



CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION

Meeting Date: 08/26/2019
Agenda Item: 12

ACTION: Hold a second public hearing for a major amendment to General Plan 2040 1) A Projected Land Use Map Amendment from various land use categories to Mixed-Use and a new Mixed-Use/Industrial category, with a General Plan text amendment; 2) A Projected Residential Density Map Amendment from various density categories to Medium Density (up to 15 du/ac), Medium-to-High Density (up to 25 du/ac), High Density (up to 65 du/ac), and High Density – Urban Core (more than 65 du/ac); 3) Adopted the Urban Core Master Plan; 4) A Zoning Map Amendment and Code Text Amendment in the Tempe Zoning and Development Code with a new District with specific zones in certain areas, on approximately 948 acres for the URBAN CORE MASTER PLAN AND TOD, located within the area generally bounded by Hardy Drive to the west, Union Pacific Railroad to the south, Loop 101 and City limits to the east, and Loop 202 to the north. The applicant is the City of Tempe.

FISCAL IMPACT: N/A

RECOMMENDATION: Approve

BACKGROUND INFORMATION: URBAN CORE MASTER PLAN AND TOD (PL190112) is a request to modify General Plan 2040 Projected Land Use and Density Maps and a Zoning Map Amendment and Code Text Amendment to add a new Part 5A, Chapter 1, URBAN CODE DISTRICT within the Tempe Zoning and Development Code. The Urban Code District (UCD) will be the new name for the updated Transportation Overlay District (TOD). The request includes the following:

Adoption of the 2019 Urban Core Master Plan

- GPA190002
1. A Projected Land Use Map Amendment from various land use categories to Mixed-Use and a new category for "Mixed-Use/Industrial"; and
 2. A Projected Residential Density Map Amendment from various density categories to Medium Density (up to 15 du/ac), Medium-to-High Density (up to 25 du/ac), High Density (up to 65 du/ac), and High Density – Urban Core (more than 65 du/ac).

ZON190004 A Zoning Map Amendment and Code Text Amendment to add a new Part 5A, Special Districts, Chapter 1, "URBAN CODE DISTRICT" a new zoning district to which property owners can opt in.

ATTACHMENTS: Public Comments, Resolution for Master Plan, Resolution for General Plan, Ordinance for Zoning District and Code text

STAFF CONTACT(S): Ambika Adhikari, Principal Planner (480) 350-8367

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Robbie Aaron, Planner II

Reviewed by: Ryan Levesque, Deputy Community Development Director - Planning

COMMENTS:

This Urban Core Master Plan (UCMP) area is approximately 6.15 square miles located within the area generally bounded by Hardy Drive to the west, Union Pacific Railroad to the south, Loop 101 and City limits to the east, and Loop 202 to the north. The proposed planning area consists of multiple zoning districts and includes most parts of the existing Transportation Overlay District (TOD). The updated version of the Transportation Overlay District will be called URBAN CODE DISTRICT (UCD) to be added as Chapter 1 of new Part 5A - Special Districts in the Tempe Zoning and Development Code. The UCD will be available for opt in by the property owners within the UCD boundaries.

To support the visions of the UCMP and the UCD, the request to modify General Plan 2040 Projected Land Use and Residential Density maps is as follows:

1. General Plan Projected Land Use Map Amendment from Commercial to Mixed-Use for approximately 98 acres.
2. General Plan Projected Land Use Map Amendment from Industrial to Mixed-Use for approximately 49 acres.
3. General Plan Projected Land Use Map Amendment from Industrial to Mixed-Use Industrial for approximately 99 acres.
4. General Plan Projected Land Use Map Amendment from Residential to Mixed-Use for approximately 235 acres.
5. General Plan Projected Residential Density Map Amendment adding Medium Density (up to 15 du/ac) to approximately 92 acres.
6. General Plan Projected Residential Density Map Amendment adding High Density (up to 65 du/ac) to approximately 7 acres.
7. General Plan Projected Residential Density Map Amendment adding High Density - Urban Core (more than 65 du/ac) to approximately 12 acres.
8. General Plan Projected Residential Density Map Amendment from Medium Density (up to 15 du/ac) to Medium-to-High Density (up to 25 du/ac) for approximately 4 acres.
9. General Plan Projected Residential Density Map Amendment from Medium Density (up to 15 du/ac) to Medium-to-High Density (up to 25 du/ac) for approximately 8 acres.
10. General Plan Projected Residential Density Map Amendment from Medium-to-High Density (up to 25 du/ac) to High Density (up to 65 du/ac) for approximately 167 acres.
11. General Plan Projected Residential Density Map Amendment from Medium-to-High Density (up to 25 du/ac) to High Density - Urban Core (more than 65 du/ac) for approximately 8 acres.
12. General Plan Projected Residential Density Map Amendment from High Density (up to 65 du/ac) to High Density - Urban Core (more than 65 du/ac) for approximately 100 acres.
13. General Plan Projected Residential Density Map Amendment from High Density (up to 65 du/ac) to Medium-to-High Density (up to 25 du/ac) for approximately 2 acres.

