

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-52-23-8) FROM C-3 TOD-1 (GENERAL COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) AND R-5 RI TOD-1 (MULTIFAMILY RESIDENCE DISTRICT, RESIDENTIAL INFILL DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:7 EG (WALKABLE URBAN CODE, TRANSECT 5:7 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA) AND WU CODE T5:7 EG HP (WALKABLE URBAN CODE, TRANSECT 5:7 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA, HISTORIC PRESERVATION OVERLAY).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 4.72-acre site located at the southeast and southwest corners of 13th Street and Washington Street in a portion of Section 9, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 3.77 acres of "C-3 TOD-1" (General Commercial, Interim Transit-Oriented Zoning Overlay District One) and 0.95-acres of "R-5 RI TOD-1" (Multifamily Residence District, Residential Infill District, Interim Transit-Oriented Zoning Overlay District One)

to 4.49 acres of “WU Code T5:7 EG” (Walkable Urban Code, Transect 5:7 District, Transit Eastlake-Garfield Character Area) and 0.23-acres of “WU Code T5:7 EG HP” (Walkable Urban Code, Transect 5:7 District, Transit Eastlake-Garfield Character Area, Historic Preservation Overlay).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. For any multifamily residential use, the ground floor area of the development shall include a minimum of 10,000 square feet of non-residential uses and shall have frontage on both the Washington Street and Jefferson Street rights-of-way. Non-residential uses shall not include lobby, exercise, reception areas, or other similar uses intended for exclusive use by residents.
2. If 13th Street is abandoned, public cross block pedestrian access shall be maintained between Washington Street and Jefferson Street through either a private drive or a paseo meeting the standards of Section 1304.H of the Zoning Ordinance, over which a pedestrian access easement shall be dedicated.
3. For any multifamily residential use, the following additional standards for bicycle parking shall apply, as approved by the Planning and Development Department.
  - a. All required bicycle parking, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
  - b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.

- c. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - d. All bicycle infrastructure shall be shaded by a structure, landscaping or a combination of the two to provide minimum 75% shade.
- 4. A minimum of 10 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
- 5. A minimum of 5 percent of the required on-site parking shall be EV Capable.
- 6. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 7. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
- 8. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
- 9. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
- 10. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
- 11. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
- 12. In the event archaeological materials are encountered during construction,

the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of January, 2024.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

- A – Legal Description (5 Pages)
- B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-52-23-8

Within a portion of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

1241 E. Washington Street, Phoenix, AZ 85034

Lot 1, 2, and the East 35 feet of Lot 3, Block 13, COLLINS ADDITION, according to Book 1 of Maps, page 11, records of Maricopa County, Arizona.

EXCEPT that portion conveyed to the City of Phoenix, by deeds recorded at Recorder's No. 2005-1135543 and 2005-1135545, described as follows:

A part of Lots 1 and 2 and a part of the East 35 feet of Lot 3, Block 13 of COLLINS ADDITION to the City of Phoenix Subdivision, as recorded in Book 1 of Maps, page 11 and is located in the Northeast quarter of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the intersection of 12th Street and Washington Street;

Thence North 89° 45' 04" East, along the centerline of said Washington Street, a distance of 505.54 feet;

Thence South 00° 14' 07" West, a distance of 50.00 feet to the POINT OF BEGINNING;

Thence North 89° 45' 04" East, a distance of 135.10 feet;

Thence South 00° 14' 56" West, a distance of 11.08 feet;

Thence North 44° 59' 50" West, a distance of 13.21 feet;

Thence South 89° 45' 04" West, a distance of 125.71 feet;

Thence North 00° 14' 07" East, a distance of 1.70 feet to the POINT OF BEGINNING.

1301 E. Washington Street, Phoenix, AZ 85034

The land referred to herein below is situated in the county of Maricopa, State of Arizona and is described as follows:

Parcel No. 1:

Lots 8, 9, 10 and 11, Block 14, Collins Addition to the City of Phoenix, according to Book 1 of Maps, Page 11, records of Maricopa County, Arizona;

Except the South 10 feet of said Lot 8, as conveyed to the City of Phoenix, an Arizona municipal corporation in Quit-Claim Deed recorded May 29, 1953 in Docket 1144, Page 531, records of Maricopa County, Arizona; and

Except the South 10 feet of said Lot 11, as conveyed to the City of Phoenix, an Arizona municipal corporation in Quit-Claim Deed recorded December 9, 1958 in Docket 2682, Page 101, records of Maricopa County, Arizona; and

Except that portion of said Lots 8, 9, 10 and 11, which was conveyed to the City of Phoenix, an Arizona municipal corporation in Warranty Deed recorded July 18, 2005 in Recording No. 2005-995568, records of Maricopa County, Arizona, described as follows:

That part of Lots 7, 8, 9, 10, 11 and 12, Block 14, Collins Addition to the City of Phoenix, according to Book 1 of Maps, Page 11, records of Maricopa County, Arizona, located within the Northeast quarter of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the intersection of 12th Street and Washington Street;

Thence North 89 degrees 45 minutes 04 seconds East, along the centerline of Washington Street, 712.11 feet;

Thence South 00 degrees 14 minutes 56 seconds West, 50.00 feet to the point of beginning; Thence North 89 degrees 45 minutes 04 seconds East, 288.08 feet;

Thence South 00 degrees 15 minutes 10 seconds West, 2.10 feet; Thence South 89 degrees 45 minutes 04 seconds West, 291.35 feet;

Thence South 45 degrees 00 minutes 10 seconds West, 12.15 feet to the beginning of a non-tangent curve, whose 12.00 foot radius bears South 83 degrees 47 minutes 23 seconds East and is concave Southeasterly;

Thence Northeasterly, along said curve, through a central angle of 96 degrees 27 minutes 33 seconds, 17.50 feet to the point of beginning.

