Committee and echoed the concerns voiced by Member Bryck. She added that there is a way for the Village Planning Committees to invoke a text amendment and that these committees do not need to rely on the City Council or Planning Commission to make the first move. She stated that she supports WU Code in all light rail corridors but that this is not the right process to accomplish that outcome.

Andi Abkarian (registered in opposition to item) introduced herself and thanked the committee for their discussion and deliberation. She was involved in the development of the city's downtown code which is also form-based. She stated that she is concerned with the vague definitions contained in the TA, its process which lacked public engagement. The process to establish the WU Code and the DTC was extensive and accompanied by area plans but this expansion does not provide sufficient guidance to the community, to staff, and to recommending bodies on how this will be used or why and where it could be appropriate.

STAFF RESPONSE

Klimek thanked the committee for their questions and comments and thanked the attending public for the same. The TA does not dilute the incentives contained in the ReinventPHX Plans because those plans contain recommended transects which provide guidance to potential applicants on what district will be supported by staff. The TA will not provide parking reductions in areas without light rail because WU Code parking reductions are only permitted within walking distance of light rail. The TA will not modify any process, direct applicants to the WU Code, or incentivize its use. The TA will only provide another tool for applicants, staff, the public, and the recommending bodies to consider. He concluded by sharing a map of the various regulatory plans, overlays, and policy areas within the Alhambra Village and indicated that several of the other VPCs have voted to place geographic restrictions into their recommendations.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE
MOTION: **Jones** made a motion to deny the request. Second by **LeBlanc**.

DISCUSSION:

Jones explained that there has been no public process and that it's bad that staff is advocating so hard and even suggesting that it may be appropriate to place arbitrary geographic restrictions. He said that he would be supportive of WU Code in light rail corridors, but this isn't the right process for it and that geographic restrictions would be arbitrary and inappropriate through this process.

Ender stated that crime needs to be addressed first.

Harris stated that the committee should be allowed time to consider potential geographic restrictions. She stated that she will voting to deny because she feels obligated to the public.

Keyser stated that the critique of there being no public input is hyperbole. This is the public process, and the code is not being imposed on anyone and it will only be put in place if requested by an applicant and if supported by staff, the neighborhood, and the recommending bodies. He reiterated an earlier comment that requests will continue to success or fail on their own merits and that this doesn't change any processes or create policy to support density where it doesn't belong.

Solorio stated that this came from the Housing Phoenix Plan and that he is disappointed the Housing Department was not present to share their perspective on how this will help create much needed housing.

Jones agreed that the Housing Department should have been in attendance to share their idea. The 150 VPC members citywide cannot possibly represent the millions of residents in the city and that's why an additional process is needed. The responsibility of this VPC is to ensure the proposals have enough detail to

be in the best interest of the community and that the public has been informed, and this proposal does neither.

VOTE: 13-3-0, motion passes with: Adams, Ammon, Bryck, DeGraffenreid, Ender, Fitzgerald, Harris, Jones, Krietor, LeBlanc, Malkoon, McCabe, and Smith in support; Keyser, Solorio, and Chair Shore in dissent; and none in abstention.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 5, 2021
Request From	Presentation and discussion on a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts.
VPC Recommendation	Denial
VPC Vote	10-2

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Sofia Mastikhina, staff, explained that the intent of Z-TA-3-19 is to allow the Walkable Urban (WU) Code to be applied to properties citywide. She stated that this will allow property owners along future light rail extensions, within Transit Oriented Development (TOD) policy plan areas, and other appropriate areas of the City to request rezoning to rezone to WU Code. She explained that the text amendment will remove geographic restrictions on WU Code, allow property owners to apply to rezoned to WU Code, and update standards regarding single family attached residential development outside TOD districts. She clarified that the text amendment will not automatically rezone any property or modify the rezoning process. She then discussed the revisions in Addendum A, which include the applicability of regulatory overlay districts and plans and Administrative Temporary Use Permit fees. She also clarified that WU Code would not eliminate Overlay Zoning Districts, Redevelopment Areas, Special Planning Districts, or Specific Plans. She reviewed the existing zoning tools used to address density and scale, such as density waivers, height waivers, Mid-Rise District, High Rise District, and Residential Infill District. She stated that if the text amendment were approved, applicants requesting WU Code would still be required to go through the standard rezoning process. She stated that the rezoning evaluation included the pre-application meeting, post-application meeting, and public hearings. She added that the public hearings would allow for public input.

PUBLIC COMMENT

Larry Whitesell expressed his opposition to the request, stating that it is a one-size-fits-all approach, and that it will be abused by developers much like the PUD mechanism.

He stated that he is only supportive of WU Code being expanded along light rail lines as they get built out.

Neal Haddad stated that this is an aspirational issue based on certain Councilmembers' wishes and that WU Code does not create walkable communities.

Bradley Paulin stated that the WU Code was specifically designed for properties along the light rail and its standards encourage reduced setbacks, increase of dwelling units, and reduction of parking. He stated that this is not appropriate for all areas of the city and that it was not ever created for this purpose. He stated that this request is an attack on established single-family residential neighborhoods.

Mastikhina thanked the community members for their participation and comments. She explained that the WU Code has several different transect districts that address different levels of urban intensity, from a suburban-level development to a business core high-rise type of development. As such, the WU Code is designed to accommodate all types of urban environments, not just high intensity ones, and can also be successfully implemented near single-family neighborhoods with minimal impact. She further explained that any request to rezone to WU Code would still have to go through the rezoning staff review and public hearing process, where the appropriateness of each request would be thoroughly evaluated. This request would not automatically rezone any properties to WU Code. She also explained that there are several properties, even in low-density parts of the city such as Laveen, that are already utilizing tools such as Height and Density Waivers to achieve the same intensity of certain WU Code transects but are not held to the same enhanced site and architectural design standards as properties zoned WU Code.

MOTION

Craig Tribken made a motion to approve the request per the staff recommendation. The motion failed to receive a second.

Linda Bair made a motion to deny the request as filed. **Vice Chair William Fischbach** seconded the motion.

DISCUSSION

Barry Paceley stated that he wishes they had received more information on this request.

Chair Jay Swart commended the community members that spoke on this item for their thoroughness, and stated that although staff gave a great presentation, the request is simply too vague and ambiguous. He stated that this makes it difficult to support it.

VOTE

10-2: Motion passes with committee members Swart, Fischbach, Abbott, Bair, Bayless, Thraen, Garcia, Miller, Paceley, and Sharaby in favor, and committee members Eichelkraut and Tribken dissenting.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 11, 2021
Request From	Amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts and administrative temporary use permits.
VPC Recommendation	Approval per Addendum A
VPC Vote	10-3

VPC DISCUSSION:

One request to speak in opposition was made for this request.

Sarah Stockham, staff, provided a summary of the request involving the expansion of the Walkable Urban (WU) code applicability area, noting the existing boundaries where WU code is available today, and the need for this text amendment given the expansion of mass-transit to other parts of the city. **Ms. Stockham** added that this proposal would allow property owners to rezone to WU Code citywide and update standards regarding single-family attached standards outside of TOD areas, this proposal does not rezone any property, does not modify the current rezoning process, does not modify the applicability or standards of adopted City policy plans including TOD District plans. **Ms. Stockham** explained that Addendum A of the staff report revises applicability of regulatory overlay districts and plans, plus adds Administrative Temporary Use Permit fees. An overview of existing zoning tools, rezoning evaluation process and impacts was provided, and staff concluded with their recommendation of approval per Addendum A of the staff report and discussed the hearing schedule for this case.

Questions from the Committee:

Eva Olivas asked how outreach was performed for this request. **Ms. Stockham** replied that the request was heard at each Village Planning Committee for information only, and there could have been discussions with management with individuals, but she does not have the exact day and time of those meetings as she is not the staff who is processing this request.

Ryan Boyd commented that this request was also a part of the Housing Phoenix Plan and outreach could have been conducted during those meetings as well. **Ms. Stockham** confirmed that expanding the Walkable Urban Code was one of the land use strategies of the Housing Phoenix Plan and that

Public Comment:

Bramley Paulin, member of the public, introduced himself and stated that the WU Code was specifically designed for properties along the light rail and its standards encourage reduced setbacks, increase of dwelling units, and reduction of parking. He stated that this is not appropriate for all areas of the city and that it was not ever created for this purpose. He stated that this request is an attack on established single-family residential neighborhoods and encouraged the committee to deny this request.

