



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report
City Code Text Amendment
Z-TA-2-21-7
January 4, 2022

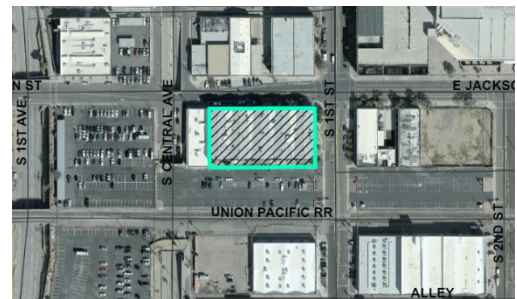
Application No. Z-TA-2-21-7: Amend Article XIII (Airport Zoning), Section 4-241 (Zones) of the City Code to permit up to 250 feet in height at the southwest corner of 1st Street and Jackson Street.

Staff Recommendation: Staff recommends approval of Z-TA-2-21-7 as shown in the recommended text in Exhibit A.

Background:

This request is to amend Article XIII (Airport Zoning), Section 4-241 (Zones) of the City Code to permit up to 250 feet in height for a 1.30 acre site located at the southwest corner of 1st Street and Jackson Street.

On February 3, 2021, the Phoenix City Council approved Z-TA-5-20-7 and Z-26-20-7 which amended the Downtown Code Height Map to allow up to 250 feet in height and removed the Historic Preservation Overlay on the subject site. A request to remove the conservation easement on the site was also approved.



*Aerial Map, Source: City of Phoenix
Planning and Development Department*

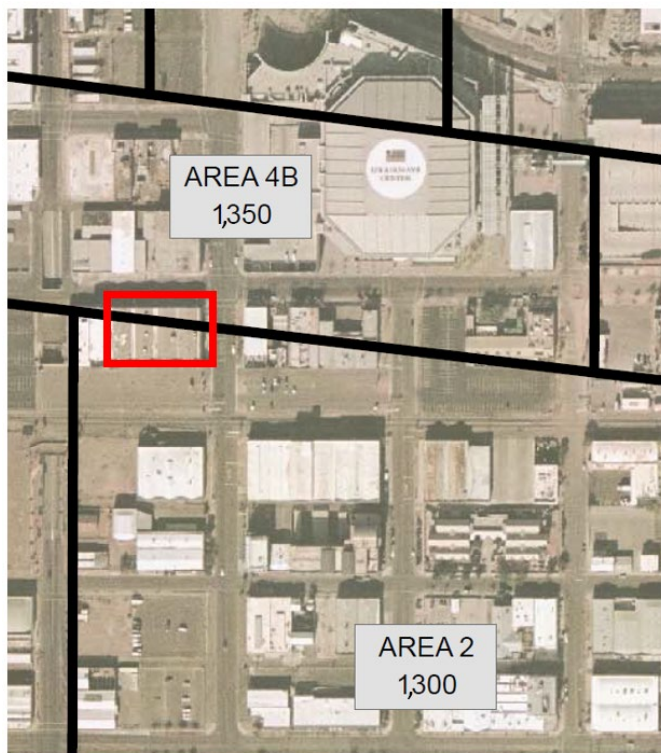
The Airport Height Zoning Ordinance, established in 1971, protects arrival, departure, and engine-out procedures around the airport and outlines maximum heights for buildings and other structures that are regulated by the City of Phoenix. In March 2006, the Phoenix City Council approved the Phase 1 “Downtown Zone” amendment to the 1971 Airport Height Zoning Ordinance. That amendment changed the Airport Height Zoning restrictions within the “Downtown Zone” for an area bounded by 7th Avenue to 7th Street and Fillmore Street to Lincoln Street. Cases Z-TA-9-06 and Z-32-08 amended the Airport Height Zoning text in the City Code to establish height limits for obstacles in the vicinity of Phoenix Sky Harbor Airport that are not covered by the existing downtown zones.

The Downtown Code, Chapter 12 of the Zoning Ordinance, was approved in 2010 and governs the allowable heights within the downtown area. The Downtown Code states

that the allowable heights cannot exceed those listed in the airport height limits of the City Code.

The proposed development is a mixed-use building with ground floor office, retail, restaurant and hotel uses. The subject site is used as an office building for the Arizona Opportunities Industrialization Center and is listed on the Phoenix Historic Property Register as the “Arizona Hardware Supply Company Warehouse” and on the National Historic Property Register as the “Chambers Transfer and Storage Co. Central Warehouse.”

The subject site is currently within Area 2 and 4B of the Airport Height Map, which allows maximum heights of 1,300 and 1,350 feet Mean Sea Level, which are 165 and 215 feet from grade, respectively. Those height limits are lower than the 250 feet maximum height allowed in the Downtown Code. This text amendment proposes to amend the City Code to allow a maximum height of 250 feet, to match was approved by City Council in the amended Downtown Code Height Map.



Airport Height Map, Source: City of Phoenix

Staff Analysis

The proposal is consistent with the approved maximum height in the Downtown Code and is consistent with the allowable heights in the surrounding area. Further, at the time this application was submitted the Interim Aviation Department Director contacted the operating airline partners at Phoenix Sky Harbor International Airport and they do not oppose the request.

Conclusion

Staff recommends approval of Z-TA-2-21-7 to amend Article XIII (Airport Zoning), Section 4-241 (Zones) of the City Code as shown in Exhibit A.

Writer

Sarah Stockham

January 4, 2022

Team Leader

Samantha Keating

Exhibits

Exhibit A: Proposed Language (4 pages)

Sketch Map

Airport Zoning Map

Applicant Narrative (11 pages)

EXHIBIT A

Application No. Z-TA-2-21-7: Amend Article XIII (Airport Zoning), Section 4-241 (Zones) of the City Code to permit up to 250 feet in height at the southwest corner of 1st Street and Jackson Street.

