



Agenda

City Council Formal Meeting

Wednesday, February 15, 2023

2:30 PM

phoenix.gov

REVISED Feb. 14, 2023

Item Corrected: 46; Item Requested to be Continued: 70; Item Revised: 71

OPTIONS TO ACCESS THIS MEETING

Virtual Request to speak at a meeting:

- **Register online** by visiting the *City Council Meetings* page on phoenix.gov **at least 2 hours prior to the start of this meeting**. Then, click on this link at the time of the meeting and join the Webex to speak:
<https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=eee07519080aef88b365bc0e0bd01ef9c>

- **Register via telephone** at 602-262-6001 **at least 2 hours prior to the start of this meeting**, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

In-Person Requests to speak at a meeting:

- Register in person at a kiosk located at the City Council Chambers, 200 W. Jefferson St., Phoenix, Arizona, 85003. Arrive **1 hour prior to the start of this meeting**. Depending on seating availability, residents will attend and speak from the Upper Chambers, Lower Chambers or City Hall location.

- Individuals should arrive early, 1 hour prior to the start of the meeting to submit an in-person request to speak before the item is called. After the item is called, requests to speak for that item will not be accepted.

At the time of the meeting:

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable, or using the Webex link provided above.

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2555 321 3537# (for English) or 2552 626 9914# (for Spanish). Press # again when prompted for attendee ID.

- **Watch** the meeting in-person from the Upper Chambers, Lower Chambers or City Hall depending on seating availability.

Para nuestros residentes de habla hispana:

- **Para registrarse para hablar en español**, llame al 602-262-6001 **al menos 2 horas antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2552 626 9914#. El intérprete le indicará cuando sea su turno de hablar.

- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2552 626 9914#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

- **Para asistir a la reunión en persona**, vaya a las Cámaras del Concejo Municipal de Phoenix ubicadas en 200 W. Jefferson Street, Phoenix, AZ 85003. Llegue 1 hora antes del comienzo de la reunión. Si desea hablar, regístrese electrónicamente en uno de los quioscos, antes de que comience el tema. Una vez que se comience a discutir el tema, no se aceptarán nuevas solicitudes para hablar. Dependiendo de cuantos asientos haya disponibles, usted podría ser sentado en la parte superior de las cámaras, en el piso de abajo de las cámaras, o en el edificio municipal.

CALL TO ORDER AND ROLL CALL**BOARDS AND COMMISSIONS**

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000 CITIZEN COMMENTS**ADJOURN**



City of Phoenix

City Council Formal Meeting

Report

Agenda Date: 2/15/2023, Item No. 1

Mayor and Council Appointments to Boards and Commissions

Summary

This item transmits recommendations from the Mayor and Council for appointment or reappointment to City Boards and Commissions.

Responsible Department

This item is submitted by the Mayor's Office.

ATTACHMENT A



City of Phoenix

To: City Council
From: Mayor Kate Gallego

Date: February 15, 2023

Subject: BOARDS AND COMMISSIONS – APPOINTEES

The purpose of this memo is to provide recommendations for appointments to the following Boards and Commissions:

Ahwatukee Foothills Village Planning Commission

I recommend the following for appointment:

Toni Broberg

Ms. Broberg is the State President for Arizona and New Mexico at AT&T and a resident of District 6. She fills a vacancy for a term to expire November 19, 2024.

Board of Adjustment

I recommend the following for appointment:

Michelle Dodds

Ms. Dodds formerly served as the City of Phoenix Historic Preservation Officer and is a resident of District 4. She replaces Gail Knight and will fulfill her term to expire May 2, 2024.

Central City Village Planning Committee

Councilmember Carlos Garcia recommends the following for appointment:

Jordan Greenman

Mr. Greenman is a Land Use Attorney at Greenman Law and a resident of District 7. He replaces Will Gaona for a term to expire November 19, 2024.

Fast Track Cities Ad Hoc Committee

I recommend the following for appointment:

Mike Fornelli

Mr. Fornelli is the Executive Director of Phoenix Pride.

Kate Thomas

Ms. Thomas is an Ending the HIV Epidemic Senior Health Educator at Maricopa County Public Health. She replaces Keith Thompson.

Fire Safety Advisory Board

I recommend the following for appointment:

Steven Kohne

Mr. Kohne is the Fire Marshal at Banner Health. He represents the Health Care Industry and will serve a term to expire February 15, 2027.

Historic Preservation Commission

I recommend the following for reappointment:

Daniel Klocke

Mr. Klocke will serve his third term to expire December 14, 2025.

Keely Varvel Hartsell

Ms. Varvel Hartsell will serve her first full term to expire January 25, 2026.

Laveen Village Planning Committee

Vice Mayor Yassamin Ansari recommends the following for appointment:

Patrick Nasser-Taylor

Mr. Nasser-Taylor is the Chief Executive Officer of New Haven Communities, LLC and a resident of District 8. He fills a vacancy for a partial term to expire November 19, 2023.



Liquor License - Sauce Pizza & Wine

Request for a liquor license. Arizona State License Application 223794.

Summary

Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

2470 W. Happy Valley Road, Ste. 1193

Zoning Classification: C-2 M-R PCD

Council District: 1

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 26, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "BBQ-Holdings Inc., the new owner of Sauce Pizza & Wine holds many restaurants with liquor licenses throughout Arizona and the United States. They have been very successful in operating these types of businesses. The staff will attend state certified liquor training to ensure compliance with all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Sauce Pizza & Wine has been in the business for many years with liquor licenses and has become one of the best restaurants in the area for local residents. The utmost care is put into crafting the perfect made from scratch meal that anyone in the neighborhood can enjoy."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Sauce Pizza & Wine

Liquor License Map - Sauce Pizza & Wine

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: SAUCE PIZZA & WINE

Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	1	0
Beer and Wine Bar	7	3	2
Liquor Store	9	4	2
Beer and Wine Store	10	4	3
Hotel	11	2	0
Restaurant	12	21	20

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.62	52.76	145.01
Violent Crimes	11.03	2.91	6.36

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

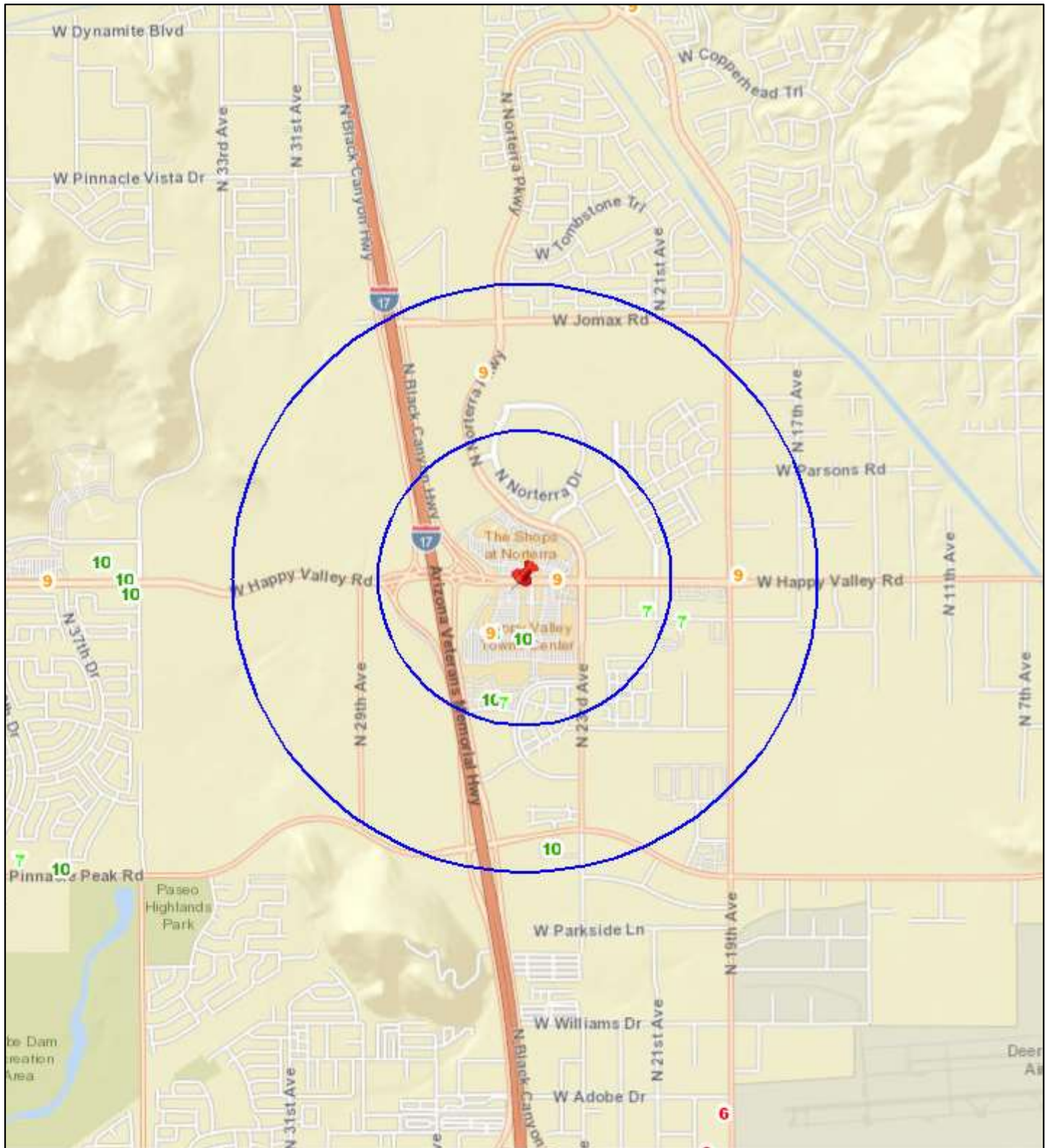
Description	Average	1/2 Mile Average
Parcels w/Violations	51	1
Total Violations	90	1

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6119001	1639	93 %	5 %	0 %
6123001	2199	54 %	6 %	5 %
Average		61 %	13 %	19 %

Liquor License Map: SAUCE PIZZA & WINE

2470 W HAPPY VALLEY RD



Date: 1/17/2023

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department



Liquor License - Sauce Pizza & Wine

Request for a liquor license. Arizona State License Application 223801.

Summary

Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

14418 N. Scottsdale Road, Ste. 181

Zoning Classification: C-2 PCD

Council District: 2

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 26, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "BBQ-Holdings Inc., the new owner of Sauce Pizza & Wine holds many restaurants with liquor licenses throughout Arizona and the United States. They have been very Successful in operating these type of businesses. The staff will attend state certified liquor training to ensure compliance with all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Sauce Pizza & Wine has been in business for many years with liquor licenses and has become one of the best restaurants in the area for local residents. The utmost care is put into crafting the perfect made from scratch meal that everyone in the neighborhood can enjoy."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Sauce Pizza & Wine

Liquor License Map - Sauce Pizza & Wine

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: SAUCE PIZZA & WINE

Liquor License

Description	Series	1 Mile	1/2 Mile
Producer	1	1	0
Wholesaler	4	6	4
Bar	6	2	1
Beer and Wine Bar	7	5	2
Liquor Store	9	3	0
Beer and Wine Store	10	9	3
Hotel	11	2	0
Restaurant	12	54	27
Craft Distiller	18	1	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.02	15.31	26.96
Violent Crimes	10.91	0.92	1.27

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

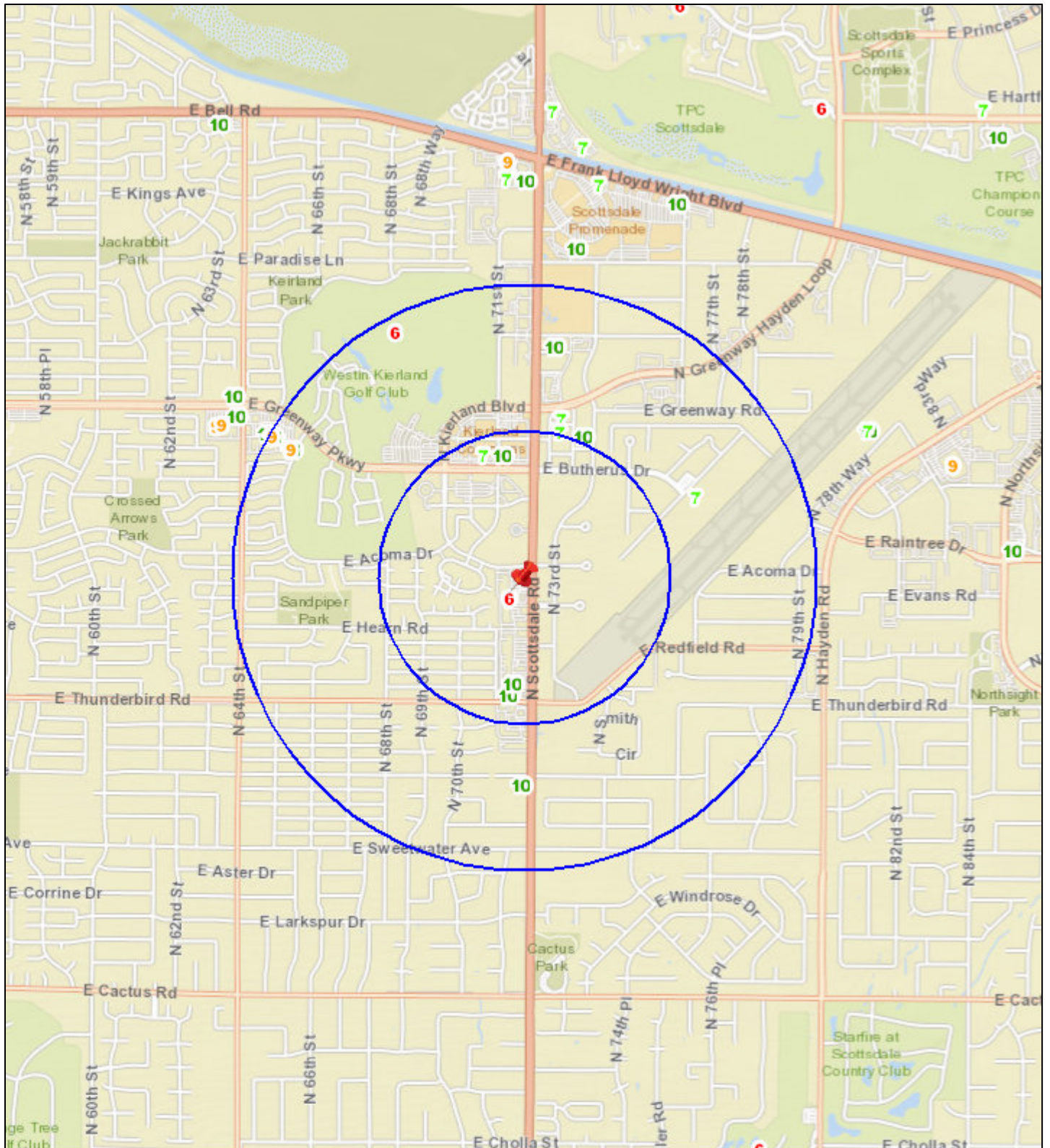
Description	Average	1/2 Mile Average
Parcels w/Violations	51	9
Total Violations	90	14

Census 2010 Data 1/2 Mile Radius

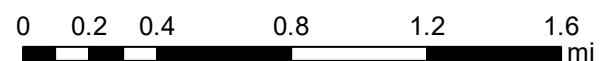
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1032072	1401	93 %	2 %	0 %
1032191	834	44 %	30 %	13 %
1032201	1364	95 %	15 %	3 %
1032202	513	51 %	32 %	4 %
1032203	1161	0 %	16 %	7 %
2168161	1812	95 %	0 %	4 %
Average		61 %	13 %	19 %

Liquor License Map: SAUCE PIZZA & WINE

14418 N SCOTTSDALE RD



Date: 12/30/2022





Liquor License - Special Event - 7th Avenue Merchants Association Inc.

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

William Moore

Location

4221 N. 7th Ave.

Council District: 4

Function

Street Fair

Date(s) - Time(s) / Expected Attendance

March 4, 2023 - 11 a.m. to 5 p.m. / 15,000 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Gus's World Famous Fried Chicken

Request for a liquor license. Arizona State License Application 223281.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

4515 N. 16th St., Ste. 300

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Feb. 21, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of

Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Gus's World Famous Fried Chicken (Series 12)
345 W. Van Buren St., #C, Phoenix
Calls for police service: 10
Liquor license violations: None

Gus's World Famous Fried Chicken (Series 12)
212 W. Main St., #C, Mesa
Calls for police service: not in Phoenix
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Gus's World Famous Fried Chicken plans to open its second location in the Phoenix area. Famous for its fried chicken since 1953. Applicant would like to offer guests 21 and over the opportunity to purchase alcoholic beverages as an incident to the meals they enjoy."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Gus's World Famous Fried Chicken
Liquor License Map - Gus's World Famous Fried Chicken

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: GUS'S WORLD FAMOUS FRIED CHICKEN

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Wholesaler	4	2	2
Bar	6	6	1
Beer and Wine Bar	7	5	2
Liquor Store	9	6	1
Beer and Wine Store	10	12	2
Hotel	11	1	0
Restaurant	12	32	9

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.02	185.98	194.16
Violent Crimes	10.91	24.33	27.60

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

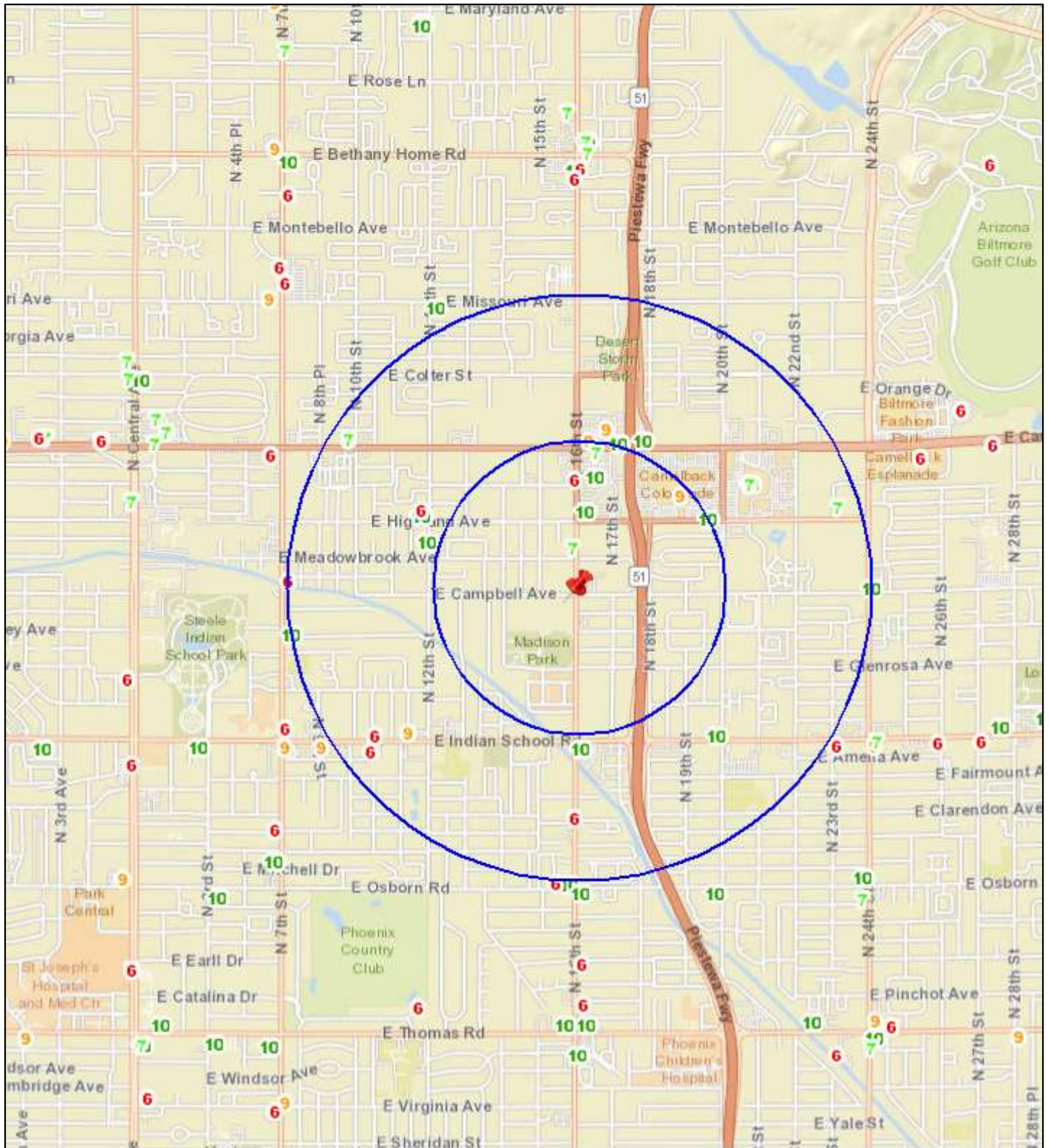
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	51	84
Total Violations	90	150

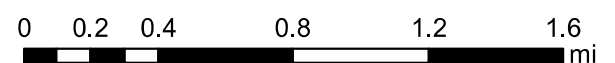
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1076022	1734	54 %	18 %	3 %
1077003	457	26 %	26 %	16 %
1085011	1023	33 %	6 %	13 %
1085012	1416	74 %	21 %	4 %
1085023	1475	42 %	20 %	7 %
1085024	549	43 %	31 %	15 %
1086012	1402	58 %	36 %	46 %
1086021	790	37 %	38 %	22 %
1086022	1187	11 %	25 %	52 %
Average		61 %	13 %	19 %

4515 N 16TH ST



Date: 12/29/2022





Liquor License - Sauce Pizza & Wine

Request for a liquor license. Arizona State License Application 223783.

Summary

Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

25 E. Camelback Road

Zoning Classification: C-2 TOD-1

Council District: 4

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 26, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "BBQ-Holdings Inc., the new owner of Sauce Pizza & Wine holds many restaurants with liquor licenses throughout Arizona and the United States. They have been very successful in operating these types of businesses. The staff will attend state certified liquor training to ensure compliance with all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Sauce Pizza & Wine has been in business for many years with liquor licenses and has become one of the best restaurants in the area for local residents. The utmost care is put into crafting the perfect made from scratch meal that anyone in the neighborhood can enjoy."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Sauce Pizza & Wine

Liquor License Map - Sauce Pizza & Wine

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: SAUCE PIZZA & WINE

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	1
Bar	6	14	3
Beer and Wine Bar	7	11	10
Liquor Store	9	6	2
Beer and Wine Store	10	9	1
Restaurant	12	54	24

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.02	139.22	138.32
Violent Crimes	10.91	23.14	21.97

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

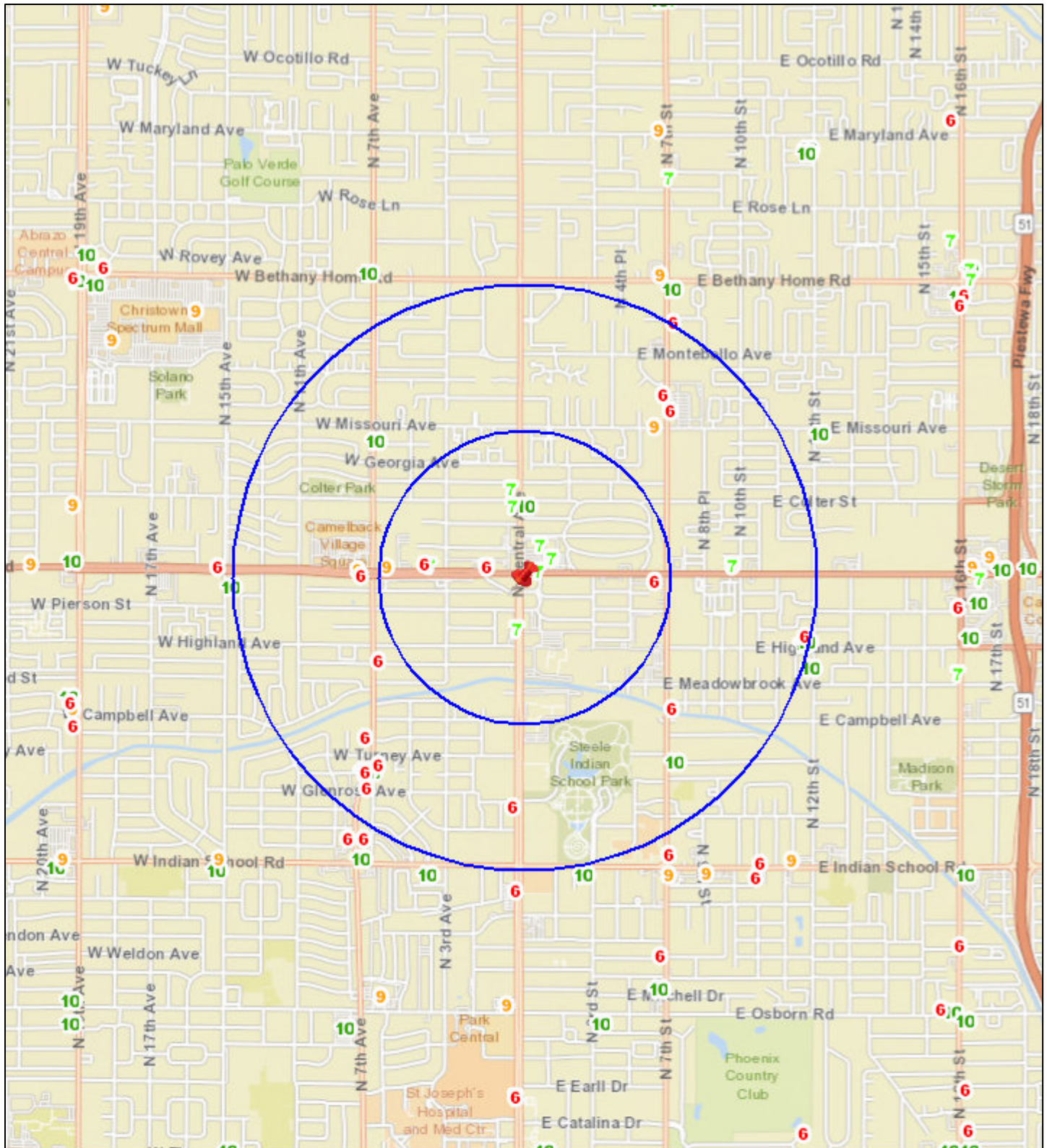
Description	Average	1/2 Mile Average
Parcels w/Violations	51	53
Total Violations	90	99

Census 2010 Data 1/2 Mile Radius

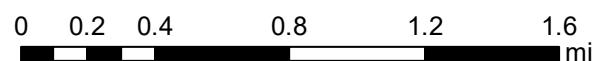
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1075001	758	80 %	2 %	3 %
1075003	1599	46 %	15 %	14 %
1076013	1748	38 %	8 %	17 %
1086023	650	23 %	34 %	15 %
1088021	1456	23 %	32 %	31 %
1088022	435	43 %	41 %	19 %
1171001	2126	10 %	15 %	10 %
1171002	703	57 %	27 %	12 %
Average		61 %	13 %	19 %

Liquor License Map: SAUCE PIZZA & WINE

25 E CAMELBACK RD



Date: 1/3/2023





Liquor License - Biltmore Chevron

Request for a liquor license. Arizona State License Application 224259.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 10 - Beer and Wine Store

Location

7001 N. 16th St.

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 28, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"We will continue to abide by Title 4 liquor laws and ensure staff is trained."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"This location was previously licensed and has been operating for a few years. We would like to continue to serve our guests with a place to get gas and come inside and grab their snacks and drinks."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Biltmore Chevron

Liquor License Map - Biltmore Chevron

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: BILTMORE CHEVRON

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	1
Beer and Wine Bar	7	2	0
Liquor Store	9	2	1
Beer and Wine Store	10	6	2
Restaurant	12	16	4
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.62	68.25	60.93
Violent Crimes	11.03	7.37	4.88

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

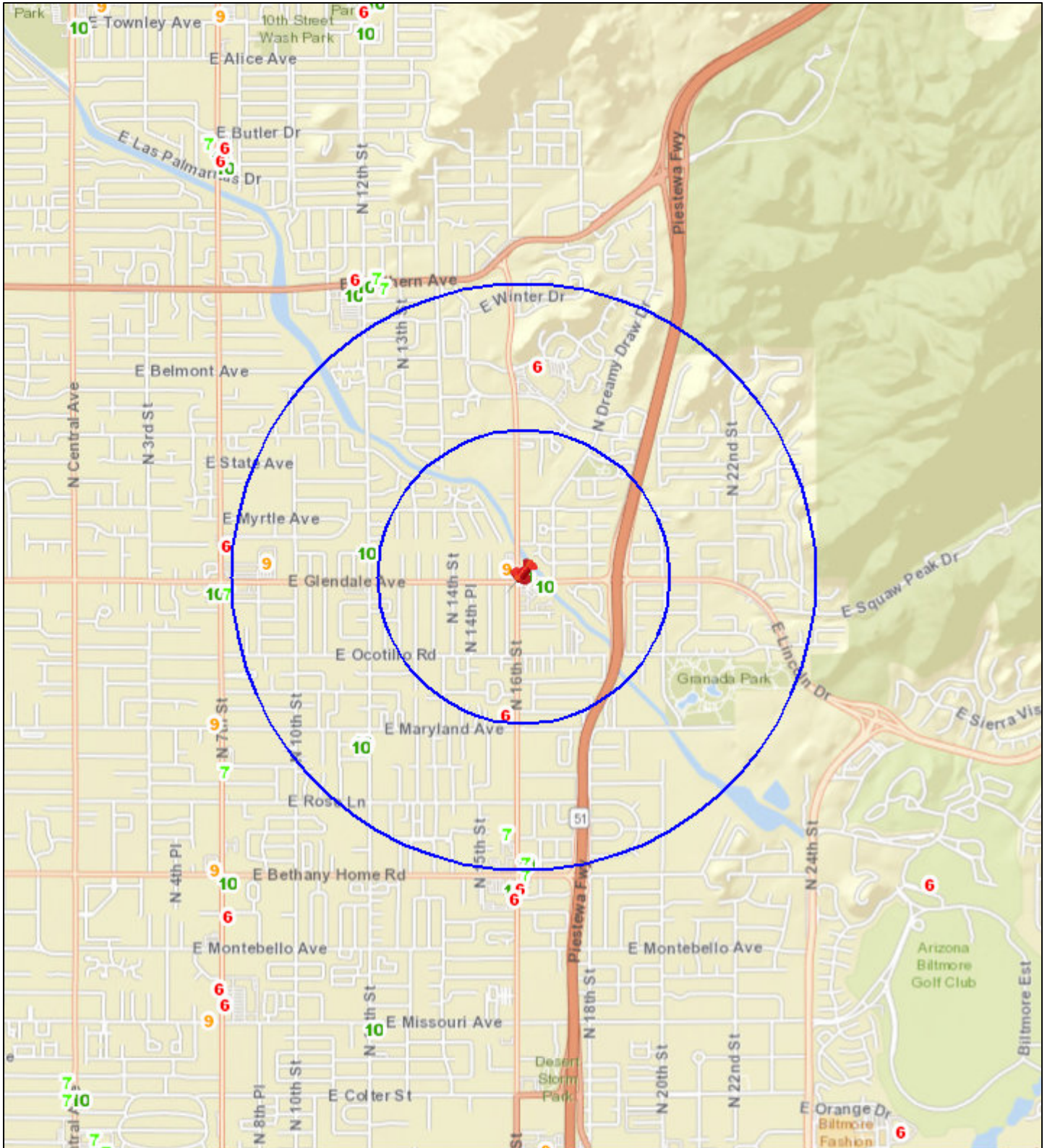
Description	Average	1/2 Mile Average
Parcels w/Violations	51	46
Total Violations	90	83

Census 2010 Data 1/2 Mile Radius

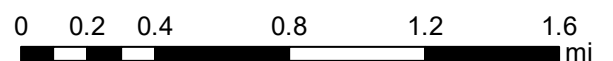
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1051022	1655	87 %	8 %	3 %
1051024	525	49 %	14 %	10 %
1063002	1099	67 %	24 %	17 %
1064001	715	84 %	23 %	9 %
1064002	2049	31 %	16 %	9 %
1065022	1027	85 %	14 %	4 %
Average		61 %	13 %	19 %

Liquor License Map: BILTMORE CHEVRON

7001 N 16TH ST



Date: 1/4/2023



City Clerk Department



Liquor License - Sauce Pizza & Wine

Request for a liquor license. Arizona State License Application 223796.