Darlene Martinez asked if anyone else has made the same comment on this request. **Ms. Stockham** replied that Mr. Paulin has made the same comment at other Village Planning Committee meetings.

Staff Response:

Ms. Stockham reiterated staff's recommendation, that this request is to expand the option to rezone to the Walkable Urban Code citywide, it does not rezone properties outright and that the process for evaluating and analyzing the appropriateness of rezoning requests is comprehensive.

Motion:

Chris Colyer motion to recommend approval of Z-TA-3-19 per Addendum A. **Ryan Boyd** seconded the motion.

Discussion:

Ryan Boyd explained that he understands why other Villages might have concerns but this request makes the WU Code an option and not everything in the WU Code is a skyscraper. **Mr. Boyd** added that the sites have been using the WU Code standards in PUDs, and if a WU Code request is inappropriate the Village Planning Committee can reject it and has control over where it is implemented. **Mr. Boyd** concluded that in terms of public outreach, this has case has already gone to the other villages for input, has taken too long to go for recommendation and reiterated that request just makes the WU Code an option.

Darlene Martinez echoed Mr. Boyd's comments.

Eva Olivas agreed with Mr. Boyd's comments that swayed her to support the request and shared that this is part of the Housing Phoenix Plan and will create the opportunity to increase housing density in areas that are not TOD areas.

Chair Rachel Frazier Johnson shared concern with this request and the lack of information on public outreach.

Vote:

10-3, motion to approve Z-TA-3-19 per Addendum A passes with Committee Members Boyd, Burns, Colyer, Gaona, Gonzalez, Martinez, Olivas, Panetta, Starks, and Sonoskey in favor with Committee Members Dubasik, Lockhart and R. Johnson opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 14, 2021
Request	Presentation, discussion, and possible recommendation regarding a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts and administrative temporary use permits.
VPC Recommendation	Denial
VPC Vote	4-3-1

VPC DISCUSSION:

2 people registered to in opposition, wishing to speak

Mr. David Simmons, staff, introduced himself and gave an overview of the request to include the objective of expanding the WU Code citywide, covered the updated references to relevant policy plans that WU Code is intended to implement, the modification of lot standards to address development proposals in non-TOD districts, explained minor clarifications regarding existing terminology relevant to the expansion and went over the need to adopt related WU Code and ATUP fees as a result of this update. Mr. Simmons also showed several examples of the various transect districts outlined in the request and how staff would analyze requests as they are submitted, similar to any other rezoning request.

VPC Discussion:

None

Public Comment:

Mr. Bramley Paulin stated that Mr. Simmons did an impeccable job presenting the request. He shared that he has concerns with the lack of public input on the request to date. He shared concerns with density allowances as well as reductions in required parking outlined in the various transect districts. He stated

that there are too many unknown details in the request. He does not support a recommendation for approval.

Mr. Ozzie Virgil asked Mr. Paulin if this request was initiated by staff or private.

Mr. Bramley shared that this request is applicant driven.

Mr. Larry Whitesell, Vice Chair of the Peak Neighborhood Association, shared that he has one major concern. This request puts the cart before the horse. He suggested that this request needs more citizen driven working groups on this request to include transect maps. He shared that he believes this request should not be city wide and should be phased in in TOPS districts as light rail is expanded.

Mr. Ozzie Virgil shared that he also sits on the Rio Vista Village Planning Committee and this item was voted down by that Village. He stated that the request should be voted down by the Deer Valley Village Planning Committee too. He does not believe the request should expand the WU Code city wide.

Chairman Joseph Grossman stated that he does not know enough about the request to make an informed decision at this point in time.

MOTION:

Mr. Ozzie Virgil made a motion to recommend denial of Text Amendment Case No. Z-TA-3-19.

Mr. Keith Greenberg seconded the motion.

MOTION:

Mr. Mark Davenport made a motion to recommend approval of Text Amendment Case No. Z-TA-3-19, per the staff recommendation.

Mr. Matthew Kenney seconded the motion.

Mr. Virgil's motion was on the floor first. Chairman Grossman called for a vote for the first motion, to recommend denial of the request.

VOTE:

4-3-1 with committee members Greenberg, Levy, Romero and Virgil in favor. Committee members Davenport, Kenney and Shipman not in favor. Chairman Grossman abstained.

Mr. Davenport removed his motion to recommend approval from consideration.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 5, 2021
Request	Presentation, discussion, and possible recommendation regarding a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts and administrative temporary use permits.
VPC Recommendation	Denial
VPC Vote	6-1

VPC DISCUSSION:

Julianna Pierre stated that the intent of Z-TA-3-19 is to allow the Walkable Urban (WU) Code to be applied to properties citywide. She stated that this will allow property owners along future light rail extensions, within Transit Oriented Development (TOD) policy plan areas, and other appropriate areas of the City to request rezoning to rezone to WU Code.

Julianna Pierre explained that the text amendment will remove geographic restrictions on WU Code, allow property owners to apply to rezoned to WU Code, and update standards regarding single family attached residential development outside TOD districts. She clarified that the text amendment will not automatically rezone any property or modify the rezoning process.

Julianna Pierre discussed the revisions in Addendum A, which include the applicability of regulatory overlay districts and plans and Administrative Temporary Use Permit fees. She clarified that WU Code would not eliminate Overlay Zoning Districts, Redevelopment Areas, Special Planning Districts, or Specific Plans.

Julianna Pierre reviewed the existing zoning tools used to address density and scale, such as density waivers, height waivers, Mid-Rise District, High Rise District, and Residential Infill District. She stated that if the text amendment were approved, applicants requesting WU Code would still be required to go through the standard rezoning process. She stated that the rezoning evaluation included the pre-application meeting, post-application meeting, and public hearings. She

added that the public hearings would allow for public input. She also provided examples of low-density products that were developed under WU Code zoning

Committee member Rick Nowell asked if WU Code would make it easier to rezone a specific site. **Julianna Pierre** stated that if an applicant was rezoning to WU Code, they would still have to go through the standard rezoning process. She stated that it may be easier for certain products to be built using WU Code because the applicant may not have to, in some cases, go through the longer Planned Unit Development (PUD) process for the same results.

Bramley Paulin, a member of the public, stated that he was concerned with the idea of allowing WU Code City wide. He added that this is an opportunity for the City to bring in density which will result in additional traffic, congestion, and people.

Vice Chair Louis Lagrave stated that he was supportive of WU Code near transit oriented development, but felt that it was not applicable citywide.

Committee member Michelle Santoro asked if rezoning to WU Code could replace the PUD process. **Julianna Pierre** explained that as of right now, there are some applicants that use the PUD process to generate the same results as WU Code because WU Code is not available citywide. She stated that if the text amendment is approved, applicants could, in some cases, rezone to WU Code instead of going through the longer PUD process. **Committee member Michelle Santoro** stated that she understood the intent of the text amendment, but felt that WU Code may not be needed in the Desert View Village.

Committee member Michelle Santoro asked if the text amendment had been presented to other Village Planning Committees (VPC). **Julianna Pierre** stated that the text amendment had been presented to the Encanto and Paradise Valley VPCs.

Committee member Rick Nowell stated that he had concerns about increased density as a result of WU Code being permitted citywide.

MOTION: **Vice Chair Louis Lagrave** made a motion to deny Z-TA-3-19. The motion was seconded by **Committee member Rick Nowell**.

VOTE: 6-1 with Committee Members Lagrave, Kollar, Nowell, Santoro, and Younger in favor and Chair Bowser in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:
None.

Village Planning Committee Meeting Summary

Z-TA-3-19

Date of VPC Meeting	October 4, 2021
Request	Presentation, discussion, and possible recommendation on a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts.
VPC Recommendation	Denial
VPC Vote	8-0-0

VPC DISCUSSION:

Three speaker cards were received with all three in opposition and wishing to speak.

At this time, Benjamin, Cothron, and Searles departed the meeting reducing the quorum to eight members (eight being required for a quorum).

STAFF PRESENTATION

Klimek, staff, provided an overview of the proposed text amendment which was presented to all village planning committees in July and to the Encanto VPC at the July 12th meeting. The input received from the informational sessions was studied and the staff recommendation was revised in Addendum A which is now before the committee for a possible recommendation.