Staff Proposed Language That May Be Modified During the Public Hearing Process is as follows:

Amend Article XIII, Section 4-241 (Zones) to read as follows and by removing the old map, and inserting the new map as follows:

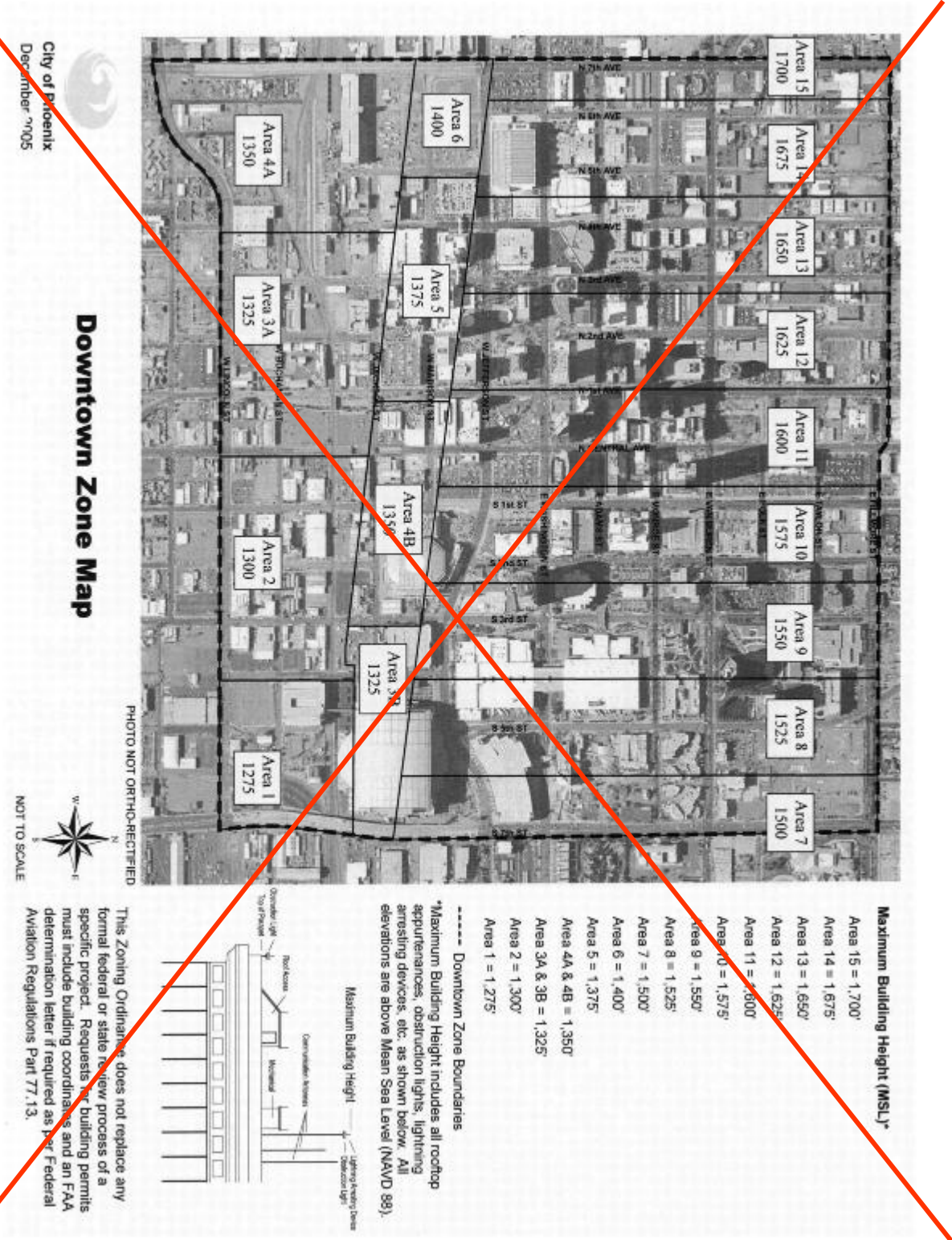
- B. Height Zone B—Downtown Zone. The Downtown Zone shall be subdivided into ~~fifteen~~ **SIXTEEN** contour areas as shown in the attached Downtown Zone Map.

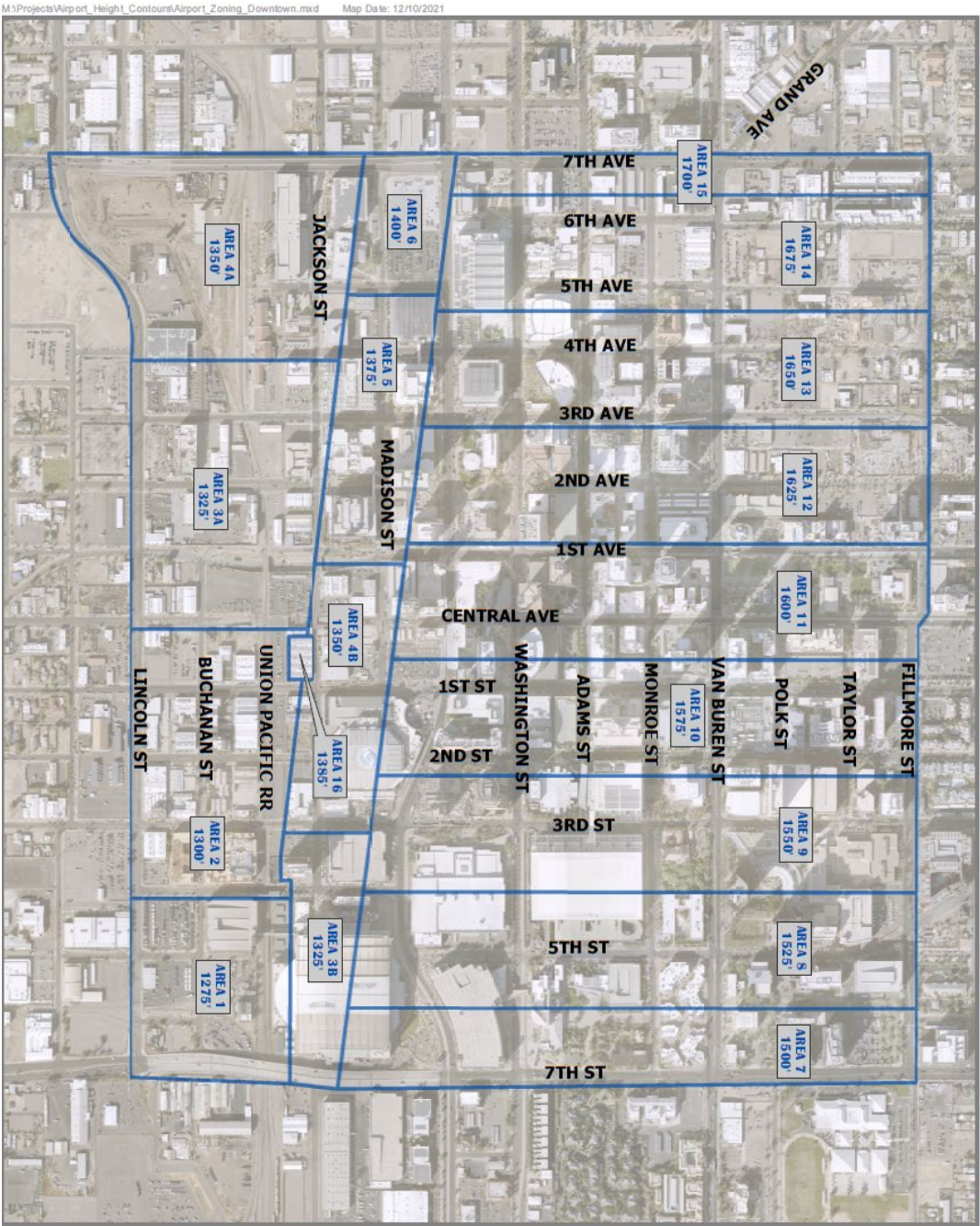
3. Maximum building height includes all structures as shown below.