The applicant is requesting the Development Review Commission to provide recommendations to City Council for all the above items.

THE PROCESS. How would the development process look in the future?

Upon a successful adoption of the new zoning district and code text amendment, a property owner must first submit an opt-in form that activates the new zoning district on to the property. The applicant can then proceed with filing a formal application for Development Plan Review, complying with the standards established for their district. The project is then scheduled for a public meeting with the Development Review Commission (DRC) for a decision. That decision is appealable to the City Council.

Alternatively, if a property owner does not opt-in, or the site or proposed modifications do not meet a desired change for redevelopment (for example, a building addition or re-use), the property can simply propose a development that meets the current zoning district standards that exists for the property today. The new UCD district remains a viable future option but does not require opting in at this time. This process may be approved through a Minor Development Plan Review (staff level) or for new development as a Major Development Plan Review, a decision by the DRC. NOTE: if the property is within the existing Transportation Overlay District, those standards will apply.

The third process option, the site for a development does not want to comply with the existing zoning standards or new UCD standards, an applicant may seek an alternate zoning district that is required to go through a complete rezoning process with

neighborhood meetings, DRC hearing, and two City Council hearings before action is considered. Any rezoning process requires review and conformance with the General Plan and other guiding policy documents before a decision is rendered.

PUBLIC INPUT

Neighborhood meeting is required. The required neighborhood meeting was held on July 8, 2019 at 6 p.m. at the Escalante Community Center. In addition to Community Development staff, approximately fifty-three members from the public attended the meeting. Some of the questions raised by the public at the meeting included concerns about traffic, parking, affordable housing, historic preservation, density, and the anticipated timeline of adoption.

In addition to the required neighborhood meeting, Community Development staff held a second Neighborhood Meeting on July 22, 2019, at 6 p.m. at the Northwest Multi-Generational Center. In addition to Community Development staff, approximately 25 members from the public attended the meeting. Some of the questions raised by the public at the meeting included development bonus program, suitability, and the anticipated timeline of adoption.

Community Development staff also held a series of Public Meetings, workshops and other outreach throughout this effort. Through that outreach over 340 comments were collected, and many were individually responded to.

Documents with the summaries of major public input on the UCMP and TOD (UCD) and related General Plan amendment efforts are available at the link below:

<https://www.tempe.gov/government/community-development/urban-core-masterplan>

Staff presented the final drafts of UCD, UCMP and related General Plan Amendment (GPA) application to the Development Review Commission (DRC) for the first hearing on August 13, 2019. Some 50 individuals were in attendance, and more than 22 citizens spoke on the topic. Questions and concerns included apprehensions with the existing Cultural Resource Areas (CRA), too much or too little heights and densities, historic preservation, defining mixed use/industrial and the need to transition heights to become compatible with the single-family homes. Speakers also had suggested edits and changes to the draft documents.

PROJECT ANALYSIS

GENERAL PLAN AND ZONING

The UCMP and UCD respectively establish guidelines, and regulations which promote sustainable practices and enhance the quality of life through the creation of street environments which promote walking and transit ridership. The UCMP planning and design guidelines, and the UCD standards provide planning and design flexibility to protect neighborhood character and ensuring a balance of housing types. With a focus on increasing the amount of mixed-use areas, this GPA will also increase the efficiency of the built environment by providing local services on neighborhood scales playing an important role in promoting the General Plan's 20-minute City goal.

