

**PLANNING AND DEVELOPMENT SERVICES REPORT**

**Zoning Code Text Amendment**

**PUBLIC HEARING**

**PZ-19-00125**

**DATE: October 4, 2020**

**MEETING DATE: October 28, 2020**

**REPORT BY: Dan Symer, AICP**

**REQUEST:**

This is a request by the City to amend the Zoning Code to implement the High Occupancy Housing Plan by adopting the High Occupancy Housing Development (HOHD) and Mixed-Use High Occupancy Housing Development (MHOHD) land uses and related standards. The amendment includes modifications to the land use and property development tables, specific to use standards, parking standards, definitions, and the appendixes.

**STAFF RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, find that the required findings of the Zoning Code have been met, and make a recommendation to the City Council for approval of the Zoning Code Text Amendment.

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**I. Project Introduction**

**A. Background**

In February 2018, the City Council adopted the citywide High Occupancy Housing Specific Plan (HOH Plan), a specific plan to the Regional Plan. The HOH Plan was developed in response to the community's dialogue about previously proposed high-intensity mid-rise developments near historic neighborhoods that primarily catered to college students. The HOH Plan is intended to provide direction in the form of goals and policies to accommodate a variety of housing options in areas of the city that can support infill, redevelopment, and mixed-use activities. These goals and policies are intended to enhance and maintain the city's character and guide future developments that would be considered High Occupancy Housing (HOH). The HOH Plan identified dozens of strategies that could be implemented to address the unintended impacts of these buildings on neighborhood character, affordability and transportation. It should be noted that the HOH Plan's listed implementation strategies about the Zoning Code amendments (Pages 102, 103, 105, and 106 of the HOH Plan) "...may be accomplished through another method..." to achieve "...the goals and policies of the HOH Specific Plan and the Regional Plan" (Page 99 of the HOH Plan).

After the adoption of the HOH Plan, staff received direction and affirmation from City Council on October 8, 2019, to address smaller developments that may also be considered as HOH. The smaller HOH developments that staff was directed to consider are single-family, two-unit (duplex), three-unit (triplex), and multiple-family developments that were not addressed in the HOH Plan.

It should be noted that the HOH Plan did not scrutinize addressing smaller HOH developments. For context, the HOH Plan defines an HOH development as any development that has at least 30 units or 75 bedrooms per acre (Page 2 and 110 of the HOH Plan). When the HOH Plan was developed, the Plan primarily focused on large-scale developments. Developments that were included in the HOH Plan analysis were The HUB, The Standard, Village at Aspen Place, Fremont Station, etc.

**B. Proposed Amendment**

To implement the adopted HOH Plan for various parcel sizes and types of buildings, the proposed amendment (Attachment 1) includes multiple changes to the Zoning Code. New provisions are being added, and several existing

regulations are being modified. The most significant of the modifications include the:

- Removal of the Rooming and Boarding Land Use;
- Incorporation of the proposed High Occupancy Housing Development (HOHD) and Mixed-Use High Occupancy Housing Development (MHOHD) related land uses;
- Incorporation of the maximum bedrooms per acre allowed for developments in the Non-Transect Zones, and additional allowances in the pedestrian shed of an activity center;
- Incorporation of the maximum dwelling units per acre allowed for mixed-use developments in Commercial Zones without a Conditional Use Permit, and additional allowances in the pedestrian shed of an activity center;
- Incorporation of a Conditional Use Permit requirement for a HOHD and MHOHD in the Transect Zones;
- Incorporation of the HOHD and MHOHD use specific standards;
- Incorporation of the Transit Pass Parking Reduction Pilot Program;
- Incorporation and modifications to the parking requirements;
- Incorporation of bicycle space requirements for a HOHD and MHOHD; and
- Incorporation of design requirements for bicycle racks, bins, and storage facilities.

*Summary of the Staff Revisions to the Zoning Code:*

The proposed amendment includes:

**1. Residential Zones (Section 10-40.30.030):**

- The following land uses have been added to Table 10-40.30.030.B.: High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; and High Occupancy Housing Development, Four-units and Greater.
- The Rooming and Boarding Facilities land use has been deleted from Table 10-40.30.030.B.
- The gross density provisions of Table 10-40.30.030.C. have been updated to include provisions for the properties zoned with the Resource Protection Overlay in and outside of a pedestrian shed of an activity center.
- Bedrooms per acre provisions have been added to Table 10-40.30.030.C. for multiple-family developments that have more than four dwelling units.