The WU Code was originally written to apply only within approximately one-half mile from light rail lines but, since that time it's become clear that the WU Code's form-based approach would be appropriate areas outside of light rail corridors, such as village cores and other high-capacity transit lines. The request removes geographic constraints and would allow owners to request rezoning to the WU Code city-wide. The request does not rezone any property, modify any process, or modify any existing policy plan or standard. The language proposed in Addendum A cleans up the original proposal to clarify how the WU Code will interact with other sections of the code.

The WU Code contains a continuum of urban forms intended to be deployed in different contexts, from suburban to downtown scales, all with an emphasis on trees, shade, and human scale. Some have expressed the concern that the WU Code expansion would proliferate high-density development throughout the city but explained that this is a misconception because there are existing zoning tools that allow high density

development in areas where the WU Code is not currently an option, including Planned Unit Developments. While certain WU Code Transects allow for high density, these transects prescribe pedestrian-oriented requirements that are not required in alternative high-density options. The rezoning process includes substantial oversight including two meetings with staff, one neighborhood meeting, and three public hearings – all focused on determining the appropriateness of a request.

He then provided an overview of the contents of Addendum A and concluded by stating that staff is recommending approval with the item scheduled to appear before the Planning Commission in November.

QUESTIONS FROM COMMITTEE

Benjamin asked if the text amendment addresses charter schools. Klimek responded that when the text amendment was initiated, it was intended to cover more topics but has been pulled back to focus on the WU Code.

Wagner stated that 1301.B in the text amendment removes “Central Valley East Valley Light Rail Corridor” from the purpose and intent statement and substitutes “Transit Corridors”, but that language is not defined. **Klimek** responded that the proposed language is intended to be more broadly to recognize that the code may be appropriate outside of light rail corridors. **Wagner** stated that she would be more comfortable if transit corridor were defined because without parameters this language could be used to justify increased intensity virtually anywhere. The WU Code was specifically written to decrease dependency on automobiles and by putting density in far flung parts of the city without transit will increase automobile use. The WU Code has not reached its potential in the light rail corridors where vacant lots continue to exist, and it would be a disservice to siphon off new development in those corridors before the massive investment in light rail has fully come to fruition. The WU Code was written with input from the residents of Phoenix and this process has not adequately engaged the community. **Klimek** added that the totality of language in 1303.B emphasizes the use of the WU Code to advance development in “Transit Corridors” and other contexts such as policy plans.

Vice Chair Bryck stated that he has gone back and forth on the topic including to allow more tools to support housing development but continued returning to the extensive public engagement efforts behind the ReinventPHX Plans to map specific recommended transects parcel by parcel. He expressed concern that there is no policy guidance for what level of intensity is appropriate outside of the light rail corridors and, outside of those corridors, it will be up to staff to decide and that’s too much responsibility. He added that the WU Code was intended to be a carrot to fill in these vacant lots and that the cases heard tonight have been great examples of what WU Code was intended to do; he asked, would these projects have happened if WU Code was allowed everywhere. He added that Phoenix has a habit of moving on to focus on different areas before they are finished with the last, for example, from downtown to midtown to 24th Street and Camelback. He stated that there are too many unknowns and asked what are the transects going to be in Ahwatukee or Rio Vista.

Rodriguez echoed the concerns of Vice Chair Bryck and Member Wagner and stated that she wishes it had come out a month earlier. She expressed concerns regarding car-centric development. She asked if there is the potential for the process to end up in a Zoning Hearing Officer's hands or if there are loopholes to circumvent the VPC.

Klimek responded that all rezoning requests need to be presented to the VPC, Planning Commission, and City Council. He added that some properties with existing zoning entitlements, such as WU Code, may seek relief through a Variance, Use Permit, or the Design Review Committee (DRC) but that these cannot be used to circumvent the zoning process. Rodriguez asked who is on the design review committee. **Klimek** responded that the DRC is comprised of land use professionals, has a staff liaison from the Planning and Development Department, and they are a public board. **Rodriguez** asked how this text amendment will modify the approach to single-family attached and detached dwellings. **Klimek** responded that the text amendment cleans-up the single-family attached section of the code by more neatly sorting out what regulations from three different sections of the ordinance apply when.

Rodriguez asked why it is appropriate to expand the WU Code rather than incorporating minimum standards such as 75% shade or other aspects off the WU Code in other zoning districts. **Klimek** responded that, unlike other existing districts, the WU Code is mostly self-contained and already includes an effective form-based approach that the 30+ other zoning districts would struggle to emulate even with substantial amendments. He added that

Mahrle echoed Vice Chair Bryck's concerns that there are too many unknowns. He illustrated this point with the example of a hypothetical development at 44th Street and Camelback. Why would an owner want to consider the WU Code? How would the City benefit from the WU Code at that location, is it something the City would impose on a developer, and what transect would be appropriate and who decides. He concluded by stating that the city needs to consider potential unintended consequences. He asked Vice Chair Bryck if he's encapsulated his concerns. **Vice Chair Bryck** confirmed that unintended consequences sum it up and added that the unknowns put a responsibility on both the developer and on staff to negotiate a transect. **Mahrle** added that it is important to look at it from the developer's perspective and why they would even want to use the WU Code. He concluded by stating there are too many unknowns for him to comfortably support it. **Klimek** thanked both for their comments that that some scenarios would be helpful to show how some real-world scenarios would play out but that selecting representative examples is difficult in a city as large as Phoenix.

Vice Chair Bryck stated that the Planned Unit Development (PUD) is an established process to allow developers an alternative to traditional zoning. He asked why the expansion of the WU Code is a better alternative to PUDs. **Klimek** responded that the expanded WU Code would put all projects on even footing because they would be required to comply to the same basic standards which is both easier to administer and more transparent for residents. In a PUD, a developer can start from scratch and to cherry pick their development standards which then need to be thoroughly evaluated by staff for, not only content but also comparability to the base zoning district.

Vice Chair Bryck noted that the expansion of the WU Code is identified in the Housing Phoenix Plan but that he didn't know if the plan or that recommendation it was built from public input. He asked when other recommendations from that plan such as ADUs and revisions to the infill policies will begin to happen. **Klimek** responded that he believes the department is working on ADUs but stated that he doesn't know when that language would be ready for the VPCs.

George shared that the origin of the WU Code was to promote walkability by doing away with setbacks and parking, thus allowing more height and intensity in the central city. All, as a bonus to property owners close to transit including those with vacant land. It was intended to create a walkable urban environment where transit is available, and it is all tied to transit which is not existent in parts of our sprawling city. If the WU Code is applied citywide, the incentive in the central city is removed to build these developments where they belong, near light rail or BRT. The WU Code was never meant to be exported to Laveen where residents value their semi-rural lifestyle without any identifiable transit. They cannot replicate the central city in areas where it was never meant to be. She concluded by stating that she will be voting no.

PUBLIC COMMENTS

Andi Abkarian introduced herself as a downtown resident and a vice chair of Downtown Voices Coalition (DVC). DVC was developed in response to a need for more neighborhood focused planning. DVC does support increased density and is looking forward to the stakeholder input process prior to the Planning Commission Meeting. One critical element is the local context and the language, as written, relies heavily on policy interpretation. A benefit of the neighborhood specific TOD Plans such as East Lake Garfield is that they were generated in conjunction with the WU Code standards for those areas and the two infill projects presented tonight show the importance of neighborhood focused planning and development. She stated that this text amendment appears to be ahead of itself in terms of local planning and policy for development in those areas. From a personal perspective, she expressed her agreement with Wagner and Bryck in that villages in the central city need to support the policies and programs that incentivize density in that core and along light rail. Citing that the Rosewood Homes applicant indicated they were the first project to do single-family detached under the WU Code, she indicated that this code should be given room to breathe and evolve before it is ready to be tested citywide. She concluded by thanking the VPC for their service and to planning in Phoenix.

Robert Warnicke introduced himself and expressed his opposition to the text amendment. He read the purpose and intent of Section 13 for the committee which emphasized the central role of light rail of the WU Code. The WU Code is about intensity, density, and height in proximity to light rail and offers these bonuses to support the city's investment in light rail and the light rail isn't citywide so the WU Code shouldn't be. He added that it is easy to plan WU Code where light rail is going because it doesn't happen overnight. He concluded that the expansion is contrary to the original

purpose of the WU Code and that it will spread density and more intensity with less open space and fewer setbacks.