Summary

Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

742 E. Glendale Ave., Ste. 126

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 26, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "BBQ-Holdings Inc., the new owner of Sauce Pizza & Wine holds many restaurants with liquor licenses throughout Arizona and the United States. They have been very successful in operating these type of businesses. The staff will attend state certified liquor training to ensure compliance with all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Sauce Pizza & Wine has been in business for many years with liquor licenses and has become one of the best restaurants in the area for local residents. The utmost care is put into crafting the perfect made from scratch meal that everyone in the neighborhood can enjoy."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Sauce Pizza & Wine

Liquor License Map - Sauce Pizza & Wine

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: SAUCE PIZZA & WINE

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	1
Beer and Wine Bar	7	2	1
Liquor Store	9	3	1
Beer and Wine Store	10	5	2
Restaurant	12	16	3
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.02	68.78	75.47
Violent Crimes	10.91	6.97	5.09

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

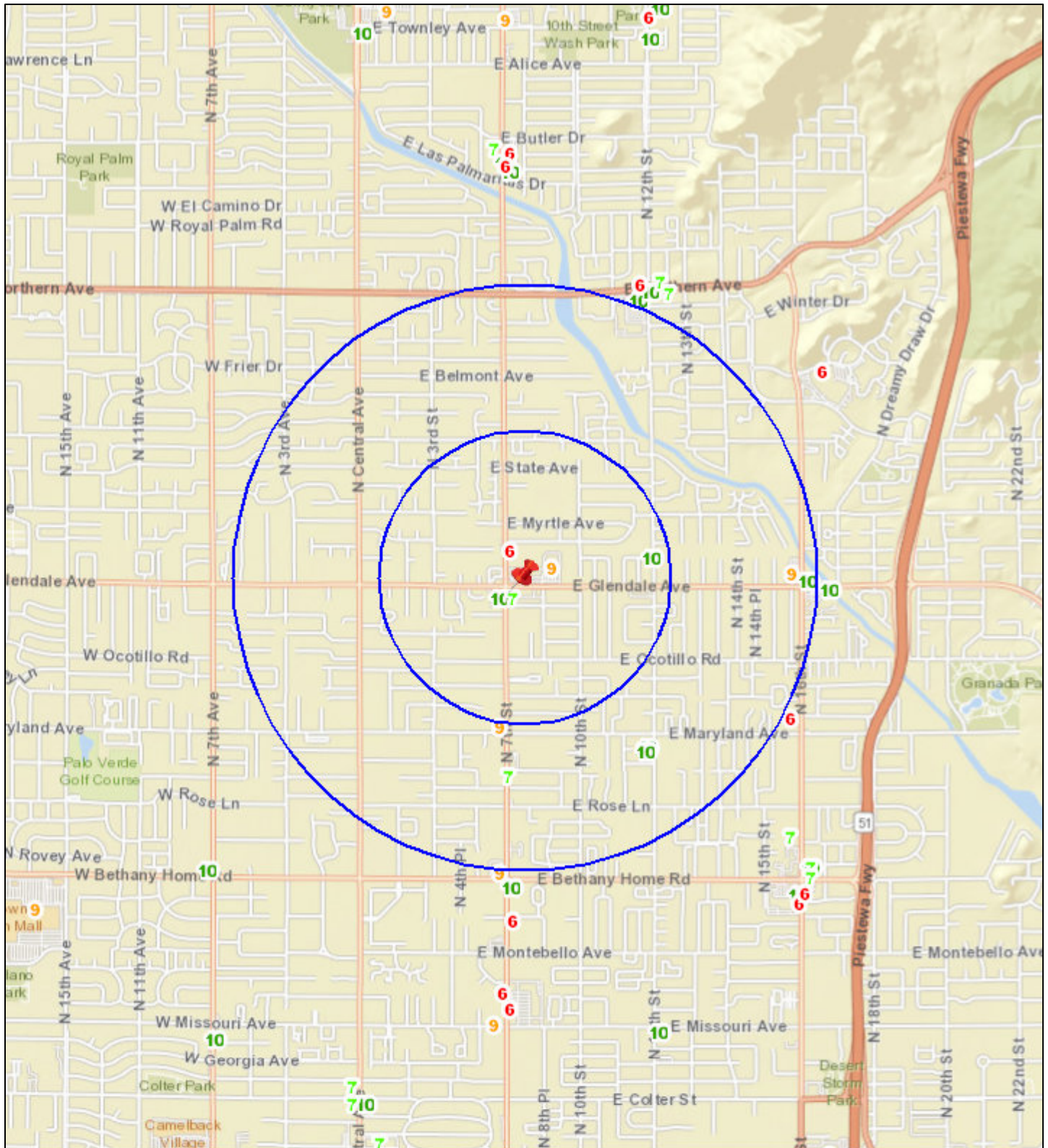
Description	Average	1/2 Mile Average
Parcels w/Violations	51	70
Total Violations	90	124

Census 2010 Data 1/2 Mile Radius

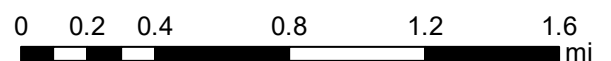
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1062002	1751	97 %	6 %	1 %
1063002	1099	67 %	24 %	17 %
1063003	1910	50 %	11 %	42 %
1063004	1060	59 %	22 %	20 %
1065011	1458	63 %	8 %	10 %
1065022	1027	85 %	14 %	4 %
1066002	2064	83 %	7 %	5 %
Average		61 %	13 %	19 %

Liquor License Map: SAUCE PIZZA & WINE

742 E GLENDALE AVE



Date: 1/3/2023



City Clerk Department



Liquor License - Special Event - Phoenix Pride Incorporated

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Aimee Meredith

Location

115 N. 6th St.

Council District: 8

Function

Annual Rainbow Festival

Date(s) - Time(s) / Expected Attendance

April 1, 2023 - 10 a.m. to 6 p.m. / 8,000 attendees

April 2, 2023 - 10 a.m. to 6 p.m. / 8,000 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Phoenix Public House

Request for a liquor license. Arizona State License Application 223458.

Summary

Applicant

Dennis Rajda, Agent

License Type

Series 10 - Beer and Wine Store

Location

3300 E. Sky Harbor Blvd., T3, Space R5

Zoning Classification: A-1

Council District: 8

This request is for a new liquor license for a convenience market. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Feb. 28, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

AZCentral.com (Series 10)
3800 E. Sky Harbor Blvd., T4 Space R-22, Phoenix
Calls for police service: 1,788
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I have worked for Stellar Partners, Inc. for approximately five years; first as an General Manager and now as an Operations Manager."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Phoenix Public Market will provide airport travelers the opportunity to purchase gifts and souvenirs of bottles of national and regional craft beer and wine."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Phoenix Public House
Liquor License Map - Phoenix Public House

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: PHOENIX PUBLIC HOUSE

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Bar	6	3	0
Beer and Wine Bar	7	1	1
Conveyance	8	10	6
Beer and Wine Store	10	2	0
Restaurant	12	20	7
Club	14	4	3

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.62	50.92	85.56
Violent Crimes	11.03	2.46	1.80

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

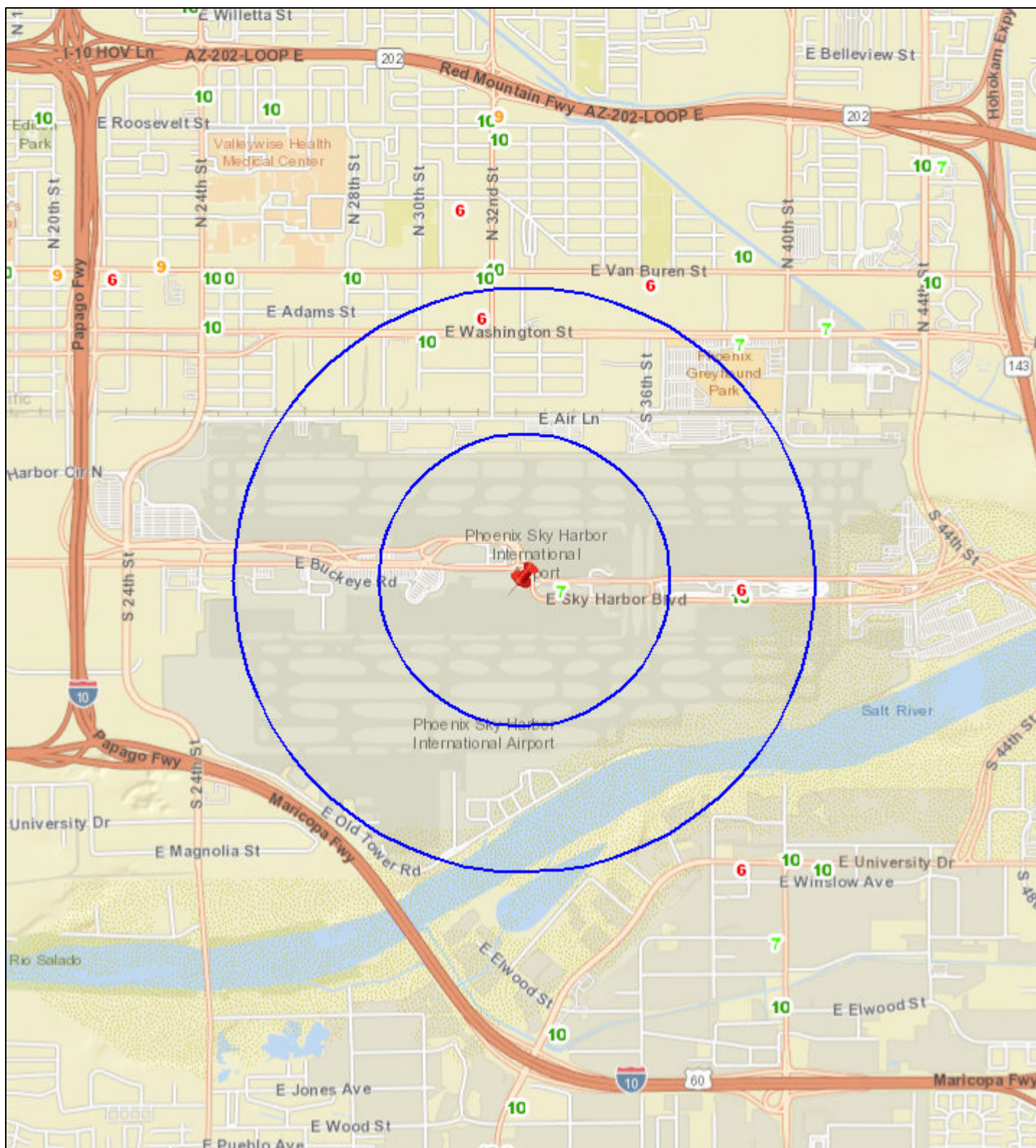
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	51	0
Total Violations	90	0

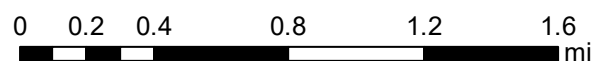
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1138021	0	0 %	0 %	0 %
Average		61 %	13 %	19 %

3300 E SKY HARBOR BLVD



Date: 1/4/2023





Liquor License - 1 Stop Market

Request for a liquor license. Arizona State License Application 223709.

Summary

Applicant

Najman Najman, Agent

License Type

Series 10 - Beer and Wine Store

Location

610 W. Dunlap Ave.

Zoning Classification: C-1

Council District: 3

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 20, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the

State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Naj & Eddies Tobacco (Series 10)
3338 N. 19th Ave., Phoenix
Calls for police service: 11
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently have a similar store in phoenix that I currently run responsibly."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"I am a responsible business owner in phoenix. I currently run a very similar business within phoenix and have had zero negative marks on my liquor license. I think it is very important that phoenix only approves business owners that are responsible and have shown they can run businesses such as this one to benefit the community."

Staff Recommendation

Staff recommends disapproval of this application based on a Finance Department recommendation for disapproval. Staff also notes that the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - 1 Stop Market
Liquor License Map - 1 Stop Market

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: 1 STOP MARKET

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Beer and Wine Bar	7	1	0
Liquor Store	9	5	1
Beer and Wine Store	10	7	6
Restaurant	12	8	4
Club	14	1	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.02	100.39	92.88
Violent Crimes	10.91	25.05	22.50

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

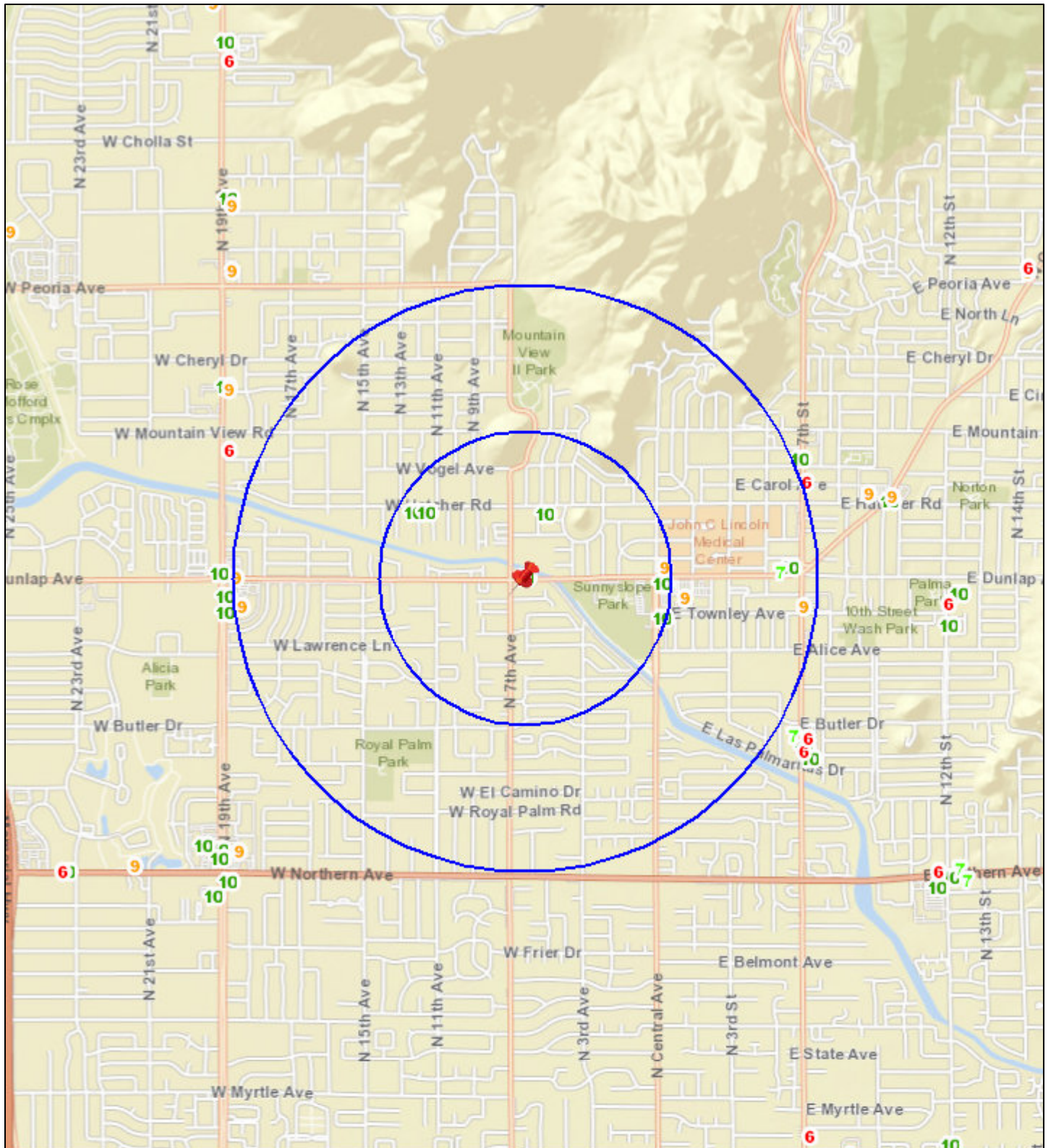
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	51	92
Total Violations	90	168

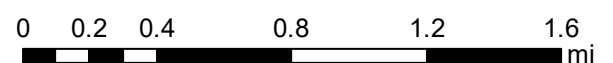
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1045011	795	78 %	7 %	18 %
1045013	1204	7 %	29 %	48 %
1045021	2058	40 %	14 %	50 %
1046001	1767	43 %	21 %	27 %
1046002	1676	20 %	20 %	39 %
1046003	1165	68 %	20 %	35 %
1053002	1704	34 %	25 %	42 %
1053003	1205	96 %	9 %	0 %
1054001	1427	100 %	3 %	4 %
1054002	981	85 %	7 %	5 %
Average		61 %	13 %	19 %

610 W DUNLAP AVE



Date: 12/27/2022





PAYMENT ORDINANCE (Ordinance S-49401) (Items 12-18)

Ordinance S-49401 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

12 Arizona State University

For \$94,000 in payment authority to enter into a contract with Arizona State University to provide an updated Economic Impact Study ("Study") for Phoenix Sky Harbor International Airport (PHX). The Study will include the economic impacts of PHX, Phoenix Deer Valley Airport (DVT), and Phoenix Goodyear Airport (GYR) (collectively referred to as "Phoenix Airport System") and the international flights served at PHX. The last Study update was completed in 2017. The new Study will address the direct, indirect, and induced impact of the Phoenix Airport System on the Phoenix Metropolitan Area economy. The term of the agreement will be effective for 18 months.

13 Maricopa County Community College District

For \$120,000 in payment authority to pay Maricopa County Community College District (MCCCD) to provide paramedic training to Phoenix Fire paramedics for the Fire Department. The Fire Department has a critical need for 400 trained paramedics over the next four years to meet the community's needs and increasing calls for service. The department explored additional opportunities to supplement its existing internal training program and the option to enter into agreement with MCCCD was examined. Through a partnership and collaboration to create this process, the first semester of training has been completed and the spring

semester has started. This process allows the Fire Department to forecast that the need for 400 trained paramedics will be met in four years. This partnership with MCCCCD, coupled with the Fire Department's internal training program, will help the department meet the overall objective.

The payment authority request for \$120,000 is to pay for the Fall 2022 semester invoice, and additional funding for the Spring and Fall 2023 semesters until the agreement is finalized.

14 National Association of Housing and Redevelopment Officials

For \$17,230 in payment authority for the National Association of Housing and Redevelopment Officials (NAHRO) annual membership for the Housing Department. NAHRO provides important support through training, advocacy, networking, and best practices. Membership ensures the City is informed about proposed regulatory changes that may impact the financial and operational sustainability of the City's Housing Department, as well as legislative updates to keep staff informed in advance of action being taken. The membership is paid by federal funds with no impact to the General Fund.

15 Piper Power Plumbing & Mechanical, Inc.

For \$13,875 in payment authority to pay Piper Power Plumbing & Mechanical, Inc., for a backflow repair at the Fire Department Resource Center for the Public Works Department. Backflow devices are utilized to prevent drinking water from being contaminated with other sources.

16 United States Department of the Interior Bureau of Land Management doing business as BLM

For \$9,120 in payment authority for a right of way land lease necessary for the ongoing right to use the Interior Bureau of Land Management (BLM) and maintain underground water lines for the Water Services Department. The contract term is from Jan. 1, 2023, to Dec. 31, 2023, for a vacant parcel south of the Central Arizona Project Canal from 51st to 39th avenues, for the 51st Avenue, State Route 74 to 37th Avenue Lake Pleasant Water Treatment Plant Waterline Project AZA 032614 Water Line T.5.R.2E.Sec # 1902454724.

17 Salt River Valley Water Users Association

For \$70,000 in additional payment authority for Contract 100353 for water delivery and use agreement with the Salt River Valley Water Users Association (Association) for water to be delivered by the Water Services Department within the Salt River Reservoir District for Fiscal Year (FY) 2022-23. The water delivered to the City by the Association from the Salt and Verde Rivers represents approximately 60 percent of the City's water supply. The cost has gone up in FY 2022-23, and the increase of \$70,000 will add to the original request of \$4,750,000.

18 Settlement of Claim(s) Heo v. City of Phoenix

To make payment of up to \$35,000 in settlement of claim(s) in *Heo v. City of Phoenix*, CV2022-005478, 21-0636-001, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from a motor vehicle accident on Aug. 8, 2021, involving the Parks and Recreation Department.



Proposed Dvhawk Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Clark Diepholz with Hawkeye Development, LLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

Signatures on the proposed annexation petition shall not be obtained for a waiting period of 30 days after filing the blank petition with the Maricopa County Recorder. Additionally, a Public Hearing will be scheduled within this 30-day waiting period, permitting the City Council to gather community input regarding the annexation proposal. Formal adoption of this proposed annexation will be considered at a later date.

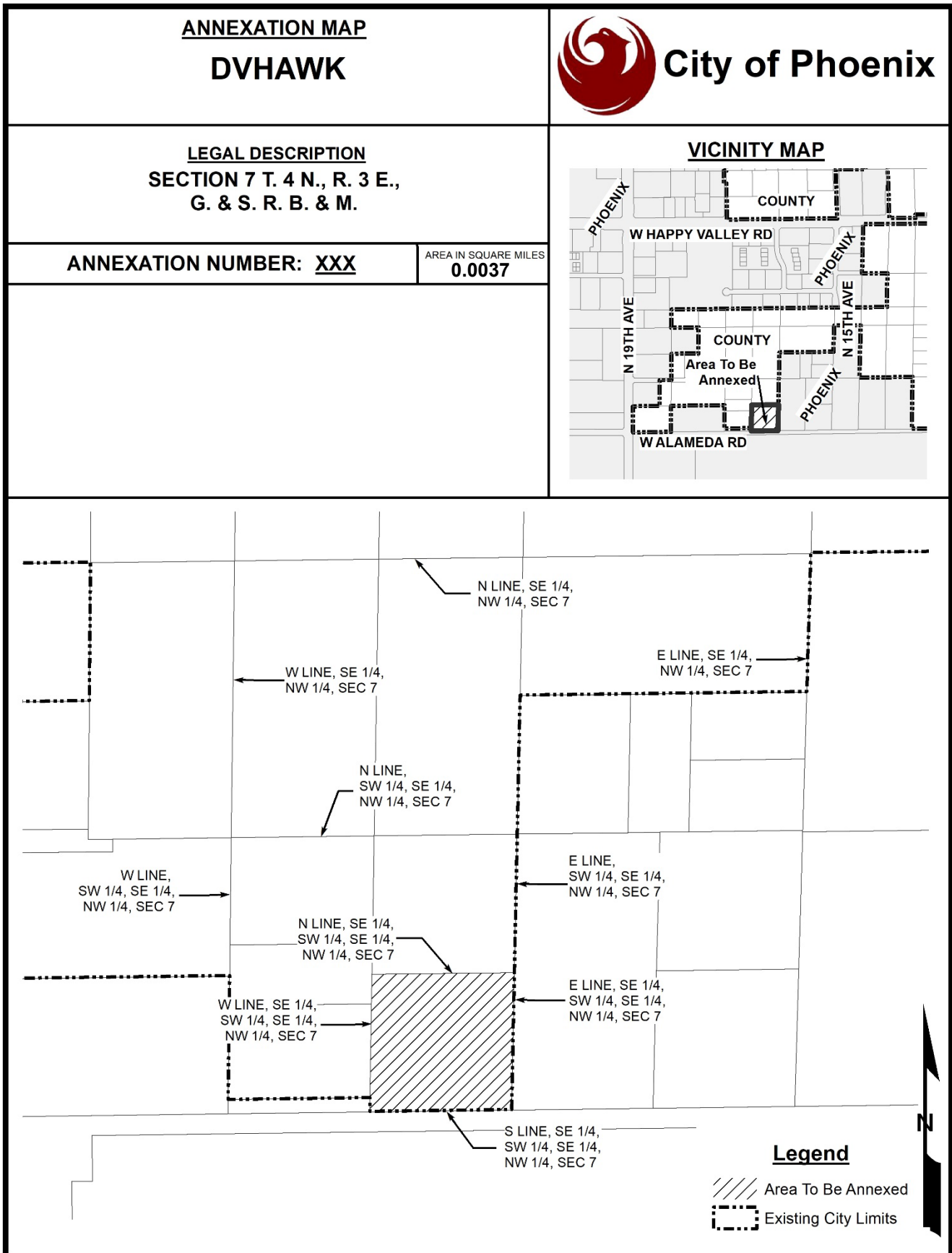
Location

The proposed annexation area includes parcel 210-07-025A, located at 17th Avenue and Alameda Road (**Attachment A**). The annexation area is approximately 2.4 acres (0.0037 sq. mi.) and population estimate is zero individuals.

Council District(s): 1

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.





Proposed Newcomb Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Clark Diepholz with Hawkeye Development, LLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

Signatures on the proposed annexation petition shall not be obtained for a waiting period of 30 days after filing the blank petition with the Maricopa County Recorder. Additionally, a Public Hearing will be scheduled within this 30-day waiting period, permitting the City Council to gather community input regarding the annexation proposal. Formal adoption of this proposed annexation will be considered at a later date.

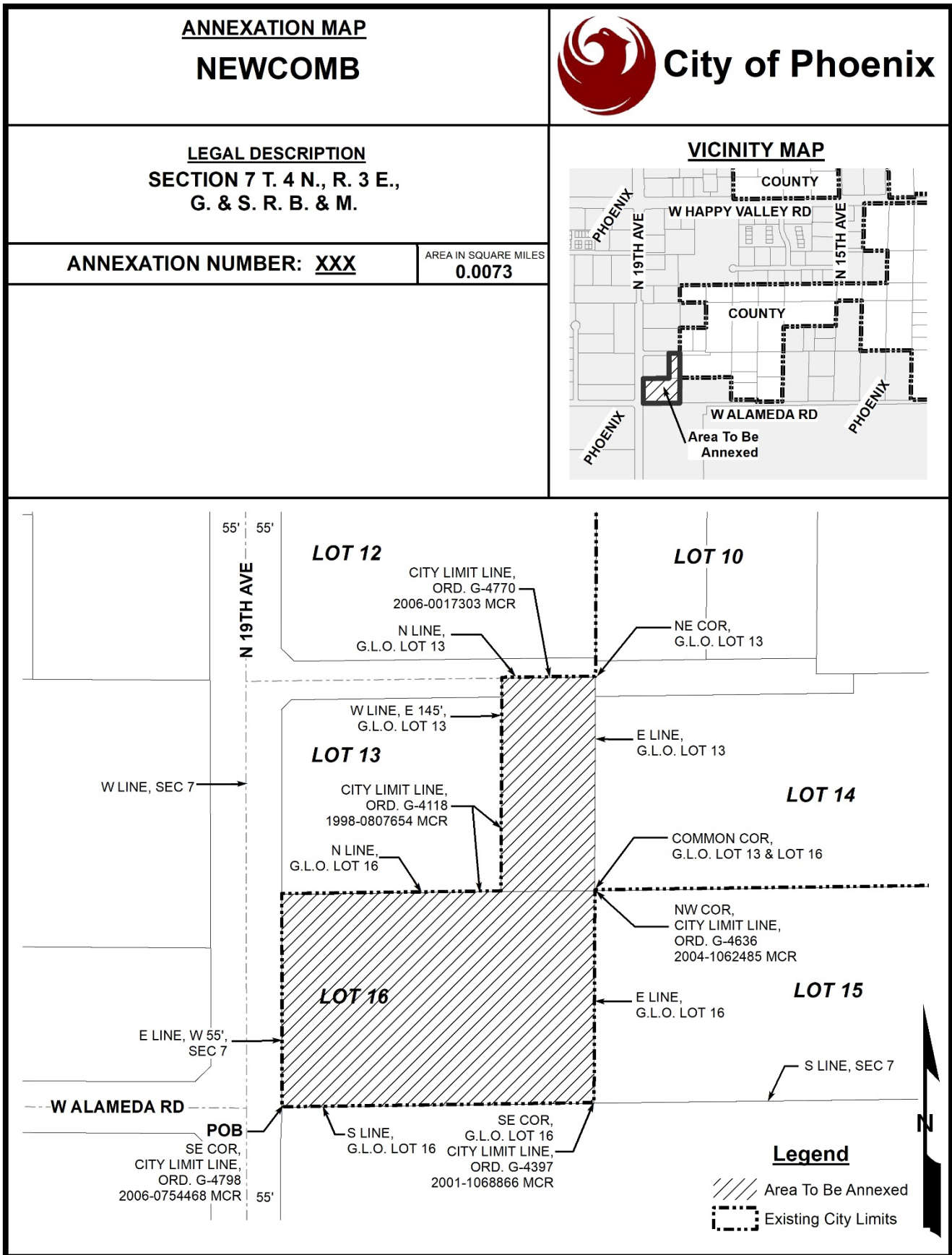
Location

The proposed annexation area includes parcel 210-07-006A and 210-07-032A, located at 19th Avenue and Alameda Road (**Attachment A**). The annexation area is approximately 4.68 acres (0.0073 sq. mi.) and population estimate is zero individuals.

Council District(s): 1

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.





Proposed 35th Avenue and Elliot Road Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Brian Cameron for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

Signatures on the proposed annexation petition shall not be obtained for a waiting period of 30 days after filing the blank petition with the Maricopa County Recorder. Additionally, a Public Hearing will be scheduled within this 30-day waiting period, permitting the City Council to gather community input regarding the annexation proposal. Formal adoption of this proposed annexation will be considered at a later date.

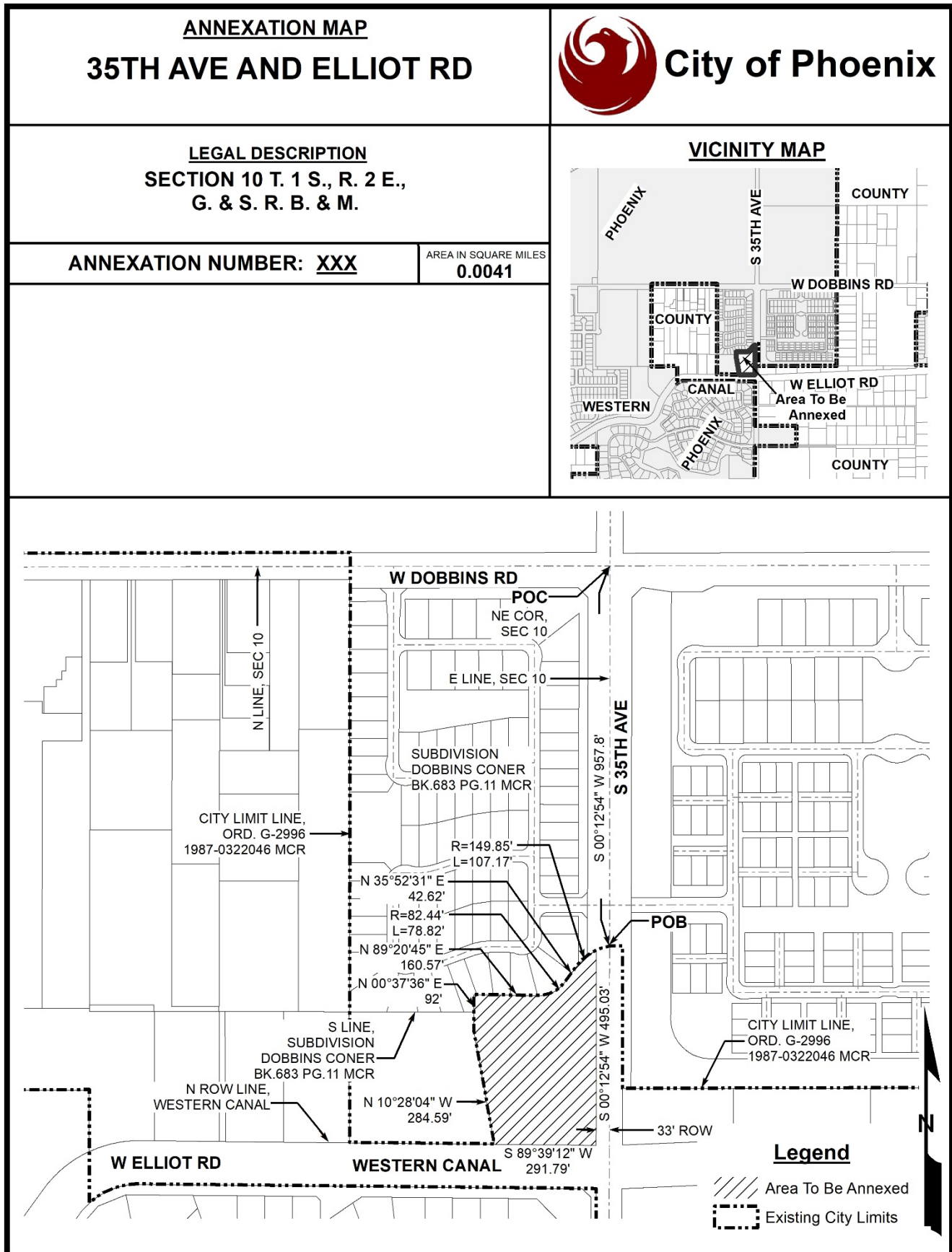
Location

The proposed annexation area includes parcel 300-11-036H, located at 9512 S. 35th Ave. (**Attachment A**). The annexation area is approximately 2.63 acres (0.0041 sq. mi.) and population estimate is three individuals.

Council District(s): 8

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.





Agenda Date: 2/15/2023, Item No. 22

Acceptance and Dedication of Right-of-Way Abandoned by Arizona Department of Transportation Resolution 2022-11-A-046 (Ordinance S-49402)

Request for the City Council to accept and dedicate to public use right-of-way abandoned by Arizona Department of Transportation Resolution 2022-11-A-046; further ordering the ordinance recorded.

Summary

The right-of-way is no longer needed by the Arizona Department of Transportation (ADOT) for state transportation purposes, and the City will accept jurisdiction, ownership, and maintenance responsibilities, subject to appurtenant, existing access control, which shall remain intact and under ADOT control. Costs of the additional maintenance are not significant.

A map depicting the right-of-way can be found in Exhibit A to be recorded with the ordinance. The ADOT abandonment resolution was recorded with the Maricopa County Recorder on Nov. 18, 2022, recording number 20220846916.

Location

East of State Route 51, along the north side of Sweetwater Avenue from 34th to 35th streets, and the southwest corner of Sweetwater Avenue and 36th Street.
Council District: 3

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Acceptance and Dedication of Right-of-Way Abandoned by Arizona Department of Transportation Resolution 2022-12-A-048 (Ordinance S-49407)

Request for the City Council to accept and dedicate to public use right-of-way abandoned by Arizona Department of Transportation Resolution 2022-12-A-048; further ordering the ordinance recorded.

Summary

The right-of-way is no longer needed by the Arizona Department of Transportation (ADOT) for state transportation purposes, and the City will accept jurisdiction, ownership, and maintenance responsibilities, subject to appurtenant, existing access control, which shall remain intact and under ADOT control. Costs of the additional maintenance are not significant.

A map depicting the right-of-way can be found in Exhibit A to be recorded with the ordinance. The ADOT Resolution was recorded with the Maricopa County Recorder on Dec. 16, 2022, MCR 20220896075.

Location

Dunlap Road, east of Interstate-17.
Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Acceptance and Dedication of Easements and Deeds for Public Utility, Roadway and Sidewalk Purposes (Ordinance S-49409)

Request for the City Council to accept and dedicate easements and deeds for public utility, roadway and sidewalk purposes; further ordering the ordinance recorded.

Summary

Accepting the property interests below meets the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: North Valley Assembly of God, its successor and assigns

Purpose: Public Utility

Location: 28660 N. Black Canyon Highway

File: FN 220090

Council District: 1

Deed (b)

Applicant: North Valley Assembly of God, its successor and assigns

Purpose: Roadway

Location: 28660 N. Black Canyon Highway

File: FN 220090

Council District: 1

Easement (c)

Applicant: Northern Apartments Redevelopment, LLC, its successor and assigns

Purpose: Public Utility

Location: 3031 W. Northern Ave.

File: FN 220110

Council District: 2

Easement (d)

Applicant: Symmetry Real Estate Holdings, L.L.C., its successor and assigns

Purpose: Sidewalk

Location: 118 W. Hatcher Road
File: FN 220107
Council District: 3

Deed (e)

Applicant: Symmetry Real Estate Holdings, L.L.C., its successor and assigns
Purpose: Roadway
Location: 118 W. Hatcher Road
File: FN 220107
Council District: 3

Easement (f)

Applicant: SRANA LLC, its successor and assigns
Purpose: Sidewalk
Location: 1902 W. Cactus Road
File: FN 220105
Council District: 3

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



Agenda Date: 2/15/2023, Item No. 25

Acceptance of Easements for Water, Sewer, Drainage and Vehicular Non-Access Purposes (Ordinance S-49414)

Request for the City Council to accept easements for water, sewer, drainage and vehicular non-access purposes; further ordering the ordinance recorded.

Summary

Accepting the property interest below meets the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: North Valley Assembly of God, its successor and assigns

Purpose: Water and Sewer

Location: 28660 N. Black Canyon Highway

File: FN 220090

Council District: 1

Easement (b)

Applicant: Sonoran Foothills, Inc., its successor and assigns

Purpose: Drainage

Location: 2520 W. Sonoran Parkway

File: FN 220093

Council District: 2

Easement (c)

Applicant: KFH Campbell Commons, LLC, its successor and assigns

Purpose: Vehicular Non-access

Location: 3220 E. Minnezona Circle

File: FN 220108

Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



Grant of a Public Utility Easement on City-owned Property at 2125 N. 15th Ave. (Ordinance S-49404)

Request the City Council to grant a public utility easement for consideration of \$1 and/or other valuable consideration, for installation of an underground distribution electrical line to the City-owned property at 2125 N. 15th Ave., in the Arizona Public Service Company service area; further ordering the ordinance recorded.

Summary

This public utility easement is more fully described in the legal description ("Easement Premises") to be recorded with this ordinance and will be granted to all public service corporations and telecommunication corporations (collectively "Grantee") providing utility service to Encanto Park in perpetuity, so long as the Grantee uses the Easement Premises for the purposes herein specified, subject to the following terms and conditions:

- A. Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."
- B. Grantor shall not locate, erect or construct, or permit to be located or erected or constructed any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement

Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

- C. Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate or maintain the Grantee Facilities.
- D. Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 12 feet immediately in front of all transformer or switching cabinet openings within the Easement Premises. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut and clear away trees, brush, shrubs or other obstruction within said areas.
- E. Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any work or use by Grantee within the Easement Premises, the affected area, including without limitation all pavement, landscaping, concrete and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible at the expense of Grantee.
- F. Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property, provided, however, that: 1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and 2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.
- G. Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.
- H. Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any

rights granted herein at address listed below.