Parcel No. 2:

The North 137 feet of Lot 12 and the South 12 and 1/2 feet of said Lot 12, Block 14, Collins Addition to the City of Phoenix, according to Book 1 of Maps, Page 11, records of Maricopa County, Arizona,

Except those portions of said Lot 12, which were conveyed to the City of Phoenix, an Arizona municipal corporation in Quit-Claim Deed recorded May 25, 1989 in Recording No. 1989-241257, records of Maricopa County, Arizona, described as Parcels A and B, described as follows:

Parcel A:

The South 10 feet of said Lot 12.

Parcel B:

That part of said Lot 12, which is bounded on the North by the North line of said Lot 12 and is bounded on the West by the West line of said Lot 12 and is bounded on the Southeast by the arc of a circular curve, Concave Southeasterly, having a radius of 12 feet and which is tangent to said North line and to said West line; and

Except that portion of said Lot 12, which was conveyed to the City of Phoenix, an Arizona municipal corporation in Warranty Deed recorded July 18, 2005 in Recording No. 2005-995568, records of Maricopa County, Arizona, described as follows:

That part of Lots 7, 8, 9, 10, 11 and 12, Block 14, Collins Addition to the City of Phoenix, according to Book 1 of Maps, Page 11, records of Maricopa County, Arizona, located within the Northeast quarter of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Intersection of 12th Street and Washington Street;

Thence North 89 degrees 45 minutes 04 seconds East, along the centerline of Washington Street, 712.11 feet; Thence South 00 degrees 14 minutes 56 seconds West, 50.00 feet to the point of beginning;

Thence North 89 degrees 45 minutes 04 seconds East, 288.08 feet;

Thence South 00 degrees 15 minutes 10 seconds West, 2.10 feet;

Thence South 89 degrees 45 minutes 04 seconds West, 291.35 feet;

Thence South 45 degrees 00 minutes 10 seconds West, 12.15 feet to the beginning of a non-tangent curve, whose 12.00 foot radius bears South 83 degrees 47u ·O: r:n?'3 seconds East and is concave Southeasterly;

Thence Northeasterly, along said curve, through a central angle of 96 degrees 27 minutes 33 seconds, 17.50 feet to the point of beginning.

1230 E. Jefferson Street, Phoenix, AZ 85034



Lot 20, Block 13, COLLINS ADDITION, according to Book 1 of Maps, page 11, records of Maricopa County, Arizona

1234 E. Jefferson Street, Phoenix, AZ 85034

The land referred to herein below is situated in the county of Maricopa, State of Arizona, and is described as follows:

Lot 21, Block 13, of COLLINS ADDITION, an Addition to the City of Phoenix, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 1 of Maps, page 11.

EXCEPT that portion as condemned by the City of Phoenix, a municipal corporation, by Final Order of Condemnation recorded in Document No. 2007-0175635, described as follows:

A part of Lot 21, Block 13, of COLLINS ADDITION to the City of Phoenix Subdivision, as recorded in Book 1 of Maps, page 11 and located in the Northeast quarter (NE 1/4) of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the intersection of 12th Street and Jefferson Street;  
Thence North 89 degrees 45 minutes 09 seconds East, along the centerline of Jefferson Street, a distance of 440.05 feet;  
Thence North 00 degrees 13 minutes 19 seconds East, a distance of 50.00 feet to the POINT OF BEGINNING;  
Thence continuing North 00 degrees 13 minutes 19 seconds East, a distance of 8.50 feet;  
Thence North 89 degrees 45 minutes 09 seconds West, a distance of 50.01 feet;  
Thence South 00 degrees 13 minutes 43 seconds West, a distance of 8.50 feet;  
Thence South 89 degrees 45 minutes 09 seconds West, a distance of 50.01 feet to the POINT OF BEGINNING.