Second, through the implementation of the UCMP and UCD, this GPA will ensure that the design of buildings is of the highest quality and that for new developments, transitions to Historic neighborhoods and Cultural Resource Areas is appropriate. The UCMP and UCD will also ensure that properties listed on the Tempe Historic Property Register and National Register of Historic Places, and those listed as Historic Eligible are given the best chance to be preserved in place.

Third, the UCMP and UCD both will encourage the use of incentives and bonuses to increase the amount of affordable housing found throughout the area. Parallel to the UCMP and UCD efforts, an Affordable Housing Strategy (AHS) was also created, which provides the City with a defined set of strategies aimed at increasing affordable housing stock. The AHS document was adopted by the city Council on 07/31/2019.

A development bonus and incentive program is being developed as part of the UCMP and UCD, which will create incentives to include affordable housing, sustainability elements, historic preservation and public amenities in projects throughout the areas covered by UCMP and UCD.

In conclusion, this GPA will help the UCMP area to grow in a more sustainable and efficient manner. Increasing the amount

of mixed-use land use will enable the creation of hubs, allow for enhanced connectivity to transit and enhance connectivity for bicycles and pedestrians to the destinations, improve the visual quality, urban form, and functionality towards a high quality of life for future generations. The UCMP will help streamline future development in the Urban Core area and help to obtain better design and street environment. The UCD will provide an opt in opportunity for property owners within the UCD boundaries to achieve transit and pedestrian friendly and sustainable developments.

REASONS FOR APPROVAL:

1. The requested General Plan Amendment will help in creating a more pedestrian-friendly and compact development in the urban core.
2. The proposed GPA will allow for accommodating the projected growth in the Urban Core area in a sustainable manner.
3. THE UCMP will help further the goals of Tempe General Plan 2040, and help streamline future development and growth, and obtain better design, and street environment.
4. The UCD, through an opt in mechanism, will help create a more transit friendly and pedestrian friendly environment consistent with the objectives of the General Plan 2040.

Based on the information provided and the above analysis, staff recommends approval of the requested General Plan Amendment, Code Text Amendment, and the adoption of UCMP.

CONDITIONS OF APPROVAL:

NONE.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-302, General Plan Amendment
Section 6-304, Zoning Map Amendment

HISTORY & FACTS

April 27, 2017	Council gives direction for staff to proceed with Urban Core Master Plan
September 28, 2017	Urban Core Master Plan contract approved by City Council
November 1-3, 2017	Urban Core Master Plan kick-off between City staff and Consultants
February 21, 2018	Staff presentation to the Citizens for a Vibrant Apache Corridor (CVAC)
February 26, 2018	Staff presentation to Tempe Neighborhoods Together (TNT)
February 28, 2018	Public Visioning workshop with stakeholders and consultants
May 9, 2018	UCMP & Rio Salado Masterplan joint public meeting
May 23, 2018	Staff presentation to the Citizens for a Vibrant Apache Corridor (CVAC)
June 25, 2018	Staff presentation to Tempe Neighborhoods Together (TNT)
June 27-28, 2018	Focus group meetings with affordable housing partners, ASU, neighborhood leaders, and private sector partners
September 20-22, 2018	Public meetings with property owners, business owners, and other interested parties

September 21, 2018	Urban Core Master Plan City Council update at Council Retreat
September 24, 2018	Staff presentation to DTABoard at Downtown Tempe Authority Board Retreat
September 25, 2018	Staff presentation to Tempe Chamber of Commerce
May 18-20, 2019	Public meetings with property owners, business owners, and other interested parties
May 21, 2019	Public meetings with private business owners and streetcar funding partners
May 28, 2019	Staff presentation to Tempe Chamber of Commerce
July 8 & 22, 2019	Neighborhood meetings with property owners, business owners, and other interested parties for the Major General Plan Amendment
August 13, 2019	Transportation Commission update for UCMP, TOD & Major General Plan Amendment
August 13, 2019	Development Review Commission first public hearing for UCMP, TOD & Major General Plan Amendment
August 26, 2019	Development Review Commission second public hearing for UCMP, TOD & Major General Plan Amendment
September 6, 2019	Staff presentation to Tempe Neighborhoods Together (TNT)
September 26, 2019	City Council introduction and first public hearing for UCMP, TOD & Major General Plan Amendment
October 17, 2019	City Council second and final public hearing for UCMP, TOD & Major General Plan Amendment

Urban Core Master Plan, TOD, Urban Code District, General Plan Amendment

The following table provides highlights of comments received at and after the DRC meeting on 08/13/2019, and staff response.