- I. Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located:
1) on a site that includes Aviation Department facilities; 2) water and wastewater treatment facilities; 3) Police Department headquarters located at 620 W. Washington St.; 4) Fire Department headquarters located at 150 S. 12th St.; 5) City Hall located at 200 W. Washington St.; 6) City Court Building located at 300 W. Washington St.; 7) Calvin C. Goode Building located at 251 W. Washington St.; 8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or 9) in a secured or fenced area.

Location

2125 N. 15th Ave., within Maricopa County Assessor parcel number 111-10-034
Council District: 4

Responsible Department

This item is submitted by City Manager Jeffrey Barton and Deputy City Manager Inger Erickson and the Parks and Recreation and Finance departments.



Grant of a Public Utility Easement on City-owned Property near 36th Avenue and Deer Valley Road (Ordinance S-49410)

Request the City Council to grant a public utility easement for consideration of \$1 and/or other valuable consideration, for installation of an underground distribution electrical line to Well 309 on City-owned property in the Arizona Public Service Company service area, and further ordering the ordinance recorded.

Summary

This public utility easement is more fully described in the legal description ("Easement Premises") recorded with the ordinance and will be granted to all public service corporations and telecommunication corporations (collectively "Grantee") providing utility service to the property located near 36th Avenue and Deer Valley Road in perpetuity, so long as the Grantee uses the Easement Premises for the purposes herein specified, subject to the following terms and conditions:

- A. Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."
- B. Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement

Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

- C. Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate or maintain the Grantee Facilities.
- D. Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 12 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs or other obstruction within said areas.
- E. Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any work or use by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, concrete and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.
- F. Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: 1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and 2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.
- G. Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.
- H. Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any

rights granted herein at address listed below.

- I. Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located:
1) on a site that includes Aviation Department facilities; 2) water and wastewater treatment facilities; 3) Police Department headquarters located at 620 W Washington St.; 4) Fire Department headquarters located at 150 S 12th St.; 5) City Hall located at 200 W Washington St.; 6) City Court Building located at 300 W Washington St.; 7) Calvin C. Goode Building located at 251 W Washington St.; 8) Transit Operations Center located at 320 N 1st Ave. or West Transit Facility located at 405 N 79th Ave.; or 9) in a secured or fenced area.

Location

Near 36th Avenue and Deer Valley Road
Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services and Finance departments.



Media and Marketing Buying Contract - CO-OP 23-014 Request for Award (Ordinance S-49440)

Request to authorize the City Manager, or his designee, to enter into a contract with Owens, Harkey and Associates, LLC, to provide \$1,500,000 per year for up to three years, for a total of \$4,500,000 million, in media advertising and marketing buying services for the Communications and Water Services departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$4,500,000.

Summary

This contract will provide media buying, advertising placement, and marketing strategy development to promote City departments' marketing goals. Media buying is the act of acquiring real estate or inventory where advertisement may be placed. The process of media buying and marketing is executed by a marketing agency to conduct market research and establish an audience. The goal is to identify the target audience, establish channels, and purchase the advertisement space on channels such as television, website, and radio, to expose and maximize marketing efforts. Over the next 18-24 months, staff will be putting together a Qualified Vendor List (QVL) to expand engagement with the community and build a diverse portfolio of vendors.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved determination memo based on special circumstances: Special Circumstance/Alternative Competition. The contractor Owens, Harkey and Associates, LLC, is a full-service marketing agency that will help the Communications and Water Services departments maximize their media exposure and marketing strategy, leveraging the State of Arizona cooperative agreement to fulfill their marketing goals. The contractor will oversee the departments' marketing goals, target audience, and media buying process, working directly with vendors to execute the purchase of advertisement space and ensure the most visible placements at the optimal times.

Contract Term

The contract will begin on or about March 1, 2023, for up to a three-year term with no options to extend.

Financial Impact

The contract value will not exceed \$4,500,000 for up to a three-year term. Funding is available in the Communications and Water Services departments' budgets.

Responsible Department

This item is submitted by City Manager Jeffrey Barton, Deputy City Manager Karen Peters and the Communications and Water Services departments.



Athletic, Physical Education Supplies, and Team Uniforms Contract - COOP23-057 - Request for Award (Ordinance S-49403)

Request to authorize the City Manager, or his designee, to enter into a contract with School Health Corporation to provide athletic, physical education supplies and team uniforms for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$1,000,000.

Summary

This contract will provide the Parks and Recreation Department the ability to purchase athletic, educational, and team sports equipment and accessories. The goods purchased will be used by adult and youth sports leagues and programs throughout the City of Phoenix parks and community centers. The adoption of this agreement will be advantageous to the planning of programs and instructional classes offered to youth and adult participants at parks and community centers Citywide.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances - Alternative Competition. Adopting the cooperative agreement through Omnia Partners with School Health Corporation provides the best needs of the Parks and Recreation Department.

Contract Term

The contract will begin on or about Feb. 15, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$1,000,000 for the five-year aggregate term.

Funding is available in the Parks and Recreation Department's operating budget.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation Department.



Mental Health Services Contract - EXC 23-012 - Request for Award (Ordinance S-49406)

Request to authorize the City Manager, or his designee, to enter into a contract with Solari, Inc. to provide mental health behavioral services for the Phoenix Police Department's Communications Bureau. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$412,500.

Summary

This contract will provide the Phoenix Police Department with an on-site behavioral and mental health professional to coach, train, and guide emergency operators and dispatchers. Solari, Inc. will be assigned to two locations to improve, train, and modify emergency call procedures and policies. The Solari, Inc. services will enhance and expand the current mental health diversion program in the Communications Bureau and dispatch mental health crisis mobile teams when requested.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. In 2019, a study conducted by the National Police Foundation and the Substance Abuse and Mental Health Services Administration recommended collaboration between mental health crisis providers and local police departments.

The Phoenix Police Department has determined that collaborating and pursuing a contract with a behavioral and mental health crisis provider will benefit the Communications Bureau dispatchers and operators to appropriately handle the City of Phoenix residents' emergency calls with behavioral and mental health components. Solari, Inc. is the only suicide and crisis hotline that services Maricopa County.

Contract Term

The contract will begin on or about Feb. 15, 2023, for a five-year term, with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$412,500 for the five-year term. Funding is available in the Police Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



MRO Supplies: Industrial, Building, Plumbing, Electrical and Heating, Ventilation and Air Conditioning Materials Contract - COOP 23-037 - Request for Award (Ordinance S-49413)

Request to authorize the City Manager, or his designee, to enter into contracts with Paul's Scottsdale Hardware, Inc., doing business as (dba) Paul's Ace Hardware; Six Points Hardware, Inc.; Brown's Partsmaster, Inc.; and Ferguson US Holdings, Inc., dba Ferguson Enterprises, LLC, to provide industrial, building, electrical and heating, ventilation and air conditioning (HVAC) materials for Citywide use. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$6,750,000.

Summary

These contracts will provide a broad range of building supplies such as concrete, masonry, lumber, roofing, drywall, paints, windows, doors, fasteners, hardware, plumbing supplies, metals, tools, electrical and other facility operations products and equipment. The primary departments using the contracts are Water Services, Aviation, Phoenix Convention Center and Housing. Locations are throughout the city. The requested products are critical to Citywide facility operations.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved determination memo due to special circumstances, as there was no alternative competition. The State of Arizona's cooperative contract, which was competitively solicited, best aligns with Citywide needs for industrial, building, plumbing, electrical, and HVAC materials.

Contract Term

The contracts will begin on or about July 1, 2023, for a two-year term with no options to extend.

Financial Impact

The aggregate contract value for will not exceed \$6,750,000 for the two-year aggregate term.

Funding is available in the various departments' budgets.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



Biological Sample Testing Supplies - IFB 17-138 - Amendment (Ordinance S-49419)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 144702 with Phenomenex, Inc. to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$70,647.

Summary

This contract will provide consumable products used by the Toxicology Section of the Police Department Laboratory Services Bureau in the analysis of ethanol in biological specimens. The extension of this contract will allow the Police Department to continue to process evidence for traffic, sexual assault, and homicide investigations in the most cost effective and efficient manner. The additional funds will allow for the purchase of the consumable products through the extended contract term.

Contract Term

Upon approval, the contract will be extended through March 31, 2028.

Financial Impact

Upon approval of \$70,647 in additional funds, the revised aggregate value of the contract will not exceed \$122,167. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Biological Sample Testing Supplies - Contract 144702 (Ordinance S-43309) on March 22, 2017.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



Carahsoft - LinkedIn Recruitment Services (Ordinance S-49435)

Request to authorize the City Manager, or his designee, to enter into a contract with Carahsoft Technology Corp. to provide LinkedIn recruitment services for the Human Resources Department. Further request authorization for the City Controller to disburse funds related to this item. The aggregate value will not exceed \$67,000.

Summary

The Human Resources Department (HR) is responsible for conducting recruitments for all City departments. The Human Resources Department seeks the services of a professional recruitment company to assist in expanding and enhancing the recruitment options for potential City candidates, specifically for hard to fill positions and high-level executive job classifications. LinkedIn is one of the world's largest professional networks with nearly 800 million members and is widely used for job recruitment services and resume uploading.

LinkedIn services include the ability to send personalized messages to engage candidates of interest to the City, quickly find and connect with candidates, and the ability to manage candidate pools.

The City will purchase annual subscriptions for the Recruiter Corporate and Job Slot services through the authorized LinkedIn reseller, Carahsoft Technology Corp. These subscriptions will allow HR to perform network search capabilities, view candidate profiles, message applicants, basic training and support, team collaboration, auditing, and search quality candidates for job opportunities.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo citing Carahsoft Technology Corp. as a Special Circumstance - Time Restriction.

If a contract for the annual subscriptions is not in place, Talent Acquisition Management would pay per position posting. With the annual subscriptions, 150 individuals may be contacted per month which is helpful in identifying candidates for hard to fill positions.

Contract Term

The contract is a three-year term to begin on Feb. 25, 2023 and end Feb. 24, 2026.

Financial Impact

The aggregate value of the contract will not exceed \$67,000 and funds are available in the Human Resources Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 617 Recommendations - Budget and Research Analyst Job Family (Ordinance S-49436)

As part of an evaluation of the organizational structure within the Budget and Research Department, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 617, effective Feb. 20, 2023. The proposal will also require modifications to the City's Pay Ordinance [S-47689], which will be processed under a separate ordinance.

Establish the classification of Budget and Research Analyst, Job Code 05600, Salary Plan 001, Grade 039 (\$70,970 - \$107,910/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: Professionals, FLSA Status: Exempt.

Establish the classification of Senior Budget and Research Analyst, Job Code 05610, Salary Plan 001, Grade 040 (\$74,630 - \$113,589/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: Professionals, FLSA Status: Exempt.

Establish the classification of Principal Budget and Research Analyst, Job Code 05620, Salary Plan 001, Grade 041 (\$78,562 - \$119,267/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: Professionals, FLSA Status: Exempt.

Summary

BACKGROUND

The Budget and Research Department has a strong need for a new job family that will be responsible for central management of the City's capital improvement programs, preparation and administration of the annual operating budget for the City, including revenue estimating and forecasting, long range fiscal planning, and conducting organization and management studies citywide. There is a need to distinctly identify a Budget and Research Analyst job family with specific and different minimum qualifications separate from the general Budget Analyst job family.

FINDINGS & RECOMMENDATIONS

There are 12 positions currently classified as Management Assistant II and three positions currently classified as Budget Analyst III responsible for citywide budget

development and forecasting. Budget analysis responsibilities include: reviewing and analyzing capital and/or operating expenditure and revenue estimates and base budget requests; performing complex citywide budget, financial and operational analysis; assessing availability of funding and appropriation authority, and acceptability of the use of restricted funds; recommending adjustments; management of processes to review capital and bond funded projects; management of capital needs analyses; reviewing and approving budget control documents, Requests for Council Action (RCAs), and Statements of Readiness (SORs); conducting research studies, writing reports, and developing recommendations for process improvements, cost savings and operational efficiencies; performing costing for the labor negotiations process; ensuring all legal budget adoption steps are completed accurately and timely; discussing recommendations with management, and preparing assigned sections of City budget books. Changing the classifications and pay grades to a more appropriate title of Budget & Research Analyst and Senior Budget & Research Analyst would reflect the scope and experience needed for both classifications and assist with retention and recruiting.

The new Principal Budget and Research Analyst will be responsible for performing highly complex and advanced professional fiscal analysis, revenue forecasting and research duties in support of the preparation and administration of citywide operating funds. This classification is responsible for researching and analyzing a wide variety of economic and financial data, interpreting the impact of economic trends on citywide budgets, and developing revenue projections and related recommendations. The Principal Budget and Research Analyst develops the annual General Fund Status and Five-Year Forecast, works with economists from the University of Arizona's Economic Business and Research Center to update the econometric forecasting model used to project city and state sales taxes, and produces multi-year forecasts of all City funds for the quadrennial Expenditure Limit process.

All the above recommendations would assist the City with attracting qualified candidates in a highly competitive market.

Financial Impact

The total estimated cost for the entire proposal is \$35,346.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 617 on Jan. 20, 2023.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 617 Recommendations - Budget and Research Analyst Job Family (Ordinance S-49437)

As part of an evaluation of the organizational structure within the Budget and Research Department, the following amendments to the Pay Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 617, effective Feb. 20, 2023. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Establish the classification of Budget and Research Analyst, Job Code 05600, Salary Plan 001, Grade 039 (\$70,970 - \$107,910/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: Professionals, FLSA Status: Exempt.

Establish the classification of Senior Budget and Research Analyst, Job Code 05610, Salary Plan 001, Grade 040 (\$74,630 - \$113,589/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: Professionals, FLSA Status: Exempt.

Establish the classification of Principal Budget and Research Analyst, Job Code 05620, Salary Plan 001, Grade 041 (\$78,562 - \$119,267/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: Professionals, FLSA Status: Exempt.

Summary

BACKGROUND

The Budget and Research Department has a strong need for a new job family that will be responsible for central management of the City's capital improvement programs, preparation and administration of the annual operating budget for the City, including revenue estimating and forecasting, long range fiscal planning, and conducting organization and management studies citywide. There is a need to distinctly identify a Budget and Research Analyst job family with specific and different minimum qualifications separate from the general Budget Analyst job family.

FINDINGS & RECOMMENDATIONS

There are 12 positions currently classified as Management Assistant II and three positions currently classified as Budget Analyst III responsible for citywide budget

development and forecasting. Budget analysis responsibilities include: reviewing and analyzing capital and/or operating expenditure and revenue estimates and base budget requests; performing complex citywide budget, financial and operational analysis; assessing availability of funding and appropriation authority, and acceptability of the use of restricted funds; recommending adjustments; management of processes to review capital and bond funded projects; management of capital needs analyses; reviewing and approving budget control documents, Requests for Council Action (RCAs), and Statements of Readiness (SORs); conducting research studies, writing reports, and developing recommendations for process improvements, cost savings and operational efficiencies; performing costing for the labor negotiations process; ensuring all legal budget adoption steps are completed accurately and timely; discussing recommendations with management, and preparing assigned sections of City budget books. Changing the classifications and pay grades to a more appropriate title of Budget & Research Analyst and Senior Budget and Research Analyst would reflect the scope and experience needed for both classifications and assist with retention and recruiting.

The new Principal Budget and Research Analyst will be responsible for performing highly complex and advanced professional fiscal analysis, revenue forecasting and research duties in support of the preparation and administration of citywide operating funds. This classification is responsible for researching and analyzing a wide variety of economic and financial data, interpreting the impact of economic trends on citywide budgets, and developing revenue projections and related recommendations. The Principal Budget and Research Analyst develops the annual General Fund Status and Five-Year Forecast, works with economists from the University of Arizona's Economic Business and Research Center to update the econometric forecasting model used to project city and state sales taxes, and produces multi-year forecasts of all City funds for the quadrennial Expenditure Limit process.

All the above recommendations would assist the City with attracting qualified candidates in a highly competitive market.

Financial Impact

The total estimated cost for the entire proposal is \$35,346.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 617 on Jan. 20, 2023.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 617 Recommendations - Municipal Security Guard Job Family (Ordinance S-49438)

At the request of Unit III AFSCME Local 2960 and as part of their negotiated contract to conduct a market study, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 617, effective Feb. 20, 2023. The proposal will also require modifications to the City's Pay Ordinance [S-47689], which will be processed under a separate ordinance.

Modify the classification of Municipal Security Guard, Job Code 80050, Salary Plan 006, Grade 323 (\$15.82 - \$23.03/hourly), Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt to Grade: 324 (\$16.52 - \$24.11/hourly).

Abolish the assignment of Municipal Security Guard*U8, Job Code 80051, Salary Plan 012, Grade 723 (\$16.31 - \$24.05/hourly), Benefit Category: 008, Labor Unit Code 008, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Abolish the assignment of Municipal Security Guard*Badge, Job Code 80054, Salary Plan 006, Grade 324 (\$16.52 - \$24.11/hourly), Benefit Category: 003, Labor Unit Code 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Abolish the assignment of Municipal Security Guard*Lead, Job Code 80052, Salary Plan 006, Grade 325 (\$17.41 - \$25.35/hourly), Benefit Category: 003, Labor Unit Code 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Establish the classification of Senior Municipal Security Guard, Job Code 80060, Salary Plan 001, Grade 026 (\$17.87 - \$27.10/hourly), Benefit Category: 007, Labor Unit Code 007, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Abolish the assignment of Municipal Security Guard*Ld-U7, Job Code 80053, Salary Plan 001, Grade 025 (\$16.91 - \$25.80/hourly), Benefit Category: 007, Labor Unit Code

007, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Summary

BACKGROUND

There are 68 Municipal Security Guard positions citywide. All departments indicated they had difficulty with recruiting and retention. Specifically, departments had issues with the quality of candidates, candidates turning down job offers due to pay concerns and employee turnover. Additionally, departments indicated they wanted to see a clearer career path in the job family. Staff used data from the City's Human Resources Information System (eCHRIS) and conducted research using a combination of public sector and private sector resources such as PayScale, Zippia, Indeed and Economic Research Institute. In addition, staff conducted a local salary survey of public sector employers. Results of the compensation review are below.

FINDINGS & RECOMMENDATIONS

The job duties and level of complexity for the Municipal Security Guard classification were found to be comparable to both our local private and public market. Data indicates that the City is approximately 8 percent below the current public market; however, the City is 25 percent above private market and continues to have recruiting issues. The Municipal Security Guards citywide turnover is higher than the citywide average for the last year, and the Library Department continues to experience high vacancy rates. Changing the pay grade of the Municipal Security Guard and creating a separate Senior classification in the job series, in lieu of a "Lead assignment," reflects proper placement within the job family.

Currently, there are four assignments off the base classification of Municipal Security Guard. Abolishing the Municipal Security Guard assignments eliminates layers that are no longer needed. The Lead Assignment currently in Unit Three is not being utilized. Lead Assignments in Unit Seven are mainly responsible for training and have direct reports. These functions are not performed at this level therefore the assignment is no longer needed. Creating an additional base class of Senior Municipal Security Guard to the family, with a one pay grade increase to keep parity with the entry level base class Municipal Security Guard recommendation, would eliminate pay compression issues. The recommendations above would assist the City with attracting qualified candidates in a competitive market and create a clearer career track for our employees.

Financial Impact

The total estimated cost for the entire proposal is \$82,083.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 617 on Jan. 20, 2023.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 617 Recommendations - Municipal Security Guard Job Family (Ordinance S-49439)

At the request of Unit III AFSCME Local 2960 and as part of their negotiated contract to conduct a market study, the following amendments to the Pay Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 617, effective Feb. 20, 2023. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Modify the classification of Municipal Security Guard, Job Code 80050, Salary Plan 006, Grade 323 (\$15.82 - \$23.03/hourly), Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt to Grade: 324 (\$16.52 - \$24.11/hourly).

Abolish the assignment of Municipal Security Guard*U8, Job Code 80051, Salary Plan 012, Grade 723 (\$16.31 - \$24.05/hourly), Benefit Category: 008, Labor Unit Code 008, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Abolish the assignment of Municipal Security Guard*Badge, Job Code 80054, Salary Plan 006, Grade 324 (\$16.52 - \$24.11/hourly), Benefit Category: 003, Labor Unit Code 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Abolish the assignment of Municipal Security Guard*Lead, Job Code 80052, Salary Plan 006, Grade 325 (\$17.41 - \$25.35/hourly), Benefit Category: 003, Labor Unit Code 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Establish the classification of Senior Municipal Security Guard, Job Code 80060, Salary Plan 001, Grade 026 (\$17.87 - \$27.10/hourly), Benefit Category: 007, Labor Unit Code 007, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Abolish the assignment of Municipal Security Guard*Ld-U7, Job Code 80053, Salary Plan 001, Grade 025 (\$16.91 - \$25.80/hourly), Benefit Category: 007, Labor Unit Code

007, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Non-Exempt.

Summary

BACKGROUND

There are 68 Municipal Security Guard positions citywide. All departments indicated they had difficulty with both recruiting and retention. Specifically, departments had issues with the quality of candidates, candidates turning down job offers due to pay concerns and employee turnover. Additionally, departments indicated they wanted to see a clearer career path in the job family. Staff used data from the City's Human Resources Information System (eCHRIS) and conducted research using a combination of public sector and private sector resources such as PayScale, Zippia, Indeed and Economic Research Institute. In addition, staff conducted a local salary survey of public sector employers. Results of the compensation review are below.

FINDINGS & RECOMMENDATIONS

The job duties and level of complexity for the Municipal Security Guard classification were found to be comparable to both our local private and public market. Data indicates that the City is approximately 8 percent below the current public market; however, the City is 25 percent above private market and continues to have recruiting issues. The Municipal Security Guards citywide turnover is higher than the citywide average for the last year, and the Library Department continues to experience high vacancy rates. Changing the pay grade of the Municipal Security Guard and creating a separate Senior classification in the job series, in lieu of a "Lead assignment," reflects proper placement within the job family.

Currently, there are four assignments off the base classification of Municipal Security Guard. Abolishing the Municipal Security Guard assignments eliminates layers that are no longer needed. The Lead Assignment currently in Unit Three is not being utilized. Lead Assignments in Unit Seven are mainly responsible for training and have direct reports. These functions are not performed at this level therefore the assignment is no longer needed. Creating an additional base class of Senior Municipal Security Guard to the family, with a one pay grade increase to keep parity with the entry level base class Municipal Security Guard recommendation, would eliminate pay compression issues. The recommendations above would assist the City with attracting qualified candidates in a competitive market and create a clearer career track for our employees.

Financial Impact

The total estimated cost for the entire proposal is \$82,083.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 617 on Jan. 20, 2023.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Add Funds for The Moreland Affordable Housing Development (Ordinance S-49424)

Request to authorize the City Manager, or his designee, to add up to \$10 million in American Rescue Plan Act (ARPA) funds for the redevelopment of the City-owned former Deck Park Vista apartment community into The Moreland, Phase I, a new 132-unit affordable housing development in downtown Phoenix, and to take all necessary actions and execute all documents. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund. Funding is available through the City's allocation of ARPA received from the federal government and is under the City's Affordable Housing Program of the strategic plan.

Summary

Located on approximately two acres at 1125 N. 3rd St. in downtown Phoenix, and as part of the redevelopment of the site, demolition of the buildings was completed and will be utilizing Low Income Housing Tax Credits, bank financing and the allocated funds to build the first phase of The Moreland project. Phase I includes a new 132-unit multifamily rental housing development with proposed amenities including comprehensive supportive services provided by Native Americans Connections, Inc. (NAC), first floor community space, courtyard, fitness center, a parking garage that will serve both phases, and Wi-Fi throughout the property. Phase II of The Moreland is planned for a later date. The Moreland project will address a critical need for affordable and workforce housing in the Downtown Core. Construction of The Moreland, Phase 1, is anticipated to commence in summer 2023 with estimated completion in the first quarter of 2025.

Financial Impact

There is no impact to the General Fund. Funding is available from ARPA, a federally funded program. Funds are budgeted in the Housing Capital Improvement Program.

Concurrence/Previous Council Action

On June 24, 2020, City Council approved entering into contracts with NAC as the Housing Department's selected co-development partner for the development of The Moreland via Ordinance S-46804. On June 7, 2022, City Council approved the

American Rescue Plan Act Second Tranche Strategic Plan which included an Affordable Housing Program with gap financing of which \$6 million has been allocated to The Moreland Phase I. On Dec. 14, 2022, City Council allocated \$4 million in ARPA funds to help close the gap for The Moreland Phase I redevelopment.

Location

1125 N. 3rd St.

Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.



Financial Literacy Training and Coaching Services Qualified Vendors List - RFQu-22-EDU/BWDD-70 (Ordinance S-49421)

Request to authorize the City Manager, or his designee, to approve a Qualified Vendors List (QVL) and enter into agreements with responsive offerors, on an as needed basis, to provide financial literacy training and coaching services to families enrolled in the Head Start Birth to Five Program and participants of the Business and Workforce Development programs for a five-year period. The aggregate value of the contracts will not exceed \$400,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Human Services Department has a rich history of providing a comprehensive array of education and social service programs to help people reach their highest level of self-sufficiency. The goal behind teaching financial literacy is to help people develop a stronger understanding of basic financial concepts so they can make informed financial decisions. The consultants will provide financial literacy and coaching to participants enrolled in programs administered by the Education and Business and Workforce Development divisions. This service will improve the financial well-being of participants by providing access to financial education and building financial empowerment through training and coaching.

For the Education Division, consultants will partner with families enrolled in the Head Start Birth to Five Program that need assistance in basic money management, personal finance, credit, savings, insurance, etc., and will create a financial plan that reflects their goals and helps build a foundation for economic mobility. The Division anticipates 345 families to be served yearly.

For the Business and Workforce Development Division, consultants will provide financial literacy training and coaching to adults, dislocated workers, and youth service program enrollees. The Division anticipates 260 families to be served yearly.

Procurement Information

A Request for Qualifications procurement was conducted in accordance with Administrative Regulation 3.10.

Four proposals were received on Dec. 2, 2022. All were deemed responsive and responsible to the solicitation requirements. The procurement officer evaluated the offers using a pass/fail evaluation matrix under the following criteria:

- Company History and Relevant Background
- Method of Approach and Training Implementation
- Experience and Qualifications of Proposed Staff
- Pricing

The following offerors met all solicitation criteria and are recommended to be added to the QVL:

- Change in Motion, LLC
- Gervonni Cares, Inc.
- Global Investment Company
- Phase Consulting Partners, LLC

Contract Term

The QVL will be in effect on or about Feb. 1, 2023, for a five-year term with no options to extend.

Financial Impact

Expenditures shall not exceed \$400,000 over the life of the contracts. Funding for Head Start is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. Funding for Business and Workforce Development is available from the Workforce Innovation and Opportunity Act. No additional General Funds are required.

Concurrence/Previous Council Action

On Dec. 13, 2021, the Head Start Birth to Five Policy Council approved the request to release Financial Literacy Training and Coaching Services Request for Qualifications.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



Apply for Rebuilding American Infrastructure with Sustainability and Equity Grant Opportunity for Federal Fiscal Year 2022-23 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-49431)

Request to authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement for disbursement of Federal funding from the U.S. Department of Transportation through the Federal Fiscal Year 2022-23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant opportunity. If awarded, the funding will be used to evaluate and update the design of the Laveen Area Conveyance Channel. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed \$5 million, and the City's local match would not exceed \$1.25 million.

Summary

The Parks and Recreation and Street Transportation departments are collaborating on a planning grant submittal for the Laveen Area Conveyance Channel. The purpose of the planning grant is to evaluate and update the design of a dual-purpose amenity channel that extends 5.5 miles in the Laveen Village of Phoenix, serving to capture and convey local regional drainage while also serving the community as an active transportation corridor. The goal of the planning grant will be to evaluate and make recommendations that would best serve the existing transportation amenity, including but not limited to improvements to the existing channel design, and to design a 10 foot multi-use path on the north side, including landscaping, updated irrigation, turf improvements, exercise equipment, improved drainage system equipment, booster pump and well, path lighting, and other transportation or green infrastructure appropriate for the surrounding corridor. This planning project will meet the grant criteria for competitiveness.

The U.S. Department of Transportation issued an amended Notice of Funding Opportunity for the Federal Fiscal Year (FFY) 2022-23 RAISE grant program on Jan. 5, 2023. The deadline for application submittal is Feb. 28, 2023. RAISE grants are awarded on a competitive basis considering these evaluative criteria:

- Improves safety;

- Environmental justice and equity;
- Sustainability;
- Quality of life;
- Mobility and community connectivity;
- Economic competitiveness and opportunity;
- State of good repair;
- Partnership and collaboration;
- Innovative;
- Project readiness; and
- Cost effective.

The FFY 2022-23 RAISE grant specifies that the minimum award amount for urban projects must be at least \$5 million and no greater than \$25 million.

Financial Impact

The estimated total cost for the project is approximately \$6.25 million. The maximum federal participation rate is 80 percent with a minimum local match of 20 percent of the total eligible project cost. If awarded, the federal grant would not exceed \$5 million (80 percent) and the City's cost would be approximately \$1.25 million (20 percent) for the local match.

Funding for the local match is available in the Parks and Recreation and Street Transportation departments' budgets.

Location

Council Districts: 7 and 8

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Inger Erickson, and the Street Transportation and Parks and Recreation departments.



24th Street and Broadway Road (Dr. Martin Luther King Jr. Boulevard) Parcels Disposition and Redevelopment - Authorization to Issue Solicitation

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) to select a development team and begin negotiations for the disposition and redevelopment of City-owned parcels located at the southwest corner of 24th Street and Broadway Road (Dr. Martin Luther King Jr. Boulevard).

Summary

The City owns two parcels located in the Target Area B Redevelopment Area, comprised of approximately 12.1 acres, at the southwest corner of 24th Street and Broadway Road, also known as Dr. Martin Luther King Jr. Boulevard (Site). City Council authorized the acquisition of the Site in the early 2000s for blight elimination. The zoning of the Site is split; the southern portion (approximately two-thirds of the Site) is zoned R1-6 (Single-Family Residence District) and the northern portion is zoned C-2 (Intermediate Commercial District). A portion of the Site was acquired using Community Development Block Grant (CDBG) funds; and must meet certain grant requirements prior to disposition and redevelopment.

Staff issued a Request for Information (RFI) for the Site on Jan. 9, 2021 to gather creative concepts for future development and ascertain if market conditions support the issuance of a solicitation for the disposition of the property; and if so, what types of development elements the market will support. The City received five RFI responses, which included concepts for mixed-use, housing, a neighborhood grocery store, a variety of community-oriented services, and affordable housing. Staff shared the RFI results with the community and conducted further community outreach to narrow the scope of the Site's future development.

With City Council approval, staff will issue an RFP for the disposition and redevelopment of the Site for a mixed-use, commercial development. The RFP will emphasize the following uses, which were prioritized by the community:

1. Grocery Store
2. Medical Services
3. Sit-down restaurant(s)

- 4. Entertainment
- 5. Retail

Staff anticipates the RFP will be issued in early 2023 and remain open for at least 90 days. Each proposer will be required to demonstrate experience successfully completing at least one mixed-use development project within the last seven years. Each proposer will be required to offer a value equal to the Site's appraisal, which is currently underway. The offer may be a combination of cash payments and public benefit, as eligible under the CDBG program.

Responsive proposals will be evaluated by a panel including City staff and community representatives. The evaluation criteria will be:

- Concept to Activate the Site (0-375 points)
- Return to the City (0-325 points)
- Proposer's Qualifications, Experience and Financial Capacity (0-300 points)

Following negotiations with the recommended proposer, staff will present business terms to the Economic Development and Equity (EDE) Subcommittee for review and recommendation and subsequently to the full City Council for approval.

Concurrence/Previous Council Action

On Jan. 25, 2023, the EDE Subcommittee recommended approval of this request by a 4-0 vote.

Public Outreach

Staff hosted several community meetings to prepare for this request. All meetings were held at the Broadway Heritage Neighborhood Resource Center:

- December 17, 2020: Presented overview of RFI.
- October 19, 2021: Presented RFI results.
- August 25, 2022: Presented information and gathered community input regarding the RFP.
- October 5, 2022: Presented information and gathered community input regarding the RFP.
- October 2022: Conducted a series of four focus groups with community members:
 - 1. October 18, 2022: Affordable Housing
 - 2. October 19, 2022: Commercial Opportunities
 - 3. October 22, 2022: Cultural
 - 4. October 25, 2022: Health & Wellness

- November 14, 2022: Presented overview of community feedback received on the RFP.

A community survey about the Site's future redevelopment was also conducted and 286 responses were received from community members.

Location

Southwest corner of 24th Street and Broadway Road (Dr. Martin Luther King Jr. Boulevard)

Council District: 8

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson and the Community and Economic Development and Neighborhood Services departments.



Apply for Federal Communications Commission Affordable Connectivity Program Outreach Grant Opportunity for Federal Fiscal Years 2023-24 and 2024-25 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-49425)

Request to retroactively authorize the City Manager, or his designee, to apply for, accept, and if awarded, enter into agreements for disbursement of funding from the Federal Communications Commission (FCC) for the Federal Fiscal Years 2023-24 through 2024-25 Affordable Connectivity Program Outreach grant opportunity. If awarded, the funding will be used to educate Phoenix residents about the Affordable Connectivity Program (ACP) benefits and to enroll eligible Phoenix residents in the ACP. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed \$788,000 and the City's local match would not exceed \$20,000.

Summary

On Nov. 10, 2022, the FCC issued a Notice of Funding Opportunity (NOFO) for the Affordable Connectivity Outreach Grant Program with an application deadline of Jan. 9, 2023. The City applied for the National Competitive Outreach Program element, which has a \$60 million allocation. Funding requests were limited to a range of \$50,000 and \$1 million and the City's application requested \$788,000 for a two-year outreach program.

The City's proposal offers a multipronged approach to both educating Phoenix residents about, and enrolling eligible Phoenix residents in, the ACP. City staff across multiple departments, including the Community and Economic Development, Housing, Human Services, Library and Neighborhood Services departments, will disseminate information about ACP and application assistance options during regular customer interactions. For example, staff serving emergency rental assistance applicants will also share ACP information. Phoenix will also partner with schools and community organizations to connect with residents through resources they know and trust. Digital Navigators will staff in-person, bilingual application labs that will be promoted by both City staff and partners as well as through social media marketing. The City will also provide general information about the ACP and application assistance options through its main phone line and monthly water services bill, and will pursue a social media

campaign via Facebook, Twitter, and Google to reach individuals at a mass level. While application assistance will be provided to eligible residents throughout Phoenix, awareness efforts will focus on Qualified Census Tracts (QCTs), which are defined as areas where at least 50 percent of households have incomes below 60 percent of the Area Median Gross Income or the poverty rate is 25 percent or higher.

With a monthly \$30 discount for internet service, which in some areas provides residents with free service, and a one-time \$100 discount for a laptop or computer, the ACP would bring economic equity to Phoenix by bridging the digital divide for households with income at or below 200 percent of the Federal Poverty Line or participation in any of the following programs: Federal Public Housing Assistance, Free and Reduced-Price School Meal Programs, Medicaid, Pell Grant, Social Security Income, Special Supplemental Nutrition Program for Women, Infants, and Children, Supplemental Nutrition Assistance Program, or Veterans Pension and Survivors Benefit.