1238 E. Jefferson Street, Phoenix, AZ 85034

Lot 22, Block 13, COLLINS ADDITION, according to book of maps page 11 records of Maricopa County, Arizona

1242-1246 E. Jefferson Street, Phoenix, AZ 85034

A part of Lot 23 and 24, Block 13 of COLLINS ADDITION to the City of Phoenix subdivision, as recorded in Book 1 Maps, Page 11 and is located in the northeast Quarter (NE1/4) of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base Meridian, Maricopa County, Arizona

1229 E. Washington Street, Phoenix, AZ 85034

Lot 5, Block 13, COLLINS ADDITION, according to Book 1 of Maps, page 11, records of Maricopa County Arizona

1233-1237 E. Washington Street, Phoenix, AZ 85034

Lot 3 and 4, Block 13, COLLINS ADDITION, according to Book 1 of Maps, page 11, records of Maricopa County, Arizona

1310 E. Jefferson Street, Phoenix, AZ 85034

LOT 1 FINAL PLAT FOR "ROJO LOFTS," ACCORDING TO BOOK 842 OF MAPS  
PAGE 39, RECORDS OF MARICOPA COUNTY, ARIZONA

1321 E. Washington Street, Phoenix, AZ 85034 (WU Code T5:7 EG HP)

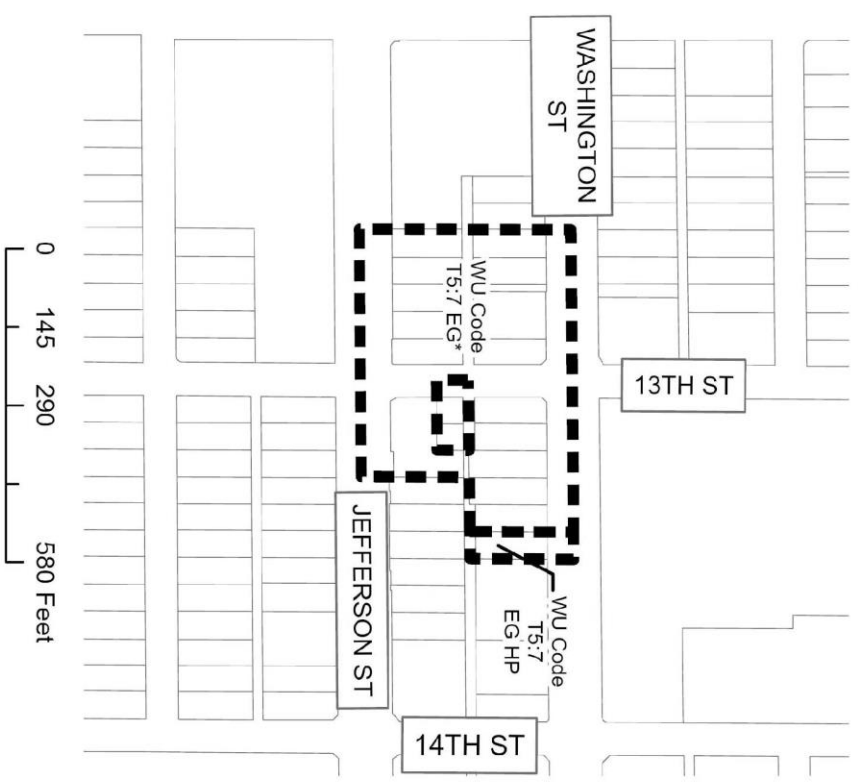
Lot 7, Block 14, COLLINS ADDITION, according to Book 1 of Maps, page 11, records of Maricopa County, Arizona

# ORDINANCE LOCATION MAP

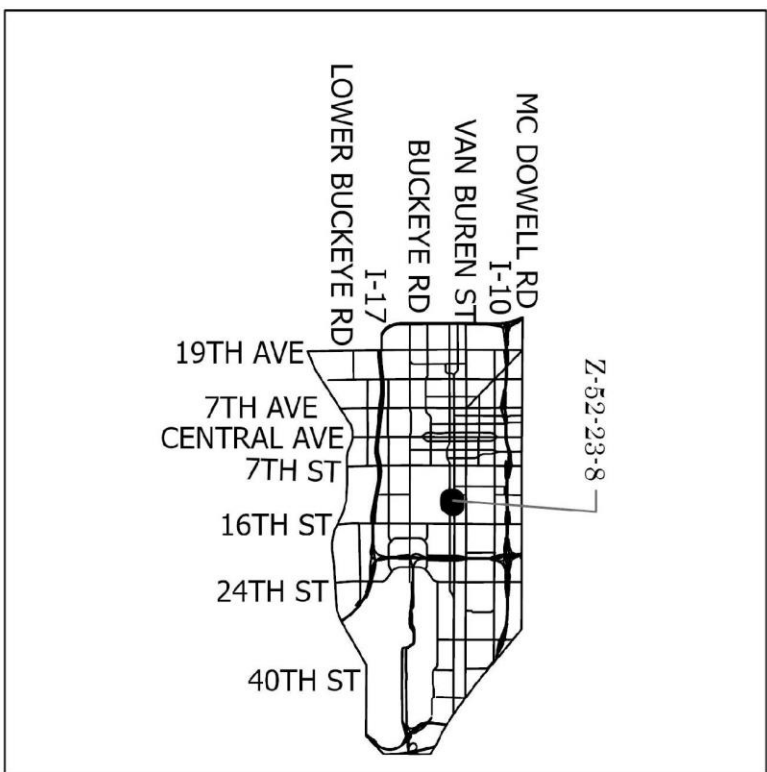
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -

Zoning Case Number: Z-52-23-8  
Zoning Overlay: N/A  
Planning Village: Central City



NOT TO SCALE



Drawn Date: 12/6/2023