Subject	Comments/Questions	Staff Response/ Changes
UCD	Explain how property owners can opt into the UCD.	UCD document has detailed language for opting in. The owner must sign a waiver of rights and remedies form, and agree to opt-in, and their property will be rezoned to UCD and corresponding zones as a result of the ordinance adoption. The signing of the form makes the new UCD district effective on their property.
UCD	PAD entitlements expire. Does UCD expire?	UCD will not expire. PAD entitlement or standards do not expire either without a formal rezoning process to reverse the PAD.
UCD	PADs are easy. Why would a property owner opt-in to the UCD?	The City would encourage owners to opt-in to the UCD, and not use PAD applications to deviate from the standards and guidelines contained in the UCD. PADs require multiple hearings and Council approval, which has uncertainty. Opting into the UCD is easier and provides certainty.
UCD/UCMP	What is the status of the Development Bonus Program (DBP)? What heights and densities are being proposed for providing public benefits?	Staff is working with consultants to develop the DBP on a separate track. Staff plans to bring forward a draft DBP as a separate section in the Zoning and Development Code that will apply to UCD and UCMP. The DBP will go through the required Code Text Amendment process, and formal public hearings with the DRC and City Council.
UCMP/TOD	Why the first 5,000 sft of commercial development is waived for calculating minimum required parking for UC 3 to UC-6?	<p>Staff is using similar parking ratios as in the existing City Center (CC) zoning. Existing TOD also waives 25-50% of the floor area from the parking calculations.</p> <p>Owners can go up to the maximum allowed parking, and don't have to build to the minimum requirements.</p>

Subject	Comments/Questions	Staff Response/ Changes
UCD	Unlimited densities in some areas is wrong.	The plans are intended to be compatible with the existing General Plan density categories. Districts such as UC-1 and UC-2, are located in the City Center zoned areas, which already have “unlimited densities”.
UCD	Mandatory minimum heights are wrong.	The draft plans have scaled back the number of zones with minimum heights. Minimum heights are required only in UC-1 to promote better aesthetic of buildings. Better design will be supported by appropriate construction type required for that kind of minimum height. Properties which choose not to opt in, might still develop within the current heights without minimum.
UCMP	One condo association at McClintock/University is split into two types of heights in UCMP.	The map has been fixed.
UCD	Keep the Mill Ave setbacks.	20’ Step-back required at maximum 55’ on Mil Ave. Once opted in, buildings must incorporate the step-back guidelines in the UCD.
UCD	Mandatory mixed use. Some are token only.	Types of uses to support active ground floor have been expanded. Specific zones (e.g., UC-1, 2 and 3) require active ground floor uses.
UCD	60’ height on UC-5 too much.	See response above
UCD	Max building heights for UCMP-5 should be lowered to 45’ from 60’	Near single family residential use or districts, maximum height is 30’ only.
UCMP	5 houses on S. Cedar S. of Dorsey Station is not mixed use, but residential	Map has been changed accordingly, the residential units are taken out of the UCMP height map.
UCMP	Align Dorsey with Cedar.	Discussed. Outside the scope of UCMP and UCD. Needs further discussions with Engineering and Transportation Dept.
UCMP	Several UCD heights are in conflict with the heights shown on UCD.	UCMP heights are higher, and are advisory as guidelines. UCD heights are smaller and regulatory when a property owner opts in. These are different types of documents, and the variations are