To assist with the implementation of this program, this request includes authorization to fund one temporary full-time City staff position and the equivalent of approximately three full-time temporary staff utilizing the City's contracted employment services providers. The temporary contracted individuals will assist with the City's awareness events and in-person application labs.

This request also seeks authorization to contract with up to 20 community organizations as partners to implement this outreach plan. The City will partner with community organizations, such as the Phoenix Revitalization Corporation, with demonstrated connections to populations that meet the ACP's eligibility criteria and the demonstrated ability to mobilize these populations to take action, such as attending an awareness event or complete an assistance program application. The City implemented similar partnerships for the PHXbizGrants in 2021-22 that resulted in increasing grant awards to small businesses located in QCTs from 34 percent to 60 percent when compared to the City's 2020 small business grant program.

While cost-matching was not a requirement of the grant, application reviewers will consider any proposed cost-matching in the event of a tie during the scoring process. The City proposed the following in-kind contributions: 1) salaries and benefits for City employees in customer serving positions who will promote the ACP and the City's application assistance options as well as for City employees answering phone calls about the program and application assistance; 2) space in City facilities for in-person application labs; 3) computers/tablets for in-person application assistance; 4) webpage development, hosting and updating; and 5) an ACP insert for the City Services bill mailing to 386,000 residences.

Financial Impact

The City's cost-match will not exceed \$20,000, which is available in the Community and Economic Development Department's operating budget. All other proposed costs will be funded by the ACP Outreach Grant, should the City's application be funded.

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Ginger Spencer and the Community and Economic Development Department.



Stage Drapery for Phoenix Convention Center Theaters Contract IFB 20-007-Request for Award (Ordinance S-49408)

Request to authorize the City Manager, or his designee, to enter into a contract with Rose Brand Wipers Inc., to provide theater acoustical stage curtains and masking for the Phoenix Convention Center Department (PCCD). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$628,000.

Summary

This contract will provide replacement theater acoustical stage curtains and masking at Symphony Hall, Orpheum, and Herberger Theatres that are approaching the end of manufacturer expected lifecycle. This contract will replace the existing stage drapery inventory with new materials that meet the latest safety standards. Theatrical acoustical stage curtains and masking are a crucial component when providing a fully functional and safe theatrical stage environment.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a proposal deemed to be responsive to the posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Rose Brand Wipers Inc., \$358,480

Contract Term

The contract will begin on or about March 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$628,000.

Funding is available in the Phoenix Convention Center Department Operating budget.

Location

Symphony Hall, 75 N 2nd St
Orpheum Theatre, 203 W Adams St
Herberger Theatre, 222 E Monroe St
Council District: 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Phoenix Convention Center Department.



Authorization to Enter into Agreement with Bureau of Alcohol, Tobacco, Firearms and Explosives for Reimbursement of Police Services (Ordinance S-49427)

Request retroactive authorization for the City Manager, or his designee, to authorize the Police Department to enter into an agreement with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to accept funds for police services in an amount not to exceed \$875,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The purpose of this agreement is to support the Police Department's involvement in an ATF task forces. Officers will be assigned to assist ATF in investigations pertaining to violations of federal, state, and local laws. To the maximum extent possible, the officers will be assigned on a dedicated basis, rather than rotational. In return, ATF will reimburse the City for approved overtime expenses and other costs including, but not limited to, travel, fuel, training and equipment costs incurred by the Police Department while providing resources to assist in ATF task force-related investigations.

The Police Department has partnered with ATF under similar agreements over the past 11 years.

Contract Term

The contract term will be for five years, from Oct. 1, 2022 through Sept. 30, 2027.

Financial Impact

The cost to the City are related fringe benefits and in-kind resources.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



Sale of Unclaimed and Forfeited Firearms Contract - Requirements Contract - RFP 22-113 (Ordinance S-49428)

Request to authorize the City Manager, or his designee, to enter into a contract with Sierra Tactical Auctions Inc. to provide auctioneering services for unclaimed and forfeited firearms on an as-needed basis for the Phoenix Police Department (PPD). Further request to authorize the City Treasurer to accept funds related to this item.

Summary

This contract will provide auctioneering services to facilitate the sale of firearms. The City selected a vendor, a federally licensed firearms dealer, to sell forfeited and unclaimed firearms pursuant to A.R.S. section 13-3105 and A.R.S. section 12-945, respectively, unless the firearms are prohibited from being sold under federal or state law. Currently, the contract will be used to facilitate ONLY the sale of firearms which are subject to court ordered forfeiture and sale. The contract will be paid through proceeds received from the sale of the City's property and revenue will be deposited to the City's General Funds account.

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Three vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following criteria with a maximum possible total of 1,000 points.

Experience and Qualifications: 400 points

Method of Approach: 350 points

Price: 250 points

After reaching consensus, the evaluation committee recommends award to the following vendor:

Sierra Tactical Auctions Inc: 912.5 total points

Contract Term

The contract will begin on or about Feb. 15, 2023, for a five-year term with no options to extend.

Financial Impact

This is a revenue generating contract for the City of Phoenix. No public funds will be expended.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays, and the Police and Finance departments.



*****ITEM CORRECTED (SEE ATTACHED MEMO)*** Request Authorization to Add Funds to Proforce Law Enforcement Contract (Ordinance S-49432)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148961 with Proforce Law Enforcement to purchase police duty gear for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$320,000.

Summary

The Phoenix Police Department is responsible for providing firearms to all sworn employees. The current duty weapon is a Glock model 45 9mm. This is a necessary tool for the protection of sworn staff and the residents of Phoenix. Over the next year, the department plans to hire 300 to 400 new officers that will need to be issued a duty firearm. In addition, the department is in the process of transitioning its active inventory from the model 45 9mm firearm to the 40-caliber model firearm. The department is requesting to add \$320,000 to the current contract.

Contract Term

The contract term is Dec. 1, 2018 through Nov. 30, 2023.

Financial Impact

Upon approval of \$320,000 in additional funds, the revised aggregate value of the contract will not exceed \$1,070,000. Funds are available in the Police Department's budget.

Previous Council Action

The City Council approved Contract 148961 with Proforce Law Enforcement on Dec. 5, 2018.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



City of Phoenix

To: Lori Bays
Assistant City Manager

Date: February 13, 2023

From: Michael G. Sullivan
Interim Police Chief

A handwritten signature of Michael G. Sullivan, consisting of stylized initials and a surname, enclosed in a circular scribble.

Subject: CLARIFICATION TO ITEM 46 ON THE FEBRUARY 15, 2023, FORMAL AGENDA - REQUEST AUTHORIZATION TO ADD FUNDS TO PROFORCE LAW ENFORCEMENT CONTRACT (ORDINANCE S-49432)

The purpose of this correction memo is to clarify Item 46 on the February 15, 2023, Formal agenda. The Police Department seeks to clarify that the Department is in the process of transitioning its active inventory from the Glock model 22 .40 caliber firearm to the Glock model 45 9mm firearm. These two firearm models were reversed in the original report.

Approval:

A handwritten signature of Lori Bays, featuring a large, stylized 'L' and 'B' intertwined, written over a horizontal line.

Lori Bays
Assistant City Manager

Date:

2/13/23



Request Authorization to Apply for, Accept and Enter Into Agreements for Fiscal Year 2023-24 Governor's Office of Highway Safety Grants (Ordinance S-49434)

Request to authorize the City Manager, or his designee, to allow staff to apply for, accept and enter into grant contracts for Fiscal Year 2023-24 with the Arizona Governor's Office of Highway Safety (GOHS), which includes funding from the DUI Abatement Council and Proposition 207 funding. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The GOHS announced the availability of funding in January 2023. Grant proposals are due by March 3, 2023. If awarded, these funds will be used to support new traffic safety programs and enhance existing programs in the City Prosecutor's Office, as well as the Fire, Street Transportation, and Police departments. The total Citywide request for funding is \$5,867,000.

City Prosecutor's Office - Total Funding Request \$255,000

Traffic Safety Resource Prosecutor: If awarded, grant funds will be used to pay the salary, expenses, supplies and travel for an existing Traffic Safety Resource Prosecutor (TSRP), Attorney IV. Approximately half of the funding will be sought from the Oversight Council on Driving or Operating Under the Influence Abatement Council. The other half will be requested through a grant from GOHS. GOHS will administer all funds. The TSRP program has four primary objectives, including to:

- Provide training for prosecutors and law enforcement officers in the prosecution of traffic safety related crimes.
- Act as a resource for questions about traffic laws and trial advocacy.
- Improve communication between prosecutors, law enforcement officers, and members of the judiciary.
- Act as a liaison for individuals and agencies committed to the enforcement and prosecution of traffic safety related crimes.

GOHS has funded the TSRP program since its inception in 2007. Though the grant project is administered by the City of Phoenix, it also benefits citizens, law enforcement, and prosecutors across the State of Arizona. The TSRP is a resource to both small and large jurisdictions for legal issues related to the enforcement of DUI and traffic laws. The TSRP also provides training to prosecutors, law enforcement officers, crime lab personnel, interns and community groups. It is anticipated that up to \$30,000 of employee-related expenses will need to be covered by City general funds.

Fire Department - Total Funding Request \$460,000

Occupant Protection and Child Car Seat Program: Funding will be requested for training, overtime, related fringe benefits, materials, public education and equipment related to child safety seats and seat belt usage. This funding will maintain current occupant protection efforts and increase the frequency for conducting child safety technician certification and recertification classes; increase the opportunities to educate residents at car seat check events, increase the number of locations of designated car seat check fitting stations to enhance geographical outreach; and to enhance outreach for occupant protection public education in K-12 schools.

(DUI) Youth Alcohol Awareness: Funding will be requested for overtime and related fringe benefits, materials, and equipment related to high school education campaigns including dramatic mock crashes and classroom education. The program informs young drivers of the danger of distracted driving, alcohol, and other drug impairment with the goal of decreasing preventable injuries and fatalities associated with impaired and distracted driving.

Bicycle and Pedestrian Safety: Funding will be requested for overtime, related fringe benefits, materials, and equipment related to education campaigns to increase safety awareness, traffic awareness, and skills necessary for young pedestrians and bicyclists. This program provides bike rodeos for young cyclists, bike and pedestrian school safety assemblies, and public education opportunities at community safety fairs and events.

Distracted Driving: Funding will be requested for overtime and related fringe benefits, materials, and equipment related to high school education campaigns including teen and adult education to build a program focused on eliminating or minimizing injuries and deaths from a preventable choice to drive distracted. The program will include educating drivers to recognize distractions; taking your hands off the wheel to adjust electronic devices in the vehicle, texting or talking on cell phones; visual and mentally focusing on the primary task of driving. The program informs young drivers of the danger of distracted driving, with the goal of decreasing preventable injuries and

fatalities associated with distracted driving.

Police Department - Total Funding Request \$5,000,000

DUI Enforcement (Traffic Bureau): Funding will provide training, overtime, related fringe benefits and equipment to support and enhance DUI enforcement within the City of Phoenix and joint enforcement efforts throughout the valley.

Occupant Protection (Traffic Bureau): Funding will provide training, materials, supplies, overtime and related fringe benefits associated with Click It or Ticket enforcement activities, child passenger safety technician certification classes, car seat events, Buckle Up, Baby Hotline and various seatbelt enforcement campaigns.

Pedestrian and Bicycle Safety (Traffic Bureau): Funding will provide training, materials, supplies, overtime and related fringe benefits associated with education and enforcement campaigns designed to increase safety awareness, traffic law knowledge, and skills among pedestrians and bicyclists.

Traffic Services (Traffic Bureau): Funding will provide training, materials, supplies, equipment (radar/laser speed detection devices), overtime and related fringe benefits associated with education and enforcement campaigns, such as Traffic Impact Programs, school zone enforcement, construction zone enforcement, Traffic Complaint Hotline enforcement, and selective traffic enforcement programs.

DUI Abatement Council DUI (Traffic Bureau): Funding will be requested from the DUI Abatement Council for overtime and related fringe benefits associated with DUI enforcement and innovative Know Your Limit Programs.

Proposition 207 Funding (Traffic Bureau): Funding will be requested for training, overtime, related fringe benefits, and equipment to support and enhance DUI enforcement, pedestrian and bicycle safety, occupant protection, and traffic services within the City of Phoenix.

Street Transportation Department - Total Funding Request \$152,000

Roadway Safety/Safety Advertising Campaign: This funding will promote the advertising campaign and tools for school, bicycle, and pedestrian/driver safety. Requests for Pedestrian and Bicycle Safety includes funds for pedestrian safety vest, LED/non-LED flashing stop paddles, roll out signs, and educational/advertising campaigns.

Contract Term

One year beginning Oct. 1, 2023 through Sept. 30, 2024. The contract term for Proposition 207 funds is Jan. 1, 2024 through Dec. 31, 2024.

Financial Impact

Total funding request is \$5,867,000. The cost to the City is personnel expenses and in-kind resources only.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and Deputy City Manager Mario Paniagua, the City Prosecutor's Office and the Fire, Street Transportation and Police departments.



Lumacurve Airfield Signs and Parts Contract - RFA 23-011 Request for Award (Ordinance S-49412)

Request to authorize the City Manager, or his designee, to enter into a contract with Standard Signs, Inc. for Lumacurve taxiway and runway (Airfield) signs and replacement parts at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport and Goodyear Airport (Airports) for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to \$2,000,000.

Summary

This contract will provide Lumacurve Airfield signs, which are manufactured in accordance with Federal Aviation Administration (FAA) requirements. This signage is critical in the safe transition of aircraft to and from the taxiways, runways, and gates. Per the FAA advisory circular, airports are required to use Original Equipment Manufacturer (OEM) parts in order to make repairs to the equipment. These repairs can be time critical, and the ability to transition aircraft, along with maintaining arrival and departure rates, can become mission critical to FAA Air Traffic Controllers.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition/Restrictive Specifications. In order for the Airports to maintain their certification, the Airports must use OEM parts and equipment to maintain the taxiway and runway airfield signage. Standard Signs, Inc. is the OEM manufacturer of Lumacurve Airfield signs.

Contract Term

The contract will begin on or about March 1, 2023 for a five-year term with no options to extend.

Financial Impact

The contract value for this contract will be up to \$2,000,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

Location

Phoenix Sky Harbor International Airport, Deer Valley Airport, and Goodyear Airport
Council Districts: 1, 8 and Out of City

Responsible Department

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



Preventative Maintenance and Repair Services for Airfield Lighting Controls and Monitoring Systems - AVN IFB 18-022 - Amendment (Ordinance S-49417)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 147079 with ADB Safegate Americas LLC (ADB) to extend the term for six months with an additional six one-month options to continue providing the preventative maintenance and repair services to the Airfield Lighting Controls and Monitoring Systems (ALCMS), which control runway, taxiway, and airfield sign lighting at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport and Phoenix Goodyear Airport. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will be up to \$50,000.

Summary

With the growing threat of cyber crime, the City of Phoenix Information Technology Services department (ITS) and Transportation Security Administration (TSA) have recently added new cyber security mandates that have become part of the Airport Security Plan. The current ALCMS provided by ADB has been certified by the Federal Aviation Administration (FAA) and the addition of the new cyber security mandates may require re-certification. This extension will allow ITS and ADB to finalize and incorporate the required cyber security revisions into the system specifications and remain compliant with federal regulations.

This item has been reviewed and approved by ITS.

Contract Term

The amendment will extend the term of the contract six months with six one-month options for up to an one additional year beyond the original contract term. The options will be exercised at the sole discretion of the Aviation Director.

Financial Impact

The cost to extend the current contract will be up to \$50,000, and the revised total value of the contract will be up to \$450,000 for the contract term. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action

Council previously approved Contract 147079 (Ordinance S-44291) on Feb. 21, 2018.

Location

- Phoenix Sky Harbor International Airport- 2485 E. Buckeye Road
- Phoenix Deer Valley Airport - 702 W. Deer Valley Road
- Phoenix Goodyear Airport - 1658 S. Litchfield Road, Goodyear, AZ

Council Districts: 1, 8 and Out of City

Responsible Department

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



Ground Lease with Cutter Aviation Phoenix, Inc at 2805 E. Old Tower Road (Ordinance S-49430)

Request to authorize the City Manager, or his designee, to execute a Ground Lease with Cutter Aviation Phoenix, Inc. for 46,200 square feet of Aviation-owned land located at 2805 E. Old Tower Road at Phoenix Sky Harbor International Airport. Further request that City Treasurer to accept all funds related to this item.

Summary

Cutter Aviation Phoenix, Inc. is requesting to lease approximately 46,200 square feet of vacant land at Phoenix Sky Harbor International Airport for the purpose of improving the vacant lot into an improved parking lot conforming to City of Phoenix standards. The parking lot will be used for employee and guest parking in support of Cutter Aviation's on airport Fixed Based Operator business which adjoins the parcel.

Contract Term

The lease term for this Ground Lease is five years with no extension options.

Financial Impact

Annual revenue will be approximately \$48,510.00. Rent will be adjusted annually beginning in lease year four by three percent. Rent credits will be provided in the amount of \$145,500, to be applied in equal monthly amounts over the term of the agreement. The rent adjustment of three percent will be applied to the full rent amount, not the net rent amount after the rent credits are applied. Total net revenue generated over the lease term is approximately \$105,876.

Concurrence/Previous Council Action

The Business Development Subcommittee recommended approval of the item on Jan. 5, 2023 by a vote of 8-0.

The Phoenix Aviation Advisory Board recommended City Council approval of this item on Jan. 19, 2023 by a vote of 7-0.

Location

2805 E. Old Tower Road

Council District: 8

Responsible Department

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



Fuel Island Cleaning Contract - Contract Recommendation (Ordinance S-49405)

Request to authorize the City Manager, or his designee, to enter into an agreement with Kary Environmental Service Inc., to provide fuel island cleaning services. Further request authorization for the City Controller to disburse all funds related to this item. The agreement will have a total value of \$355,065.

Summary

The Public Works Department has 18 fuel island locations throughout the City that are required to be cleaned and maintained. The fuel islands must be cleaned to sufficiently remove grease, oil, dirt, refuse, and grime accumulation. Kary Environmental will provide this service in compliance with Arizona Department of Environmental Quality (ADEQ) requirements and use high pressure, low-volume pressure washing, closely monitoring the amount of water used to prevent runoff.

Procurement Information

Invitation for Bid (IFB) 23-FSD-030 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received five bids on Nov. 9, 2022. Kary Environmental is the lowest responsive and responsible bidder. The bid evaluation occurred based on a grand total with the below bid submissions:

Kary Environmental: \$58,810
Bio Janitorial Service Inc.: \$62,385.32
A Mind for Detail Inc.: \$89,700
Fleetwash Inc.: \$213,850
Environmental Management: \$266,730.62

Contract Term

This agreement will begin on or about March 3, 2023 for an initial three-year term, with two option years, to be exercised in increments of up to one year, with a total contract term of five years.

Financial Impact

This item will have an estimated annual expenditure of \$71,013, with a total aggregate amount of \$355,065. Funds are available in the Public Works Department's budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



Traffic Sign Blanks, Bases, Posts, and Installation Hardware Contract - IFB 23-027 Request for Award (Ordinance S-49411)

Request to authorize the City Manager, or his designee, to enter into contracts with Mandel Metals Inc dba US Standard Sign Co, Xcessories Squared Southwest Inc, Pacific Products and Services LLC, Interwest Safety Supply LLC, and Safeway Sign Co to provide traffic sign blanks, bases, posts, and installation hardware for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$1,800,000.

Summary

This contract will provide aluminum sign blanks, bases, posts, and installation hardware. These products will allow the Traffic Services Division to create and install directional and warning street signage for the safe, efficient, and convenient movement of pedestrians and vehicles on City streets. The sign blanks and related components are needed to maintain existing traffic signage, support the expansion of City roadways, and replace damaged traffic signage due to collisions or severe weather events.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Nine vendors submitted bids deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendors:

Selected Bidders

Mandel Metals Inc dba US Standard Sign Co
Xcessories Squared Southwest Inc
Pacific Products and Services LLC
Interwest Safety Supply LLC
Safeway Sign Co

Contract Term

The contracts will begin on or about Feb. 15, 2023, for a five-year term.

Financial Impact

The aggregate contract value will not exceed \$1,800,000.

Funding is available in the Street Transportation Department's Operating budget.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Fiscal Year 2020 Federal Tap HAWK Installation - Design-Bid-Build Services - ST89330233 (Ordinance S-49415)

Request to authorize the City Manager, or his designee, to accept AJP Electric, Inc. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with AJP Electric, Inc. for Design-Bid-Build Services for the Fiscal Year 2020 Federal Tap High-intensity Activated Crosswalk Installation project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$2,967,006.

Summary

The purpose of this project is to provide safe and Americans with Disabilities Act (ADA) compliant pedestrian crossings.

AJP Electric, Inc.'s services include, but are not limited to: new ADA compliant ramps and new High-intensity Activated Crosswalk (HAWK) signals at the multiple locations.

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. One bid was received on Dec. 20, 2022 and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

The Opinion of Probable Cost and the one lowest responsive, responsible bidders are listed below:

Opinion of Probable Cost: \$2,166,008
AJP Electric, Inc. \$2,967,006

Although the bid exceeds the Opinion of Probable Cost by more than 10 percent, it has been determined the bid represents a fair and reasonable price for the required work scope. Additionally, the bid award amount is within the total budget for this project.

Contract Term

The term of the agreement is 360 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for AJP Electric, Inc. will not exceed \$2,967,006, including all subcontractor and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE Program. Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Public Outreach

AJP Electric, Inc. will work with the City of Phoenix Street Transportation Department on public outreach, if needed.

Location

- Thomas Rd. and Dayton St.
- Buckeye Rd. and 16th Ave.
- Colter St. and 7th Ave.
- Osborn Rd. and 13th Ave.
- Peoria Ave. and 17th Ave.
- Virginia Ave. and 16th St.

Council Districts: 3, 4 and 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



**27th Avenue and Thomas Road Burlington Northern-Santa Fe Railroad Crossing
- Design-Bid-Build Services - ST85100198 (Ordinance S-49418)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Combs Construction Company, Inc. for Design-Bid-Build Services for the 27th Avenue and Thomas Road Burlington Northern-Santa Fe Railroad Crossing REBID project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$3,401,090.

Summary

The purpose of this project is to provide construction services that will enhance the safety of the Burlington Northern-Santa Fe Railroad crossings at the intersection of 27th Avenue and Thomas Road.

Combs Construction Company Inc's services include, but are not limited to: new curbs, gutters, sidewalks, ramps, pavement restoration, traffic signal upgrades, and installation of new cantilevers and railroad gate arms.

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Two bids were received on Dec. 20, 2022 and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

The Opinion of Probable Cost and the two lowest responsive, responsible bidders are listed below:

Opinion of Probable Cost: \$2,154,267
Combs Construction Company, Inc.: \$3,401,090
Hunter Contracting Co.: \$4,322,440.09

Although the bid exceeds the Opinion of Probable Cost by more than 10 percent, it has been determined the bid represents a fair and reasonable price for the required work scope. Additionally, the bid award amount is within the total budget for this project.

The reasons for the variance from the Opinion of Probable Cost to the lowest, responsive, responsible bid are lack of competing bidders and continued price escalation in the construction market.

Contract Term

The term of the agreement is 240 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Combs Construction Company, Inc. will not exceed \$3,401,090, including all subcontractor and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U. S. Department of Transportation DBE Program. Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location

27th Avenue and Thomas Road
Council Districts: 4 and 7

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



Citywide Capital Project Landscape Construction - Job Order Contract Services Amendment - 4108JOC204 (Ordinance S-49426)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreements 156010 with DNG Construction, LLC and 156011 with Valley Rain Construction Corporation to provide continued Landscape Construction Job Order Contract Services for capital projects citywide and to authorize execution of Job Order Agreements in an amount not to exceed \$4 million each. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item.

Summary

The purpose of this Job Order Contract (JOC) is to provide construction or placement of park structures, restrooms, storage facilities, ramadas, and park furniture; construction of multi-use trails and pedestrian bridges; installation of sports fields to include natural and artificial turf, replacement or new installation of concrete curbs, gutters, sidewalks, sport courts, and asphalt paving; removal and replacement of existing landscape; installation of new irrigation systems; solar lighting and enhancement projects; and irrigation, flooding, and water remediation projects delivered through individual Job Order Agreements (JOA) on capital projects citywide.

This amendment is necessary because unprecedented inflation and cost increases for labor and materials within the industry has led to significant cost escalation for construction projects to be completed. The current JOCs have a \$2 million per JOA cap. The increase to a \$4 million per JOA cap will allow for execution of numerous Parks and Recreation Department Capital Improvement Program projects, which are completed by utilizing this JOC. This amendment will allow for Job Order Agreements to be executed at a fee not to exceed \$4 million each.

Contract Term

The contract term of five years remains unchanged. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreement value for each of the Citywide Landscape Construction JOCs was approved for an amount not to exceed \$35 million, including all subcontractor and reimbursable costs. The agreement value for each JOC remains unchanged.

Concurrence/Previous Council Action

The City Council approved:

- Citywide Job Order Contracting Services Agreements 156010 and 156011 (Ordinance S-48423) on March 23, 2022.

Responsible Department

This item is submitted by Deputy City Managers Inger Erickson and Mario Paniagua, the Parks and Recreation Department, and the City Engineer.



Fire Station 62 - Construction Manager at Risk Construction Services - FD57100027 (Ordinance S-49433)

Request to authorize the City Manager, or his designee, to enter into an agreement with Core Construction, Inc. to provide Construction Manager at Risk Construction Services for the Fire Station 62 project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. Council authorization is requested to utilize \$12 million in existing excise tax bond proceeds as a source of funding. The fee for services will not exceed \$18.6 million.

Summary

The purpose of this project is to build a new one-story fire station with four apparatus bays and 16 dorms to enable Fire Department staff to support the surrounding community and provide faster response time to calls.

Core Construction, Inc.'s initial services will include preparation of a Guaranteed Maximum Price (GMP) proposal for the Construction Services provided under the agreement and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the project. Core Construction, Inc. will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. Core Construction, Inc. will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. Core Construction, Inc. may also compete to self-perform limited amounts of work.

Core Construction, Inc.'s services include, but are not limited to: selecting subcontractors/suppliers; preparing GMP proposals to meet approval of City; coordinating with various City of Phoenix departments, other agencies, and utility companies; arranging for procurement of materials and equipment; bidding, awarding, and managing all construction related contracts while meeting City bid requirements including the local and SBE participation goal; addressing all permitting requirements; bonding and insuring the construction; and performing other related work for a complete project.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Preconstruction Services selection process.

Contract Term

The term of the agreement is five years from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Core Construction, Inc. will not exceed \$18.6 million including all subcontractor and reimbursable costs.

Funding is available in the Fire Department's Capital Improvement Program budget. Council authorization is requested to utilize \$12 million in existing excise tax bond proceeds as a source of funding. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved:

- Construction Manager at Risk Agreement 155325 (Ordinance S-48003) on Oct. 6, 2021.

Location

Approximately 99th Avenue and north side of Lower Buckeye Road within City-owned property.

Council District: 7

Responsible Department

This item is submitted by Assistant City Manager Lori Bays, Deputy City Manager Mario Paniagua, the Fire Department and the City Engineer.



Maryvale Parkway Terrace Remodel - Design-Bid-Build Services - AH10150002 (Ordinance S-49441)

Request to authorize the City Manager, or his designee, to accept Blackhawk Construction, LLC as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Blackhawk Construction, LLC for Design-Bid-Build Services for the Maryvale Parkway Terrace (REBID) project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$10,435,000.00.

Summary

The purpose of this project is to remodel all 108 one-bedroom units and the community center.

Blackhawk Construction, LLC's services include, but are not limited to: install all new kitchen and bathroom cabinetry, appliances, interior doors, and flooring; all new electrical and plumbing fixtures; new supply and waste plumbing; new fan coil, and some electrical upgrades. The community center will receive new paint, flooring, space reconfiguration, windows, and other work as required for a complete project.

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. One bid was received on Feb. 7, 2023.

The Opinion of Probable Cost and the one lowest responsive, responsible bidder is listed below:

Opinion of Probable Cost : \$11,039,779.00
Blackhawk Construction, LLC: \$10,435,000.00

The bid award amount is within the total budget for this project.

Contract Term

The term of the agreement is 420 calendar days from issuance of the Notice to

Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Blackhawk Construction, LLC will not exceed \$10,435,000.00, including all subcontractor and reimbursable costs.

This project will utilize federal funds. Funding is available in the Housing Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Public Outreach

The firm will work with the City of Phoenix Housing Department on public outreach, if needed.

Location

4545 N. Maryvale Parkway
Council District: 5

Responsible Department

This item is submitted by Deputy City Managers Gina Montes and Mario Paniagua, the Housing Department, and the City Engineer.



Intergovernmental Agreement for Heterotrophic Plate Count Water Sample Analysis with Arizona Department of Health Services (Ordinance S-49420)

Request to authorize the City Manager, or his designee, to execute an amendment to Intergovernmental Agreement 151566 with the Arizona Department of Health Services to approve an increase in price per analyzed sample.

Summary

The purpose of the amendment is to increase the price per sample that Arizona Department of Health Services (ADHS) pays to the City of Phoenix Water Services Department Compliance Laboratory (WSDCL) for Heterotrophic Plate Count (HPC) Water Analysis. WSDCL is licensed to perform HPC testing on water samples and performs testing on approximately one to three water samples per month on samples provided by ADHS. WSDCL also provides: sampling kits used in the testing process; forms to be completed and submitted with the samples; preliminary result reports, as requested; and issuance of a final report containing the results of testing. ADHS currently pays \$70 per analyzed sample we are requesting approval to increase to \$73 per analyzed sample.

Contract Term

The term of this agreement is for a period of five years beginning on July 1, 2019.

Financial Impact

If approved, ADHS will pay the City \$73 per analyzed sample with an estimated annual revenue generation of \$2,628 and an aggregate amount of \$13,140.

Concurrence/Previous Council Action

The City Council approved Intergovernmental Agreement for Heterotrophic Plate Count Water Sample Analysis with Arizona Department of Health Services (Ordinance S-46066) on October 2, 2019.

Location

23rd Avenue Wastewater Treatment Plant
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Water Services Department and Arizona State University Strategic Partnership Intergovernmental Agreement (Ordinance S-49422)

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement with Arizona State University for water- and wastewater-related research initiatives, for a total not to exceed \$750,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Water Services Department (WSD) partners with Arizona State University on various research and university-related initiatives related to its water and wastewater utilities. Topics may include, but are not limited to: water conservation education and outreach, water consumption patterns, water demand forecasting, water quality, water resource management, climate change and its impacts on water quality and quantity, water and wastewater treatment techniques, energy usage in water and wastewater utilities, statistical analysis of large data sets, industrial water use, workforce planning and development, warehousing and inventory management, asset management, riparian restoration, capital improvement project procurement methods, water education and outreach, construction engineering, industrial discharge, drinking water aesthetics, wetland management, growth and land use, premise plumbing, and watershed management. WSD wishes to streamline these various efforts into one funding and partnership agreement and to establish an annual internship program through which students work directly with WSD on these and other initiatives.

Contract Term

The term of the Intergovernmental Agreement will begin on or about March 1, 2023 and shall be for three years. Provisions of this agreement include two options to extend the term for one additional year each, which may be exercised by the City Manager or designee.

Financial Impact

The cost to the City of Phoenix to fund this Agreement is \$750,000. Funding is available in the Water Services Department's operating budget. Payments may be made up to the agreement limits for all rendered services, which may extend past the agreement termination.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Water Services Department and University of Arizona Strategic Partnership Intergovernmental Agreement (Ordinance S-49423)

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement with the University of Arizona for water- and wastewater-related research initiatives, for a total not to exceed \$500,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Water Services Department (WSD) partners with the University of Arizona on various research and university-related initiatives related to its water and wastewater utilities. Topics may include, but are not limited to: water conservation education and outreach, water consumption patterns, water demand forecasting, water quality, water resource management, climate change and its impacts on water quality and quantity, water and wastewater treatment techniques, energy usage in water and wastewater utilities, statistical analysis of large data sets, industrial water use, workforce planning and development, warehousing and inventory management, asset management, riparian restoration, capital improvement project procurement methods, water education and outreach, construction engineering, industrial discharge, drinking water aesthetics, wetland management, growth and land use, premise plumbing, and watershed management. WSD wishes to streamline these various efforts into one funding and partnership agreement and to establish an annual internship program through which students work directly with WSD on these and other initiatives.

Contract Term

The term of the Intergovernmental Agreement will begin on or about March 1, 2023 and shall be for three years. Provisions of this agreement include two options to extend the term for one additional year each, which may be exercised by the City Manager or his designee.

Financial Impact

The cost to the City of Phoenix to fund this Agreement is \$500,000. Funding is available in the Water Services Department's operating budget. Payments may be made up to the agreement limits for all rendered services, which may extend past the agreement termination.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Final Plat - North Valley Industrial Park Phase IV - PLAT 220092 - 200 E. Pinnacle Peak Road

Plat: 220092

Project: 21-1777

Name of Plat: North Valley Industrial Park Phase IV

Owner: AZ Deer Valley Industrial, LP

Engineer: Geoffrey K. Brimhall, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: Jan. 9, 2023

Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location

Generally located at 200 E. Pinnacle Peak Road

Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Final Plat - Village at Carver Mountain - PLAT 220045 - North of Dobbins Road and West of 59th Avenue

Plat: 220045
Project: 20-3214
Name of Plat: Village at Carver Mountain
Owner: Village at Carver Mountain, LLC
Engineer: Richard G. Alcocer, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Jan. 10, 2023
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location

Generally located north of Dobbins Road and west of 59th Avenue
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Report

Agenda Date: 2/15/2023, Item No. 63

Final Plat - 601 N Central - PLAT 220061 - 601 N. Central Ave.

Plat: 220061
Project: 21-5688
Name of Plat: 601 N Central
Owner: 601 Central Oz Owner, LLC
Engineer: Daniel D. Armijo, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Jan. 10, 2023
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 220003. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location

Generally located at 601 N. Central Ave.
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Report

Agenda Date: 2/15/2023, Item No. 64

Abandonment of Easement - ABND 220023 - 21411 N. 14th Ave. (Resolution 22100)

Abandonment: ABND 220023

Project: 93-00003726

Applicant(s): Hogan Properties, LLC

Request: To abandon the temporary turnaround easement located on 21411 N. 14th Ave.

Date of Decision/Hearing: May 26, 2022

Location

21411 N. 14th Ave.

Council District: 1

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Abandonment of Alley - ABND 210023 - 4932 E. Calle Del Norte (Resolution 22099)

Abandonment: ABND 210023

Project: 94-0002714

Applicant: Rina Rai

Request: To abandon the alley located between Exeter Boulevard and Calle Del Norte, on the west side of Arcadia Drive.

Date of Decision/Hearing: June 10, 2021

Location

4932 E. Calle Del Norte

Council District: 6

Financial Impact

A consideration fee was also collected as part of this alley abandonment in the amount of \$1,494.80.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Abandonment of Alley - ABND 220003 - 601 N. Central Ave. (Resolution 22098)

Abandonment: ABND 220003

Project: 21-568

Applicant: Nick Wood, Snell & Wilmer, LLP

Request: To abandon the alley located between East Pierce Street on the north, North 1st Street on the east, East Fillmore Street on the south, and North Central Avenue on the west.

Date of Decision/Hearing: Mar. 24, 2022

Summary

The resolution of this abandonment and PLAT 220061 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolutions are recorded first, then the plat is recorded second.