Donna Reiner expressed her agreement with Wagner and Bryck. From the pedestrian's perspective, the WU Code has failed miserably because it hasn't produced the shade promised and hasn't made the streets for people on foot. She asked the committee to vote against the text amendment until the misconception of how to use the WU Code and its other failings are resolved. She asked why it makes sense to give a bad code to the rest of the city. Development should not be for the sole benefit of the developer who will build it and then leave, development should also benefit the entire populace.

STAFF RESPONSE

Klimek responded that the intent of the WU Code was clearly to implement TOD along the light rail corridor but that, since that time, it has become clear that other areas exist where it would also be the best tool for the job. The Secondary Core in the North Mountain Village is Sunnyslope, and this area would have benefitted greatly from the WU Code. The WU Code would have provided flexibility in exchange for an assurance of a pedestrian oriented environment with shade and eyes-on-the-street. Unlike other areas of the city, this district includes many small property owners united under a vision for walkable urban development but there is no zoning tool better suited for their vision than the WU Code, but it is unavailable. There are doubtless more places in the city that would benefit from the expanded eligibility of the WU Code. The text amendment does not rezone any property, does not gift density to any landowner, and is a prerequisite step to developing a holistic policy on how the WU Code may be appropriate in different contexts.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

MOTION

Wagner motioned to deny the request. **George** seconded.

DISCUSSION

Rodriguez stated that she appreciates the public comments who offered their insight on the matter and that she supports the TOD Districts as they stand. She then thanked staff for his work.

Vice Chair Bryck thanked staff for the presentation and the candor and that is a tough job to have to sell something that wasn't fully baked. He indicated that he would be open to hearing another proposal if staff works to answer some of the open questions and concerns and to better flush out the idea.

Chair Kleinman thanked members of the committee for their input and for hanging on for the entire meeting. He added that of the 15 Villages, Encanto is likely most familiar and most dedicated to seeing it used in its best interest. He then thanked staff for explaining the proposed change and for answering difficult questions.

VOTE

8-0-0; motion passed with George, Mahrle, Matthews, Procaccini, Rodriguez, Wagner, Vice Chair Bryck, and Chair Kleinman in support; none in dissent; and none in abstention.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 19, 2021
Request	Presentation and discussion on a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts.
Recommendation	Denial
Vote	7-0 Motion passes; with members Barquin, Cartwright, Danzeisen, Perez, Rush and Sanou and Cardenas in favor; None in dissent.

VPC DISCUSSION & RECOMMENDATION:

Three members of the public registered to speak on this item.

Enrique Bojórquez, staff, introduced himself and provided a presentation on this citywide text amendment case Z-TA-3-19. He provided a summary of the request involving the expansion of the Walkable Urban (WU) Code applicability area, noting the existing boundaries where WU Code is available today. He discussed the need for this text amendment given the expansion of mass-transit to other parts of the city. He discussed elements of the WU Code which prioritize the pedestrian environment and explained the transect district acronym plus unique development standards. Examples of what each transect district could look like were provided. This proposal would allow property owners to rezone to WU Code citywide and update standards regarding single-family attached standards outside of TOD areas. This proposal does not rezone any property, does not modify the current rezoning process, does not modify the applicability or standards of adopted City policy plans including TOD District plans. Addendum A of the staff report revises applicability of regulatory overlay districts and plans, plus adds Administrative Temporary Use Permit fees. An overview of existing zoning tools, rezoning evaluation process and impacts was provided. Staff recommends approval per Addendum A of the staff report and discussed the schedule for this case.

Committee member Ademolu left the meeting at 7:15pm, bringing the quorum to 7 members.

Chairman Cardenas asked for committee member questions. He then asked for public comments on this case.

Bramley Paulin, member of the public, stated that this text amendment is better suited for TOD areas. He discussed shading elements and parking reductions that would be applicably citywide if this case is approved. Other Village Planning Committees have heard this case and denied the request. Homeowners are left wondering where development will happen and will have to battle each project with an applicant's attorney regarding the density. No opportunities for citizen input were available and there is a lack of public participation. He asked the committee to deny the request.

Ryan Boyd, member of the public, supports this text amendment which will allow WU Code as an option citywide. Public input will be provided throughout the process and the VPC's will have the ability to hear each WU Code case within their villages. This allows for a wide range of housing options and a mix of uses throughout the city.

Neal Haddad, member of the public, stated that this text amendment case is putting the cart before the horse, as the concept does not work without having a transect map. A vision document that incorporates citizen input is needed for this vision. This case has a generational impact, and VPC members should not be forced into deciding. Other VPC's have denied this request and requests that this committee also vote to deny this case.

Mr. Bojórquez summarized the text amendment request. He added that staff would recommend approval per Addendum A of the staff report, but if the committee has concerns with allowing WU Code citywide, the committee could consider limiting the boundaries to Village Cores and along mass-transit corridors. He showed a map of TOD communities in Phoenix and Village Cores citywide.

Lisa Perez appreciates the information, but other alternatives for this text amendment need to be provided ahead of the meeting for further analysis.

Dan Rush added that he would be open to reconsidering the request if new information is provided all VPC's ahead of the meeting.

MOTION:

Ms. Perez motioned to deny case Z-TA-3-19. **Mr. Rush** seconded the motion to deny.

VOTE:

7-0, motion passed; Members Barquin, Cartwright, Danzeisen, Perez, Rush, Sanou and Cardenas in favor; None in dissent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 11, 2021
Request	Presentation and discussion on a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts.
Recommendation	Approval with a modification to only allow expansion to high-capacity transit corridors and Village Cores.
Vote	8-0

VPC DISCUSSION:

Sofia Mastikhina, staff, explained that the intent of Z-TA-3-19 is to allow the Walkable Urban (WU) Code to be applied to properties citywide. She stated that this will allow property owners along future light rail extensions, within Transit Oriented Development (TOD) policy plan areas, and other appropriate areas of the City to request rezoning to rezone to WU Code. She explained that the text amendment will remove geographic restrictions on WU Code, allow property owners to apply to rezoned to WU Code, and update standards regarding single family attached residential development outside TOD districts. She clarified that the text amendment will not automatically rezone any property or modify the rezoning process. She then discussed the revisions in Addendum A, which include the applicability of regulatory overlay districts and plans and Administrative Temporary Use Permit fees. She also clarified that WU Code would not eliminate Overlay Zoning Districts, Redevelopment Areas, Special Planning Districts, or Specific Plans. She reviewed the existing zoning tools used to address density and scale, such as density waivers, height waivers, Mid-Rise District, High Rise District, and Residential Infill District. She stated that if the text amendment were approved, applicants requesting WU Code would still be required to go through the standard rezoning process. She stated that the rezoning evaluation included the pre-application meeting, post-application meeting, and public hearings. She added that the public hearings would allow for public input.

Francisco Barraza asked if this proposal will change how developments are constructed along transit and light rail lines. **Mastikhina** explained that the WU Code is already applicable along the existing light rail corridors where Transit Oriented Development (TOD) Policy Plans exist. Properties in these areas are already eligible to request to be rezoned to WU Code.

Stephanie Hurd expressed concern with the application of the WU Code outside of transit areas and asked if the committee would still have the same opportunity to request specific improvements via stipulations as with any other rezoning case.

Mastikhina explained that any request for WU Code zoning will require a full rezoning process, including all associated public hearings where committee members can request to add stipulations to the entitlement case.

Chair Tonya Glass asked if the WU Code acts as a density bonus. **Mastikhina** explained that the WU Code does not have density caps and is focused more on how sites and buildings are designed and how they interact the pedestrian environment, rather than the uses inside the buildings. She noted that development standards such as lot coverage, setbacks and height maximums automatically limit how many dwelling units can fit in a development. **Chair Glass** expressed concern with essentially giving developers a density bonus, with the enforceability of WU Code, and how WU Code would impact Laveen, which is very far away from the light rail. She also stated that WU Code may have come too late for Laveen, since there are already so many properties zoned for multifamily residential and there aren't many opportunities left to implement this code. She further expressed concern with the lack of vetting of this proposal and how it will impact communities such as Laveen and Anthem, which do not have major transit corridors like more central parts of the city.