AREA 15:	1,700 FEET MSL WITHIN THE COORDINATES:	
	<i>Latitude</i>	<i>Longitude</i>
	33 27 17.29821	112 04 57.74605
	33 27 17.29253	112 04 54.91001
	33 26 49.85140	112 04 54.90606
	33 26 50.14964	112 04 57.74074

AREA 16:	1,385 FEET MSL WITHIN THE COORDINATES:	
	<i>LATITUDE</i>	<i>LONGITUDE</i>
NEC	33 26 41.7464	112 04 21.6795
SEC	33 26 40.3868	112 04 21.6816
SWC	33 26 40.3970	112 04 24.6317
NWC	33 26 41.7488	112 04 24.6291

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. Any tree or structure which may be erected, or caused to be erected, by the City of Phoenix for public purposes, is hereby exempted from the height limitations of this Ordinance.





AIRPORT ZONING MAP
DOWNTOWN ZONE MAP

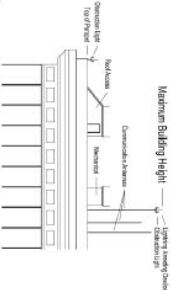


Maximum Building Height (MSL)*

- AREA 16 = 1385'
- AREA 15 = 1700'
- AREA 14 = 1675'
- AREA 13 = 1650'
- AREA 12 = 1625'
- AREA 11 = 1600'
- AREA 10 = 1575'
- AREA 9 = 1550'
- AREA 8 = 1525'
- AREA 7 = 1500'
- AREA 6 = 1400'
- AREA 5 = 1375'
- AREA 4A = 1350'
- AREA 4B = 1350'
- AREA 3A = 1325'
- AREA 3B = 1325'
- AREA 2 = 1300'
- AREA 1 = 1275'

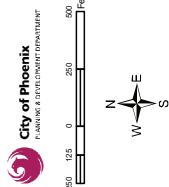
Downtown Zone Boundaries

Maximum Building Height includes all rooftop appurtenances, obstruction lights, lightning arresting devices, etc. as shown below. All elevations are above Mean Sea Level (NAVD 88).



*This Zoning Ordinance does not restrict any tower height or other appurtenance height. The maximum height of any structure must include building coordinates and an FAA determination letter if required as per Federal Aviation Regulations Part 77.13.