Location

601 N. Central Ave.

Council District: 7

Financial Impact

A consideration fee was also collected as part of this alley abandonment in the amount of \$427,500.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Historic Preservation Exterior Rehabilitation Grants (Ordinance S-49429)

Request for approval of 12 Historic Preservation Exterior Rehabilitation Grants for Fiscal Year (FY) 2022-23 totaling \$185,696. In exchange for receiving grant funds, the property owners agree to sell the City a 15- or 20-year conservation easement to protect the historic character of the property's exterior. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City Council approved \$200,000 in the General Fund budget for FY 2022-23 to provide rehabilitation grants for residential properties listed on the Phoenix Historic Property Register. The deadline for Exterior Rehabilitation grant applications was Nov. 18, 2022. A total of 22 property owners submitted applications; one application was deemed incomplete and not forwarded to the panel for evaluation.

A panel consisting of staff, a member of the Historic Preservation Commission and a past grant recipient met on Dec. 16, 2022, to review the applications. Scoring criteria included whether the application followed historic preservation standards; addressed the physical needs of the property; reflected a logical sequence or logical planning of an overall rehabilitation project; resulted in a positive visual impact on the historic appearance of the property and streetscape; addressed a critical maintenance issue; and returned a vacant building to productive use. Additional points were awarded for projects that were individually listed or in a priority historic district (Brentwood, East Evergreen, Garfield, Idylwilde Park, North Garfield, Oakland, Phoenix Homesteads, Roosevelt Park, Villa Verde and Woodland), as well as for the significance and integrity of the property, the adequacy of the proposed bids and budget, and for the overall quality of the application.

The panel recommended the 12 grant applications listed below for a total of \$185,696. Panel members agreed that the next highest application, which requested \$20,000 and received a score of 30.8, as well as those that scored lower, should not be funded. Applicants who are not recommended for funding will be encouraged to meet with staff to improve their application and resubmit it during a future round.

- Mattias & Laura E. Stolpe; 2118 Encanto Drive SW; Encanto-Palmcroft - restore steel windows, install window film, paint. Score: 40.1. Amount: \$14,981.
- Lorenzo Gilberto Caballero & Blanca Estela Caballero Revocable Living Trust; 2023 N. 17th Ave.; Fairview Place - repair foundation, repair and repaint masonry. Score: 38.4. Amount: \$18,437.25.
- Kenneth H. & Sandra K. Sands; 310 W. Coronado Road; Willo - restore steel windows, install window film, paint. Score: 37.6. Amount: \$14,250.
- Brianna M., Ronald J. & Nicolette K. Bonnsetter; 833 E. Edgemont Ave.; Country Club Park - repair foundation. Score: 37.5. Amount: \$20,000.
- Daniel O. Strunk & Susan M. Stephens (Stephens-Strunk Trust); 1551 W. Lewis Ave.; Del Norte Place - repair steel windows. Score: 37.5. Amount: \$12,612.50.
- Craig A. Painter & Allyson D. Damon; 333 W. Vernon Ave.; Willo - repair foundation. Score: 37.3. Amount: \$10,191.54.
- Andrea M. Katsenes Family Trust; 34 W. Vernon Ave.; Willo - install new wood shingle roof. Score: 36.5. Amount: \$20,000.
- Idella E. Hamilton; 761 E. Pierce St.; Garfield - reinforce roof structure, install new dimensional shingle roof. Score: 36.3. Amount: \$20,000.
- Stacey M. Newman Living Trust; 1622 W. Wilshire Drive; Del Norte Place - restore steel windows. Score: 35.2. Amount: \$8,467.50.
- Linda Kriesel (Kriesel Living Trust); 366 E. Monte Vista Road; Los Olivos - install new dimensional shingle roof. Score: 33.7. Amount: \$16,431.
- Stuart Woltz; 112 W. Coronado Road; Willo - restore steel windows and stucco. Score: 33.3. Amount: \$20,000.
- Joseph Adam Daniels & Kyle Ford; 509 W. Almeria Road; Willo - restore steel windows and front door, repaint masonry. Score: 32.2. Amount: \$10,325.

In exchange for the grant funds, the property owners agree to sell the City a 15- or 20-year conservation easement, depending on the amount of the grant, to protect the historic character of the properties' exteriors.

Financial Impact

The 12 grant awards total \$185,696. Funds are available in the General Fund Historic Preservation operating budget.

Concurrence/Previous Council Action

- The Historic Preservation Commission recommended approval of this item on Jan. 9, 2023, meeting, by a vote of 8-0.
- The City Council Economic Development and Equity Subcommittee heard the item on Jan. 25, 2023, and voted to approve the Historic Preservation Commission

recommendation and recommend City Council approval, by a vote of 4-0.

Location

Eleven of the residential property addresses above are located in District 4 and one is in District 8.

Council Districts: 4 and 8

Responsible Department

The item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Street Name Change from Thunderbird Trail to Biltmore Estates (Ordinance S-49416)

Request to authorize the City Manager, or his designee, to rename "Thunderbird Trail" to "Biltmore Estates" east of 24th Street to the existing portion of Biltmore Estates, based on a request by the Arizona Biltmore Estates Village Association.

Summary

The Arizona Biltmore Estates Village Association is requesting that the Phoenix City Council change the street name for "Thunderbird Trail" to "Biltmore Estates" between 24th Street to the intersection of the existing Biltmore Estates loop road. This is a private roadway. All impacted property owners have agreed to this street renaming.

This street was dedicated on the BILTMORE ESTATES subdivision plat on Feb. 13, 1930, in Book 022 of Maps, Page 29 in the official records of Maricopa County, Arizona. The street was re-dedicated on the ARIZONA BILTMORE ESTATES subdivision plat on April 21, 1976, in Book 183 of Maps, Page 35 in the official records of Maricopa County, Arizona.

This street assignment is in accordance with the "Address and Street Name Assignment Policy" and requirements established by the Maricopa County Association of Governments and the City of Phoenix. The Police, Fire, Water Services, and Street Transportation departments, and the United States Postal Service support this request.

Location

Thunderbird Trail from 24th Street to the intersection of the existing Biltmore Estates loop road.

Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

EXISTING



Planning and Development Department Street Name Change

Applicant: Planning and Development Department

Date: 5/13/22

Application Number: 210217

Quarter Section: 20-34



North

PROPOSED



Planning and Development Department Street Name Change

Applicant: Planning and Development Department

Date: 5/13/22

Application Number: 210217

Quarter Section: 20-34

North





Modification of Stipulation Request for Ratification of Jan. 18, 2023 Planning Hearing Officer Action - PHO-5-22--Z-122-03-7 - Northwest Corner of 51st Avenue and Southern Avenue

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Jan. 18, 2023. This ratification requires formal action only.

Summary

Application: PHO-5-22--Z-122-03-7

Existing Zoning: S-1 (Approved C-2)

Acreage: 2.74

Owner: Laveen 51 2019 LLC, et al.

Applicant and Representative: M3 Design

Proposal:

1. Modification of Stipulation 1 regarding general conformance with the site plan dated March 10, 2006.
2. Deletion of Stipulation 6 regarding enhanced landscaping.
3. Modification of Stipulation 13 regarding general conformance to the elevations dated March 10, 2006.
4. Deletion of Stipulation 15 regarding gasoline canopy materials, color, and design.
5. Deletion of Stipulation 18 regarding abandonment of Huntington Drive.
6. Deletion of Stipulation 23 regarding general conformance to the signage designs dated April 28, 2004.
7. Technical corrections to Stipulations 3, 4, 5, 10, 11, 12, and 16.

VPC Action: The Laveen Village Planning Committee heard this request on Dec. 12, 2022, and recommended a continuance to their Jan. 9, 2023, meeting by a vote of 9-0. The Laveen Village Planning Committee heard this request on Jan. 9, 2023, and recommended approval, with additional stipulations, by a vote of 8-0.

PHO Action: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

Location

Northwest corner of 51st Avenue and Southern Avenue

Council District: 7

Parcel Address: 5120 W. Southern Ave.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

Attachment A – Stipulations - PHO-5-22--Z-122-03-7

Location: Northwest corner of 51st Avenue and Southern Avenue

STIPULATIONS:

1.	SITE PLAN 1. That The development shall be in general conformance with the site plan DATE STAMPED JANUARY 12, 2023, dated March 10, 2006, as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department, with specific regard to size, location and number of pad buildings.
2.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED JANUARY 12, 2023, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SIGN PLAN DETAIL SHEETS NOS. 2 AND 3 DATE STAMPED JANUARY 12, 2023, IN REGARD TO COLOR, MATERIALS, AND CHARACTER, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:
A.	THE MAXIMUM HEIGHT FOR ANY MONUMENT SIGN ALONG 51ST AVENUE SHALL NOT EXCEED 12 FEET.
B.	THE MAXIMUM HEIGHT FOR ANY MONUMENT SIGN ALONG SOUTHERN AVENUE SHALL NOT EXCEED 15 FEET.
4.	That All accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts.
5.	That The developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the PLANNING AND Development Services Department.
6.	That The developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st and Southern Avenues, as approved or modified by the PLANNING AND Development Services Department.

7. 5.	That The developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings, as approved or modified by the PLANNING AND Development Services Department.
6. 6.	That the developer shall provide a total of four (4) landscaped fingers, one on each side of the two (2) driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials.
8. 7.	That The developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.
9. 8.	That The developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.
10. 9.	That All items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.
11. 10.	That The developer shall provide the following equestrian amenities on site, as approved by the PLANNING AND Development Services Department: two (2) hitching rails, and two (2) horse troughs.
12. 11.	That The landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as approved or modified by the PLANNING AND Development Services Department.
13. 12.	That Approved plants for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the PLANNING AND Development Services Department: Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose or similar vines.
13. 13.	BUILDING DESIGN 13. That the major buildings on site shall be in general conformance to the conceptual elevations (Exhibits 4-6) dated

	<p>March 10, 2006, including the following elements, all as approved or modified by the Development Services Department:</p> <p>Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal or rusted metal roofing.</p> <ul style="list-style-type: none"> • Natural and subdued color tones; • Exposed scuppers; • Pitched roof elements; <p>A minimum ten-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.</p>
14.	That The developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.
15.	That the gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.
STREET IMPROVEMENTS	
15.	THE DEVELOPER SHALL CONSTRUCT A 14-FOOT-WIDE LANDSCAPED MEDIAN ALONG SOUTHERN AVENUE FROM 51ST AVENUE TO THE WESTERN EDGE OF THE DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT AND STREET TRANSPORTATION DEPARTMENTS.
16.	THE DEVELOPER SHALL CONSTRUCT A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG THE NORTH SIDE OF SOUTHERN AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
17.	THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY MODIFICATIONS TO THE EXISTING TRAFFIC SIGNAL AT 51ST AVENUE AND SOUTHERN AVENUE, AS REQUIRED BY THE STREET TRANSPORTATION DEPARTMENT.

18. 16.	That The developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
19. 17.	That The developer shall provide right-of-way for, and shall construct, a transit pad (P1262) and a bus shelter (P1261) along Southern Avenue west of 51st Avenue.
18.	That the developer shall apply for the abandonment of Huntington Drive on the west side of the site.
20. 19.	That The developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.
ARCHAEOLOGY	
21.	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.
22.	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.
23.	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.
GENERAL	

24. 20.	That The developer SHALL present a final landscape plan to the Laveen Village for review.
25. 21.	That Light poles shall not exceed eighteen (18) feet in height.
26. 22.	That Light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.
23.	<p>That signage on the property shall be in general conformance to the conceptual designs (three sheets) dated April 28, 2004, including the following elements, as approved or modified by the Development Services Department.</p> <p>Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.</p> <p>Size and height of ground/monument signs shall not exceed those indicated in the above-referenced conceptual designs.</p> <p>In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.</p> <p>Wall signs shall use individual, halo-illuminated letters and numbers.</p>
27. 24.	That The developer shall notify prospective owners/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:
	a. The airport is considered a busy hub airport.
	b. Forecasts predict that Airport operations will increase.
	c. Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.
	The notice shall be reviewed and approved by the City Attorney.



*****REQUEST TO CONTINUE (SEE ATTACHED MEMO)*** (CONTINUED FROM OCT. 12 AND DEC. 7, 2022) - Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 220011 - 4640 East Camelback Heights Way**

Abandonment: ABND 220011

Project: 99-3459

Abandonment Applicant: Lauren Proper Potter

Date of Abandonment Hearing Officer's Decision:

Appellant: Benjamin Graff, Quarles & Brady, LLP on Behalf of Kim Komando & Barry Young

Summary

Rationale: The subject of the abandonment is a portion of land at North Camelback Canyon Drive and East Camelback Heights Way, located directly across from the Appellant's home (the "Abandonment Area"). The abandonment was approved on April 14, 2022, despite opposition from the Appellant and a request to continue the case to allow for further discussions between the neighbors. The Applicant would not agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council. Since April 14, 2022, the entire neighborhood along Camelback Heights Way (six parcel owners in total), have expressed opposition. One hundred percent of the property owners located along Camelback Heights Way, with the exception of the Applicant, and an additional property owner on Camelback Canyon Drive (directly north of the Applicant's home) have joined in this appeal and respectfully request the Phoenix City Council overturn the Hearing Officer's approval and deny the requested abandonment.

Location

4640 East Camelback Heights Way

Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: February 13, 2023

From: Joshua Bednarek *JB*
Planning and Development Director

Subject: CONTINUANCE OF ITEM 70 ON THE FEBRUARY 15, 2023 FORMAL AGENDA
– PUBLIC HEARING – APPEAL OF HEARING OFFICER DECISION
ABANDONMENT OF RIGHT-OF-WAY – ABND 220011 – 4640 EAST
CAMELBACK HEIGHTS WAY

Item 70, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff has received correspondence from the representatives of the applicant and the appellant requesting a continuance to allow their clients additional time to work on a resolution to this matter.

Staff recommends continuing this item to the March 22, 2023 City Council Formal meeting.

Approved:


Alan Stephenson
Deputy City Manager

Attachment:
Exhibit A – Applicant's request for continuance

From: [Joshua Bednarek](#)
To: [Lauren Proper Potter](#)
Cc: [Graff, Benjamin W.](#)
Subject: RE: ABND220011 - Joint Request to Continue
Date: Monday, February 13, 2023 12:01:34 PM

Thank you Lauren. We'll get a continuance memo drafted.

Thank you,
Josh



Joshua Bednarek
Director, Planning and Development Department
Office: 602-256-3555
E-mail: joshua.bednarek@phoenix.gov

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

Mission: Planning, Development and Preservation for a Better Phoenix

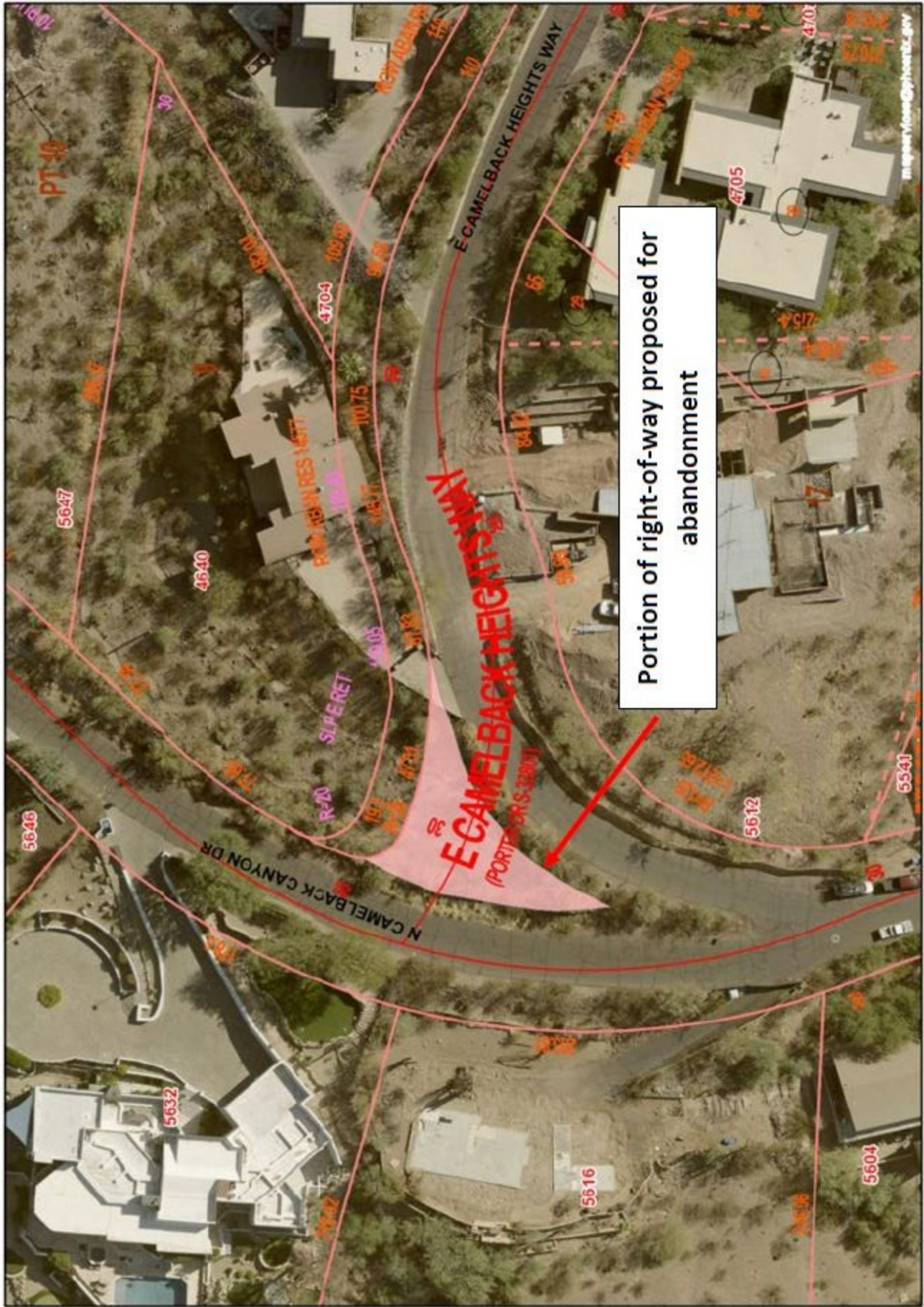
From: Lauren Proper Potter <lauren.proper@huellmantel.com>
Sent: Monday, February 13, 2023 11:47 AM
To: Joshua Bednarek <joshua.bednarek@phoenix.gov>
Cc: Graff, Benjamin W. <Benjamin.Graff@quarles.com>
Subject: ABND220011 - Joint Request to Continue
Importance: High

Hello Josh,

Please see the attached joint request to continue ABND220011 to March 22, 2023. I'll follow up with you later today on some of the outstanding items we have discussed. Thank you!

Best regards,

Lauren Proper Potter



Disclaimer: The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary. Printing Water Data is for Internal Staff Only.

1 inch = 60 feet

0 25 50 100 Feet

N

Date: 4/11/2022

City of Phoenix



City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 220011

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Christopher DePerro, Abandonment Hearing Officer**.

This request will NOT be completed until all the stipulations have been met and this request is formally adopted by City Council. It is the **APPLICANT'S RESPONSIBILITY** to ensure that all stipulations are satisfied. **Please contact the Abandonment Coordinator at (602) 256-3487** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council action.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is April 14, 2024**), this request will then expire. At that time a new submittal will be required along with the required payment for the abandonment process. A one-time, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.



City of Phoenix

Planning and Development Department

April 14, 2022

Abandonment Staff Report: **ABND 220011**

Project# **99-3459**

Quarter Section: **20-38**

Council District: **6**

Location:

4640 East Camelback Heights Way

Applicant:

Lauren Proper Potter

Request to abandon:

The triangular portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet as illustrated on the attached exhibit.

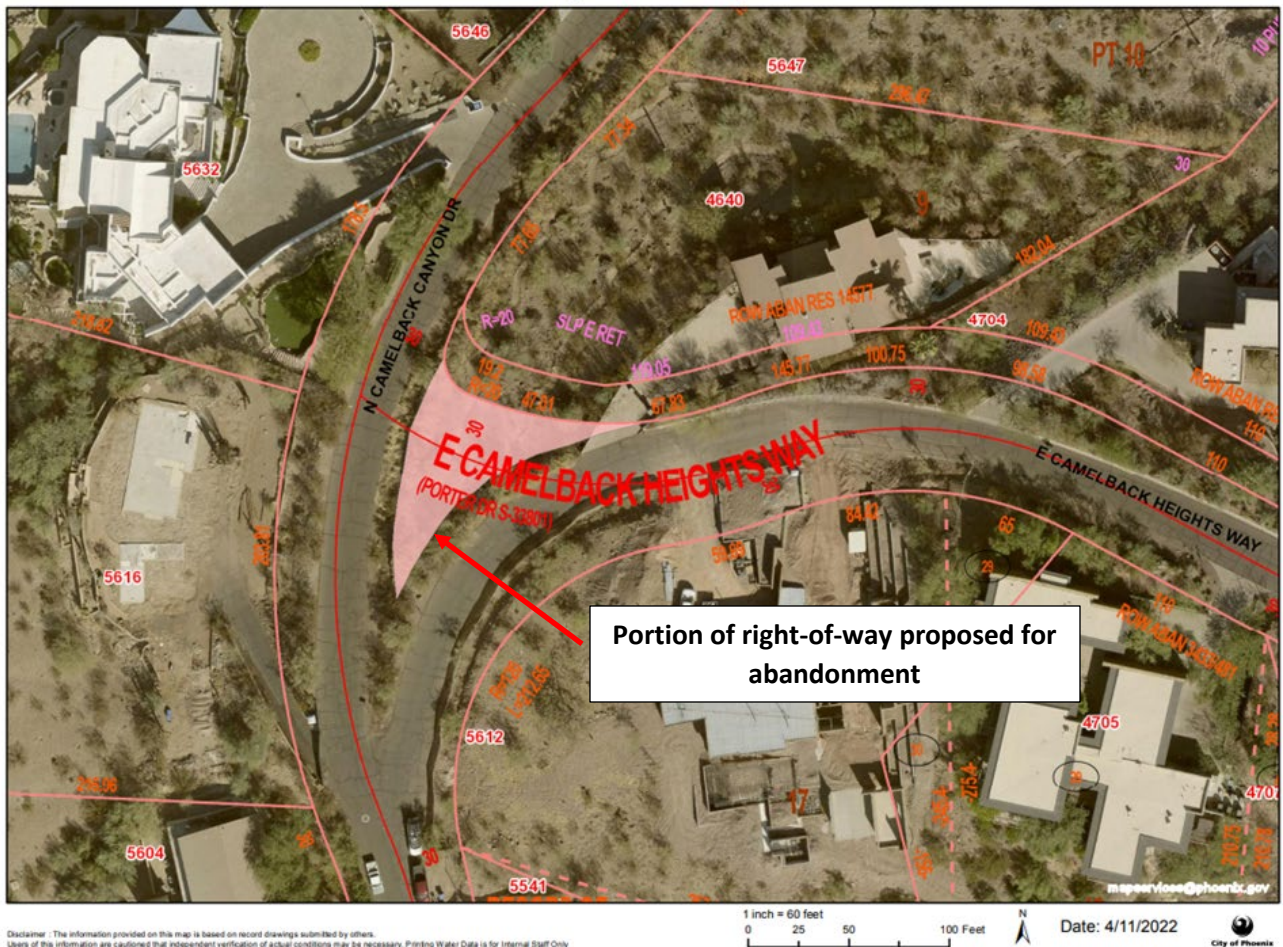
Purpose of request:

The applicant states to allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.

Hearing date:

April 14, 2022

Planning and Development



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on April 14, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 220011 by reading the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

Mr. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Charles Huellmantel, the applicant, explained that the proposed abandonment area is a tough piece of property that doesn't serve a purpose, nor is maintained, and his client would like the opportunity to landscape it and beautify it.

Mr. DePerro explained that because this property is hillside there would be a limitation to what can be done in terms of landscaping and disturbance.

Ms. Dellow reviewed the city staff and utility provider comments received during the review period. Mr. DePerro explained that per the Street Transportation Department's comments, if the abandonment received conditional approval, it would only be for a portion of the original requested area. Mr. Huellmantel confirmed he understood.

Mr. DePerro then invited Mr. Benjamin Graff to provide public comment. Mr. Graff explained that he represented Kim Commando and Barry Young who lived across the Camelback Heights Way to the south. Mr. Graff explained that his clients had some concerns about the reasons the applicant was applying for the abandonment as stated on the application materials, such as to provide additional access to the property when existing access appears adequate. Mr. Graff also explained that the application states the abandonment would provide additional guest parking area, which raised concerns over additional disturbance area and reasons as to why such an ample amount of guest parking was being sought.

Mr. Graff requested a 30-day continuance on the case so that his client could meet with the applicant and learn more about the reasons for the request. and reasons for the request.

Ms. Lauren Proper Potter, the applicant, explained that there were no plans for additional work within the area and there would not be guest parking within the abandonment area. Ms. Potter stated that the nature of the request was to harmonize vegetation with the redevelopment of the property.

Mr. DePerro explained that even with the abandonment, the natural vegetation could not be touched or maintained without being part of the disturbance area. It must remain native and natural.

Mr. DePerro stated that he did understand Mr. Graff's concerns, but that these concerns fell outside of the purview of the abandonment request.

Mr. Graff explained that the only reason those concerns have been brought to the hearing are due to the fact that they are stated within the applicant's narrative and rationale on the abandonment application. Because the applicant stated during the hearing that the reasons for abandonment as provided on the abandonment application are not accurate, Mr. Graff shared that he was still confused as to the purpose of the abandonment request and requested continuance.

Ms. Potter stated that the abandonment would not impact Mr. Graff's concerns. Mr. Huellmantel stated that he was not supportive of a continuance.

Mr. DePerro explained that he was having trouble justifying a continuance as the abandonment request would not result in an additional hillside permissions.

Ms. Dellow then reviewed the staff recommended stipulations of approval.

Mr. DePerro stated that the concerns voiced by the opposition have more to do with hillside and zoning regulations rather than the abandonment. He further explained that what needs to be done in an abandonment hearing is determine whether or nit the proposed right-of-way to be abandoned was need. Mr. DePerro felt that in this case the right-of-way was clearly not needed and that the proposed abandonment would not permit those things shared by the opposition as concerns.

Mr. Graff agreed that the concerns brought by the opposition were not generally proper for an abandonment hearing, however they were stated in the abandonment applicant narrative as reasons for the abandonment.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report.

Stipulations of Conditional Approval

The request of abandonment is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

1. Either a or b shall be complied with:
 - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
 - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be \$500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is \$1.00 a square foot for the first 500 square feet, \$0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.
3. No right-of-way within 30-feet of the Camelback Canyon Drive monument line may be abandoned.
4. No right-of-way south of the existing monument line of Camelback Heights Way may be abandoned.
5. The right-of-way shall be retained as a slope easement.
6. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.

Hearing Officer Signature: _____



Date: 9/15/22

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Lauren Proper Potter, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer



In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. The completed abandonment appeal form and filing fee* must be submitted to the Planning & Development Department, Check-In/Information Counter, located at 200 West Washington Street, 2nd floor, Phoenix, Arizona 85003.

***All fees are pursuant to the current Fee Schedule contained in Appendix A.2. of the Phoenix City Code.**

Appellant's Name: Benjamin Graff, Quarles & Brady, LLP on Behalf of Kim Komando & Barry Young
Address: 2 N. Central Avenue, 6th Floor City: Phoenix State: AZ Zip: 85004
Phone: (602) 229-5683 Email: Benjamin.Graff@Quarles.com
Affiliation: Attorney for Appellant

Appeal to City Council

Be specific as to what you are appealing. Include the rationale for your appeal. Attachments may be included.

Abandonment # v-ABND 220011 Date Heard: April 14, 2022

Located at approximately: 4640 E Camelback Heights Way, Phoenix AZ 85018

Abandonment Hearing Officer: ☒ Approved ☐ Denied

Appealing Decision: Request to Deny Abandonment. See attached Notice of Abandonment Appeal Narrative.

Appealing Stipulation: _____

Appealing Stipulation: _____

Appealing Stipulation: _____

----- Staff Use Only -----

Received By: MDE Receipt #: _____ Date: 4/29/2022
Reviewed By: MDE Receipt #: _____ Date: 4/29/2022



Renaissance One
Two North Central Avenue
Phoenix, Arizona 85004-2391
602.229.5200
Fax 602.229.5690
www.quarles.com

Benjamin W. Graff
Direct Dial: (602) 229-5683
E-Mail: Benjamin.Graff@Quarles.com

Attorneys at Law in
Chicago
Indianapolis
Madison
Milwaukee
Minneapolis
Naples
Phoenix
Tampa
Tucson
Washington, D.C.

April 29, 2022

VIA EMAIL

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
Mayor.Gallego@phoenix.gov
Council.District.6@phoenix.gov

RE: Formal Notice of Abandonment Appeal: ABND 220011

Honorable Mayor Gallego, Councilmember DiCiccio, and Councilmembers,

Our firm represents Ms. Kim Komando and Mr. Barry Young (EK Holdings Delaware, LLC) (the "Appellant"), the owners of the property located at 4655 E Camelback Heights Way, Phoenix, AZ 85018 within Phoenix Council District 6, in regard to this Notice of Abandonment Appeal of the April 14, 2022 Hearing Officer approval of Case No. ABND 220011 (the "Abandonment Application"). In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. Here, the Appellant has submitted the requested appeal and requisite filing fee in a timely manner before the April 29, 2022 5:00 PM deadline.

The subject of the abandonment is a portion of land at North Camelback Canyon Drive and East Camelback Heights Way, located directly across from the Appellant's home (the "Abandonment Area"). See Aerial Maps Attached at **Tab A**. The abandonment was approved on April 14, 2022, despite opposition from the Appellant and a request to continue the case to allow for further discussions between the neighbors. The Applicant would not agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council. Since April 14, 2022, the entire neighborhood along Camelback Heights Way (six parcel owners in total), have expressed opposition. See Opposition Map Attached at **Tab B**. 100% of the property owners located along Camelback Heights Way, with the exception of the Applicant, and an additional

property owner on Camelback Canyon Drive (directly north of the Applicant's home) have joined in this appeal and respectfully request the Phoenix City Council overturn the Hearing Officer's approval and deny the requested abandonment. See Letters of Opposition from Six Parcel Owners Attached at **Tab C**.

Site History

City records show the subject right-of-way was dedicated through the Camelback Heights Plat, recorded on December 16, 1956 on docket 69, page 49 of the Maricopa County Recorder. If abandoned, the right-of-way will be conveyed back in ownership to the Applicant. This appeal does not question to whom the abandoned area should be conveyed to if approved, but instead, that the loss of naturally vegetated public right-of-way combined with the Applicant's intended use of the Abandonment Area, is detrimental to the surrounding neighborhood. As is further discussed, the proposed abandonment also conflicts with the goals of the neighborhood as a whole to privatize Camelback Heights Way and install a private access gate.

The Abandonment Should be Denied for Lack of Proper Notice, Petition Signatures, and Failure to Communicate with the Appellant Prior to the April 14, 2022 Abandonment Hearing.

The City of Phoenix Abandonment process does not include a robust notification procedure, which frequently results in concerned neighbors being informed of abandonments at the last minute by signage or through word-of-mouth. However, the City also requires an abandonment petition to be signed by "one hundred percent of the property owners in and/or abutting the affected area." See Abandonment, Right-of-Way Petition included within Applicant's Application Attached at **Tab D**. In this case, the Appellant's home (Parcel No. 171-16-017A), as well as Parcel Nos. 171-16-007 and 171-16-006, are located directly adjacent to the Abandonment Area. In fact, the Appellant's home and view looking directly Northwest includes the Abandonment Area. Despite these facts, the Abandonment Petition provided by the Applicant only includes a single signature – the Applicant's signature. The petition fails to include signatures from the other affected parcels and therefore the Applicant failed to provide proper notice.

Additionally, prior to the April 14, 2022 Abandonment Hearing, the Applicant informed the Appellant that their son would be contacting them prior to the hearing to discuss the abandonment. But as the hearing began on April 14th, the Appellant had not received any communication from the Applicant.

Finally, it should be noted that during the April 14, 2022 Abandonment Hearing, the Appellant requested a continuance to allow the parties time to discuss the request, before it was forwarded to the City Council for final approval. The Applicant refused to agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council, notwithstanding the strong opposition present the hearing. The refusal to allow for a continuance forced the hand of the Appellant, and the other six surrounding property owners, to file this appeal. Now, the only equitable measure is for the City Council to deny the requested abandonment before the resulting use and disturbance of the area creates irreparable harm to the neighborhood.

The Neighbors Are Opposed to the Proposed Use of the Right-of-Way, the Detrimental Impact on the Neighborhood, and the Interference With the Long-Term Goal of Privatizing Camelback Heights Way

The property owners along Camelback Heights Way have recently begun discussions to privatize this road and construct a private access gate near the convergence of Camelback Canyon Drive and Camelback Heights Way. See Map of Approximate Locations of the Access Gate Attached at **Tab A**. The Applicant was fully aware of this intent prior to submitting the abandonment application. The privatization of the road will require coordination between the neighbors and notably, coordination with the City of Phoenix on the use (via a revocable permit) and abandonment of any public right-of-way to allow for the privatization of the road and the construction of the access gate. Despite these ongoing discussions, the Applicant's request seeks to utilize the public right-of-way for the Applicant's sole benefit, while also moving the Applicant's driveway closer to the intersection of Camelback Canyon Drive and Camelback Heights Way in conflict with possible locations for the access gate. The requested abandonment should be denied thereby allowing all property owners along Camelback Heights Way to discuss and agree upon what is beneficial for the neighborhood, rather than this unilateral request which only benefits the Applicant.

The Abandonment Should be Denied Because Applicant's Abandonment Narrative and Submitted Site Plans Confirm the Applicant's Intent to Use the Abandonment Area for an Access Driveway, Guest Parking, and Disturbed/New Vegetation.

An Examination of the Applicant's Abandonment Application and Narrative

The proposed Abandonment Application No. ABND 220011 requested to abandon a portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet, as shown on the attached Abandonment Aerial Map Exhibit at **Tab A**. The Applicant provided a narrative along with the abandonment application which provided justifications for the request. See Applicant's Narrative Dated February 14, 2022 Attached at **Tab D**. The City of Phoenix also issued a Staff Report. See Abandonment Staff Report Dated April 14, 2022 Attached at **Tab E**.

As is discussed in detail in this section, the Appellant was surprised by the discrepancies between the written narrative and the Applicant's statements made during the April 14th, 2022 Hearing. The Applicant's testimony also directly conflicts with the site plan submitted to the City by the Applicant, which is further discussed in this appeal. While the Applicant stated during the hearing that the Abandonment Area would be left undisturbed with its existing natural desert vegetation, the Applicant's own narrative and site plan tell the story of significant disturbance and an extended driveway within the Abandonment Area. After a review of the Abandonment Application, Staff Report, Hearing and prior submittals, the Appellant is able to clarify the Applicant's intent for the Abandonment Area.

First, the Applicant's Right-of-Way Petition states the Applicant supports the abandonment because it "allows access from the driveway to occur directly from the street right-of-way instead of across the additional City-owned land." In response to this and similar statements within the Applicant's narrative, the City's Staff Report also states, "[t]he applicant states [the purpose is] to

allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.” See the Abandonment Application attached at **Tab D** and Staff Report attached at **Tab E**.