Hurd pondered if this is something that can be applied to certain areas of Laveen, and if it would bring any benefits. **Mastikhina** explained that the WU Code contains several transect districts with a range of urban intensities, and that most are of a mixed-use nature. She pointed out that the committee has raised concerns over the past few months with other cases at the lack of mixed-use developments that bring economic prosperity and retail options to Laveen. The WU Code is mixed-use by nature, and many of the transect district allow for a wide range of land uses, meaning that properties zoned WU Code would have the flexibility to expand uses as the market allows, which could be beneficial to the community.

PUBLIC COMMENT

Bramley Paulin stated that the WU Code was specifically designed for properties along the light rail and its standards encourage reduced setbacks, increase of dwelling units, and reduction of parking. He stated that this is not appropriate for all areas of the city and that it was not ever created for this purpose. He stated that this request is an attack on established single-family residential neighborhoods.

Dan Penton asked if the village can stipulate on WU Code cases, if the WU Code allows for smaller lot sizes in single-family subdivisions, how it specifically promotes walkability, and how it could help Laveen preserve its rural character and sense of place. **Mastikhina** explained that the WU Code does not set forth minimum lot widths, but that the committee could stipulate to a minimum width much like any other single-family rezoning case. She also stated that the WU Code addresses walkability by setting forth required standards for things like enhanced shading for pedestrian pathways and public open spaces, building frontages that activate the pedestrian realm such as patios, stoops, and storefronts, wider sidewalks that are detached from vehicular drives, and a mix of uses on every site. **Penton** asked how this can be implemented in Laveen to create enhanced built environments such as the Kierland Commons in northeast Phoenix. **Mastikhina** replied that the Kierland Commons was

achieved via a PUD that mostly followed WU Code standards, and that the entire purpose of the WU Code is to achieve pedestrian-friendly, mixed-use developments. **Penton** asked if a development in a Village Core that is zoned WU Code can limit the number of vehicles and parking on the site to help create a more pedestrian-friendly environment. **Mastikhina** replied that parking reductions are possible in the WU Code, and that the extent to which they are granted depend on proximity to light rail stations. She explained that each request for rezoning and parking reductions would be evaluated on a case-by-case basis, stating that a development located in the outer reaches of the city limits where transit options don't exist would not be a good candidate for parking reductions. Properties in urban cores and centers, however, can receive parking reductions of almost 100 percent, depending on how many transit options are available in close proximity.

Chair Glass stated that she understands the benefits of this code, but that most of the areas that would benefit most from it are already eligible, as they are along the light rail.

Hurd agreed that Laveen can benefit from the walkability and shading and stated that the committee can stipulate to ensure developments are still compatible with the area. However, she wants to hear what other committee members have to say.

Vice Chair Linda Abegg expressed her concern with what the community is giving up to allow for all the extra density, noting that developers will not subject themselves to all of these enhanced standards if they're not getting significant flexibility out of it. She stated that she prefers the PUD tool to achieve the same standards but still be able to limit the density of a project.

Carlos Ortega asked for clarification on the applicability of this amendment, and if it will only apply to where transit currently exists or will exist in the future. **Vice Chair Abegg** explained that the text amendment would allow the WU Code to be applied anywhere in the city, not just along transit lines.

MOTION

Chair Glass made a motion to approve the text amendment with a modification to only allow it along high-capacity transit corridors. **Vice Chair Abegg** asked to amend the motion to also include Village Cores. **Chair Glass** accepted the amendment. **Barraza** seconded the motion.

VOTE

8-0: Motion passes with committee members Glass, Abegg, Barraza, Buggs, Hurd, Knight, Ortega, and Rouse in favor.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 13, 2021
Request	Amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts and administrative temporary use permits.
VPC Recommendation	Approval per Addendum A
VPC Vote	6-2

VPC DISCUSSION:

One request to speak in opposition was made for this request. Committee members Demarest and Hernandez left during this item, bringing quorum to 8.

Sarah Stockham, staff, provided a summary of the request involving the expansion of the Walkable Urban (WU) code applicability area, noting the existing boundaries where WU code is available today, and the need for this text amendment given the expansion of mass-transit to other parts of the city. Ms. Stockham added that this proposal would allow property owners to rezone to WU Code citywide and update standards regarding single-family attached standards outside of TOD areas, this proposal does not rezone any property, does not modify the current rezoning process, does not modify the applicability or standards of adopted City policy plans including TOD District plans. Ms. Stockham explained that Addendum A of the staff report revises applicability of regulatory overlay districts and plans, plus adds Administrative Temporary Use Permit fees. An overview of existing zoning tools, rezoning evaluation process and impacts was provided, and staff concluded with their recommendation of approval per Addendum A of the staff report and discussed the hearing schedule for this case.

Questions from the Committee:

Sandra Cole asked for a brief overview of the WU Code and if it would allow commercial uses. **Ms. Stockham** briefly explained that the Walkable Urban Code is a formed based code within the Zoning Ordinance, and that zoning districts are named transects which relates to the amount of uses and intensity they allow, and that there are more design requirements and more requirements for shade, sidewalks, and bicycle parking than what is found in conventional zoning districts. Ms. Stockham confirmed that most transects allow both commercial and residential uses.

Sandra Oviedo asked what benefits this brings to Maryvale. **Ms. Stockham** highlighted the increased shade, bicycle parking and pedestrian amenities that are required with

WU Code projects, adding that it is a form-based code so there are frontage and glazing requirements to activate the street frontage, and added that Maryvale is going to receive significant transit infrastructure investment with the light rail extension and the bus rapid transit line, and that the Maryvale Village Core Plan is a transit-oriented development policy plan that recommends many of the requirements in the WU Code.

Chair Gene Derie asked for clarification on the current geographic restrictions of the WU Code. **Ms. Stockham** replied that applicants can choose to rezone to the WU Code if they are within the five TOD policy plan areas along the existing light rail line but applicants along planned light rail lines, like the 10West extension in Maryvale, do not have that option.

Public Comment:

Bramley Paulin, member of the public, introduced himself and stated that the WU Code was specifically designed for properties along the light rail and its standards encourage reduced setbacks, increase of dwelling units, and reduction of parking. He stated that this is not appropriate for all areas of the city and that it was not ever created for this purpose. He stated that this request is an attack on established single-family residential neighborhoods and encouraged the committee to deny this request.

Staff Response:

Ms. Stockham reiterated staff's recommendation, that this request is to expand the option to rezone to the Walkable Urban Code citywide, it does not rezone properties outright and that the process for evaluating and analyzing the appropriateness of rezoning requests is comprehensive.

Motion:

Ken DuBose motioned to recommend approval of Z-TA-3-19 per Addendum A. **Mike Weber** seconded the motion.

Vote:

6-2, motion to approve Z-TA-3-19 per Addendum A passes with Committee Members Battle, Cole, DuBose, Oviedo, Valenzuela and Weber in favor and committee members Garcia and Derie opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 14, 2021
Request	Presentation, discussion, and possible recommendation regarding a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts and administrative temporary use permits
VPC Recommendation	Denial
VPC Vote	4-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Julianna Pierre stated that the intent of Z-TA-3-19 is to allow the Walkable Urban (WU) Code to be applied to properties citywide. She stated that this will allow property owners along future light rail extensions, within Transit Oriented Development (TOD) policy plan areas, and other appropriate areas of the City to request rezoning to rezone to WU Code. She stated that removing geographic restrictions on WU Code will support the City's growing number of TOD areas.

Julianna Pierre explained how transect districts function in WU Code and how each transect has unique standards for building height, frontage, setbacks, lot coverage, and land uses. She also provided examples of product types built within each transect.

Julianna Pierre explained that the text amendment will allow property owners to apply to rezoned to WU Code and update standards regarding single family attached residential development outside TOD districts. She clarified that the text amendment will not automatically rezone any property or modify the rezoning process.

Julianna Pierre discussed the revisions in Addendum A, which include the applicability of regulatory overlay districts and plans and Administrative Temporary Use Permit fees. She clarified that WU Code would not eliminate Overlay Zoning Districts, Redevelopment Areas, Special Planning Districts, or Specific Plans.

Julianna Pierre reviewed the existing zoning tools used to address density and scale, such as density waivers, height waivers, Mid-Rise District, High Rise District, and

Residential Infill District. She stated that if the text amendment were approved, applicants requesting WU Code would still be required to go through the standard rezoning process. She stated that the rezoning evaluation included the pre-application meeting, post-application meeting, and public hearings. She added that the public hearings would allow for public input.