**2. Commercial Zones (Section 10-40.30.040):**

- The following land uses have been added to Table 10-40.30.040.B.: High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; High Occupancy Housing Development, Four-units and Greater; and Mixed-Use High Occupancy Housing Development.
- The Rooming and Boarding Facilities land use has been deleted from Table 10-40.30.040.B.
- The gross density provisions of Table 10-40.30.040.C. have been updated to include provisions for a HOHD and MHOHD in and outside of a pedestrian shed of an activity center.
- Bedrooms per acre provisions have been added to Table 10-40.30.040.C. for multiple-family developments that have more than four dwelling units.

**3. T3 Neighborhood I (T3N.1) Standards (10-40.40.050):**

- The following land use has been added to Table H.: High Occupancy Housing Development, Single-Family.
- The Rooming and Boarding Facilities land use has been deleted from Table H.

**4. T3 Neighborhood 2 (T3N.2) Standards (10-40.40.060):**

- The following land uses have been added to Table H.: High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; and High Occupancy Housing Development, Four-units and Greater.
- The Rooming and Boarding Facilities land use has been deleted from Table H.

**5. T4 Neighborhood 1 (T4N.1) Standards (10-40.40.070):**

- The following land uses have been added to Table I.: High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; and High Occupancy Housing Development, Four-units and Greater.
- The Rooming and Boarding Facilities land use has been deleted from Table I.

**6. T4 Neighborhood 2 (T4N.2) Standards (10-40.40.080):**

- The following land uses have been added to Table I.: High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; and High Occupancy Housing Development, Four-units and Greater.
- The Rooming and Boarding Facilities land use has been deleted from Table I.

**7. T5 Main Street (T5) Standards (10-40.40.090):**

- The following land uses have been added to Table I.: High Occupancy Housing Development, Three-units; High Occupancy Housing Development, Four-units and Greater; and Mixed-Use High Occupancy Housing Development.
- The Rooming and Boarding Facilities land use has been deleted from Table I.

**8. T6 Downtown (T6) Standards (Section 10-40.40.100):**

- The following land uses have been added to Table H.: High Occupancy Housing Development, Three-units; High Occupancy Housing Development, Four-units and Greater; and Mixed-Use High Occupancy Housing Development.
- The Rooming and Boarding Facilities land use has been deleted from Table H.

**9. Specific to Uses (Division 10-40.60):** Added Section 10-40.60.175, High Occupancy Housing Developments, and Mixed-Use High Occupancy Housing Developments. This section includes the use of specific standards and regulations related to:

- General Requirements;
- Building Footprint Sizes and Separation Requirements;
- Waste Management Plan;
- Crime Free Multi-Housing Program; and
- Additional Conditional Use Permit Criteria.

**10. Mixed Use (10-40.60.260):** Subsection D has been updated to remove the regulations that conflict with the proposed HOHD and MHOHD provisions.

**11. Parking Standards (Division 10-50.80):** Added Section 10-50.80.061, Transit Pass Parking Reduction Pilot Program, and related regulations.

**12. Number of Motor Vehicle Parking Spaces Required (Section 10-50.80.040):** Modified the existing parking requirements for single-family dwellings, added clarifications, and incorporated parking requirements for the HOHD

and MHOHD.

**13. Bicycle Parking (Section 10-50.80.050):** Updated the existing requirements and added requirements for the HOHD and MHOHD, including design requirements.

**14. Parking Adjustments (Section 10-50.80.060):** Updated the existing requirements to include provisions for HOHDs and MHOHDs. Also, the parking study requirements have been updated to include requirement clarifications and when a request for a parking reduction requires the City Council approval.

**15. Parking Standards (Division 10-50.80):** Incorporated a provision for a Transit Pass Parking Reduction Pilot Program for HOHDs and MHOHDs.

**16. Parking Spaces, Parking Lot Design and Layout (Section 10-50.80.080):** Updated the existing requirements to limit the use of tandem parking spaces to single-family attached and detached dwelling units and duplex developments in the Non-Transect Residential Zones.

**17. Specific to Building Types (Division 10-50.110):** The following sections have been modified to remove the allowance for tandem parking: 10-50.110.080, 10-50.110.090, 10-50.110.100, 10-50.110.110, and 10-50.110.120.

**18. Definition of Specialized Terms, Phrases, and Building Functions (Division 10-80.20):**

- The following definitions have been added: High Occupancy Housing Development (HOHD); High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; High Occupancy Housing Development, Four-units and Greater; Mixed-Use High Occupancy Housing Development (MHOHD); and Ratio, Bedroom-to-Dwelling Unit.