Subject	Comments/Questions	Staff Response/ Changes
		intentional.
UCMP	Water harvesting and disbursement recommended.	Discussed in UCMP. Will be a part of the Development Bonus Program.
UCMP	“Encourage” should be “shall”.	UCMP is a policy plan. The terminology in the document are appropriate.
UCMP	UCMP designates the property at the NWC of McClintock and apache for a max density of more than 65 du/acre. UCD (UC-3) provides a mx density of 65 du/ac.	UCMP and UCD are two different types of documents. UCMP is guidelines for achieving higher heights through rezoning and meeting the requirements of the Development Bonus Program.
UCMP	UC-3 allows maximum parking as 0.65 spaces/BR. Parking will be inadequate for a mixed-use development.	Developer can build to the maximum parking allowed, and can go up to 125% of the maximum with certain conditions. The maximum parking calculation has been revised to allow a maximum of parking spaces for only studio and one-bedroom units.
UCMP	For some student housing projects, parking of 0.5 spaces/BR might provide surplus	It is hard to officially identify “student housing” in documents. We are providing for parking ratios to satisfy all house types.
UCD	Requirements for above-grade parking are severe.	These are required only for parking beyond 125% of the maximum.
UCD	Minimum parking requirements are too little.	The UCD encourages transit-oriented development, and seeks to limit vehicle use.
UCMP	The urgency to approve the UCMP is disgraceful.	Staff has been working on the plans for the past 20 months, and has held numerous public meetings, presentations and information sessions. The document addresses public input. Staff continues to address inputs.
UCMP/UCD	Heights and densities re being given to developers at the citizens’ cost, pricing out affordable housing. Will create a nightmarish congestion.	Current practice of providing heights through PAD process is less scientific. The UCD allows building heights only when several development and design standards are met. The UCMP will also require applicants to meet several design guidelines when they apply for additional heights and densities including providing affordable and

Subject	Comments/Questions	Staff Response/ Changes
		work-force housing as per the Development Bonus Program.
UCD	90' height on Mill Ave. is improper and unsustainable.	The current TOD allows areas on Mill Ave. within near the Station Areas can go up to 100' in height. The UCD proposes 90' height to be closer to the existing development rights.
UCD	Recommend 30 -foot step-back along Mill Ave. at the maximum height of 45'.	The lots along Mill Ave are shallow, often only 125' deep. Thus, the plan proposal of 20-foot step-back at the maximum height of 55' is more reasonable.
UCD/UCMP /GPA	Inadequate explanation about the three different documents, what they do and how they will be implemented.	Staff has prepared three different packets for the DRC to avoid any confusion. Staff will continue to explain and clarify the difference between the three different efforts. Refer to the Staff Reports for the DRC.
UCD	Hard to read the UCD code when the 57-page legal description is up front.	The pages in the UCD have been reorganized with the legal description shown as an attachment.
UCD	Discrepancies between the maps on 5A-100-5, and Figure 5A-102A	They have been fixed.
UCMP	Riverside neighborhood is not benefitting from the plan	UCMP protects single family use and districts, neighborhoods, historic properties and Cultural Resource Areas (CRA). Densities next to Farmer Ave. are not being affected.
UCMP/TOD	Allowing more height density will not benefit Tempe residents.	Development proposals are coming one at a time. The UCMP plan is are attempting to provide a well thought out mechanism to locate new development.
TOD/UCP	Old Town Square should be preserved	The buildings within the Old Town Square have a facade easement, providing them a strong protection.
UCMP	UCMP should be City-wide.	The Council has provided the UCMP boundaries for this effort, and City-wide planning is not in the current scope of work. Appreciate the support for the plan. Such effort would require future Council direction.

Subject	Comments/Questions	Staff Response/ Changes
UCMP	On the NEC of 101 and Apache, the proposed heights and densities should be extended to MacArthur Dr.	The plan is avoiding the existing Cultural Resource Areas (CRA) as indicated in the density maps.
UCD	Parking ratios for UC-3 are inadequate.	Applicants can go beyond 125% of the maximum parking by providing future proof parking structure.
UCMP	CRA near Mill Ave and University Dr. make no sense. The area should be part of the downtown with similar height and density standards.	Both UCMP and UCD avoid the existing CRA. Properties along University Dr. and Mill Ave. adjacent to downtown already have unlimited densities with a maximum 50 height.
UCMP/TOD	What does the new Mixed Use/Industrial mean in the General Plan?	The proposed definition is now attached to the UCMP/UCD GPA application. It allows a coning district with a mix of uses: residential, commercial and light industrial or industrial use.
UCMP/TOD	There are several errors in the documents.	Staff has fixed typos, and other edits as suggested by the stakeholders. Staff will continue to make changes as needed until the Council action.