Regarding parking and the expansion of the driveway, Applicant’s Abandonment Application states, “[i]ncorporating the City’s right-of-way into the subject property will allow a longer driveway with room for a guest parking area that will increase safety for all residents in this area and their visitors.” Contrary to the Applicant’s own narrative, the Applicant stated during the Hearing that there would be no additional disturbance, driveway expansion, or parking in the proposed Abandonment Area. Based on the Applicant’s testimony, the Hearing Officer forwarded his recommendation of approval to City Council. But it is the Appellant’s position that if the Hearing Officer had been provided copies of the Applicant’s site plan, the proposed driveway extension and disturbed land within the Abandonment Area shown on the plan may have resulted in a recommendation of denial.

An Examination of the Applicant’s Site Plan Submittals to the City of Phoenix

In order to accurately compare the hearing testimony with the proposed construction of Applicant’s home, the Appellant made two separate requests to the Applicant to provide copies of the most current proposed site plan for the Applicant’s home and driveway configuration. Each time the Applicant stated the site plans would be provided. However, as of the date of this appeal, the Applicant has not provided any documents or site plans to the Appellant. After filing a public records request with the City and confirming with City Staff, the Appellant was able to locate the most recent site plan dated September 20, 2021. This site plan was reviewed during the Applicant’s prior Hillside Waiver (DSAP 21252) Hearing on January 19, 2022. See Site Plan Dated September 20, 2021 Attached at **Tab F**. Three months have passed since the DSAP Hearing and based on available public records, the Applicant has not submitted a more recent site plan. We were also able to locate an identical site plan submitted by the Applicant as part of Zoning Adjustment Case No. ZA-570-21, which requested a setback variance along the eastern property line. The site plan for this variance case also shows the same expanded driveway and disturbed area. See Variance Site Plan Dated September 20, 2021 Attached at **Tab G**. All written statements in the Applicant’s Abandonment Application Narrative regarding the expanding driveway, guest parking, and disturbed vegetation are consistent with the site plans submitted as part of Case Nos. DSAP 21252 and ZA-570-21. As mentioned above, the Applicant’s testimony during the Abandonment Hearing stated there would be no additional disturbance, driveway, or parking in the proposed Abandonment Area. However, after examining the Desert Sky Residence Survey ROW diagram provided by City of Phoenix Abandonment Staff with the most recent site plan, it is clear the proposed driveway runs through the proposed abandonment area. See Survey ROW & Site Plan Comparison attached at **Tab H**. This comparison exhibit shows the Applicant intends to remove the natural vegetation within the abandonment area and install an elongated mass of pavement to serve as a driveway and additional parking. Thus, after a review of the facts, Applicant’s purpose for the abandonment request within the Abandonment Hearing Application

and prior site plan submittals does not align with the statements made at the April 14th, 2022 Hearing.

The Applicant's proposed use of public right-of-way, which currently benefits all residents, also does not align with the goals of the united property owners along Camelback Heights Way. The Appellant and the six additional property owners joining in this appeal firmly believe the disturbance and replacement of this naturally vegetated area with the proposed driveway will only serve as a detriment which is incompatible with the goal to beautify and privatize Camelback heights Way.

Conclusion

This Notice of Abandonment Appeal serves to memorialize and provide evidence of the differences between the Applicant's verbal testimony which lead to the Hearing Officer's approval, and the documented intent of the Applicant to not only remove vegetation from the Abandonment Area, but also place an elongated driveway within the same area. After a review of the facts and confirmation of evidence showing the discrepancy between Applicant's testimony and the narrative/site plans submitted to the City, we respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the Abandonment Application. Our firm can provide additional information as requested by the City. Thank you for your time and consideration.

Very truly yours,

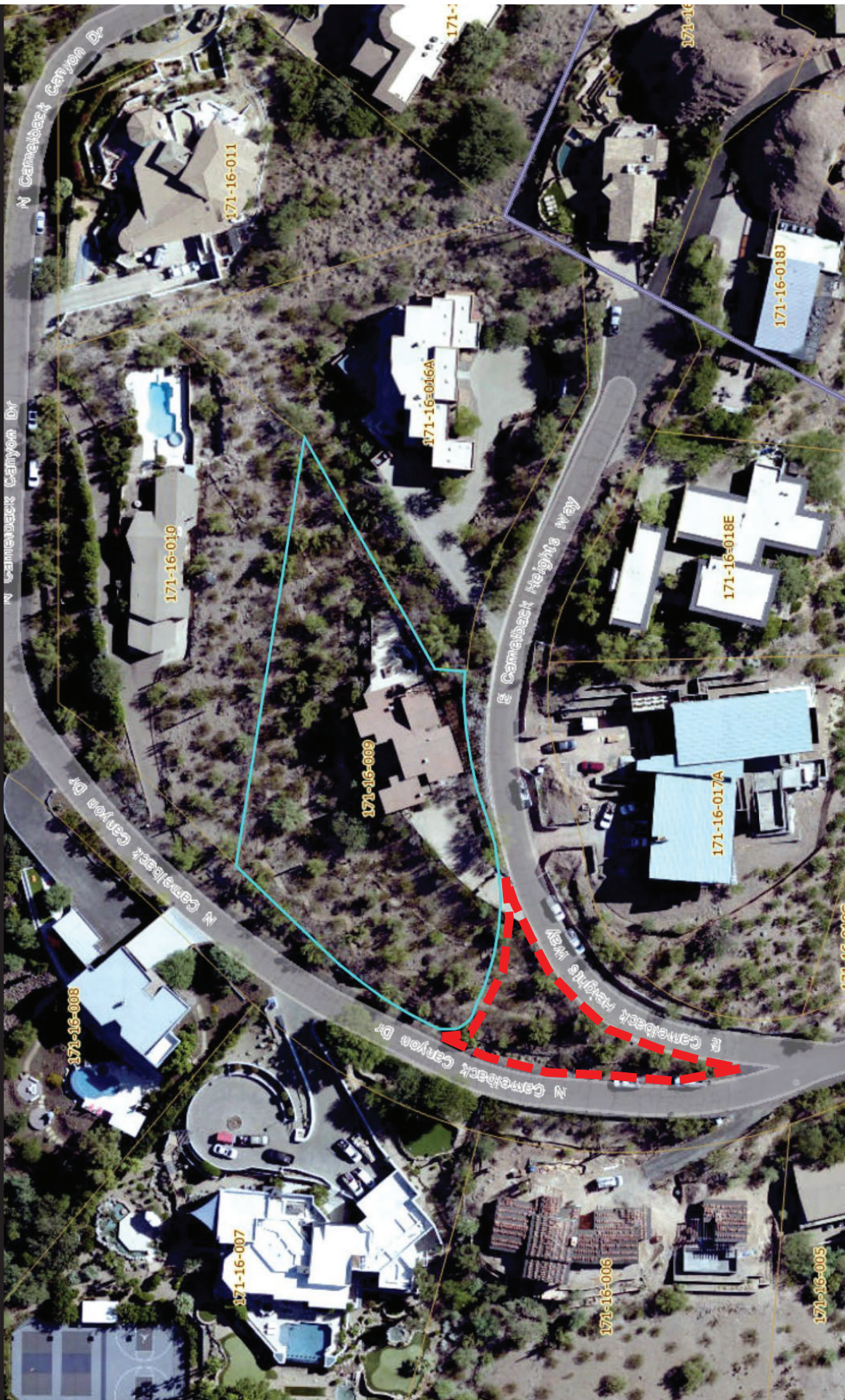
QUARLES & BRADY LLP

A handwritten signature in black ink, appearing to read 'B. Graff', with a stylized flourish at the end.

Benjamin W. Graff

TAB A

APPLICANT'S PROPOSED ABANDONMENT AREA AERIAL MAP



ABANDONMENT APPLICANT APN: 171-16-009
4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

APPLICANT'S APPROVED ABANDONMENT AREA AERIAL MAP



ABANDONMENT APPLICANT APN: 171-16-009
4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

Quarles & Brady LLP

OPTIONS FOR LOCATIONS OF NEW ACCESS GATE



ABANDONMENT APPLICANT APN: 171-16-009
4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

TAB B

OPPOSED NEIGHBORS AERIAL MAP



APN: 171-16-017A; 171-16-018E; 171-16-018J; 171-16-025G; 171-16-025E; 171-16-016A; 171-16-010

Quarles & Brady LLP

TAB C

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 5647 N Camelback Canyon Drive, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Elaine Shay Revocable Deed of Trust



Heather Shay-Herzig, P/O/A Elaine Shay

Cc:

Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4704 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
David Alan Oursland



Cc:

Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022


Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4705 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.



Sincerely,

Martori Arthur J/Louis Sue Tr

Cc:

Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

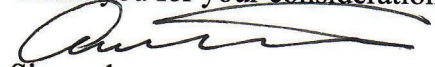
Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4707 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.



Sincerely,

Martori Arthur J

Cc:

Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4720 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Robert Utterback & Jennifer Fried

Cc:

Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
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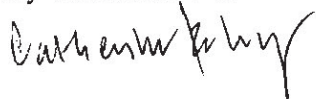
RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4713 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Ivy Catherine E Tr



Cc:

Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

TAB D



This application must be submitted to start the process to abandon any public rights-of-way and/or easements controlled by the city of Phoenix. A completed application must be submitted, together with a sketch of the area to be abandoned and the appropriate fee to the Planning & Development Department, 200 West Washington Street (2nd floor), Phoenix, Arizona 85003. For additional information, call (602) 256-3487.

Applicant: Lauren Proper Potter - Huellmantel & Affiliates

Address: P.O. Box 1833

City: Tempe

State: Arizona

Zip: 85280-1833

Phone: (480) 921-2800

Email: lauren.proper@huellmantel.com

Contact (If other than Applicant): _____

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Email: _____

APN# of Parcel(s) Adjacent to Requested Abandonment: 171-16-009

Name of Street(s) to be abandoned: N/A

Location/Description of Alley(s) or Easement(s) to be Abandoned (please be specific):

Triangular portion of land where N. Camelback Canyon Drive and E. Camelback Heights Way meet. Please see the attached exhibit.

Quarter Section #: Q20-38

Zoning District: RE-35

Village: Camelback East

Reason to Abandon (additional pages may be attached): Please see the attached justification

----- Staff Use Only -----

Abandonment #: _____ Folder #: _____ Total Abandonment Application Fee: \$ 1075

Submittal Date: 2/14/2022

☐ Informal Abandonment (w/o hearing): \$ _____

Reviewed By: MDE

☐ Abandonment, Non-Single Family: \$ _____

Annexation Date: November 2, 1961

☒ Abandonment, Single Family: 1075

City Council District #: 6

☐ Complexity Fee \$ _____

Site Plan # (if applicable): 99-34593 | SDEV 9902634

☐ Appraisal Section Notified: ☐ Yes ☐ No ☐ N/A

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7811 or visit our website at <http://phoenix.gov/pdd/licensetimes.html>. This publication can be made available in alternate formats (Braille, large print, or digital media) upon request. Contact Planning & Development at (602) 262-7811 voice or (602) 534-5500 TTY.

4640 E. CAMELBACK HEIGHTS WAY

ABANDONMENT



HUELLMANTEL
AFFILIATES

P.O. Box 1833, Tempe, Arizona 85280-1833 ✦ T: (480) 921-2800 ✦ E: lauren.proper@huellmantel.com

REASON TO ABANDON

The property owner at 4640 E. Camelback Heights Way seeks the abandonment of the City right-of-way between Camelback Canyon Drive and Camelback Heights Way to allow access to the private residence directly from the roadway right-of-way.

The right-of-way the property owner seeks to abandon appears to be a remnant leftover from a previous 1973 abandonment (V-66-73) to accommodate the realignment of Camelback Heights Way – previously Porter Drive – into its current configuration. The image below depicts the subject property outlined in teal and the right-of-way the property owner seeks to have abandoned outlined with a yellow dashed line.



The subject property is located along Camelback Heights Way and currently has a portion of its driveway located in the adjacent right-of-way due to the extreme grade of Camelback Heights Way, which increases nearly 40' along the frontage of the property, particularly as the street continues up the mountain. This area appears to be a portion of the originally-planned alignment of Camelback Heights Way based on the 1956 plat shown below:

Lastly, the abandonment would allow the property owner to provide guest parking on their property instead of the street. Although it is permitted that guests of all properties may park on the public street, the extreme slope and narrow configuration of Camelback Heights Way leads to unsafe conditions as the street is not wide enough to accommodate two-way traffic when there are vehicles parked on the street. The curvature of the roadway and elevation negatively impacts visibility when vehicles are located on the street. Incorporating the City's right-of-way into the subject property will allow a longer driveway with room for a guest parking area that will increase safety for all residents in this area and their visitors.

For the reasons set forth, we believe this request for an abandonment is appropriate. Thank you for your consideration.



A signed right-of-way abandonment petition must be submitted when filing your abandonment application. Please read the entire form before signing. For additional information, contact the Planning and Development Department at (602) 256-3487.

We, as property owners, support the proposed abandonment for the following reasons:

- ☒ It will help to increase security,
- ☐ It will increase the buildable area of the lot(s),
- ☒ It will remove unnecessary right-of-way or easements to permit development of the property, or
- ☒ Other: allows access from the driveway to occur directly from the street right-of-way instead of across additional City-owned land

We, as property owners, understand that if there are public utilities located within the area to be abandoned, all right-of-way within the proposed abandonment area shall be retained as a public utilities easement (PUE) or as may be modified by the affected utility companies with 24-hour vehicle maintenance access. We further understand that no structure of any kind shall be constructed or placed within the easement except removable-type fencing and/or paving. Removable type fencing must not require the installation of footers within the PUE. No planting within the PUE unless approved by the City of Phoenix. **The affected utility company shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction.**

Or

We, as property owners, understand that we may choose to relocate all utilities affected by the abandonment. If we choose this alternative, we understand that we, as the property owners, would be responsible for the cost of relocating any affected utilities to locations approved by that utility company.

To ensure continued maintenance and repairs of the street, the public rights-of-way would be abandoned to the adjacent individual property owner(s) or a Homeowners Association where one exists. The Homeowners Association or adjacent individual property owners would assume all liability and maintenance cost of the abandoned public right-of-way and any improvements.

We, as the property owners, understand that if the abandonment of the public right-of-way is approved, the Homeowners Association (or individual property owners) shall purchase all streetlights from the City of Phoenix in the proposed abandonment area, or the Homeowners Association (or individual property owners) will be responsible for replacing them with private lighting. This will be done at no expense to the City of Phoenix. We also understand that the Homeowners Association (or individual property owners) will be responsible for and set up their own electric account with the proper electric company in order to assume the responsibility of payment of the electric costs.

We, as the property owners, understand that there may be additional costs incurred due to required improvements to provide code compliant entrances/gating, etc. Requirements may include, but are not limited to, gates, provisions for fire apparatus, dedicated right-of-way for required turnarounds, etc.

Any and all requirements and costs will be the responsibility of the Homeowners Association (or individual property owners). All required improvements within the proposed abandonment area, as required by the stipulations of the approved abandonment, will be completed at no expense to the City of Phoenix.

Per Phoenix City Code, Section 31-64 (e), **if** the request of abandonment is approved there will be a consideration fee due and payable after the Abandonment Hearing Officer's decision. Consideration fees are the costs associated with purchasing land within the abandoned right-of-way from the City of Phoenix and are calculated as follows:

Non-single family zoned right-of-way the greater of \$500 or Fair Market Value (FMV)¹ of abandoned right-of-way
Single family residential zoned right-of-way \$1 per square foot for first 500 square feet, \$0.10 per square foot thereafter; or FMV of abandoned right-of-way, as determined by City²

Notes:

¹ If the area to be abandoned is within or adjacent to an established redevelopment area, consideration may be given in determining the FMV.

² For the area to be abandoned, consideration may be given to the transfer of ongoing property maintenance responsibilities in determining the Abandonment Consideration Fee.

This publication can be made available in alternate formats (Braille, large print, computer diskette, or audiotape) upon request. Contact the Planning & Development Department at (602) 262-7811 voice or (602) 534-5500 TTY.

Neighborhood Notification Petition Requirement (required prior to filing for abandonment)

One hundred percent of the property owners in and/or abutting the affected area, as determined by the Street Transportation Department, must be notified.

Street Abandonment Petition Requirement (signatures verified upon application for abandonment)

- One hundred percent of property owners abutting the proposed abandonment must sign the petition in support if four or fewer properties are immediately impacted.
- Two-thirds of the residential property owners or a majority of the commercial property owners abutting the proposed right-of-way abandonment must sign the petition in support if more than four properties are immediately impacted.

Compliance with the above petition requirement does not guarantee approval of the request. It only allows for the submittal of the Abandonment Application.

We, as the adjacent property owners, do hereby support the abandonment of: _____

the right-of-way between Camelback Heights Way and Camelback Canyon Drive

as shown in the attached map dated _____

ADDRESS	LOT NO.	PRINT NAME	SIGNATURE
4640 E. Camelback Heights Way	9	Brenda van der Hout	BvH

Does not include signatures from
other adjacent property owners

By abandoning the public right-of-way after all stipulations have been met, the City of Phoenix relinquishes its ownership and future obligations.

TAB E



City of Phoenix

Planning and Development Department

April 14, 2022

Preliminary Abandonment Staff Report: **ABND 220011**

Project# **99-3459**

Quarter Section: **20-38**

Council District: **6**

Location:

4640 East Camelback Heights Way

Applicant:

Lauren Proper Potter

Request to abandon:

The triangular portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet as illustrated on the attached exhibit.

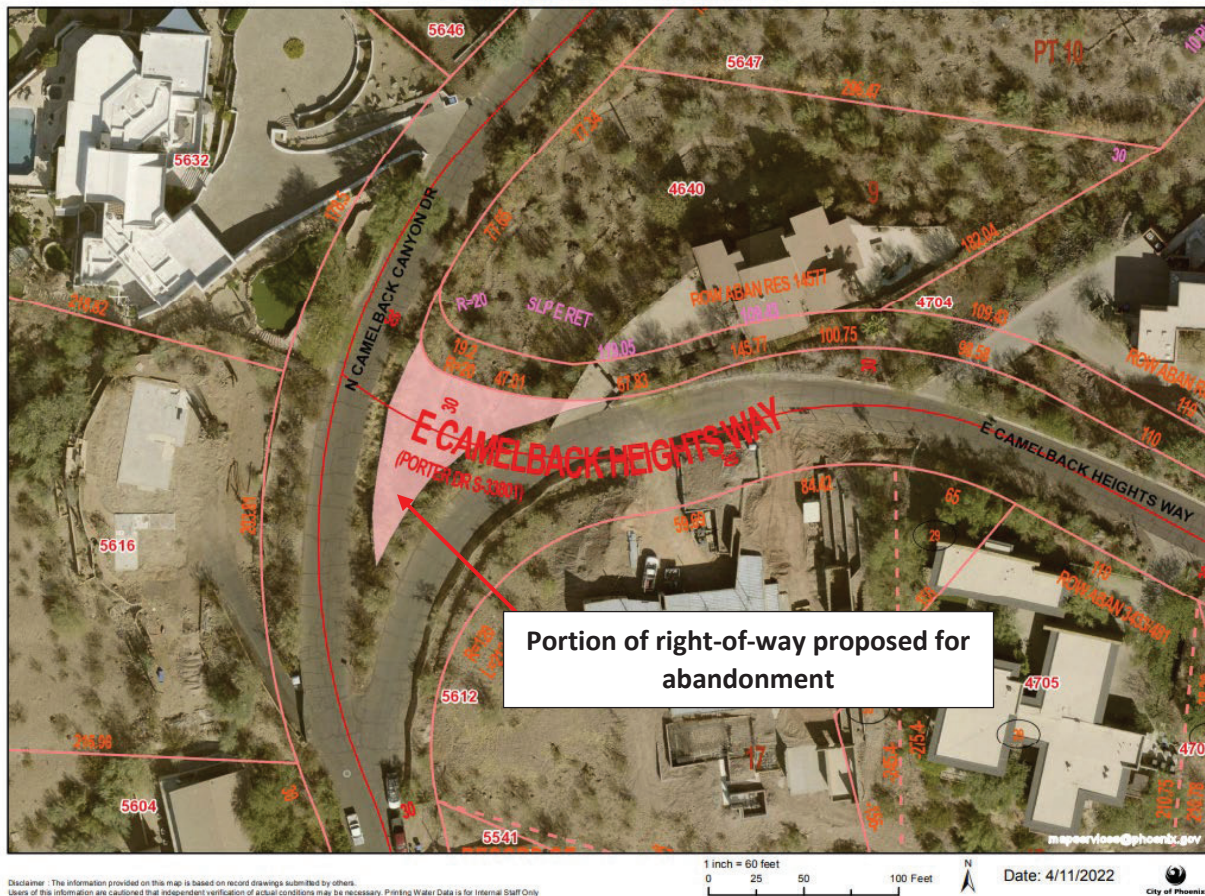
Purpose of request:

The applicant states to allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.

Hearing date:

April 14, 2022

Planning and Development



City Staff Research

Staff research shows that the subject right-of-way was dedicated through the Camelback Heights Plat, recorded on December 16, 1956 on docket 69, page 49 of the Maricopa County Recorder. If abandoned, the right-of-way will be conveyed back in ownership to the abutting property owner.

City Staff Comments

This request was routed to various City departments for their recommendations. Listed below are the responses from each department.

Street Transportation Department – Maja Brkovic

1. No right-of-way within 25-feet of the Camelback Canyon Drive monument line may be abandoned.
2. No right-of-way with 25-feet of the Camelback Heights Way monument lines may be abandoned.

PDD Traffic Department – Derek Fancon

“Recommend approval.”

PDD Site Planning – Maggie Dellow

"PDD Site Planning would like to ensure the customer understands the abandonment will not grant any additional disturbance. The Hillside Waiver (DSAP 21252) for this site approved a total disturbance of 16,680 sf. The abandonment will not increase this allowance. If the customer wants more disturbance, the City would require a new hillside waiver submittal."

Street Lights – Jason Fernandez

"Recommend approval."

Water Services – Don Reynolds

"A 25' ft. portion of the right of way shall be retained as water easement for the existing water main with 24-hour maintenance access subject to the following standard stipulation:

No structure of any kind and/or block wall shall be constructed or placed within the easement except wood or wire fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction."

PDD Village Planner – Sarah Stockham

No comments received.

Public Transit Department – Michael Dwyer

"The abandonment will not affect solid waste service."

PDD Civil Department – Todd Coy

"Recommend approval."

Neighborhood Services – Lynda Lee

No comments received.

Utility Comments

The request was also routed to outside utility companies for their input. Listed below are the responses from each utility.

Cox – Zach Lawson

"I have reviewed the abandonment request at **ABND 220011 4640 E CAMELBACK HEIGHTS WAY** in Phoenix, {Maricopa County}, AZ. Based upon the supplied drawings/exhibits that you've submitted it has been determined that COX has no facilities within the easements and therefore we approve your request to abandon.

Please note that although Cox Communications approves this abandonment, we do so with the understanding that we will not assume any construction, relocation and/or repairs costs associated or in result of this abandonment."

Southwest Gas – Tami Garcia

"After reviewing the plans for the above-referenced project, it has been determined that a gas line lies within the area in question. We require that a clearance of at least two feet be maintained between the gas line and other underground facilities. The procedure requires calling Blue Stake at 602-263-1100 and following their excavation instructions to determine the

exact location of the gas line. Permission is granted to abandon a portion of the right-of-way on the area located at the above-referenced location under those conditions.”

Arizona Public Service – James Generoso

“APS has no objection to the abandonment proposed in ABND220011.”

CenturyLink – Mary Hutton

“Qwest Corporation d/b/a CENTURYLINK QC (“CenturyLink”) has reviewed the request for the subject vacation/abandonment and has determined that it has no objections with respect to the areas proposed at this project site.

It is the intent and understanding of CenturyLink that this notice shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector.”

Salt River Project – Sherry Wagner

“Salt River Project has no objection the abandonment of the triangular portion of land where Camelback Canyon Drive and Camelback Heights Way meet as shown in your application ABND220011. This is in the Arizona Public Service serving area”

Staff Recommended Stipulations of Approval

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

1. Either a or b shall be complied with:
 - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
 - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be \$500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is \$1.00 a square foot for the first 500 square feet, \$0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.

3. No right-of-way within 30-feet of the Camelback Canyon Drive monument line may be abandoned.
4. No right-of-way south of the existing monument line of Camelback Heights Way may be abandoned.
5. The right-of-way shall be retained as a slope easement.
6. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

For assistance regarding the above stipulations, please contact the Abandonment Coordinator at 602-256-3487.

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Lauren Proper Potter, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer

If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S.§36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.

TAB F



Phoenix City Code Section 32-32

Please be advised if there is a rezoning case in process on the subject property a Technical Appeal cannot be filed until the case has been acted on by City Council.

Note that an appeal meeting with staff will be arranged in approximately 1 week.

Please indicate your preference in attending this meeting: ☐ Yes ☐ No

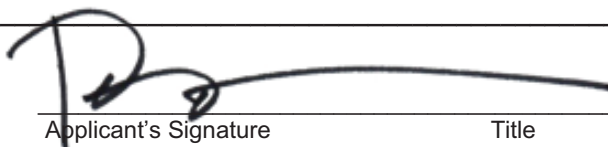
PROJECT NAME		PROJECT ADDRESS OR LOCATION	DATE
OWNERS NAME	ADDRESS	ZIP CODE	DSAP #
APPLICANT'S NAME (NOT COMPANY NAME)	APPLICANT'S ADDRESS	SUITE NUMBER	PHONE
APPLICANT'S E-MAIL ADDRESS	P&D STAFF FAMILIAR WITH PROJECT		

RELATIONSHIP TO PROJECT AND COMPANY NAME

A request is hereby made for an appeal, to Section(s) _____ of the Ordinance and/or Code, which require(s) that: **(use attachment if necessary):**

State the factual and/or legal basis for the appeal. Include the alternate design and design parameters based on a recognized standard and the reason(s) why the proposed appeal meets the intent of the Phoenix City Code Section 32-32 C (5)(d)(1):

(use attachment if necessary): _____



If applicant is not the owner or the owner's architect or engineer, owner's signature must appear on line above

Applicant's Signature

Title

FOR CITY USE ONLY

Technical Lead Print Name _____ Fee Code _____

☐ **APPROVED**

☐ **APPROVED WITH STIPULATIONS**

☐ **DENIED**

Attendees: _____

DATE

CITY MANAGER'S REPRESENTATIVE OR DELEGATE

Pre-log Checklist:

Hillside Grading Waiver

Phoenix City Code Section 32-32.

☐ **Initial Appeal to City Manager's Representative**

- 3 copies of narrative and graphic exhibit describing applicant proposal and basis for appeal.
- Photographs: On-site, adjacent to site within 300.'
- ~~List of property owners within 300' of site. Please contact Maricopa County Assessors website at <http://www.maricopa.gov/Assessor/GIS/Map.html>.~~
- ~~Install Autodesk MapGuide (R) Viewer Active X Control to obtain a list of property owners.~~
- Verification must be provided that owners have been notified by certified letter at least 15 days prior to the hearing.
- Dimensioned single-family plot plan or site plan/subdivision.
- Hillside calculations (See Hillside Grading Waiver Submittal Requirements).
Total Lot Area: _____ SF Total Hillside Area: _____ SF
Total Area under Roof: _____ SF (From total lot) _____ %
Proposed Under Roof: _____ SF
Total Area Disturbed Beyond Roof: _____ SF
Total % of Hillside Disturbed: _____ %
- If administrative approval to be done by City Manager Representative, the property must be posted for a period of 15 days prior to the administrative approval date. It shall be the responsibility of the applicant to ensure that the posting remains in place for the entire 15 day period.
- Fee(s) per Chapter 9, Appendix A.2 of Phoenix City Code are:
 - \$600.00 first appeal item plus - **SPAPPCM**
 - \$300.00 each additional appeal item

☐ **Subsequent Appeal to Development Advisory Board**

- Must submit appeal request within 10 days of the CMR decision.
- 1 copy of City Manager's Representative decision.
- Fee(s) per Chapter 9, Appendix A.2 of Phoenix City Code are:
 - \$600.00 first appeal item plus - **SPAPPDAB**
 - \$300.00 each additional appeal item



KENDLE DESIGN
COLLABORATIVE
6115 NORTH CATTILTRACK
SCOTTSDALE, ARIZONA 85250
PH 480.971.8880
WWW.KENDLEDESIGN.COM

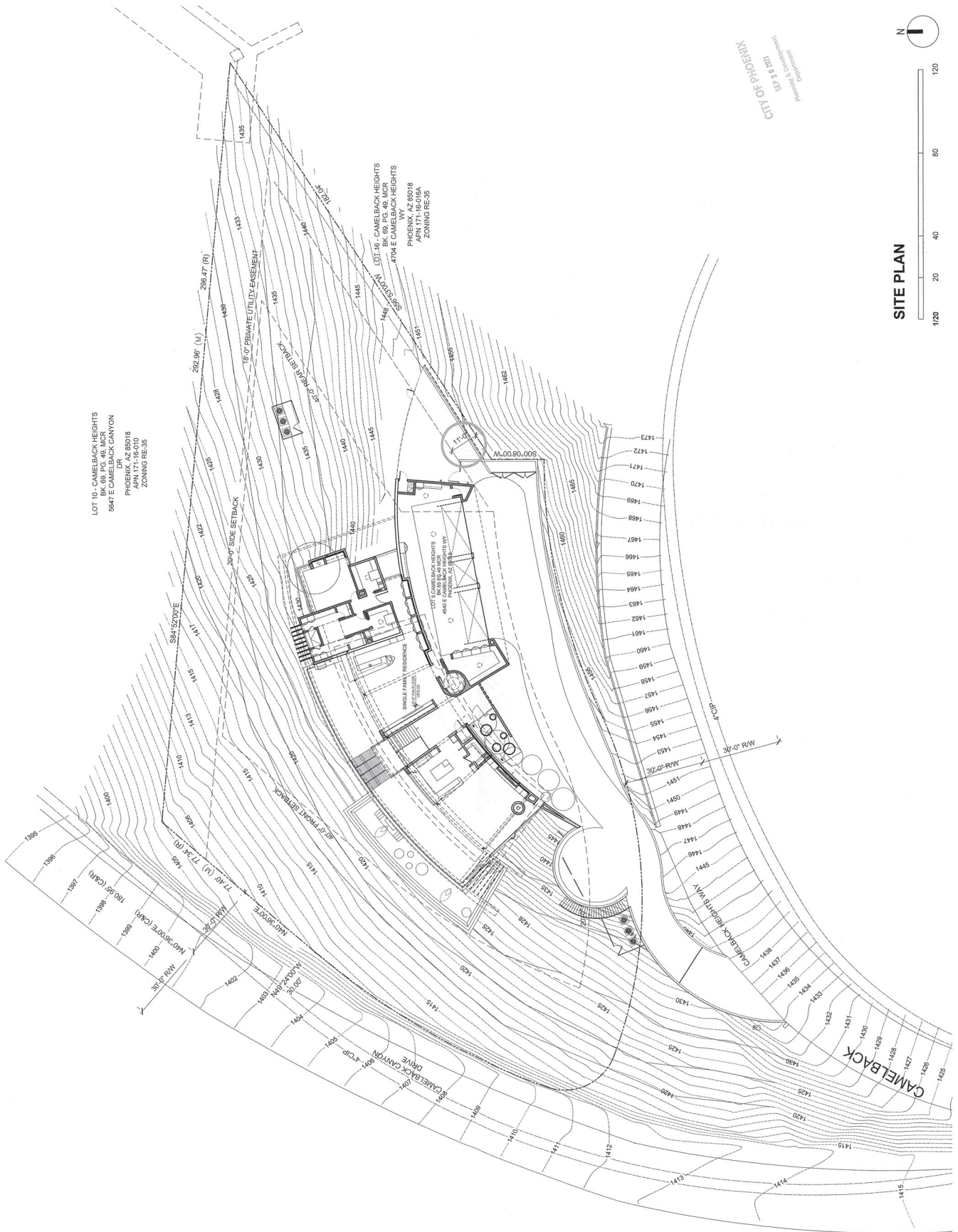
Desert Sky
Residence
4640 E Camelback Heights Way
Phoenix, AZ 85018

All drawings and written material appearing
herein constitute the original and unpublished
work of the author and shall not be
reproduced or used in any form without
written permission from Kendle Design
Collaborative is prohibited by law.

MARK	DATE	DESCRIPTION
Δ		VARIANCE SUBMITTAL 5-10-21
Δ		PROJECT NO.
Δ		CAD DWG FILE
Δ		DRAWN BY: CK
Δ		CHECKED BY: BK
Δ		SHEET TITLE:

ARCHITECTURAL
SITE PLAN

A-1.0



TAB G



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-570-21

CASE TYPE: Variance
DATE FILED: 9/20/2021

COUNCIL DISTRICT: 6
CASE STATUS: Pending

EXISTING ZONING: RE-35
FILING STAFF: jbraswell

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	09/20/2021		Original Filing Fee

HEARING DATES

ZA: 12/23/2021 9:00 AM LOCATION: Meeting will be held virtually.

BOA:

PROPERTY LOCATION: 4640 East Camelback Heights Way

LEGAL DESCRIPTION: See attached

CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
4640 East Camelback Heights LLC (Owner)	4640 E Camelback Heights Way Phoenix AZ 85018			
4640 East Camelback Heights LLC (Applicant)	10679 N Frank Lloyd Wright Boulevard, 103 Scottsdale AZ 85259			bzanx5@gmail.com
Brent Kendle Kendle Design Collaborative (Representative)	6115 N Cattletrack Drive Scottsdale AZ 85250	(480) 951-8558		brent@kendledesign.com brent@kendledesign.com

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE: _____

DATE: 9.30.2021

NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.

APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.

REQUEST

1. Variance to reduce the required side yard (east) setback to 11 feet. Minimum 20 feet required.

ZONING ORD. SECTIONS
609.B.Table

GEOGRAPHIC INFORMATION

APN: 171-16-009

Qtr Section(Map Index): 20-38(111)

ZA CASE NO: ZA-570-21

Date: 12/23/21 9AM

Zoning Administrator Action

Appeal Date:

☒ Approved ☐ Denied ☐ Denied, as filed ☒ Stipulations

☐ Under Advisement ☐ Withdrawn ☐ Other
☐ Cont: _____

STIPULATIONS:

1) 2 years to apply and pay for building permits.

2) For the setback reduction as shown on the
site plan dated September 20, 2021.

Must appeal by January 7, 2022.