Neal Haddad, a member off the Neighborhood Coalition of Greater Phoenix, stated that the text amendment needs precise documentation for each village along with transect maps. He stated that transect maps would clarify which transects are appropriate in specific locations. He added that the current text amendment process lacked public input.

Bramley Paulin, a member of the public, stated that WU Code was not intended to be implemented citywide. He stated that the text amendment does not prohibit developers from requesting high density or increased height. He stated that the increased density will cause additional traffic and eliminate established single-family neighborhoods.

Vice Chair Shannon Simon asked why the boundaries of the WU code were being pushed citywide rather than remaining close to transit. **Julianna Pierre** explained that WU Code allows for product types that prioritize the pedestrian environment and create walkable spaces. **Vice Chair Shannon Simon** stated that she could imagine WU Code in Village cores, but noted concern with it being permitted citywide. **Julianna Pierre** stated that there is an option to approve the text amendment with modifications to restrict the applicability to Village Cores or along transit lines.

Committee member Julie Read stated that the text amendment did not seem applicable to the North Gateway Village. She added that she was hesitant to approve a text amendment that would make changes for the entire City when a majority of other Village Planning Committees (VPC) voted for denial.

Joshua Bednarek, Deputy Director in the Planning and Development Department, reiterated that the WU Code text amendment will not rezone any properties. He added that there are already high density options available in the zoning ordinance, but WU Code will allow for the opportunity to maximize current and future transit investments.

Vice Chair Shannon Simon stated that she's supportive of limiting WU Code to specific areas, but there would need to be clear parameters. She stated that it could be detrimental to open the door to having high density in residential areas.

Bramley Paulin stated that the main issue with the text amendment is that it lacks specificity. He added that the City should have gone out to the public for not only input, but also to educate them about the specifics of WU Code. He reiterated that he is concerned about the impact that the text amendment will have on existing neighborhoods.

Larry Whitesell, a member of the public, stated that WU Code was originally intended for mass transit corridors, Village cores, and emerging centers. He added that WU Code is not appropriate throughout the entirety of the City. He stated that a transect map could help to establish guidelines for where density would be located.

Committee member Steve Tucker asked what issues could expanding the WU Code boundaries resolve. **Joshua Bednarek** stated that WU Code would make development more walkable in appropriate areas and combat challenges of heat, housing, and traffic. He added that the test amendment would only allow WU Code to be an available rezoning option throughout the City.

Vice Chair Shannon Simon asked for clarification regarding the transect maps. **Joshua Bednarek** stated the City's General Plan Land Use Map works as a transect map and can be looked to for density expectations. He added that any rezoning cases requesting WU Code would be evaluated on a case by case basis.

Neal Haddad, stated that WU Code could not be applied without specificity and would not work in a piecemeal fashion. He stated that applicants could utilize the Planned Unit Development (PUD) option if they wanted to use WU Code standards outside of the current WU Code boundaries.

Joshua Bednarek stated that the Z-TA-3-19 would also prevent the need for future text amendment if the City's transit-oriented areas were expanded.

Committee member Julie Read stated that she appreciated hearing the current conversation regarding the proposed text amendment, but felt it would be better to reconsider the item when it had been reworked and addressed community concerns.

MOTION: **Committee member Michelle Ricart** made a motion to deny Z-TA-3-19. The motion was seconded by **Committee member Julie Read**.

VOTE: 4-0 with Committee members Simon, Read, Ricart, and Tucker in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Village Planning Committee Meeting Summary

Z-TA-3-19

Date of VPC Meeting	October 20, 2021
Request	Presentation, discussion, and possible recommendation on a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts.
VPC Recommendation	Approve
VPC Vote	11-2-2

VPC DISCUSSION:

Six speaker cards were received on this item with all wishing to speak including three in support, one in neutrality, and two in opposition.

STAFF PRESENTATION

Klimek, staff, provided an overview of the proposed text amendment which was presented to all village planning committees in July and to the Encanto VPC at the July 12th meeting. The input received from the informational sessions was studied and the staff recommendation was revised in Addendum A which is now before the committee for a possible recommendation.

The WU Code was originally written to apply only within approximately one-half mile from light rail lines but, since that time it's become clear that the WU Code's form-based approach would be appropriate areas outside of light rail corridors, such as village cores and other high-capacity transit lines. The request removes geographic constraints and would allow owners to request rezoning to the WU Code city-wide. The request does not rezone any property, modify any process, or modify any existing policy plan or standard. The language proposed in Addendum A cleans up the original proposal to clarify how the WU Code will interact with other sections of the code.

The WU Code contains a continuum of urban forms intended to be deployed in different contexts, from suburban to downtown scales, all with an emphasis on trees, shade, and human scale. Some have expressed the concern that the WU Code expansion would proliferate high-density development throughout the city but explained that this is a misconception because there are existing zoning tools that allow high density development in areas where the WU Code is not currently an option, including Planned Unit Developments. While certain WU Code Transects allow for high density, these

transects prescribe pedestrian-oriented requirements that are not required in alternative high-density options. The rezoning process includes substantial oversight including two meetings with staff, one neighborhood meeting, and three public hearings – all focused on determining the appropriateness of a request.

He then provided an overview of the contents of Addendum A and concluded by stating that staff is recommending approval with the item scheduled to appear before the Planning Commission in November.

QUESTIONS FROM COMMITTEE

Veidmark thanked Klimek for sending the presentation in advance of the meeting and stated that it was very helpful to understand the complex issue.

Argiro agreed with Veidmark and thanked Klimek. He asked Klimek to clarify if the text amendment would rezone any property. **Klimek** responded that the text amendment does not rezone any property.

McBride asked if the intent of this text amendment is to put another zoning option on the menu, if it changes any processes to make density easier to access, and if recommendations and decisions would still involve the professional expertise of staff, neighborhood engagement, and the public hearing bodies. Klimek responded that the text amendment provides another zoning tool, does not change any process, and run through the same process as any other zoning case, including public engagement requirements.

Perez asked how many meetings a developer is required to have with the community and if there are requirements for bilingual outreach. **Klimek** responded that all rezoning cases require the applicant to contact all properties owners within 600' and all registered neighborhood groups within 1 mile to inform and to invite them to their required neighborhood meeting. All applicants must hold one neighborhood meeting followed by three public hearings. The notifications are required in English only but that often, depending on the specific context of the area, that staff will recommend bilingual or enhanced outreach. Perez thanked Klimek and stated that enhanced outreach requirements should be explored.

Jaramillo asked that, if the text amendment is granted, that there would be nothing to prevent an applicant from requesting the WU Code for a high-density project in the middle of a single-family neighborhood. **Klimek** responded that there is nothing to prevent an applicant from asking but that won't be an issue new to the WU Code. Today, an applicant could request a traditional district for high-density development in an established neighborhood, but he concluded by explaining that the staff analysis and the public processes have withstood such requests effectively for many years and these processes remain unchanged.

Sommacampagna asked for the outcomes from the other villages that have heard the request. **Klimek** responded that he did not have an exact count but explained that it has been mixed with each committee applying their unique perspectives to the request. Some have been supportive because it is another tool to be applied where appropriate. Some have been conditionally supportive recommending approving subject to geographic restrictions. Some have been concerned due to uncertainty of how the code will be rolled out.

Barraza asked if it is possible to stipulate the elements from the WU Code into existing zones. **Klimek** responded that in some areas of the city where WU Code isn't available such as 19North, that staff has been stipulating elements from the WU Code but that there are some items that are in conflict. For example, traditional zones require a minimum building setback to push development away from the public street but the WU Code requires a minimum build-to line to establish a pedestrian orientation to the public sidewalk environment. He concluded by sharing that, in such instances, the regulatory mechanisms of the codes can be in conflict.

McBride asked if the WU Code TA would give any power to a developer requesting to build something adjacent to a single-family neighborhood. She asked if the request would still need to go through staff and community input processes to determine whether the proposal is appropriate to the context of the area. She then asked that, just because an applicant requests something, it doesn't necessarily mean it will be granted. **Klimek** confirmed that the TA expands the eligibility of the WU Code but doesn't change any process. The rezoning process for WU Code or other districts is still going to be 6 months with staff, the community, and recommending bodies and council.

