



**Downtown, Aviation, Economy and Innovation
Subcommittee**

City Council Report

Agenda Date: 2/1/2017, Item No.

Protecting Critical Infrastructure Text Amendment - Z-TA-4-16

This report requests the Downtown, Aviation, Economy and Innovation Subcommittee recommend City Council approval of Zoning Ordinance Text Amendment Z-TA-4-16 regarding protection of critical infrastructure.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION

Summary

The intent of this text amendment is to create standards for fence and freestanding wall height for instances where a greater level of security is necessary for the protection of critical infrastructure.

Other Information:

Fourteen Village Planning Committees (VPC) have heard this request and one VPC chose not to hear this request as summarized in Attachment B. Eleven VPCs approved the amendment as proposed by staff, two approved with modifications and one denied the request. The Planning Commission heard this case on January 5, 2017 and recommended approval per the staff recommendation as summarized in Attachment C.

Location

Citywide

Recommendation

Staff requests that the Downtown, Aviation, Economy and Innovation Subcommittee recommend City Council approval approval of Zoning Ordinance Text Amendment Z-TA-4-16 regarding protection of critical infrastructure.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

Attachments

- Attachment A: Proposed Text Amendment Language
- Attachment B: Village Planning Committee Summary
- Attachment C: Planning Commission Summary
- Attachment D: Staff Report

EXHIBIT 1
Text Amendment Z-TA-4-16 – Critical Infrastructure

Proposed Language

Amend Chapter 2, Section 202 (Definitions) by adding a definition as follows:

Covered Pedestrian Ways: The provision of pedestrian ways protected from the weather by arcades, pergolas, arbors, or similar permanent structures. Such covered pedestrian ways may be along the perimeter of a building or across open spaces.

CRITICAL INFRASTRUCTURE: PHYSICAL SYSTEMS AND ASSETS VITAL TO NATIONAL SECURITY, NATIONAL ECONOMIC SECURITY, NATIONAL PUBLIC HEALTH OR SAFETY, OR ANY OTHER COMBINATION OF THOSE MATTERS, AS DEFINED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY. CRITICAL INFRASTRUCTURE CAN INCLUDE, BUT IS NOT LIMITED TO FACILITIES SUCH AS WATER TREATMENT PLANTS, PUMP STATIONS, LIFT STATIONS, WATER RESERVOIRS, POWER GENERATING PLANTS AND POWER SUBSTATIONS.

Cul-de-Sac: The turn-around at the end of a dead end street.

Amend Chapter 5, Section 507.TAB A.II.E (Guidelines for Design Review, Specialized Areas) by adding new subsection “5” to read as follows:

5. CRITICAL INFRASTRUCTURE

- 5.1 FENCES OR FREESTANDING WALLS BUILT FOR THE PROTECTION OF CRITICAL INFRASTRUCTURE SHOULD BE DESIGNED WITH ENHANCEMENTS TO BLEND WITH THE SURROUNDING ENVIRONMENT. (P)**

***RATIONALE:* DESIGN FEATURES THAT BLEND THE STRUCTURE WITH THE SURROUNDING ENVIRONMENT WILL MITIGATE NEGATIVE IMPACTS.**

- 5.2 WALLS SHOULD HAVE A FINISHED APPEARANCE. UNTEXTURED, UNFINISHED BLOCK AND REINFORCED, MORTAR-FREE CONCRETE WALLS SHOULD BE AVOIDED. (P)**

- 5.3 WALL LENGTHS EXCEEDING 50 FEET SHOULD BE ARTICULATED**

OR CONTAIN SUBSTANTIAL LANDSCAPING TO BREAK THE CONTINUOUS WALL SURFACE AND CREATE VARYING SHADING PATTERNS. (P)

RATIONALE (5.2-5.3): PERIMETER WALL TREATMENT SHOULD PROVIDE DECORATIVE ELEMENTS FOR VISUAL INTEREST AND CONTRIBUTE AN ENHANCED IMAGE TO THE SURROUNDING COMMUNITY. FINISHED WALL TREATMENTS SHOULD INCLUDE DECORATIVE ELEMENTS, VARIATION IN WALL MATERIALS, AND TEXTURED OR STUCCO SURFACES COMPATIBLE WITH PRIMARY STRUCTURES.

Amend Chapter 7, Section 703.A (Landscaping, Fencing and Walls, Height of Fences and Retaining Walls) by adding new subsection “5” to read as follows:

5. IN ALL ZONING DISTRICTS, WHEN NOT PROHIBITED BY SECTION 31-13 OF THE CITY CODE, FENCES OR FREESTANDING WALLS UP TO TEN (10) FEET MAY BE BUILT FOR THE PROTECTION OF CRITICAL INFRASTRUCTURE.
 - A. RAZOR, CONCERTINA, OR BARBED WIRE TO PROTECT CRITICAL INFRASTRUCTURE SHALL NOT BE USED WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT PROPERTY.