**19. Flagstaff Zoning Code, Appendices (Title 10):** Added Appendix 1.4 Bicycle Parking Space Design Requirements. This appendix includes regulations and design requirements for bicycle parking spaces.

## II. Zoning Code Text Amendment

An application for a Zoning Text Amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director's recommendation shall be transmitted to the Planning and Zoning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall include: an evaluation of the consistency and conformance of the proposed amendment with the goals and policies of the General Plan and any applicable specific plans; the grounds for the recommendation based on the standards and purposes of the zones set forth in Section 10-40.20 (Establishment of Zones) of the Zoning Code; and, whether the amendment should be granted or denied.

A Zoning Code Text Amendment shall be evaluated based on the following findings:

### A. Finding #1:

**The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;**

The primary propose of the amendment is to implement and maintain consistency and conformance with the goals and policies of the HOH Plan and the City's Regional Plan (General Plan) as they relate to the HOHD and MHOHD land uses. In order to achieve this purpose, the proposed amendment incorporates several provisions. The proposed provisions include definitions, land uses, property development and use specific standards, and parking standards.

To provide for variety and flexibility in the land uses that are allowed within the City, the proposed amendment includes the following land uses: Single-family, Two-unit, Three-unit, and Four-units and Greater HOHDs, and MHOHD. In addition to replacing the existing Rooming and Boarding land use, the proposed property development and use specific standards (PDUSS) address multiple goals and policies of the Regional Plan and HOH Plan. These include:

- Assisting in the mitigation and impacts that HOHDs and MHOHDs may have on new and existing neighborhoods as they pertain to the overall consistency and compatibility of the community image of neighborhoods through the Conditional Use Permit process (RP CC 2.8. CC 3.1, RP CC 3.2, RP NH 1.2, RP NH.6., RP ED.7. RP ED.7.1. and LPV 6C.5.);

- Locating more intensive HOHDs and MHOHD in activity centers where it is more appropriate for larger multi-story HOHD and multi-use MHOHD buildings (RP NH 2.3., RP LU 7.1., and HOH 2.6.);
- Locating more intensive HOHDs and MHOHD in activity centers to utilize existing infrastructure resources, promote energy efficiency, and allow for the integration of employment uses and a variety of housing options (RP E 1.6., RP LU 7.1., RP LU 18.14., HOH Goal 2, HOH 2.6. and HOH 8.3.);
- Locating more intensive HOHDs and MHOHDs in activity centers to contribute to achieving a mix of land uses that are near corridors, transit, and promote a walkable environment (RP LU 5.5., RP LU 7.1., RP LU 10.3., RP Goal LU.18., RP LU 18.2., RP LU 18.7. and HOH.2.5.);
- Parking requirements based on the number of bedrooms provided and actual parking utilization rates for the City of Flagstaff (Southside (SS) 10.1., SS 11.1, and La Plaza Viejas (LPV) 6N.5.);
- Requiring secure bicycle parking spaces for residents to assist in promoting bicycle usage and multi-modal options (RP E 1.5. and HOH.3.1.);
- Setting a maximum number of bedrooms for Two-unit and Three-unit HOHDs and MHOHDs assisting compatible development and minimize the encroachment by land uses that could compromise neighborhoods (RP CC 2.7.);
- The allowance for an increase in the allowed density and bedrooms-per-acre in activity centers, including the greatest density (more than 50 dwelling units per acre) and bedrooms-per-acre (more than 125 bedrooms-per-acre) in the pedestrian shed of a Regional Activity Center through the Conditional Use Permit process (RP LU 18.6., RP LU 18.8., RP LU 18.9. and RP LU 18.17.);
- Requiring MHOHD to comply with the mixed use specific to use standards to encourage pedestrian-oriented design adjacent to streets (HOH 2.2. and HOH 2.4.);
- The incorporation of building footprint sizes and separations requirements based on the activity centers (Regional, Historic, and all other) to promote compatible building sizes and proportions that are appropriate within each area (RP CC3.1., RP LU 18.1., RP LU 18.2., RP LU 18.9., HOH.2.1. and HOH.2.3.);
- Requiring MHOHDs to abut commercial corridors, and HOHDs on commercial zoned to properties to be behind commercial uses and to be setback a minimum of 300 feet from a commercial corridor (RP LU 18.12.);
- Requiring HOHDs and MHOHDs subject to Heritage Preservation of the Zoning Code to obtain a determination that the development has no adverse effect or has appropriately mitigated its effects on the historic cultural resource (RP CC 2.3., PR CC 3.1., RP ED.7., RP ED.7.1., HOH.1.1., HOH.1.2., and HOH.2.1.);
- Requiring HOHDs and MHOHDs to comply with the City of Flagstaff's Crime Free Multi-housing program (HOH.7.7.);
- Requiring HOHDs and MHOHDs with four dwelling units or more to obtain approval of a Waste Management Plan (HOH Goal 6., and HOH.6.1.); and
- Provisions for HOHDs and MHOHDs to reduce parking requirements by providing free transit passes to achieve an increase in multi-modal and transit trips (RP E 1.5., HOH.3.1., and HOH.3.5.).