12-23-21

DATE

Kim Dolarowski

BY

ZONING ADMINISTRATOR

☐ Support Present

☐ Opposition Present

STIPULATIONS MET:

YES/NO



KENDLE DESIGN
COLLABORATIVE
6115 NORTH CATTILTRACK
SCOTTSDALE, ARIZONA 85250
PH 480.971.8880
INFO@KENDLEDIGN.COM
KENDLEDIGN.COM

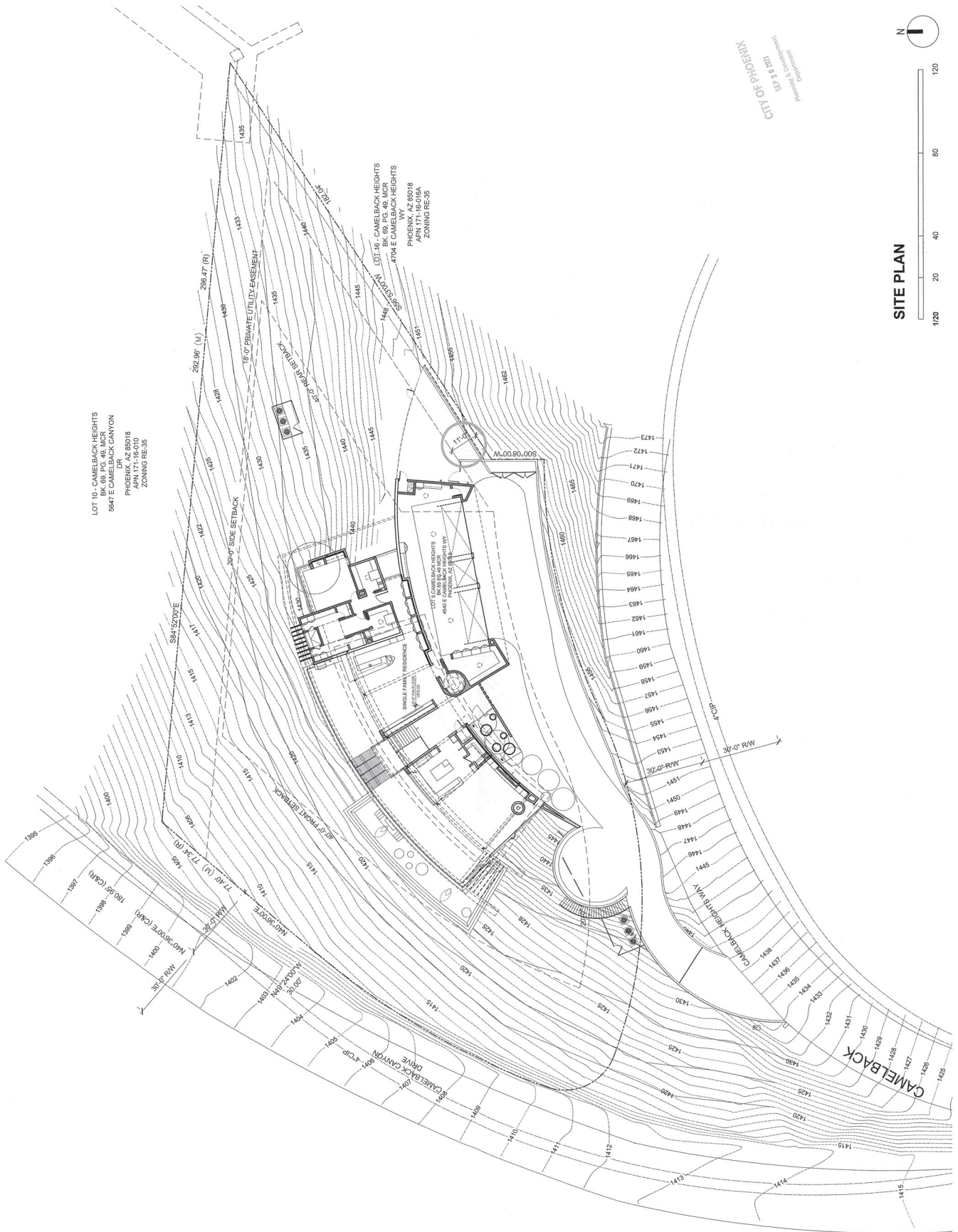
Desert Sky
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Kendle Design Collaborative.

MARK	DATE	DESCRIPTION
Δ		VARIANCE SUBMITTAL 5-10-21
Δ		PROJECT NO.
Δ		CAD DWG FILE
Δ		DRAWN BY: CK
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Δ		SHEET TITLE:

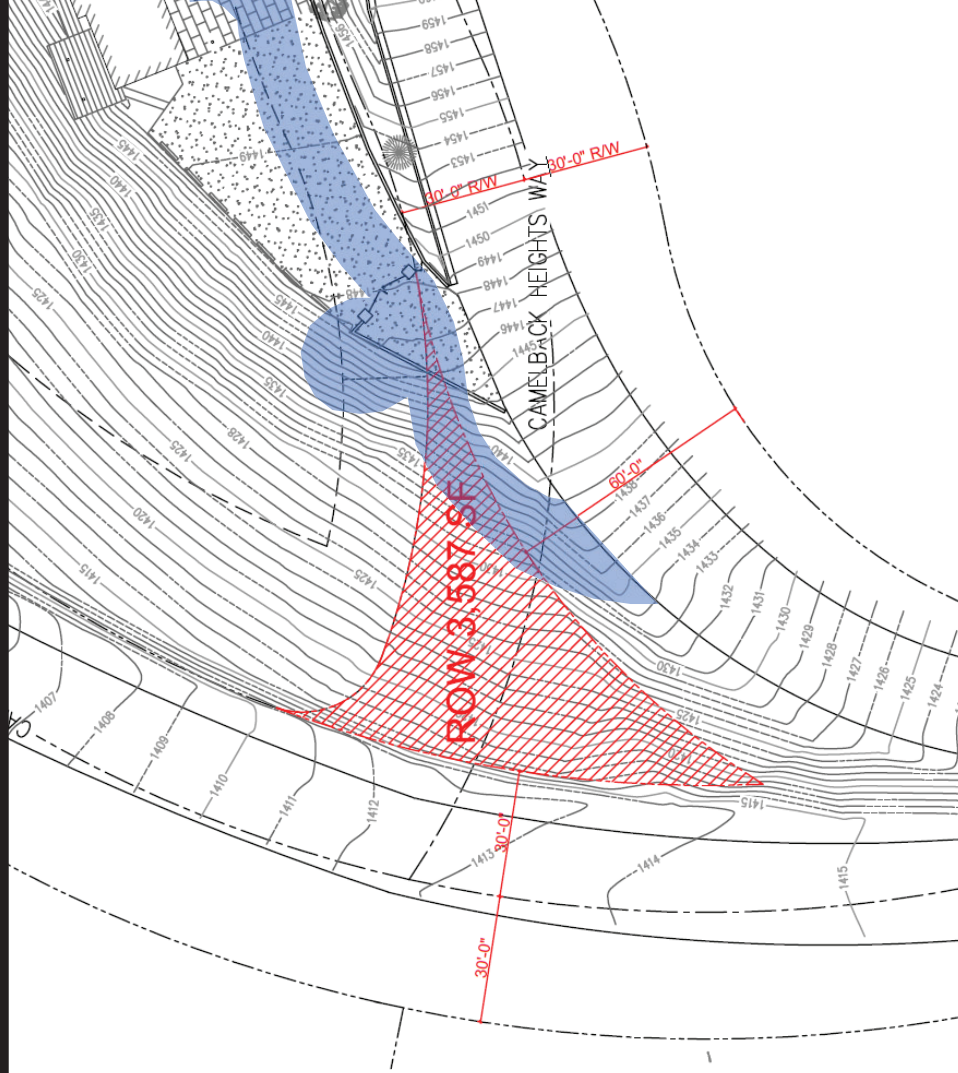
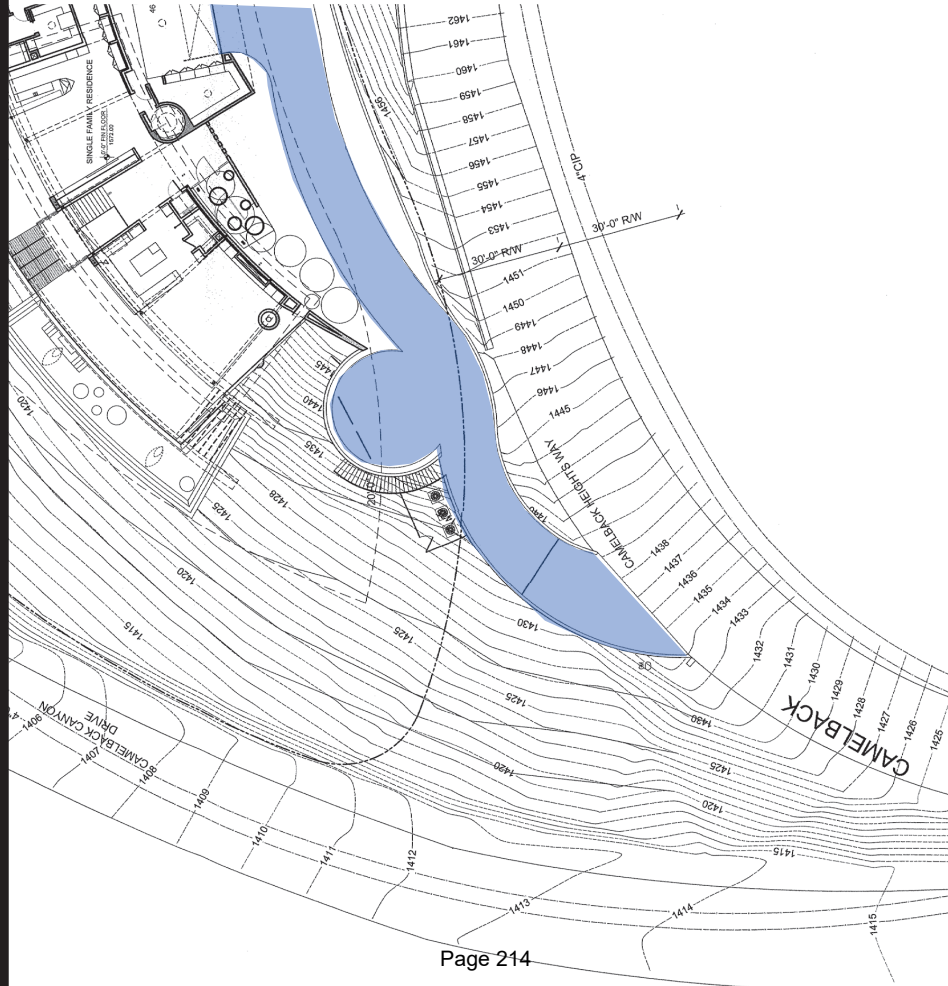
ARCHITECTURAL
SITE PLAN

A-1.0



TAB H

SITE PLAN VS ROW EXHIBIT
APPROXIMATE LOCATION OF DRIVEWAY





City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: October 5, 2022

From: Joshua Bednarek 
Planning and Development Deputy Director

Subject: CONTINUANCE OF ITEM 89 ON THE OCTOBER 12, 2022 FORMAL AGENDA
-PUBLIC HEARING - APPEAL OF HEARING OFFICER DECISION
ABANDONMENT OF RIGHT-OF-WAY - ABND 220011 - 4640 EAST
CAMELBACK HEIGHTS WAY

Item 89, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff request this continuance to ensure requirements for notification are fulfilled and to allow the applicant and appellant additional time to discuss the request.

Staff recommends continuing this item to the December 7, 2022 City Council Formal meeting.

Approved:



Alan Stephenson
Deputy City Manager/Planning and Development Director



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: November 28, 2022

From: Joshua Bednarek 
Acting Assistant Director, Planning Division
Planning and Development Department

Subject: CONTINUANCE OF ITEM 78 ON THE DECEMBER 7, 2022 FORMAL
AGENDA –PUBLIC HEARING – APPEAL OF HEARING OFFICER DECISION
ABANDONMENT OF RIGHT-OF-WAY – ABND220011 – 4640 EAST
CAMELBACK HEIGHTS WAY

Item 78, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff has received correspondence from the representatives of the applicant and the appellant requesting a continuance to allow their clients additional time to work on a resolution to this matter.

Staff recommends continuing this item to the February 15, 2023 City Council Formal meeting.

Approved:


Alan Stephenson

Deputy City Manager/Planning and Development Director

MEMORANDUM

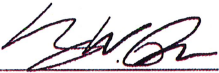
To: Mayor Gallego & Phoenix City Council Members
From: Appellant's Representative Ben Graff & Appellee's Representative Lauren Proper Potter
Re: Joint Request to Continue Appeal of ABND220011 to February 15, 2023
Date: November 16, 2022

Mayor Gallego and City Council Members:

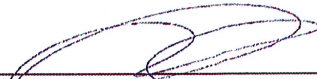
We are jointly requesting that the City Council continue the appeal hearing scheduled for December 7, 2022, to February 15, 2023, to allow our clients additional time to work on a resolution to this matter.

Thank you for your consideration.

Sincerely,



Benjamin Graff
Attorney for Appellant



Lauren Proper Potter
Attorney for Appellee



*****ITEM REVISED (SEE ATTACHED MEMO)*** (CONTINUED FROM FEB. 1, 2023) -
Public Hearing and Ordinance Adoption - Rezoning Application Z-50-22-4 -
Approximately 180 Feet North of the Northeast Corner of 7th Avenue and
Camelback Road (Ordinance G-7078)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, and consider adopting Rezoning Application Z-50-22-4 to rezone the site from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) to allow multifamily residential.

Summary

Current Zoning: C-2 TOD-1

Proposed Zoning: WU Code T5:5 UT

Acreage: 4.79

Proposed Use: Multifamily residential

Owner: Larkspur Lane Investment Properties, LLC

Applicant: Brian Greathouse, Burch & Cracchiolo, PA

Representative: Brian Greathouse, Burch & Cracchiolo, PA

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Alhambra Village Planning Committee heard this case on Dec. 20, 2022, and recommended approval, per the staff recommendation, with an additional stipulation, by a vote of 12-4.

PC Action: The Planning Commission heard this case on Jan. 5, 2023, and recommended approval, per the Alhambra Village Planning Committee recommendation, by a vote of 8-0.

The Planning Commission recommendation was appealed for a public hearing by a community member on Jan. 9, 2023, and by the adjacent property owner on Jan. 12, 2023.

Location

Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback

Road

Council District: 4

Parcel Address: 5015, 5025, 5027, 5031, 5033, 5035, 5037, 5041, 5043, 5049, and 5075 N. 7th Ave.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: February 13, 2023

From: Joshua Bednarek *JB*
Planning and Development Director

Subject: ITEM 71 ON THE FEBRUARY 15, 2023 FORMAL AGENDA – PUBLIC HEARING/FORMAL ACTION - REZONING APPLICATION Z-50-22-4 – APPROXIMATELY 180 FEET NORTH OF THE NORTHEAST CORNER OF 7TH AVENUE AND CAMELBACK ROAD (ORDINANCE G-7078)

Item 71, Rezoning Application Z-50-22-4, is a request to rezone 4.79 acres located at approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road, from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) to allow multifamily residential.

The Alhambra Village Planning Committee heard the case on Dec. 20, 2022, and recommended approval, per the staff recommendation, with an additional stipulation, by a vote of 12-4.

The Planning Commission heard the case on Jan. 5, 2023 and recommended approval, per the Alhambra Village Planning Committee recommendation, by a vote of 8-0.

A community member appealed the Planning Commission recommendation on Jan. 9, 2023; and the adjacent property owner appealed on Jan. 12, 2023.

The City Council continued the case on Feb 1, 2023 to the Feb. 15, 2023 meeting by a vote of 9-0.

The applicant has met with the adjacent property owner to address their concerns about the shared driveway along the north side of the site. As a result, staff is recommending an update to Stipulation No. 15.

The revised stipulation is listed below with updates in **BOLD AND CAPITAL** letters.

Staff recommends approval, subject to the following stipulations:

1. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
 - a. Adjacent and accessible to the public sidewalk on 7th Avenue;

- b. Provided in areas of not less than 500 square feet and 20 feet in width;
 - c. Shaded to a minimum of 50 percent by vegetative shade;
 - d. Maintained in perpetuity without fences or barriers;
 - e. Eligible to qualify as a forecourt frontage type;
 - f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.
- 2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and door well, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.
 - 3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.
 - 4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.
 - 5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.
 - 6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.
 - 7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.
 - 8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour

restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.

9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.
10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.
12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. 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.
14. 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.
15. The developer shall work with the Street Transportation and Planning and Development departments regarding the proposed parking along the north side of the site **WHICH SHALL BE PARALLEL PARKING ONLY so that it does not interfere with traffic flow along the shared driveway** and to potentially stripe the driveway to include a left-turn lane.

Approved: _____


Alan Stephenson, Deputy City Manager

ATTACHMENT A

**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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-50-22-4) FROM C-2 TOD-1 (INTERMEDIATE COMMERCIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO WU CODE T5:5 UT (WALKABLE URBAN CODE, TRANSECT 5:5, TRANSIT UPTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 4.79-acre site located approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road in a portion of Section 17, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 TOD-1" (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to "WU Code T5:5 UT" (Walkable Urban Code, Transect 5:5, Transit Uptown 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. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
 - a. Adjacent and accessible to the public sidewalk on 7th Avenue
 - b. Provided in areas of not less than 500 square feet and 20 feet in width;
 - c. Shaded to a minimum of 50 percent by vegetative shade;
 - d. Maintained in perpetuity without fences or barriers;
 - e. Eligible to qualify as a forecourt frontage type;
 - f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.
2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and doorwell, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.
3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.
4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.
5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.
6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.

- a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.
7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.
8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.
10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.
12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

13. 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.
14. 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.
15. The developer shall work with the Street Transportation and Planning and Development departments regarding the proposed parking along the north side of the site so that it does not interfere with traffic flow along the shared driveway and to potentially stripe the driveway to include a left-turn lane.

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 1st day of February, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

A PARCEL OF LAND BEING SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CALCULATED POINT ACCEPTED AS THE SOUTHWEST CORNER OF SAID SECTION 17, FROM WHICH A CALCULATED POINT BEARS NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 1324.02 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 17, NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 170.41 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 476.66 FEET;

NORTH 89 DEGREES 48 MINUTES 47 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 7TH AVENUE;

THENCE NORTH 89 DEGREES 59 MINUTES 54 SECONDS EAST, A DISTANCE OF 396.15 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 13 SECONDS EAST, A DISTANCE OF 472.00 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 189.15 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 13 SECONDS EAST, A DISTANCE OF 12.16 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 114.00 FEET;

THENCE NORTH 00 DEGREES 11 MINUTES 13 SECONDS WEST, A DISTANCE OF 7.50 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 54 SECONDS WEST, A DISTANCE OF 93.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 7TH AVENUE;

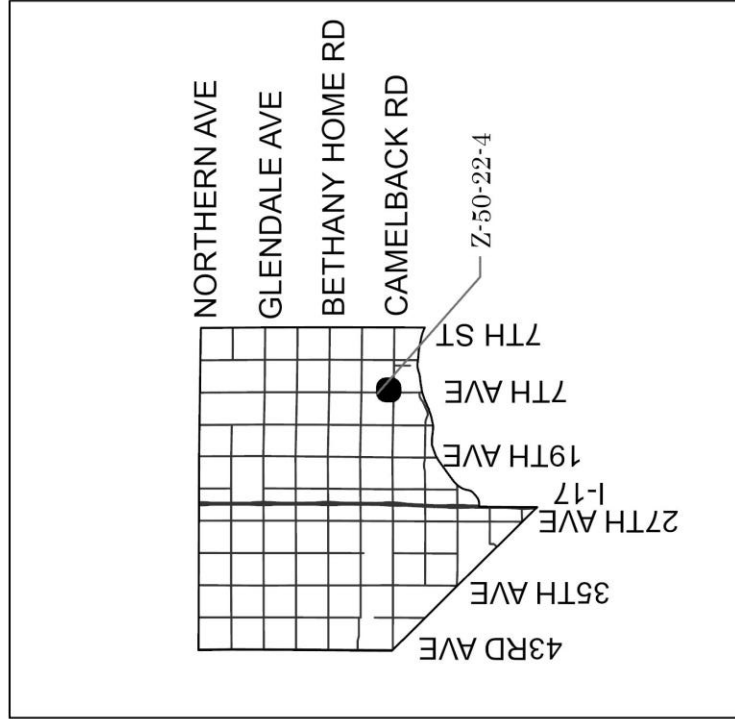
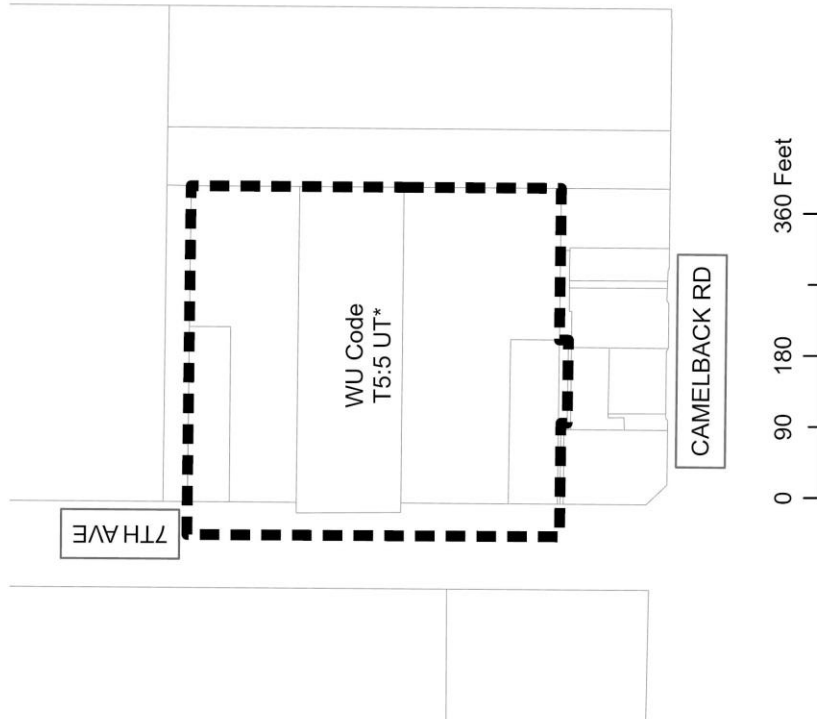
THENCE SOUTH 89 DEGREES 48 MINUTES 47 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;
SAID PARCEL CONTAINS 207,870 SQ FT OR 4.772 ACRES.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-50-22-4
Zoning Overlay: N/A
Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 1/6/2023

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City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-50-22-4 December 16, 2022

Alhambra [Village Planning Committee](#) Meeting Date: December 20, 2022
[Planning Commission](#) Hearing Date: January 5, 2023
 Request From: [C-2 TOD-1](#) (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) (4.79 acres)
 Request To: [WU Code T5:5 UT](#) (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) (4.79 acres)
 Proposed Use: Multifamily Residential
 Location: Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road
 Owner: Larkspur Lane Investment Properties, LLC
 Applicant: Brian Greathouse, Burch & Cracchiolo, PA
 Representative: Brian Greathouse, Burch & Cracchiolo, PA
 Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Commercial	
Street Map Classification	7th Avenue	Arterial	40-foot east half street
<p>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; HEALTHY NEIGHBORHOODS; DESIGN PRINCIPLE: Establish design standards and guidelines for parking lots and structures, setback and build-to lines, blank wall space, shade, and other elements affecting pedestrians, to encourage pedestrian activity and identify options for providing pedestrian-oriented design in different types of development.</p> <p>The proposal includes design and development standards to encourage walking, bicycling, and transit use. These standards include a shaded streetscape, units fronting onto the public sidewalk, parking situated away from the public street, and on-site amenities.</p>			
<p>CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.</p>			

The proposal includes bicycle facilities to encourage bicycling and transit use to become a way of life by leveraging its proximity to the light rail station at 7th Avenue and Camelback, the Colter Street Pedestrian and Bicycle Improvements, and the Phoenix Sonoran Bikeway on 3rd Avenue. Features include secure bicycle parking for residents, convenient racks for guests, and a bicycle repair station for residents.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal includes robust tree plantings between the back of curb and the building fronts and a detached sidewalk that will be shaded to 75 percent as stipulated. These improvements will serve create a comfortable pedestrian environment along 7th Avenue to make the walk from the adjacent neighborhood to the light rail and other nearby amenities more comfortable.

CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.

The subject site is approximately 200 feet from the 7th Avenue and Camelback Road light rail station, and the proposal to provide multifamily residential meets the goals of the Uptown Transit Oriented Development Policy Plan and the Housing Phoenix Plan.

Applicable Plans, Overlays, and Initiatives

[TOD Strategic Policy Framework](#): Background Item No. 4.

[Uptown Transit Oriented Development Policy Plan](#): Background Item No. 5.

[Alhambra Village Character Plan](#): Background Item No. 6.

[Tree and Shade Master Plan](#): Background Item No. 9.

[Complete Streets Guidelines](#): Background Item No. 10.

[Housing Phoenix](#): Background Item No. 11.

[Zero Waste PHX](#): Background Item No. 12.

Surrounding Land Uses and Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant, former retail suites, and other commercial uses	C-2 TOD-1
North	Driveway for multifamily residential to the east, church and school	WU Code T5:5 UT, R-4
South	Liquor and smoke shop, mattress store, and multifamily residential	C-2 TOD-1, WU Code T5:5 UT
East	Multifamily residential	WU Code T5:5 UT
West (across 7th Avenue)	Commercial shopping center	C-2 TOD-1

Walkable Urban Code Transect 5:5 UT		
<u>Standards</u>	<u>Requirements</u>	<u>Site Plan Provisions</u>
Gross Acres		4.79
Total Dwelling Units	No maximum	249
Density		52 dwelling units per acre
Building Height	56 foot maximum	54 feet 9 inches (Met)
<i>Building Setbacks</i>		
Primary Frontage (7th Avenue)	12 foot maximum	6 feet (Met, per Stipulation No. 3)
<i>Parking</i>		
Primary Frontage Setback	30 foot minimum or behind building	30 feet (Met)
Parking Spaces	244 spaces required 97 spaces for studios, 172.5 spaces for 1-bedroom units, 55.5 spaces for 2-bedrooms 25 percent reduction permitted, 0.25 miles of light rail station.	272 spaces (Met)

Walkable Urban Code Transect 5:5 UT		
<u>Standards</u>	<u>Requirements</u>	<u>Site Plan Provisions</u>
<i>Streetscape Standards</i>		
Primary Frontage	Minimum sidewalk width of 6 feet and a minimum landscape width of 5 feet	6-foot-wide sidewalk, 10-foot-wide landscape area (Met, per Stipulation No 10)
<i>Lot Requirements</i>		
Lot Coverage	80 percent maximum	26.4 percent (Met)
Primary Frontage	70 percent minimum	78 percent (Met)
Frontage Types	All frontages	Porch and Storefront (Met, per Stipulation No. 2)
Open Space	Minimum 5 percent of gross site area	Not listed, 5 percent required as publicly accessible per Stipulation No. 1
<i>Glazing Requirements</i>		
Primary Frontage		
Ground Floor	25 percent	Not listed
Second Floor	25 percent, 10 percent East and West	Not listed

*Site plan revision, variance, of administrative relief required.

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 4.97 acres located approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road from C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) for multifamily residential.

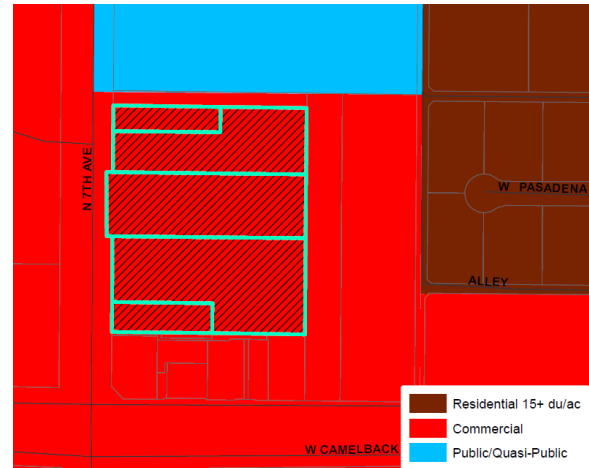
SURROUNDING LAND USES AND ZONING

2. The subject site contains vacant commercial structures. To the east of the subject site is a five-story multifamily residential development under construction that was rezoned to WU Code T5:5 UT through Rezoning Case No. Z-39-19-4. To the north of the subject site is a driveway to the multifamily residential development to the east, and a high school and church zoned R-4 (Multifamily Residence District). To the south of the subject site are multiple commercial properties zoned C-2 TOD-1 and a portion of a multifamily development zoned WU Code T5:5 UT. To the west of the subject site across 7th Avenue is a commercial shopping center zoned C-2

TOD-1.

GENERAL PLAN LAND USE MAP

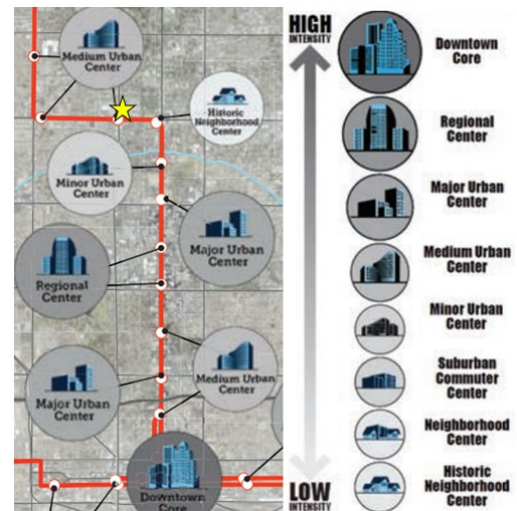
3. The General Plan Land Use Map designates the site as Commercial. The proposal for multifamily residential is consistent with the designation. To the south, west, and east is designated as Commercial. To the north of the driveway is designated as Public/Quasi-Public.



General Plan Land Use Map, Source: Planning and Development Department

4. **Transit Oriented Development Strategic Policy Framework:**

The Transit Oriented Development Strategic Policy Framework is part of the City's General Plan. The framework identifies planning typologies to describe urban environments. The subject site is located within 200 feet from the light rail station located at 7th Avenue and Camelback Road which is identified as a Medium Urban Center Place Type. The Medium Urban Center Place Type is characterized by high intensity with building heights typically from three to six stories with incentive heights of up to 10 stories when bonus criteria are met. The proposal for four stories is consistent with the intensity envisioned by the Medium Urban Center Place Type.



Transit Oriented Development Strategic Policy Framework, Place Type Map Excerpt; Source: Planning and Development Department

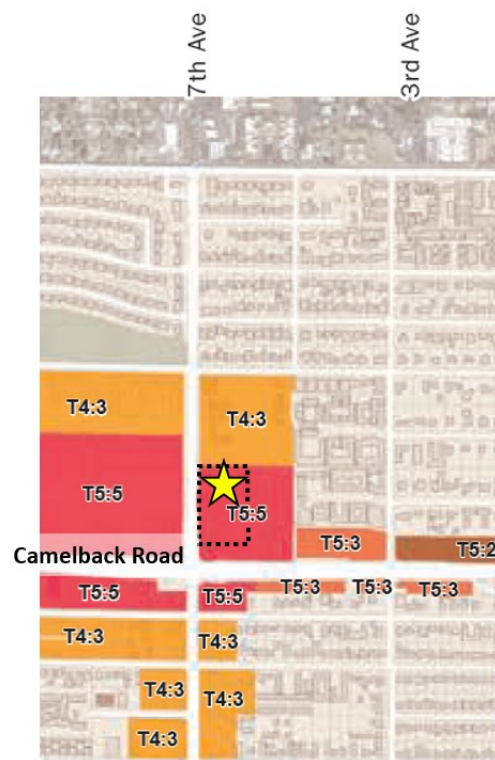
5. **Uptown TOD Policy Plan:** The site is located within the Uptown TOD Planning Area which is bound by Missouri Avenue on the north, 7th Street on the east, Indian School Road on the south, and the western edge is generally 7th Avenue south of the Grand Canal and 15th Avenue north of the Grand Canal. The policy plan for the Uptown TOD District provides a blueprint for fully achieving the

transformative potential of light rail in a sustainable manner. Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage active, healthy lifestyles, ensure Phoenix increases its competitive advantage in the global marketplace, and improve prosperity by growing the economy in locations with existing infrastructure and public services.

With specific regard to the proposed use and the site, the Uptown TOD District Plan provides the following guidance.

- The site is depicted on the Conceptual Zoning Plan with a recommended Transect of 5:5, which the applicant has proposed.
- The plan projects a shortfall of 10,888 housing units by 2035 and articulates a goal for more housing and employment in proximity to high-capacity transit. The proposal would add 249 dwelling units near light rail.
- The plan identifies that only 22 percent of households are within a 0.25 mile walk of healthy food and the proposal would bring 249 households within that distance of the Fry's Food Store located at the northwest corner of 7th Avenue and Camelback Road.

Uptown TOD Policy Plan, Conceptual Zoning Plan; Source: Planning and Development Department



6. Alhambra Village Character Plan:

The Alhambra Village Character Plan was approved and adopted into the Phoenix General Plan through General Plan Amendment GPA-1-19. The project advances the following items identified in the Alhambra Village Character Plan:

- Land Use Principle: Locate major traffic-generating land uses on major streets in areas planned for such uses, or near parkway and freeway access and transit centers or light rail transit stations, and avoid use of local streets.
- Land Use Principle: Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas and where transit or transportation alternatives exist.
- Design Principle: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

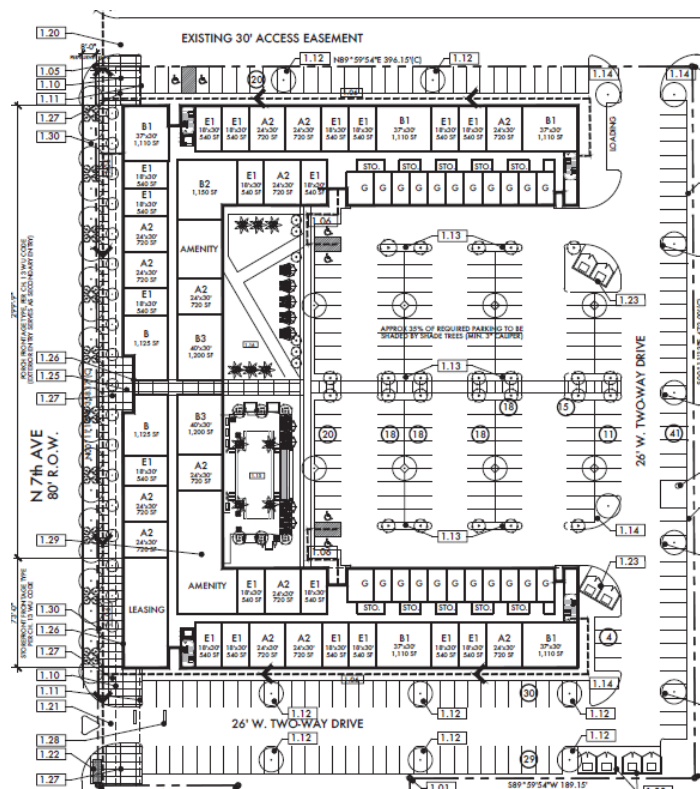
- Design Principle: Locate parking to the rear of a site to create a more pedestrian environment, when adequate shielding from noise and light can be provided to adjacent established neighborhoods. On-street parking in some areas may also promote a pedestrian environment.

The proposal would add new multifamily residential within close proximity to high-capacity transit, on an arterial street, and in a walkable urban configuration that will produce a strong and well shaded pedestrian environment with parking situated to the rear of the site, with the exception of the parking spaces along the driveways at the far north and south of the site.

PROPOSAL

7. Site Plan

The applicant is proposing 249 dwelling units in a four-story configuration. The proposal provides ground-level surface parking shaded to 35 percent (per Stipulation No. 7) located behind or set back from the building. The vehicular ingress/egress is from a driveway at the south edge of the site and through an access easement north of the site shared with the adjacent multifamily east of the subject site. The driveway on 7th Avenue will be restricted to right-in/right-out (Stipulation No. 9). Further, traffic calming devices will be installed at driveways to slow vehicles down when crossing the sidewalk, per Stipulation No. 5.



Conceptual Site Plan; Source: Wilder Architects

The streetscape along 7th Avenue includes a six-foot-wide sidewalk detached from the curb with a ten-foot-wide landscape strip (Stipulation No. 10) with a six-foot-wide landscape setback between the sidewalk and building to accommodate a double row of trees along the streetscape (Stipulation No. 3). To further activate the streetscape, the applicant is providing ground-floor units with the porch frontage type. This frontage type is codified in Stipulation No. 2.