AIRPORT ZONING MAP DOWNTOWN ZONE MAP

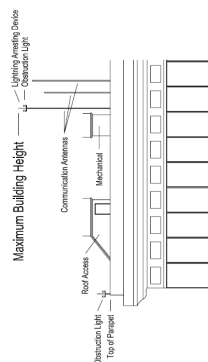


Maximum Building Height (MSL)*

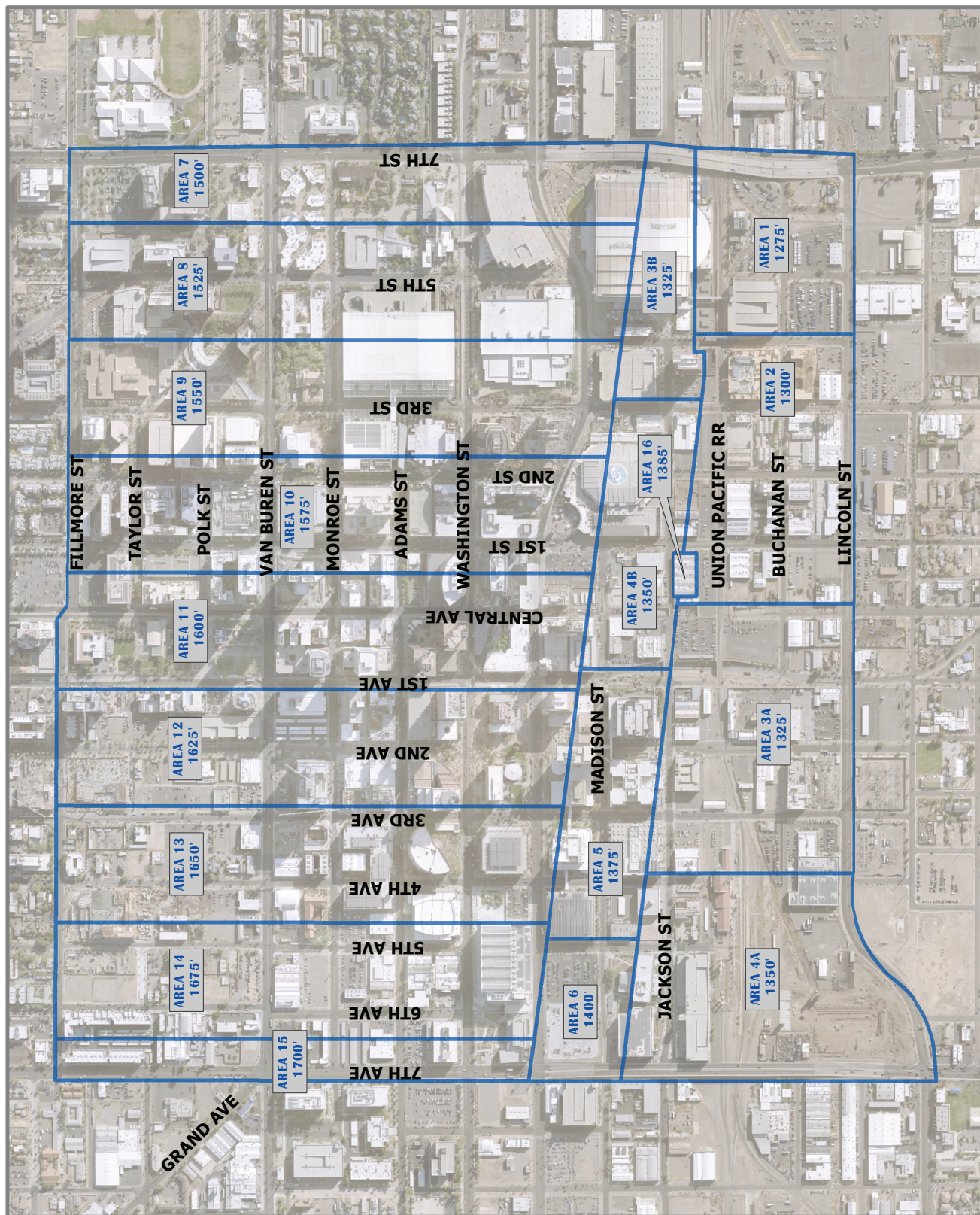
- AREA 16 = 1385'
- AREA 15 = 1700'
- AREA 14 = 1675'
- AREA 13 = 1650'
- AREA 12 = 1625'
- AREA 11 = 1600'
- AREA 10 = 1575'
- AREA 9 = 1550'
- AREA 8 = 1525'
- AREA 7 = 1500'
- AREA 6 = 1400'
- AREA 5 = 1375'
- AREA 4A = 1350'
- AREA 4B = 1350'
- AREA 3A = 1325'
- AREA 3B = 1325'
- AREA 2 = 1300'
- AREA 1 = 1275'

Downtown Zone Boundaries

*Maximum Building Height includes all rooftop appurtenances, obstruction lights, lighting arresting devices, etc. as shown below. All elevations are above Mean Sea Level (NAVD 88).



This Zoning Ordinance does not replace any formal federal or state review process of a specific project. Requests for building permits must be submitted to the appropriate authority for review and approval as required as per Federal Aviation Regulations Part 77.13.




Text Amendment

CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882




APPLICATION NO: TA-2-21-7 (Airport Height Zoning in City Code)	ACRES: 1.30 +/-
VILLAGE: Central City	COUNCIL DISTRICT: 7
APPLICANT: Nick Wood, Esq., Snell & Wilmer, LLP	

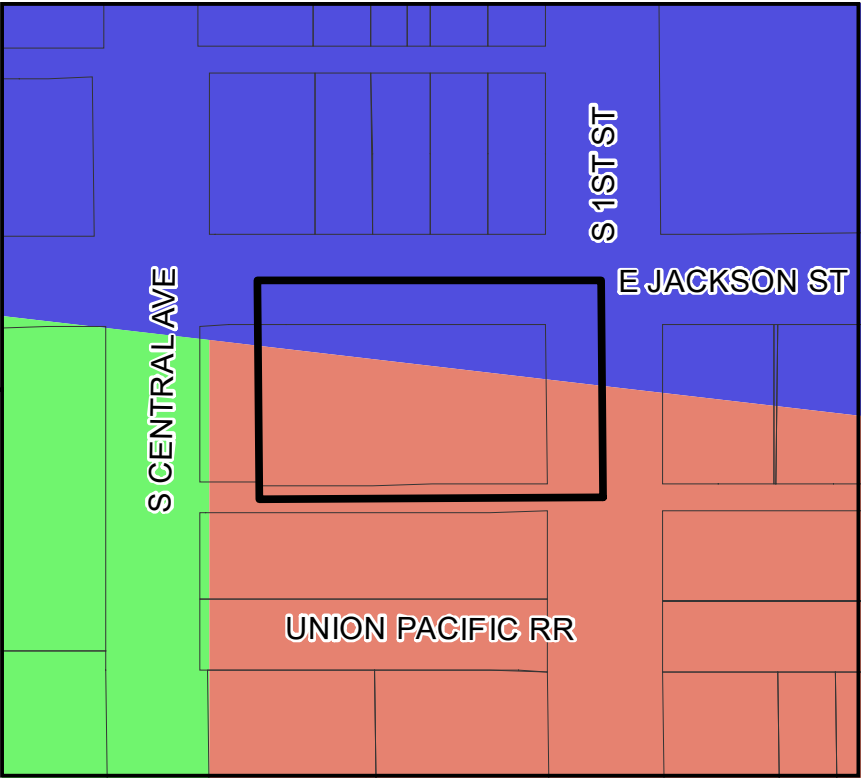
EXISTING:

Area 2, 1300' MSL (0.79 +/- Acres)
Area 4B, 1350' MSL (0.51 +/- Acres)

 Proposed Change Area


Maximum Height (ft)