TA-4-16 Standards for walls/fence height surrounding sites for critical infrastructure			
<u>Village</u>	<u>Date</u>	<u>Recommendations</u>	<u>Vote</u>
Ahwatukee Foothills	11/28/2016	Approval	11-0
Alhambra	11/22/2016	Approval with a recommendation to add a notification requirement for adjacent property owners	13-0
Camelback East	11/1/2016	Denial	12-0
Central City	11/14/2016	Approval with recommendation that canals not be defined as critical infrastructure	14-0
Deer Valley	11/17/2016	Approval	7-0
Desert View	11/1/2016	Approval	7-0
Encanto	11/7/2016	Did not hear	No Vote
Estrella	11/15/2016	Approval	6-0
Laveen	11/14/2016	Approval	9-0
Maryvale	11/2/2016	Approval	11-0
North Gateway	11/10/2016	Approval	4-0
North Mountain	11/16/2016	Approval	11-0
Paradise Valley	11/7/2016	Approval	13-0
Rio Vista	11/10/2016	Approval	3-0
South Mountain	11/1/2016	Approval	8-3

REPORT OF PLANNING COMMISSION ACTION
January 5, 2017

ITEM NO: 2	
	DISTRICT NO.: CITYWIDE
SUBJECT:	
Application #:	Z-TA-4-16
Proposal:	Amend Chapter 2, Section 202 (Definitions) of the Phoenix Zoning Ordinance to add a definition for critical infrastructure. Amend Chapter 5, Section 507.TAB A.II.E (Guidelines for Design Review, Specialized Areas) of the Phoenix Zoning Ordinance to create design guidelines for fences and freestanding walls protecting critical infrastructure. Amend Chapter 7, Section 703.A (Landscaping, Fencing and Walls, Height of Fences and Retaining Walls) of the Phoenix Zoning Ordinance to add regulations for fences or freestanding walls protecting critical infrastructure.
Applicant:	City of Phoenix Planning Commission
Owner:	City of Phoenix Planning Commission
Representative:	Planning and Development Department

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

Ahwatukee Foothills 11/28/2016 Approved, as recommended by staff. Vote: 11-0

Alhambra 11/22/2016 Approved, with a modification. Vote: 13-0

Camelback East 11/1/2016 Denied. Vote: 12-0

Central City 11/14/2016 Approved, with a modification. Vote: 14-0

Desert View 11/1/2016 Approved, as recommended by staff. Vote: 7-0

Deer Valley 11/17/2016 Approved, as recommended by staff. Vote: 7-0

Encanto Did not hear.

Estrella 11/15/2016 Approved, as recommended by staff. Vote: 6-0

Laveen 11/14/2016 Approved, as recommended by staff. Vote: 9-0

Maryvale 11/2/2016 Approved, as recommended by staff. Vote: 11-0

North Gateway 11/10/2016 Approved, as recommended by staff. Vote: 4-0

North Mountain 11/16/2016 Approved, as recommended by staff. Vote: 11-0

Paradise Valley 11/7/2016 Approved, as recommended by staff. Vote: 13-0

Rio Vista 11/10/2016 Approved, as recommended by staff. Vote: 3-0

South Mountain 11/1/2016 Approved, as recommended by staff. Vote: 8-3

Planning Commission Recommendation: Approved, per the language in Attachment A in the staff report.

Motion discussion: N/A

Motion details – Commissioner Shank made a MOTION to approve Z-TA-4-16 per the language in Attachment A in the staff report.

Maker: Shank
Second: Winger
Vote: 8-0
Absent: None
Opposition Present: No

Proposed Language:

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RATIONALE: DESIGN FEATURES THAT BLEND THE STRUCTURE WITH THE SURROUNDING ENVIRONMENT WILL MITIGATE NEGATIVE IMPACTS.

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DECORATIVE ELEMENTS FOR VISUAL INTEREST AND CONTRIBUTE AN ENHANCED IMAGE TO THE SURROUNDING COMMUNITY. FINISHED WALL TREATMENTS SHOULD INCLUDE DECORATIVE ELEMENTS, VARIATION IN WALL MATERIALS, AND TEXTURED OR STUCCO SURFACES COMPATIBLE WITH PRIMARY STRUCTURES.

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City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Zoning Ordinance Text Amendment Z-TA-4-16

Application No Z-TA-4-16: Amend Section 202 (Definitions), Section 507.TAB.A.II.E (Guidelines for Design Review, Specialized Areas) and Section 703.A (Landscaping, Fencing and Walls, Height of Fences and Retaining Walls) of the Phoenix Zoning Ordinance regarding fence and freestanding wall height to protect critical infrastructure.

Staff recommendation: Staff recommends approval of Z-TA-4-16 as shown in the recommended text in Attachment A.

Purpose

The intent of this text amendment is to create standards for fence and freestanding wall height for instances where a greater level of security is necessary for the protection of critical infrastructure. The United States Department of Homeland Security has identified specific types of infrastructure which are vital to national security, national economic security, and national public health or safety. An attack on a facility supporting this type infrastructure could be detrimental to the welfare of Phoenix residents and visitors, and therefore a greater level of security is necessary. The standards do not extend to facilities or properties which are not considered critical infrastructure, including federal buildings or other facilities which do not directly support the nation's critical assets, systems and networks.

Description of the Proposed Text

The proposed text includes three parts: a definition, design guidelines, and standards for fences and walls. The first part creates a definition for *critical infrastructure* which includes criteria to meet the definition and allows for limited flexibility as technology changes. The second part includes design guidelines to mitigate potential negative visual impacts. These guidelines include design presumptions in order to blend with the surrounding area, have a finished exterior, and incorporate articulation. Finally, the standards allow for a maximum 10-foot-high fence or freestanding wall. Razor, concertina or barbed wire may be used for additional protection; however, cannot be visible from a public street or an adjacent property.

Conclusion

The proposed text amendment will create fence and freestanding wall standards to improve the protection of the city's critical infrastructure as recommended by the United States Department of Homeland Security.

Staff recommends approval of the change to the Zoning Ordinance as proposed in Exhibit 1.

Writer

X. Keating
10/21/2016

Exhibit

1. Proposed Language