**Non-Conformance to Regional Plan Goals and Policies**

- Policy ED.4.2. Promote variety and flexibility in land use and development options within the urban growth boundary.
- Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.

The ZCTA incorporates provisions for HOHDs and MHOHDs that are currently regulated under broader land uses, definitions and standards. The provisions include definitions, land uses, and property development and use specific standards and parking standards for HOHDs and MHOHDs. As part of the proposed regulations, a development that is

considered to be an HOHD or MHOHD with four dwelling units or more will be required to be located in the pedestrian shed of an activity center. The proposed locational requirements reduce the areas of the city in which an HOHD or MHOHD with four dwelling units or more may be developed. At the same time, this change provides more predictability because ACAPS are more appropriate locations from the standpoint of available infrastructure and multimodal transportation options (bicycle, transit, path/trails, etc.) accessibility.

The proposed amendment includes a new variety of land uses, although the associated provisions minimize options and flexibility for development types considered as an HOHD or MHOHD. The provisions do not include regulations to assist developers in overcoming challenges posed by redevelopment and infill sites. Also, the requirement to obtain a Conditional Use Permit for an HOHD or MHOHD may be perceived as limiting to developmental flexibility. Furthermore, the amendment provisions, such as the parking requirements, may be an additional challenge for some redevelopment or infill sites.

**B. Finding #2**

**The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City;**

The primary purpose of the amendment is to implement the HOH Plan, a specific plan to the City's Regional Plan. To achieve the public interest, health, safety, convenience, or welfare of the City, the amendment includes provisions that address specific land use, parking, waste management, crime free multiple-family housing, and transit objectives of the goals and policies of the Regional Plan and the HOH Plan related to an HOHD and MHOHD. The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**C. Finding #3**

**The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.**

The amendments do not substantively modify the existing provisions of the Zoning Code, and is internally consistent with the Zoning Code. Furthermore, the proposed amendment utilizes the existing format and does not conflict with other provisions of the code. The amendment maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

**III. CITIZEN PARTICIPATION**

Public input was received at the public meetings held on August 19, 2019, February 13 and 14, 2020, and through the City's online Community Forum ([https://www.opentownhall.com/portals/227/Issue\\_7685](https://www.opentownhall.com/portals/227/Issue_7685)) (Attachment 3). Also, work sessions with the Planning and Zoning Commission were held on August 14, 2019, May 27, 2020, and on August 26, 2020. In addition, work sessions with the City Council were held on October 8, 2019, June 11, 2020, August 25, 2020, and October 6, 2020. In addition, staff received several comments regarding HOH developments from the Southside stakeholders' group that was formed to assist in developing the proposed Southside specific plan. These meetings were held over the past year.

Persons of interest on file with the Planning and Development Services section of the Community Development department were notified of the Planning and Zoning Commission work sessions via first class mail. Also, notification of the work sessions were published on the City's Facebook web page and in the Arizona Daily Sun.

At the October 6, 2020 City Council meeting, public comments were received pertaining to the potential effects that the proposed amendment may have on the ability to provide affordable housing within the city. If the amendment is approved, all HOHDs and MHOHDs will require the approval of a Conditional Use Permit application. It should be noted that the current application cost for a Conditional Use Permit is \$3,000. It is anticipated that any associated Conditional Use Permit applicant costs will be incorporated into a dwelling unit's sale or rental rate.

**Attachments:**

1. Draft of Case No. PZ-19-00125 Updates to Zoning Code 2020 – High Occupancy Housing Specific Plan

2. Application Narrative and Regional Plan and Specific Plan Analysis
3. Public Comments