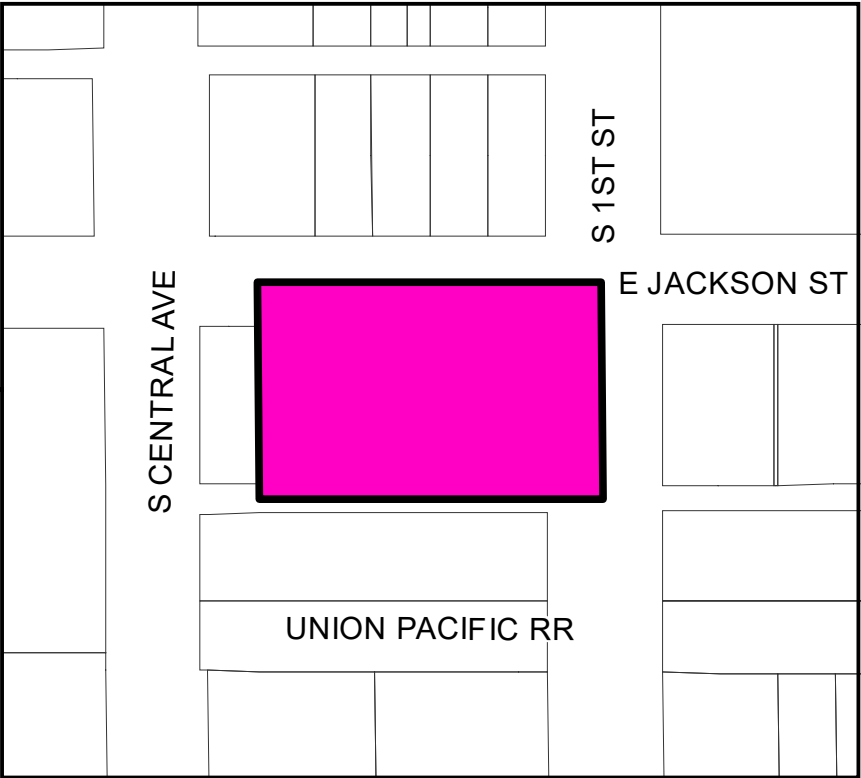
-  1300'
-  1325'
-  1350'



PROPOSED CHANGE:

Area 16, 1385' MSL (1.30 +/- Acres)

 Proposed Change Area



Snell & Wilmer

ONE ARIZONA CENTER
400 E. VAN BUREN, SUITE 1900
PHOENIX, AZ 85004-2202
602.382.6000 P
602.382.6070 F

Nicholas J. Wood
(602) 382-6269
nwood@swlaw.com

August 27, 2021

VIA E-MAIL

Alan Stephenson
Director
Planning & Development Services Department
City of Phoenix
200 W Washington St
Phoenix, AZ 85003

Charlene Reynolds
Assistant Aviation Director
Aviation Department
City of Phoenix
2485 E Buckeye Rd
Phoenix, AZ 85034

Re: Application for Amendment of the City of Phoenix Airport Height Zoning
Article, Article XIII of the City Code, for the OIC Project, 39 E Jackson Street

Dear Alan and Charlene:

On February 3, 2021, the City Council approved our request for a text amendment to the City of Phoenix Zoning Ordinance, Chapter 12, Downtown Code, specifically Section 1202.C, which includes the maximum building height map for property located at 39 E Jackson Street ("Site") to allow for up to 250 feet in height for the proposed "Blue" building, a residential condominium and hotel high-rise with supporting ground floor retail and offices for Arizona Opportunities Industrial Center ("OIC"), a non-profit community-based organization that has been working with the unemployed and underemployed in Arizona since 1967. The applicable case is Z-TA-5-20-7, adopted via Ordinance G-6807.

Section 1202.C also notes that, irrespective of the designation on the maximum building height map, that in "no event can the height exceed the airport height limit." The airport height limit is a reference to City Code Article XIII, Airport Zoning, which is titled "The City of Phoenix Airport Height Zoning Article" (Section 4-237), herein "Airport Zoning."

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The Airport Zoning includes a detailed set of height zones, more specifically detailed in Section 4-241. Based upon an approximate application of the supporting maps prolonged by the City of Phoenix Aviation Department¹ the maximum height allowed at the Site is a mix of “Area 2” 1,300 feet MSL² (or 165 feet of structural height from grade) and “Area 4B” 1,350 feet MSL (or 215 feet of structural height from grade) (see Exhibit A), both well below the approved 250 feet of structural height allowed by the Zoning Ordinance.

In order to facilitate the Blue building project, we are requesting that the City of Phoenix amend the Airport Zoning to allow for up to 250 feet of height at the Site (Exhibit B), subject to the maximum building height provisions of Section 4-241.B.3, which limits the maximum height to the “top of the top” of all rooftop elements. Our proposed modification to the text is attached as Exhibit C.

In review of the history of the establishment of the Airport Zoning, according to a Request for Council Action (Exhibit D) from the 2005 amendment, the original adoption of the Airport Zoning was adopted in 1970 (Ordinance G-988). This ordinance governed until 2005, when the City undertook efforts to update the ordinance, reaching culmination in 2008 with the adoption of the current version via Ordinance G-5179.

According to the “Frequently Asked Questions” information that was issued by the Airport during the 2008 update, the Airport Zoning “does not affect flight patterns or noise contours” (Exhibit E). It is our understanding that the actual operating procedures for takeoff/landing as well as emergency engine out procedures are set by the operators (airlines) themselves, not the Federal Aviation Administration (they “accept” but do not “approve” these plans³). As such, we requested that the Aviation Department contact its operating airline partners to inquire as to any concerns that they may have with respect to additional height at the Site. It is our understanding that no concerns with additional height at this location were reported by those operators.

That response is logical given that the Site is due west of the Summit at Copper Square, a 254 foot tall structure and to the northwest is the 284 foot tall South Court Tower, both taller structures that would be “in the way” of any aircraft flying over the Site. Aircraft making a rightward turn coming off the runway will already need to avoid both the South Court Tower and Summit, making the Site an appropriate place for the 250-foot structure. Given the relationship between existing structures and the Blue, this minor adjustment to the Airport Zoning is appropriate and should not be impactful to aviation operations, as illustrated by Exhibit F.