Argiro asked what protections exist to keep inappropriate development from taking hold. **McBride** responded that there is a plan for the city that doesn't allow a high-rise to be located next to a cottage and that staff and the establish public processes exists to further evaluate projects. **Argiro** asked Klimek if the code contains further detail on what the different transect are intended to create. **Klimek** responded that Chapter 13 of the Phoenix Zoning Ordinance contains the WU Code and that it depicts a series of illustrations to depict the different types of "frontage types" required in different transects such a porches, patios, common entries, and forecourts.

Barraza asked if the WU Code could be used to make a project more compatible with its surroundings. **Klimek** responded that a form-based code such as the WU Code is intended to allow for more design discretion to promote compatibility with its contexts, compared to traditional zoning districts that prescribe standards more rigidly. He then raised to examples from the Encanto Village which proposed single-family attached subdivisions located in established neighborhoods; the WU Code allowed for a traditional density in a form that made sense in their established neighborhoods while also allowing for more collaborative conversations with the neighborhood.

Chair Krentz asked if this form-based approach has been used in other cities. **Klimek** responded that many communities have adopted a form-based code as an additional

option and that others have entirely replaced their traditional code in favor of form-based regulations. These communities have determined that their traditional codes have not been producing the broader outcomes they desired, such as walkability and form-based codes can be more directly aligned with greater outcomes desired. He concluded by sharing that the TA would add the WU Code as a small part of the menu of zoning options in Phoenix.

PUBLIC COMMENTS

Ryan Boyd (registered in support of the item) introduced himself as being with the Urban Phoenix Project and thanked the members for their great discussion. He expressed that this TA is about options and that the Village, Planning Commission, and City Council can recommend approving or deny any request that comes before them based on appropriateness. He added that one of the reasons he supports to TA is because of the Housing Phoenix Plan and its dire need for additional housing, especially in small forms such as duplexes and multifamily which is best handled through a form-based code. He added that the lowest intensity transects actually permit a fairly suburban form of development and even for low density redevelopment, an applicant would still need to navigate the 6 month rezoning process.

Sebastean Losch (registered in support of the item) introduced himself as a member of Trillium, a local development group that's based in the 19North Corridor. The WU Code takes a thoughtful approach to its interaction with the adjacent street but also with adjacent land uses. He concluded by thanking the audience and by stating that, Ken Losch, who had registered to speak in support was not able to attend the meeting.

Bramley Paulin (registered neutral of the item) stated that the WU Code was specifically designed for properties along the light rail and its standards encourage reduced setbacks, increase of dwelling units, and reduction of parking. He stated that this is not appropriate for all areas of the city and that it was not ever created for this purpose. He stated that this request is an attack on established single-family residential neighborhoods and that this is part of the city's effort to add 50,000 dwelling units throughout the city, including in established neighborhoods. He concluded by sharing that 8 of the 12 VPCs that have heard the TA have recommended denial.

Larry Whitesell (registered in opposition to item) introduced himself as the Co-Chair of the Peak Neighborhood Association and explained that his concern is that this puts the cart before the horse. Prior to the WU Code being allowed city-wide, there needs to be a new type of General Plan Map that prescribes where each transect is appropriate. Because no guidance exists, there will be no starting point for developers considering an application. He concluded by stating that the city should not take on a major change in the zoning ordinance if they don't have the resources to do it completely incorrectly.

Neal Haddad (registered in opposition to item) introduced himself as being from the Neighborhood Coalition of Greater Phoenix and expressed his agreement with Mr. Paulin and Mr. Whitesell. The WU Code only makes sense when transit is present and, in Phoenix that area is limited so, he asked why does it make sense to expand a transit-

oriented code to govern land that is not walkable and served by transit. He added that the Congress for New Urbanism has stated that a form-based code should be accompanied by a transect map that has been developed with public input to guide density to where it belongs. At this stage, there are no standards or vision for how the code will be applied.

STAFF RESPONSE

Klimek, staff, thanked the public speakers for their comments and input. He provided a series of closing remarks. The WU Code was written to create high-quality and pedestrian oriented development along the light rail but that, like any effective tool, the WU Code was discovered to be the best tool for additional areas of the city. He stated that the text amendment is pre-requisite to develop policy for how the code may be most effectively deployed outside of light rail corridors because those conversations would have been hypothetical without the ability to use it. The intent of this text amendment is not to replace traditional zoning but instead to allow the flexibility to use it where appropriate in areas such as village cores. The city has longed planned for intensity in its village cores and, that level of policy guidance would be used to support intensity whether through the WU Code or a traditional district and that this text amendment does not support density anywhere and everywhere.

McBride asked again for confirmation that the TA does not rezone any property and would only be allowed as an option where appropriate. **Klimek** confirmed that the TA does not rezone property, does not modify any existing process, and that those processes are intended to determine appropriateness. **McBride** concluded by stating that she's worked extensively with the Planning and Development Department on zoning and development processes and found all representatives to be thoughtful and diligent in their support of good development in appropriate locations. She added that it isn't up to the developer to determine appropriateness, it is up to staff, the community, and the recommending bodies.

O'Connor asked if there is a minimum size threshold for the WU Code because, in his experience, only areas of a certain magnitude can create walkability by creating multiple complementary uses to attract and retain individuals. **Klimek** responded that the walkability can be achieved at two scales. In large projects where they can create a gravity onto themselves as described by Member O'Connor. But, also in smaller projects that may exist at the periphery of an existing district or at an infill location where a form-based approach allows a small project to contribute to the overall walkability of the areas. An example of a large project is the redevelopment at Park Central Mall and examples of small projects are the two infill subdivisions described earlier in the discussion.

Vice Chair Jaramillo asked how a transect map would look compared to the city's existing General Plan Land Use Maps. **Klimek** responded that the existing General Plan Map provides guidance on land use and intensity for every parcel in the city, such as "residential 10-15 dwelling units per acre." A transect map would also touch every property, or every property where it can apply, and would prescribe what transect or

transects would be appropriate and exactly where. If the city were transitioning entirely to a transect based development ordinance, a transect based land use map would be prudent. However, the TA proposes the WU Code as a small part of all zoning tools and therefore a new map is not required.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

MOTION:

McBride motioned to approve the require per the staff recommendation contained in Addendum A. **Sommacampagna** seconded the motion.

DISCUSSION:

Alauria stated that she will be abstaining because she does not feel the committee has enough information.

Argiro stated that he would be more inclined to support the request if it were restricted geographically but indicated the limited amount of information makes him nervous. He stated that he will be voting no.

Chair Krentz asked staff if the committee could make a motion that includes a geographic restriction to, for example, village cores, urban centers, and transit corridors.

Klimek responded that, if so inclined, the committee can recommend approval with specific geographic restrictions, but he noted that there is presently a motion on the floor with a second so that motion would need to be rescinded or voluntarily withdrawn.

Barraza stated that the existing processes offer sufficient protections through staff review, public input, and public hearings and will therefore support the motion.

Perez thanked her colleagues and the public speakers for adding depth to the conversation.

VOTE: 11-2-2, motion passes with, Barraza, Carrell, Larson, McBride, , O'Hara, Perez, Sommacampagna, Steinmetz, Veidmark, Whitney, and Chair Krentz in favor; Argiro, and Vice Chair Jaramillo in dissent; Alauria and O'Connor in abstention.



Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 4, 2021
Request	Amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts
VPC Recommendation	Approval
VPC Vote	16-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Mr. David Simmons, staff, provided an overview of the request to include background of how the WU Code came to fruition in the first place. He went over what this Text Amendment request would update to include the expansion on the WU Code boundaries, amendment of the zoning fee schedule, and minimum acreage limitations for Charter Schools. Mr. Simmons elaborated on why expanding the WU-Code boundaries would help the growth of the City of Phoenix. He shared that it would support the Housing Phoenix Plan, it would promote pedestrian oriented design and set no limit on dwelling unit density. Further, Mr. Simmons shared that the Kierland area has largely redeveloped through PUD rezoning requests, which utilize WU-Code standards in the PUD narratives. Mr. Simmons also went over WU-Code design standards, which focus on design rather than land use, a form based code. Mr. Simmons shared the hearing schedule with the committee, stating that this will come back in front of them for recommendation in the near term.

VPC Response:

Mr. Roy Wise asked staff what the advantages are for this request.

