

**ATTACHMENT B**

**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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-26-20-7) FROM DTC-WAREHOUSE HP (DOWNTOWN CODE, WAREHOUSE CHARACTER AREA, HISTORIC PRESERVATION OVERLAY) TO DTC-WAREHOUSE (DOWNTOWN CODE, WAREHOUSE CHARACTER AREA).

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

SECTION 1. The zoning of a 1.30-acre property located at the southwest corner of 1st Street and Jackson Street in a portion of Section 8, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "DTC-Warehouse HP" (Downtown Code, Warehouse Character Area, Historic Preservation Overlay) to "DTC-Warehouse" (Downtown Code, Warehouse Character Area).

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. Prior to submitting an application for a demolition permit to demolish any portion of the building existing before July 1, 2020, the property owner shall obtain a \$5 million performance bond for the purpose of restoring the existing building if no certificate of occupancy is issued within 3 years after demolition of the roof and/or walls. The property owner shall submit a proof of the performance bond to the Planning and Development Department.
2. No demolition permit shall be issued for any portion of the building existing before July 1, 2020, until a building permit is issued for the construction of the proposed high-rise building.
3. Parallel parking stalls along Jackson Street shall remain public metered parking spaces, as approved by the Street Transportation Department. The developer shall coordinate with the Traffic Services division regarding any modification to the existing parking meters.
4. Proposed privatized use of parallel parking spaces shall be restricted to 1st Street, as approved by the Street Transportation Department.
5. Operations extending from the façade of the building such as outdoor dining space and other similar uses shall not result in the reduction of the Downtown Code required sidewalk width standards on Jackson Street (8 feet minimum) or 1st Street (6 feet minimum), as approved by the Street Transportation Department.
6. The developer shall provide an enhanced bulb-out at the southwest corner of 1st Street and Jackson Street to reduce the length of the pedestrian crossing, as approved by the Street Transportation Department.
7. The developer shall construct street and pedestrian light poles along Jackson Street and 1st Street per the City of Phoenix Jackson Street Standard Detail, as approved by the Street Transportation Department.
8. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the study. The developer shall be responsible for the cost of improvements as

required by the approved Traffic Impact study. The TIS shall include a signal warrant analysis for the intersection of 1st Street and Jackson Street. Development shall be responsible for funding of improvements as identified in the approved traffic study.

9. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
10. The developer shall provide clearly defined, accessible pathways, constructed of decorative pavers, stamped or colored concrete, or other pavement treatment that visually contrasts with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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 February, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-26-20-7

A PORTION OF THE NORTH HALF OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1, 3, 5, 7 AND 9, BLOCK 49, ORIGINAL TOWNSITE OF PHOENIX, ACCORDING TO BOOK 2 OF MAPS, PAGE 51, RECORDS OF MARICOPA COUNTY, ARIZONA.

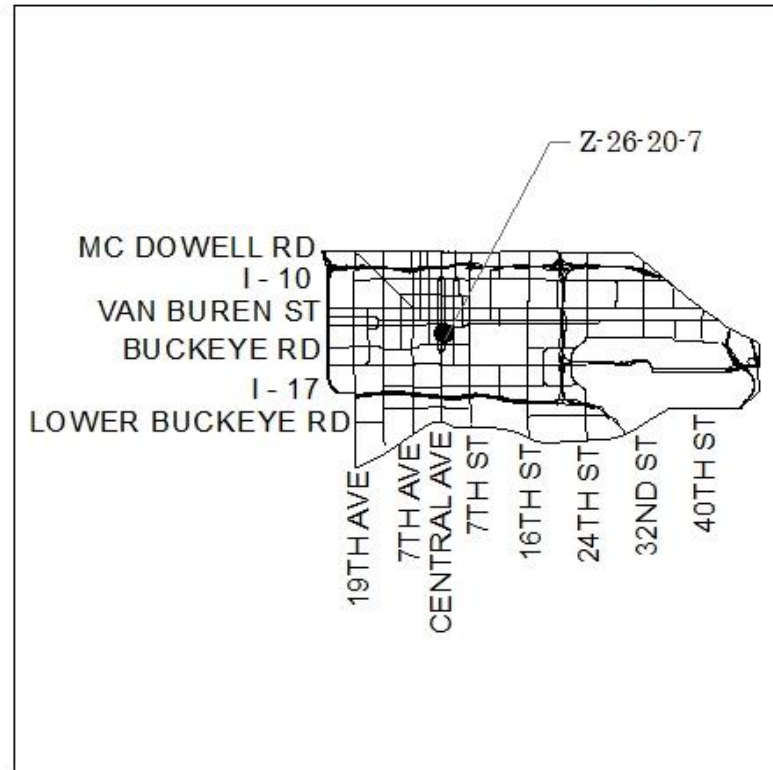
DRAFT

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-26-20-7  
Zoning Overlay: N/A  
Planning Village: Central City



NOT TO SCALE



Drawn Date: 1/4/2021