¹ See https://www.skyharbor.com/docs/default-source/default-document-library/airport-height-restrictions.pdf?sfvrsn=ec938588_0

² Mean Sea Level

³ https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/obstacle/media/AC_120-91_Overview.pdf (See Page 14)

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It is our understanding that this request will be heard by (i) the Central City Village Planning Committee, (ii) the Airport Zoning Commission (which is the City Planning Commission as per City Code Section 4-239), (iii) the applicable City Council Subcommittee and (iv) the City Council for final action.

We look forward to working with your respective departments as this application is processed. If you need any additional information, please let me know.

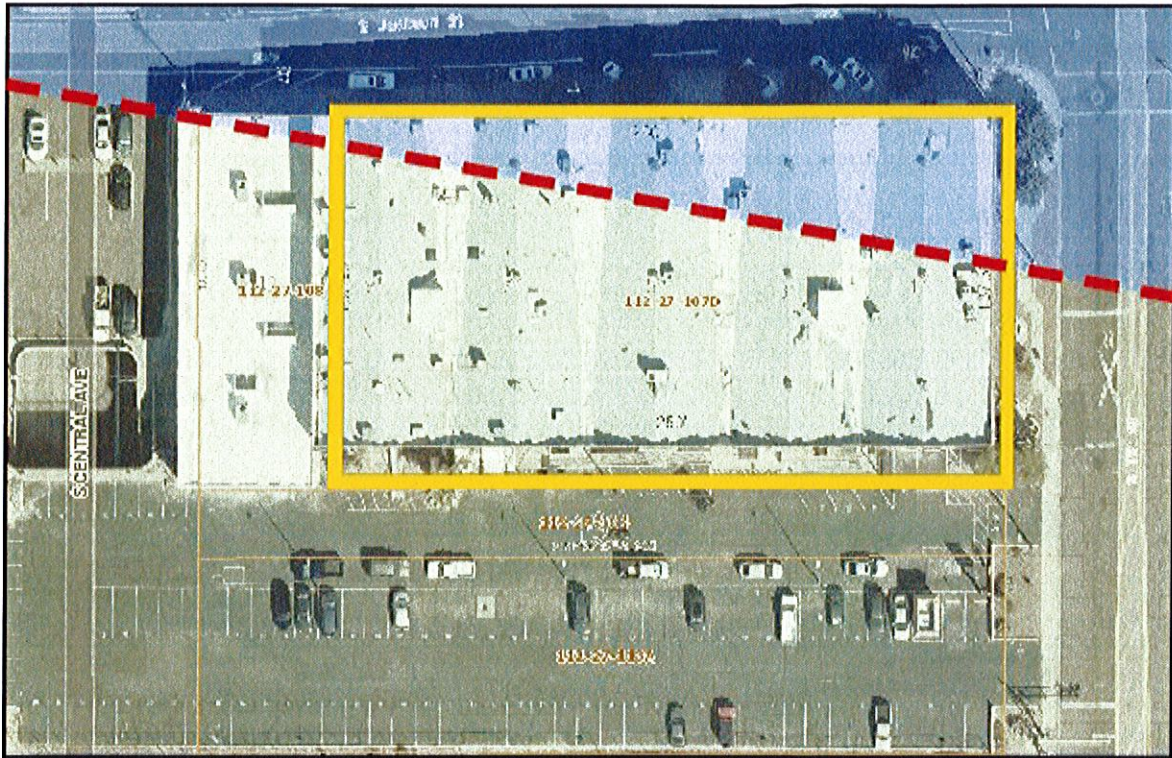
Respectfully submitted,

Snell & Wilmer

Nicholas J. Wood

Alan Stephenson
Charlene Reynolds
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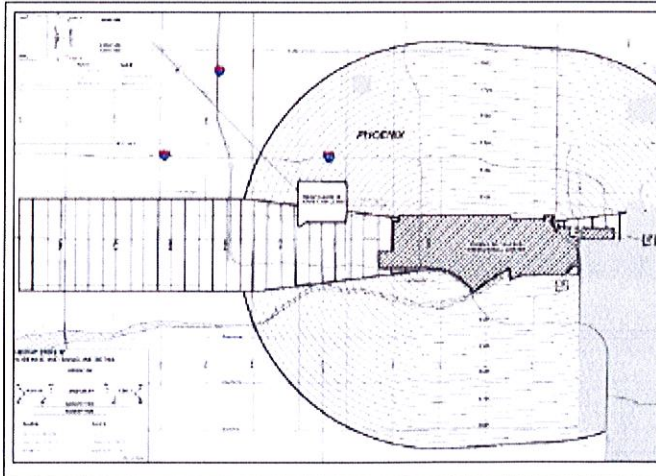
EXHIBIT A – Proximity of Airport Zoning at Site



KEY	OIC Site	Airport Zoning Height Boundaries
	Area 2 Maximum Height: 165'	Area 4B Maximum Height: 215'