Mr. David Simmons, staff, explained to the committee that future prospective applicants will be able to consider opting for WU Code rather than a PUD request as the development standards are similar. PUD cases often utilize WU Code standards. He explained that WU Code requests do not require an applicant to host two neighborhood meetings or go to Village twice prior to

moving forward to Planning Commission and City Council like the PUD requirements mandate.

MOTION:

Mr. Robert Goodhue made a motion to recommend approval of Text Amendment Case No. Z-TA-3-19, per the staff recommendation.

Mr. Alex Popovic seconded the motion.

VOTE:

16-0 with committee members Balderrama, Bowman, DiMassa, Gerst, Goodhue, Hall, Mazza, Mortensen, Petersen, Popovic, Severs, Sparks, Ward, Wise, Leshar and Gubser in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.



Chair Massimo Sommacampagna asked about how WU Code would be implemented. **Julianna Pierre** explained that applicants would request a WU Code transect and would have to go through the standard rezoning process. She explained that during the rezoning process, staff would evaluate whether the requested transect is appropriate. **Chair Massimo Sommacampagna** asked to explain form-based code and how it is different from traditional zoning. **Julianna Pierre** explained that form-based code is focused on design while traditional zoning is more focused on land use standards. She stated that form-based code can give greater diversity in housing options and WU Code, specifically, prioritizes the pedestrian environment.

Bramley Paulin, a member of the public, stated that he had concerns about transects and how they would be implemented throughout the City. He stated that there is no certainty as to where high density would be requested and it could be built directly adjacent to single-family neighborhoods.

Larry Whitesell, a member of the public, stated that WU Code would allow 0-foot setbacks, increased density, and increased height where it does not belong. He stated that WU Code is not applicable citywide. He added that the text amendment should, at least, be accompanied with transect maps.

Vice Chair Steven Scharboneau asked for clarification regarding regulatory standards. **Julianna Pierre** stated that regulatory standards in specified zoning districts, regulatory standards and plans would prevail over WU Code. **Committee member Chris Gonzalez** stated that he had concerns not knowing all the specific conflicts that could arise between WU Code, the Zoning Ordinance, and other regulatory plans.

Chair Massimo Sommacampagna stated that he had concerns with the lack of public input and the text amendment possibly allowing additional leeway for developers. He added that the text amendment may not be needed in the Rio Vista Village.

Julianna Pierre asked if the VPC felt that the text amendment was applicable to specific geographic areas, such as Village Cores or along transit lines. **Vice Chair Steven Scharboneau** expressed concerns since the current Rio Vista Village Core is not located where it should be in the Village. **Julianna Pierre** and the committee members discussed possible language that could be used if the text amendment was approved with a modification restricting application to specific geographic areas.

MOTION: **Committee member Ozzie Virgil** made a motion to deny Z-TA-3-19. The motion was seconded by **Vice Chair Steven Scharboneau**.

VOTE: 3-2 with Committee members Scharboneau, Virgil, and Gonzalez in favor and Committee members Sommacampagna and Lawrence in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:
None.

Village Planning Committee Meeting Summary Z-TA-3-19

Date of VPC Meeting	October 12, 2021
Request	Presentation and discussion on a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts.
Recommendation	Denial
Vote	5-4-1 ; Members Brownell, Busching, Shepard, Smith and Marchuk in favor; Members Brooks, Muhammad, Viera and Daniels in dissent; Member Aldama abstained.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Two members of the public registered to speak on this item.

Enrique Bojórquez, staff, introduced himself and provided a presentation on this citywide text amendment case Z-TA-3-19. He provided a summary of the request involving the expansion of the Walkable Urban (WU) code applicability area, noting the existing boundaries where WU code is available today. He discussed the need for this text amendment given the expansion of mass-transit to other parts of the city. The various WU Code Transects were explained, providing examples of low, medium and high-intensity transects. This proposal would allow property owners to rezone to WU Code citywide and update standards regarding single-family attached standards outside of TOD areas. This proposal does not rezone any property, does not modify the current rezoning process, does not modify the applicability or standards of adopted City policy plans including TOD District plans. Addendum A of the staff report revises applicability of regulatory overlay districts and plans, plus adds Administrative Temporary Use Permit fees. An overview of existing zoning tools, rezoning evaluation process and impacts was provided. Staff recommends approval per Addendum A of the staff report and discussed the schedule for this case.

Greg Brownell asked the following questions:

- What is the enforceability with the process for this text amendment?
- How will deviations from WU Code standards be enforced?
- How will the city enforce standards in the WU Code?

Mr. Bojórquez responded that cases seeking to rezone to WU Code would follow the same process as any other rezoning case. Proposals to deviate from the WU Code standards would require a variance, which undergoes a separate public hearing process from a rezoning case. The city would enforce the standards in the WU Code just like it would enforce any other standards in another rezoning case, as required by the Zoning Ordinance or adopted Ordinance.

Vice Chair Marchuk is pleased with the changes made to the original proposal, but still believes that some areas of the Village are not walkable. He asked if there is a “Walk Score” or General Plan component to the Walkable Urban Code. **Mr. Bojórquez** discussed the proposal and the analysis process that cases seeking rezoning undergo. The WU Code would be an option citywide as currently proposed.

Marcia Busching has had lots of conversations regarding this request and appreciates Addendum A of the staff report to help clarify some of the conflicts. She has two major concerns regarding the request that pertain to the applicability of WU Code citywide and also that there is nothing walkable about this. She asked how many Village Planning Committee’s had heard this text amendment case. **Mr. Bojórquez** responded that only a few VPC’s had heard this case so far, and the recommendations varied.

Muriel Smith agrees with Ms. Busching and feels that this is best suited to areas in Downtown Phoenix. The committee could look at this proposal another time in the future.

Mr. Brownell is a fan of the WU Code, but feels that these efforts are missing something important.

Vice Chair Marchuk agrees with Mr. Brownell and has concerns about the execution or implementation of this code.

Chairwoman Daniels likes the WU Code overall and added that other cities are using something similar. She talked about the benefits that the WU Code would bring to parts of the South Mountain Village, especially between 7th Avenue to 7th Street. She discussed density and character, adding that we are planning for the future 20 to 30 years out. She then asked for public comment on this case.

Neal Haddad, member of the public, introduced himself and stated that he is opposed to this proposal. The WU Code only works where transit is present, not citywide as there is a need for a transect map. He discussed issues with the existing bus network, adding that there is no vision document to help with the desired results. The WU Code gives height and density in addition to a parking waiver. Village Planning Committees do not understand this text amendment.

Bramley Paulin, member of the public, introduced himself and has concerns with this text amendment case. No public input has been obtained whatsoever and has concerns with the proposed height and density standards associated with WU Code. He has process-related concerns, cited issues for single-family and rural neighborhoods. He encourages the committee to deny this request.

Vice Chair Marchuk asked if a subcommittee could be formed to discuss this text amendment request. **Mr. Bojórquez** responded that forming a subcommittee was not possible at this time due to the limitations provided at the last meeting by staff.

Chairwoman Daniels asked if a continuance for this case would be possible. **Mr. Bojórquez** responded that staff would prefer to maintain the current schedule as all VPC's are expected to provide a recommendation this month before the case goes to Planning Commission in early November.

Fatima Muhammad Roque asked if staff would repeat some of the possible geographic boundaries where WU Code could be restricted to.

Mr. Bojórquez responded that the committee could limit the applicability of WU Code to Village Cores or along mass-transit corridors, among other possible boundary restrictions.

Ms. Busching has concerns with approving this case with more defined geographic boundaries without additional time to analyze these boundaries. **Mr. Bojórquez** provided an overview of the request and added that the committee has the ability to add more defined geographic boundaries if this would alleviate some of the concerns voiced during the meeting.

MOTION:

Ms. Shepard motioned to deny case Z-TA-3-19. **Ms. Busching** seconded the motion to deny.

DISCUSSION:

George Brooks prefers to continue this case to a future meeting. **Mr. Brownell** agrees with Ms. Bushing's comments. **Vice Chair Marchuk** added that additional time to analyze any changes would be helpful.

VOTE:

5-4-1, motion passed; Members Brownell, Busching, Shepard, Smith and Marchuk in favor; Members Brooks, Muhammad, Viera and Daniels in dissent; Member Aldama abstained.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.