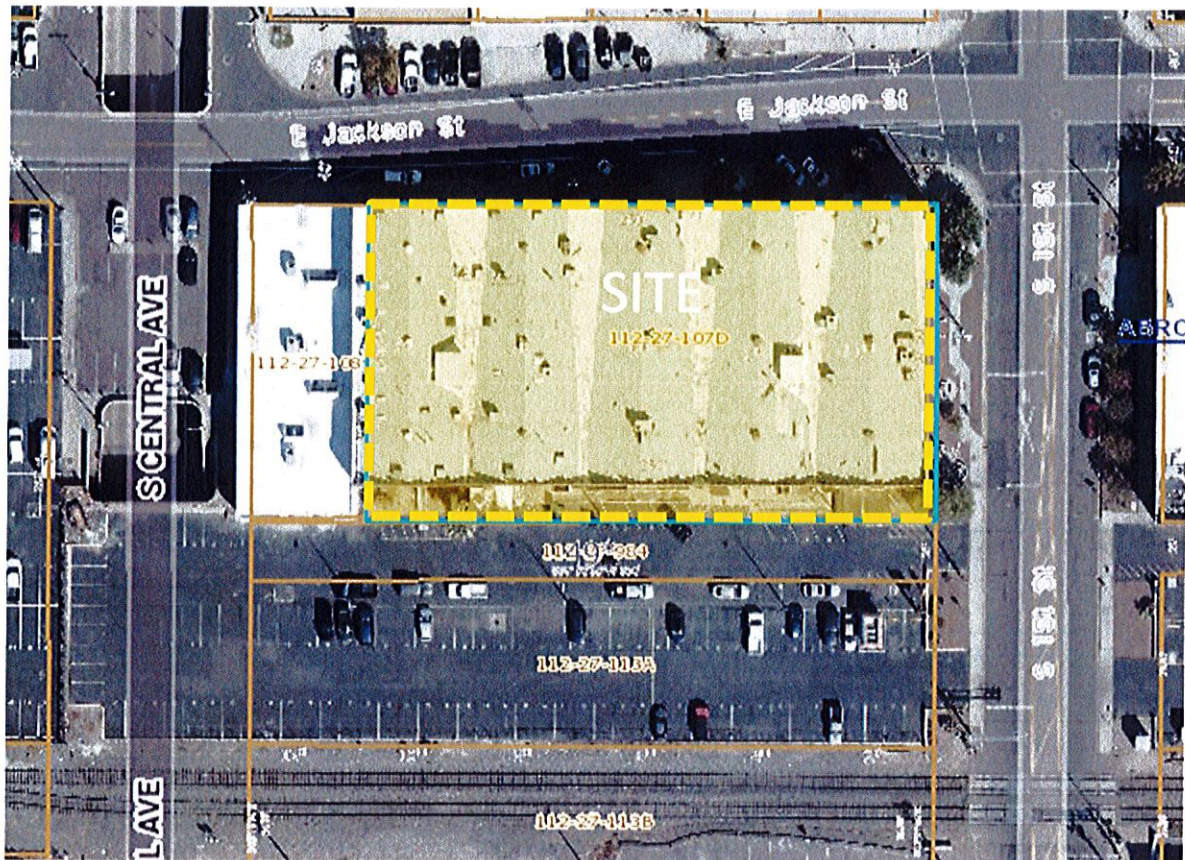
*NOTE: Sea Level of Sky Harbor is 1,137' which is subtracted from Maximum Height for Area 2 and Area 4B

SOURCE: City of Phoenix Airport Zoning Map / Downtown Zoning Map



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EXHIBIT B – Site and Site Legal Description



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.

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EXHIBIT C – Proposed Text

Amend Section 4-241. Zones, as follows:

B. Height Zone B—Downtown Zone. The Downtown Zone shall be subdivided into ~~fifteen~~ SIXTEEN contour areas as shown in the attached Downtown Zone Map.

...

AREA 16:	1,385 FEET MSL WITHIN THE COORDIANATES:	
	<i>Latitude</i>	<i>Longitude</i>
NEC	33 26 41.7464	112 04 21.6795
SEC	33 26 40.3868	112 04 21.6816
SWC	33 26 40.3970	112 04 24.6317
NWC	33 26 41.7488	112 04 24.6291

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OIC PROJECT - HEIGHT RESTRICTION AREA 16
EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA & SALT RIVER MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF JACKSON STREET WITH 1ST STREET (CITY OF PHOENIX BRASS CAP FLUSH), FROM WHICH A POINT ON/NE SAID CENTERLINE OF 1ST STREET (STONE IN HAND HOLE), BEARS S00°09'28"W A DISTANCE OF 340.20 FEET;

THENCE S0°09'28"W, ALONG SAID CENTERLINE OF FIRST STREET, A DISTANCE OF 25.00 FEET;

THENCE N89°51'32"W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

THENCE S0°09'28"W A DISTANCE OF 137.42 FEET;

THENCE N89°40'36"W A DISTANCE OF 249.97 FEET;

THENCE N0°10'44"E A DISTANCE OF 136.62 FEET;

THENCE S89°51'32"E A DISTANCE OF 249.92 FEET TO THE POINT OF BEGINNING

THE ABOVE DESCRIBED PARCEL CONTAINS 34,247.63 SQUARE FEET (0.7862 ACRE) OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS S0°09'28"W FOR A PORTION OF THE CENTERLINE OF 1ST STREET AS DETERMINED BY GPS OBSERVATIONS PERFORMED IN THE FIELD.

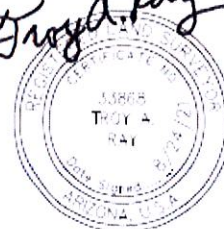
Page 2 of 2

Date: 8/24/21

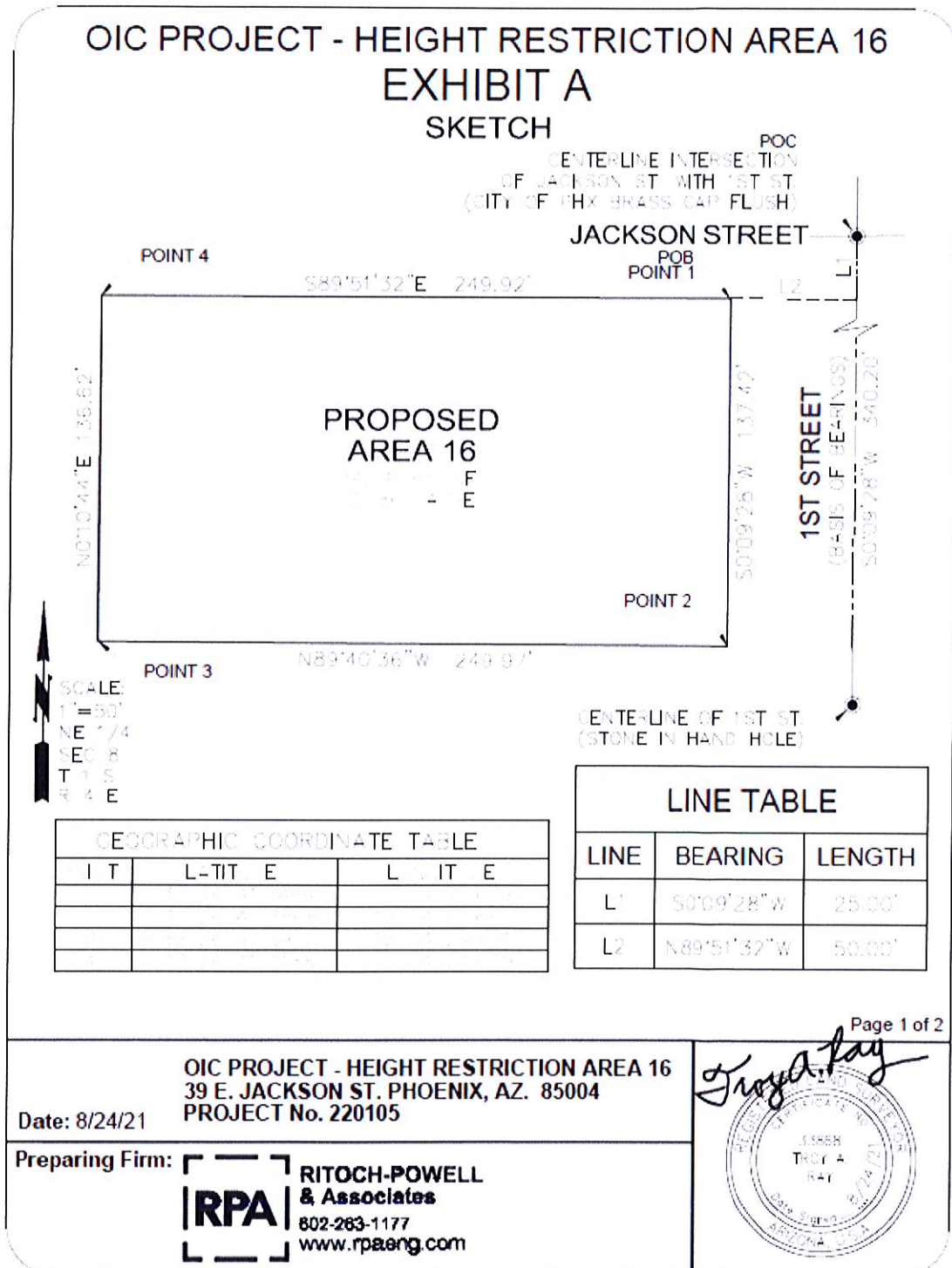
OIC PROJECT - HEIGHT RESTRICTION AREA 16
39 E. JACKSON ST. PHOENIX, AZ. 85004
PROJECT No. 220105

Preparing Firm:

RITOCH-POWELL
& Associates
602-263-1177
www.rpaeng.com



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EXHIBIT D – Excerpt of Request for Council Action for Z-TA-33-05

<u>ITEM</u>	<u>CITYWIDE</u>	<u>APPLICATION NUMBER Z-TA-33-05. AMENDMENT TO THE PHOENIX CITY CODE, CHAPTER 4 AVIATION, ARTICLE XIII AIRPORT ZONING (HEIGHT ZONING).</u>
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Request authorization to amend City Code, Chapter 4 Aviation, Article XIII Airport Zoning, Section 237 Airport Zoning Commission, to change the number of Airport Zoning Commission members to nine and amend Sections 239 Zones and 240 Height Limitations to add a Downtown Zone that includes the boundaries of 7th Avenue to 7th Street and Fillmore Street to Lincoln Street and provide height limitations for the Downtown Zone.

In September 2005 the Airport Zoning Commission authorized the Aviation Department to initiate an amendment to the existing height zoning ordinance which helps regulate the maximum height of buildings and other structures around Phoenix Sky Harbor International Airport. The existing ordinance was adopted on February 1, 1971 and does not adequately protect the airspace around the airport from tall buildings and structures that would negatively affect aircraft operations to or from Sky Harbor Airport.

The proposed text amendment will revise the allowed maximum heights for buildings and other structures west of the airport to promote the safety of aircraft, people, and property while allowing the maximum height of development west of the airport. The Central City Village Planning Committee and the Airport Zoning Commission voted in favor of this amendment. The City Council granted approval at its February 15, 2006 Recessed Meeting.

This item is recommended by Ms. Perkins and the Aviation Department.

EXHIBIT E – FAQ from 2008 Amendment

Airport Height Zoning Amendment Zoning Case TA 9-06 and Z-32-08



Frequently Asked Questions

1. What does Airport Height Zoning do?

It protects arrival, departure and engine-out procedures around the airport, and outlines potential maximum heights for buildings and other structures within the City of Phoenix. The Airport Height Zoning Ordinance accommodates City growth while protecting and maintaining the airspace capacity around Phoenix Sky Harbor International Airport; its purpose is to protect airspace for aircraft operations.

2. Is airport height zoning different from underlying zoning?

Yes. Underlying zoning is determined by the City of Phoenix and takes into consideration health, safety and welfare. Underlying zoning heights are typically lower than that of airport zoning heights. Airport zoning heights are determined by Federal Aviation Administration (FAA) regulations and show the maximum allowable structure heights to allow for aircraft economics, efficiency and safety.

3. Does Airport Height Zoning affect flight patterns and noise contours?

No, the zoning is intended to protect airspace for aircraft operations, and does not affect flight patterns or noise contours.

4. Does Airport Height Zoning encourage developers to construct shorter/taller buildings?

Most likely not, because the height of development is determined by underlying zoning. A developer must go through the standard development review process and adhere to the City's allowable height, which is usually lower than that of the airport. The Airport Height Zoning purpose is to protect airspace for aircraft operations; it is not intended to influence city development.

5. What is above "Mean Sea Level (MSL)"?

The height above the level of the ocean's surface, particularly the level halfway between mean high and low tide, used as a standard in reckoning land elevation or sea depths. Phoenix is approximately 1100' above Mean Sea Level (MSL); Sky Harbor is 1135' above MSL.

6. What is Above Ground Level (AGL)?

The height above ground level.

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EXHIBIT F – Existing Conditions Exhibit