The applicant is providing 10,000 square feet of publicly accessible open space, adjacent to 7th Avenue and shaded to a minimum of 50 percent, at the north and south corners and at the midpoint of the site. Staff recommends Stipulation No. 1 to ensure that the provided open space areas are developed as proposed.

8. **Conceptual Building Elevations**

To promote enhanced design and compatibility with the surrounding area, staff is recommending Stipulation No. 4 which requires that masonry elements be incorporated into the primary exterior building materials.



Conceptual 7th Avenue Elevation; Source: Wilder Architects

STUDIES AND POLICIES

9. **Tree and Shade Master Plan:**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect.

The proposal aligns with the Tree and Shade Master Plan in the following ways. First, the Walkable Urban Code requires that all public sidewalks be shaded to a minimum of 75 percent at maturity. Second, as required by Stipulation No. 3 the applicant will provide a six-foot-wide landscape area along 7th Avenue planted with minimum three-inch caliper shade trees. Stipulation No. 7 requires that the surface parking area be shaded to 35 percent by minimum three-inch caliper trees and that the landscape area between the back of curb and sidewalk be planted with three-inch caliper trees (Stipulation No. 10).

10. **Complete Streets Guidelines:**

The City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles.

The Walkable Urban Code is designed to facilitate pedestrian, bicycle, and transit-oriented development and includes provisions to advance the goals of the policy guide. As required by Stipulation No. 5, traffic calming devices will be installed along the driveways to slow vehicles down when exiting the site. Stipulation No. 6 requires bicycle parking and a fix-it station, and Stipulation No. 10 requires a six-foot-wide sidewalk detached from the curb with a ten-foot-wide landscape strip.

11. **Housing Phoenix:**

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with the vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing.

The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant or underutilized land in a more sustainable fashion.

12. **Zero Waste Phoenix PHX:**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs.

Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, and mixed-use developments meeting certain criteria. The applicant stated in their application materials that they anticipate the developer will incorporate recycling options for residents.

COMMUNITY CORRESPONDENCE

13. As of the writing of this report, staff has not received letters or support or opposition from members of the public.

INTERDEPARTMENTAL COMMENTS

14. The Fire Department commented that the site plan must comply with the Phoenix Fire Code, indicated there are no problems anticipated with the case, but noted that the applicant should be aware of requirements for fire apparatus access road turning radius, width, and clear height.

15. The Street Transportation Department provided a series of stipulations related to the perimeter conditions of the proposed development including the following: Stipulation No. 8 to require a Traffic Impact Study to evaluate 7th Avenue peak hour restrictions, site traffic routing on the surrounding street network and a contribution of funds for the Colter Street Project; Stipulation No. 9 requiring that the southern driveway on 7th Avenue be right-in/right-out, Stipulation Nos. 10 and 11 to require a shaded and detached sidewalk along 7th Avenue with a corresponding sidewalk easement; and Stipulation No. 12 to require all improvements in the right-of-way be constructed with all required elements and to ADA standards.
16. The Public Transit Department asked that the existing bus stop be retained towards the southern boundary of the site. That is shown on the site plan attached as an exhibit.

OTHER

17. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 13.
18. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 14.
19. Development and use of the site are subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments may be required.

Findings

1. The proposed development is consistent with the General Plan Land Use Map designation and the transect map within the Uptown Transit Oriented Development Policy Plan.
2. The proposal as stipulated, will create a strong pedestrian environment along 7th Avenue with shaded and detached sidewalks to convey residents safely

and comfortably to the 7th Avenue/Camelback Road light rail station.

3. The proposal will create additional housing options in line with the Housing Phoenix Plan's goal of preserving or creating 50,000 housing units by 2030.

Stipulations

1. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
 - a. Adjacent and accessible to the public sidewalk on 7th Avenue
 - b. Provided in areas of not less than 500 square feet and 20 feet in width;
 - c. Shaded to a minimum of 50 percent by vegetative shade;
 - d. Maintained in perpetuity without fences or barriers;
 - e. Eligible to qualify as a forecourt frontage type;
 - f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.
2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and doorwell, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.
3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.
4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.
5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.

6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.
7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.
8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.
10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning

and Development Department.

12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. 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.
14. 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.

Writer

Sarah Stockham

December 16, 2022

Team Leader

Racelle Escolar

Exhibits

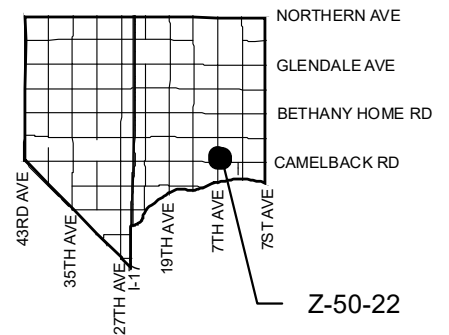
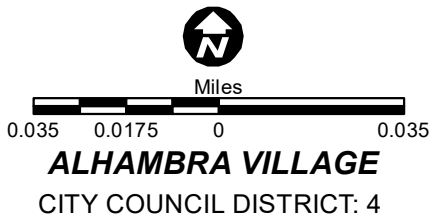
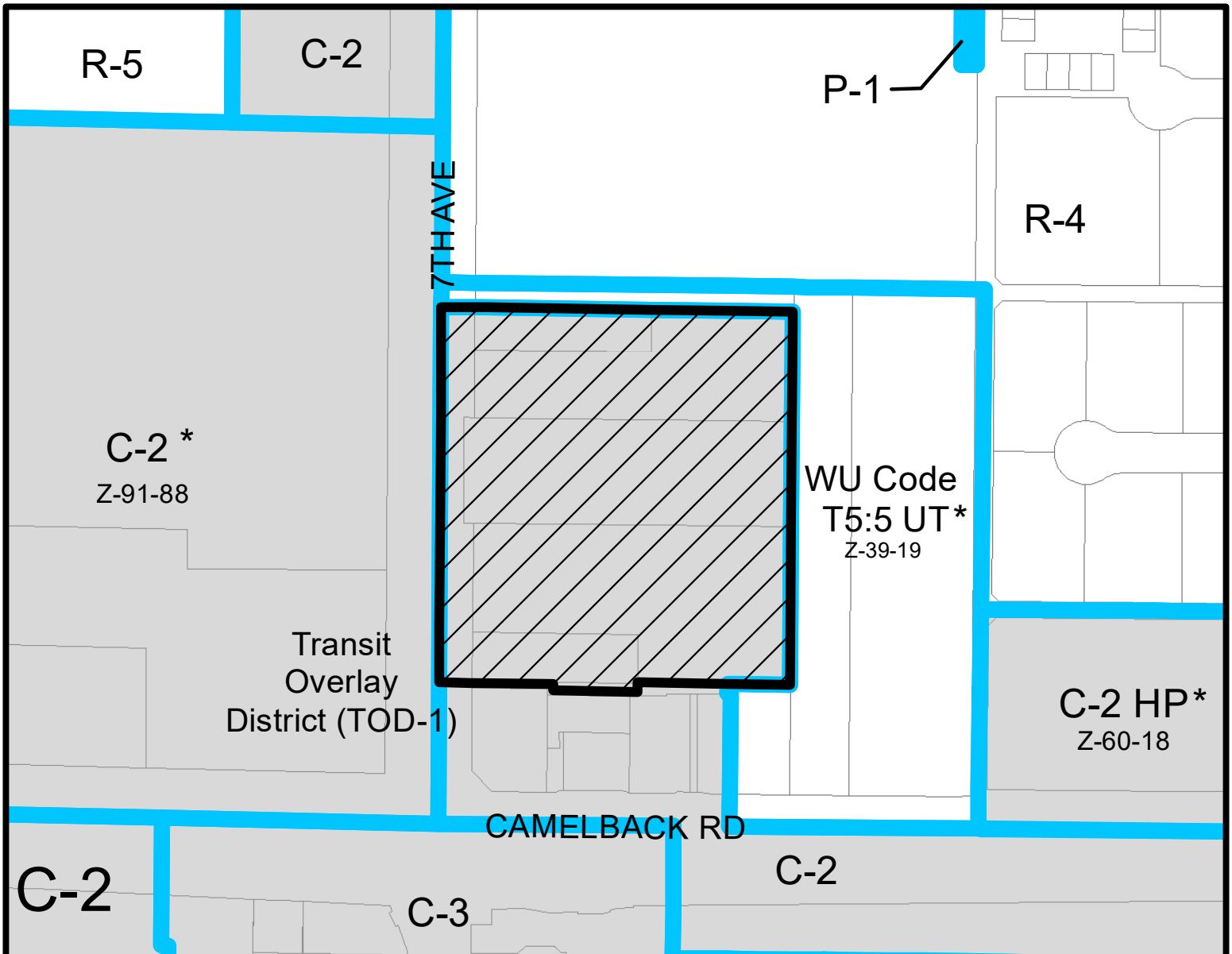
Zoning sketch map

Aerial sketch map

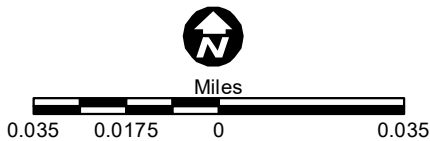
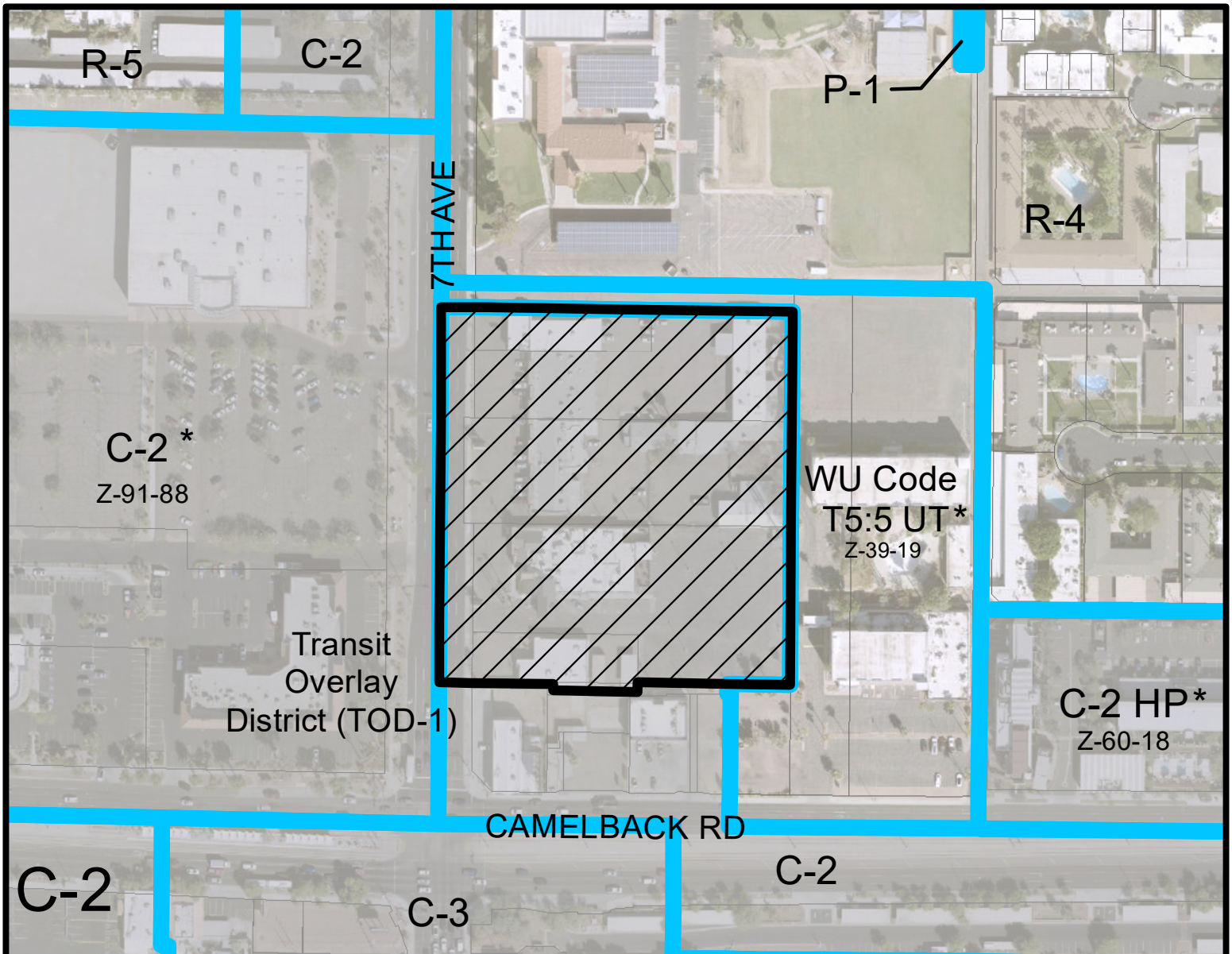
Conceptual Site Plan date stamped October 31, 2022

Conceptual Landscape Plan date stamped October 31, 2022

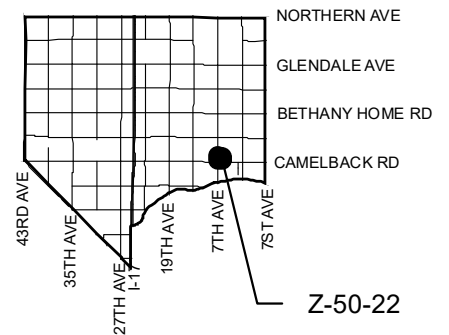
Conceptual Building Elevations date stamped October 31, 2022 (4 pages)



APPLICANT'S NAME: Brian Greathouse, Burch & Cracchiolo, PA		REQUESTED CHANGE:	
APPLICATION NO. Z-50-22		FROM: C-2 TOD-1 (4.79 a.c.)	
DATE: 6/30/2022 REVISION DATES:		TO: WU Code T5:5 UT (4.79 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 4.79 Acres			
AERIAL PHOTO & QUARTER SEC. NO. QS 19-27		ZONING MAP H-8	
MULTIPLES PERMITTED C-2 TOD-1 WU Code T5:5 UT		CONVENTIONAL OPTION 69 No Maximum	
* Maximum Units Allowed with P.R.D. Bonus		* UNITS P.R.D. OPTION 83 N/A	



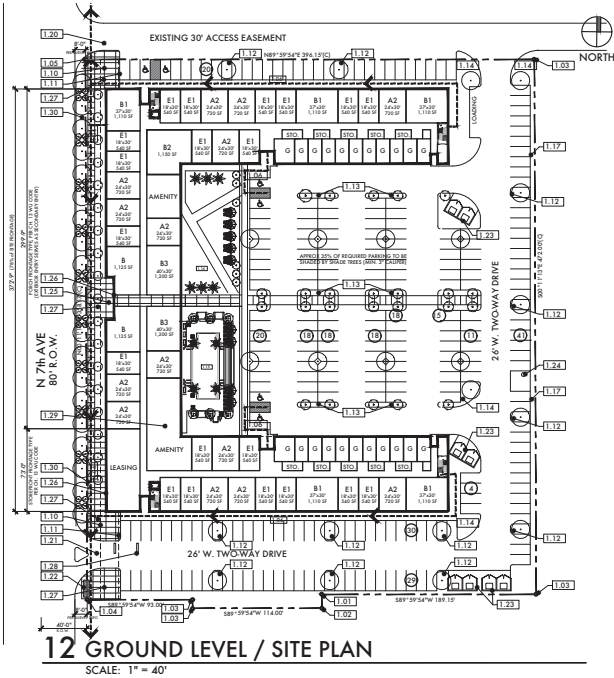
ALHAMBRA VILLAGE
CITY COUNCIL DISTRICT: 4



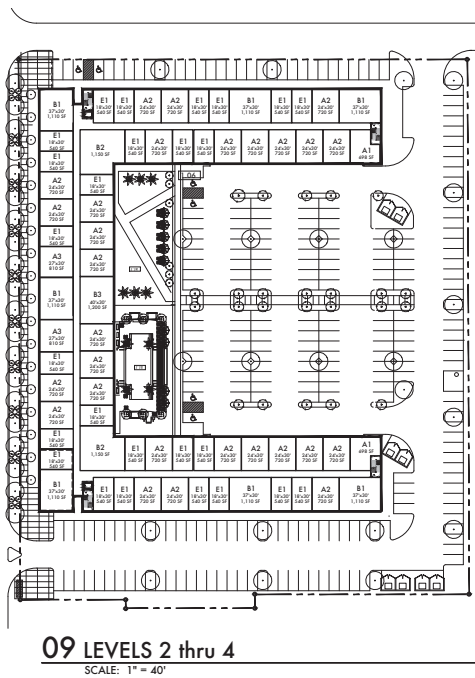
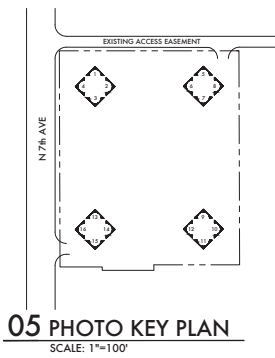
APPLICANT'S NAME: Brian Greathouse, Burch & Cracchiolo, PA		REQUESTED CHANGE:	
APPLICATION NO. Z-50-22		FROM: C-2 TOD-1 (4.79 a.c.)	
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GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 4.79 Acres			
AERIAL PHOTO & QUARTER SEC. NO. QS 19-27		ZONING MAP H-8	
MULTIPLES PERMITTED C-2 TOD-1 WU Code T5:5 UT		CONVENTIONAL OPTION 69 No Maximum	
		* UNITS P.R.D. OPTION 83 N/A	

* Maximum Units Allowed with P.R.D. Bonus

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- KEYNOTES**
- 1.01 SET "X" NAIL / WASHER R.L.S. #28236
 - 1.02 SET REBAR / CAP R.L.S. #28236
 - 1.03 FOUND REBAR / CAP R.L.S. #31020
 - 1.04 FOUND REBAR / CAP R.L.S. #31020
 - 1.05 FOUND REBAR / CAP R.L.S. #42132
 - 1.06 ACCESSIBLE PATH TO ENTRY / PUBLIC WAY
 - 1.10 FRONTYARD SETBACK (WU 15.5); COMPLIES WITH DRAFT STIPULATIONS REF. SECTION
 - 1.11 PARKING SETBACK: 30'
 - 1.12 LANDSCAPE ISLAND: 8'x17'
 - 1.13 LANDSCAPE ISLAND: 5'x35'
 - 1.14 LANDSCAPE ISLAND (75 SF)
 - 1.15 POOL DECK, TIRE and PAVING
 - 1.16 AMENITY DECK, TURF and CONC PAVING
 - 1.17 6' SPRINKLER EASEMENT
 - 1.20 30' W. R.1255.1 ENTRY DRIVEWAY
 - 1.21 24' W. R.1255.1 ENTRY DRIVEWAY - RIGHT-IN, BICYCLE ONLY
 - 1.22 EXISTING BUS STOP RELOCATED TO SOUTH END OF PROPERTY
 - 1.23 TRASH BIN ENCLOSURES COMPLYING WITH C.O.P. STANDARDS
 - 1.24 EXISTING CELL TOWER ANTENNA TO REMAIN "NECESSARY" AT FIRST 2 LEVELS AT MIDPOINT OF BUILDING LENGTH
 - 1.25 BUILDING ENTRY ON 7TH AVE.
 - 1.26 PUBLICLY ACCESSIBLE OPEN SPACE: APPROX 4,000 SF AT SOUTH CORNER APPROX 2,000 SF AT NORTH CORNER
 - 1.28 TRAFFIC CALMING DEVICE AT VEHICULAR EXIT
 - 1.29 AMENITY AREAS WILL INCLUDE SECURE RESIDENT BICYCLE PARKING AND BICYCLE REPAIR STATION. LOCATION AND CONFIGURATION TBD.
 - 1.30 GUEST BICYCLE PARKING COMPLYING WITH SECTION 1307.H OF ZONING ORDINANCE



SITE INFORMATION

ADDRESS: 5015, 5025, 5027, 5037, 5049
NORTH 7TH AVE
PHOENIX, AZ 85013

CURRENT ZONING: C-2
REQUESTED ZONING: WU 15.5

SITE SIZE: 188,803 SF (4.33 AC)
NET: 207,994 SF (4.77 AC)
GROSS: 207,994 SF (4.77 AC)

LOT COVERAGE: BLDG FOOTPRINT: 55,000 SF (26.4%)

ALLOWABLE BUILDING HT: 56'
PROPOSED BUILDING HT: 54'9"

BUILDING AREA:
GROSS: 222,000 SF
NET: 177,500 SF

249 UNITS TOTAL

STUDIO	97
1 BR	115
2 BR	37
PARKING REQUIRED:	
1 per STUDIO	97
1.5 per 1 BR	172.5
1.5 per 2 BR	55.5
SUBTOTAL REQ'D	325 SPACES
23% REDUCTION	76 SPACES
TOTAL	249 SPACES REQUIRED
PARKING PROVIDED:	
SURFACE	244
ACCESSIBLE	4
100% UNDER GARAGE	275 SPACES PROVIDED

WILDER ARCHITECTS
1400 CLUB HILL DR
DALLAS, TX 75248
214.616.3196
WILDERARCH.COM

Magnolia
PROPERTY CO.
4403 SCOTTSMOORE BLVD
SUITE 100
SCOTTSDALE, AZ 85253

Issues and Revisions:

No.	Date	Issue
1	08 Feb 23	Revisions Zoning Per App
2	07 March 23	Changes Zoning Per App
3	17 June 23	Changes Per App
4	09 Sept 23	Small modifications

MAGNOLIA
7th and CAMELBACK
PHOENIX, ARIZONA

Project Owner: Magnolia Property Company
2425 Camelback Rd., Suite 100
Phoenix, AZ 85016
602.461.3196
magnolia@mgm.com

Architect: Wilder Architects
1400 Club Hill Dr.
Dallas, TX 75248
214.616.3196
wilder@wilderarch.com

Drawing Name: **SITE PLAN**
Sheet Number: **A001**

CITY OF PHOENIX
OCT 31 2022
Planning & Development
Department



WILDER ARCHITECTS
18704 CLUB HILL DR
DALLAS, TX 75248
214.616.5176
WILDERARCH.COM

Project Owner:



MAGNOLIA PROPERTY CO.
2425 SOUTHWEST BLVD.
SUITE 130
SCOTTSDALE, AZ 85261

Issues and Revisions:

No.	Date	Issue
1	12 Feb 22	Revised Lotting Per App.
2	02 Sep 22	Stake Vegetation

MAGNOLIA
7th and CAMELBACK
PHOENIX, ARIZONA

Project Owner: Magnolia Property Company
Contact: 2425 Southwest Blvd, S 130
Scottsdale, AZ 85261
817.799.2000
randy@mgpro.com

Architect: Wilder Architects
18704 Club Hill Dr.
Dallas, TX 75248
214.616.5176
wilder@wilderarch.com

Drawing Name:
LANDSCAPE PLAN

Sheet Number:

A002

CITY OF PHOENIX

OCT 31 2022

**Planning & Development
Department**





WILDER ARCHITECTS
 18704 CLUB HILL DR
 DALLAS, TX 75248
 214.616.5178
 WILDERARCH.COM

Project Owner:



MAGNOLIA PROPERTY CO.
 2425 SOUTHSHORE BLVD.
 SUITE 100
 DOWNTOWN, TX 76010

Issues and Revisions:

No.	Date	Issue
1	18 Feb 22	Revisions Issued Per App.
2	17 June 22	Issued Per App. updates
3	02 Sept 22	Draft Regulations

MAGNOLIA
 7th and CAMELBACK
 PHOENIX, ARIZONA

Project Owner: Magnolia Property Company
Contact: 2425 Southshore Blvd, Suite 100
 Downtown, TX 76010
 817.799.2000
 info@magnolia.com

Architect: Wilder Architects
 18704 Club Hill Dr.
 Dallas, TX 75248
 214.616.5178
 wilderarchitects.com

Drawing Name:
BUILDING ELEVATION

Sheet Number:
A005

CITY OF PHOENIX
 OCT 31 2022
 Planning & Development
 Department



MAGNOLIA PROPERTY CO.
2435 SOUTHLAKE BLVD.
SUITE 150
SOUTHLAKE, TX 76092

No.	Date	Issue
1	28 Feb 22	Phoenix Zoning Pre-App
3	17 June 22	Zoning Pre-App update
4	02 Sept 22	Draft Stipulations

[illegible]

MAGNOLIA
7th and CAMELBACK
PHOENIX, ARIZONA

Project Owner:
Contact: Magnolia Property Company
2435 Southlake Blvd, S. 150
Southlake, TX 76092
817.769.2580
randy@mpcres.com

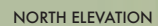
Architect: Wilder Architects
16904 Club Hill Dr.
Dallas, TX 75248
214.616.5196
wilder@wilderarch.com

Drawing Name: _____
BUILDING ELEVATION

Sheet Number:

A005.2

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DOI 10.1002/pola.20391



Planning & Development
Department



MAGNOLIA PROPERTY CO.
2435 SOUTHLAKE BLVD.
SUITE 150
SOUTHLAKE, TX 76092

No.	Date	Issue
1	28 Feb 22	Phoenix Zoning Pre-App
3	17 June 22	Zoning Pre-App update
4	02 Sept 22	Draft Stipulations

[illegible]

MAGNOLIA
7th and CAMELBACK
PHOENIX, ARIZONA

Project Owner:
Contact: Magnolia Property Company
2435 Southlake Blvd, S. 150
Southlake, TX 76092
817.769.2580
randy@mpcres.com

Architect: Wilder Architects
16904 Club Hill Dr.
Dallas, TX 75248
214.616.5196
wilder@wilderarch.com

Drawing Name: _____
BUILDING ELEVATION

Sheet Number:

A005.3



**Planning & Development
Department**



Village Planning Committee Meeting Summary

Z-50-22-4

Date of VPC Meeting	December 20, 2022
Request From	C-2 TOD-1
Request To	WU Code T5:5 UT
Proposed Use	Multifamily residential
Location	Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road
VPC Recommendation	Approval, per the staff recommendation, with an additional stipulation
VPC Vote	12-4

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee Members Jak Keyser and Jamaar Williams joined during this item, bringing quorum to 16 members.

Three members of the public registered to speak on this item.

STAFF PRESENTATION

Sarah Stockham, staff, reviewed the surrounding land uses, zoning designations, and the Uptown TOD Policy Plan transect map. Ms. Stockham displayed the proposed site plan, elevations and concluded with staff findings and recommended stipulations.

APPLICANT PRESENTATION

Brian Greathouse, representing the applicant with Burch & Cracchiolo, PA, displayed an aerial image of the site, reviewed the surrounding land uses, and displayed the proposed elevations and site plan highlighting the location of the open space along 7th Avenue. Mr. Greathouse showed a trip generation comparison of the current zoning and proposed zoning revealing a reduction in AM and PM trips, a route comparison showing that it is a shorter route to turn left onto 7th Avenue rather than a right to travel along Colter Street to go south on 7th Avenue, or west or east on Camelback Road, and concluded by showing a gap analysis detailing the number of left turns onto 7th Avenue possible during AM and PM peak hours.

QUESTIONS FROM THE COMMITTEE

Committee Member Jim DeGraffenreid asked what is the targeted renter demographic, what the price ranges will be for the units, if residents using light rail was incorporated into the traffic trip generation calculation, and if any water conservation or heat mitigation measures are going to be incorporated into the site design. **Mr.**

Greathouse replied that they are targeting young professionals and empty nesters, the price range will be \$1,400 for a studio, \$1,700 for a one-bedroom unit, and \$2,400 for a two-bedroom unit, the traffic study did not reduce the number of trips due to residents using light rail, but that now that working from home is more popular they expect the actual trips generated to be 20% less than the projected trips, and they will use a white TPO roof for energy efficiency and low-flow plumbing fixtures.

Committee Member Tracey Adams asked what is a forecourt, what was the response of the nearby historic district to the traffic study, and how far is the building from the back of curb. **Mr. Greathouse** replied that the building will be recessed in the center to allow for a seating area which is the forecourt, Medlock Place Historic District provided a letter of support for the project, and they also want the Colter Street improvements in the Colter Street Improvement Project completed, and the building is 22 feet from the back of curb. Committee Member Adams commented that while it is great to have City stipulations and policy for shade trees, in actuality there is not enough space to grow them, an Italian Cypress tree can grow to be 20 feet wide, and maintenance is an issue as well as some property owners cannot keep up with pruning. Committee Member Adams concluded that she wants to see this project succeed, but when you have a beautiful building and landscaping that is not up to par, it can have an impact on the entire site.

Committee Member Keith Ender asked how the parking spaces along the northern border of the site will impact the traffic flow along the shared driveway to the north, and if the applicant has spoken to the neighboring property owner to the east who shares the driveway. **Mr. Greathouse** replied that they have not spoken with the neighboring developer, and their calculations show that the driveway is wide enough to accommodate the parked cars.

Committee Member Maurita Harris asked if the historic neighborhood commented on turning left during certain times of day, adding that during the mornings and evenings the reverse lane on 7th Avenue is not a turn lane. **Mr. Greathouse** replied that they were surprised with the number of gaps available to turn left in the traffic study, and they have drone footage showing the gaps available to make left turns throughout the day. Committee Member Harris asked if the land has already been acquired and if these units will be for low-income renters. Mr. Greathouse replied that the site is under contract but has not closed, and that the units will be market rate.

Committee Member Charlie Jones shared a concern with the parking spaces along the north side of the development, and that they will stop the traffic flow in the shared driveway when they are backing out. **Mr. Greathouse** replied that if there was a car

driving in the shared driveway it would yield to the car backing out, and they don't anticipate cars driving quickly down the driveway. Committee Member Jones replied that there will be a lot of traffic using that driveway as it is shared with the development to the east and asked if the users of this site can access the site to the east which has access onto Camelback Road. Mr. Greathouse replied that the neighboring site will be gated so residents of the subject site will not be able to drive through to reach Camelback Road, and they only used their proposed project in their trip generation calculations, but they would be happy to look into it more.

Vice Chair Drew Bryck asked if they could stripe a dedicated left turn lane within the shared driveway, because one car waiting to turn left onto 7th Avenue will back up the rest of the cars in the driveway who want to turn right and asked who is responsible for the driveway. **Mr. Greathouse** replied that the driveway is 30-feet-wide, which is wider than a typical driveway, but they are expecting it to be one lane in, one lane out without striping, and that both property owners have rights to the shared driveway. Vice Chair Bryck asked for clarification on the funds provided in an escrow account and asked if they anticipate traffic will spill onto Oregon Avenue or Georgia Avenue due to the improvements proposed on Colter Street. Mr. Greathouse replied that they have agreed to deposit funds into an escrow account for the Colter Street Improvement Project, which is still in the design phase, and that is hard to gauge human behavior, but they do not anticipate many people turning right onto those streets.

Committee Member Alexander Malkoon asked if the purchase of the site is contingent on the zoning approval, if the units will be built with the potential for condo conversions, why the property to the east appears to have no building setback on Camelback Road, when is it required for developers to underground utility lines and what was the amount provided for traffic improvements by the property to the east to the Medlock Place association. Mr. Greathouse replied that the sale of the site is contingent the zoning approval and they are not planning on building the units to condo standards to allow for a conversion in the future. Ms. Stockham, staff, replied that the Walkable Urban Code requires a maximum setback, not a minimum, so a 0-foot setback on Camelback Road would be within Zoning Ordinance standards, it is a common requirement through the development review process to underground utility lines, and that she is unfamiliar with the details of the private agreement between the developer of the property to the east and the nearby historic neighborhood.

Committee Member Charlie Jones asked how many parking spaces will be provided and what was the unit mix. **Mr. Greathouse** replied they are providing 272 parking spaces, which is in the middle of what the Phoenix Zoning Ordinance requires, and the amount allowed with a 25% reduction due to the proximity of the light rail station, and they are providing 97 studios, 115 one-bedrooms and 37 two-bedrooms.

Committee Member Christian Solorio shared that unlike the City of Tempe, the City of Phoenix does not have the infrastructure in place for a fund for voluntary donations by market-rate developers towards building affordable housing, but the AZ Housing Fund is an option and encourages all market-rate developers to consider a donation.

PUBLIC COMMENT

Ken Waters shared that his TOD journey began in October when there was a PHO proposal for a PUD-zoned site near Central and Camelback, where the developer wanted to reduce the amount of retail on the ground floor from 14,000 square feet to 2,000 square feet. Mr. Waters added that the City is missing mixed-use opportunities in projects along the light rail line, that the ground floor should be sacred ground for retail for properties along the light rail line and asked each committee member do their own walk through or inventory of sites near the light rail to see how many incorporate ground-floor retail and how many are 100% residential.

Ellen Bilbrey, with the Medlock Place Historic District Association, shared her support for the project, that they worked with both the hotel and multifamily residential development to the east who did contribute funds for traffic mitigation into an escrow account, and that she liked that the project was only four stories and the way it integrates tree and shade, that the shopping center across the street has enough retail and ultimately thanked the applicant for their early collaboration on the project.

Rick Mountjoy, with the Medlock Place Historic District Association, thanked the developer for reaching out early in the process, and shared that traffic is a concern now that this site and the site to the east will add a combined 535 dwelling units to the neighborhood, but they are working with the City on traffic mitigation measures.

APPLICANT RESPONSE

Mr. Greathouse thanked the speakers for the support and shared that there is retail on the corner of 7th Avenue and Camelback Road.

FLOOR/PUBLIC DISCUSSION CLOSED:

MOTION

Committee Member Alexander Malkoon motioned to recommend approval of Z-50-22-4 per the staff recommendation.

Committee Member Charlie Jones asked to make a friendly amendment that a stipulation be added to relocate parking on the north so that it will not interfere with traffic flow on the shared driveway.

Vice Chair Drew Bryck asked to make a friendly amendment that the driveway include a dedicated left-turn lane.

Committee Member Alexander Malkoon accepted and amended his motion to include an additional stipulation: The developer shall work with the Street Transportation and Planning and Development Departments regarding the proposed parking along the north side of the site so that it does not interfere with traffic flow along the shared driveway and to potentially stripe the driveway to include a left-turn lane.

Committee Member Alexander Malkoon motioned to recommend approval of Z-50-22-4 per the staff recommendation with an additional stipulation. **Committee Member Charlie Jones** seconded the motion.

DISCUSSION

Committee Member Tracey Adams shared a concern with the landscaping along the streetscape, sharing that often time there is not adequate space for trees to grow or they grow too close to the building, and apartment management companies excessively prune or remove the trees.

Committee Member Jak Keyser shared that while he understands the request to have retail at this location, this could also be a location to have professional offices on the ground floor, as this site does not immediately face the light rail line.

Committee Member Crystal Carrillo shared that she does not approve of the request, stating a need for affordable, not market rate, housing in the Village.

VOTE

12-4; motion to recommend approval of Z-50-22-4 per the staff recommendation with an additional stipulation passes with Committee Members Adams, Ender, Fitzgerald, Harris, Jones, Keyser, Krietor, LeBlanc, Malkoon, Solorio, Bryck and Shore in favor with Committee Members Carrillo, DeGraffenreid, Sanchez and Williams opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

VPC Recommended Stipulations:

1. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
 - a. Adjacent and accessible to the public sidewalk on 7th Avenue
 - b. Provided in areas of not less than 500 square feet and 20 feet in width;
 - c. Shaded to a minimum of 50 percent by vegetative shade;
 - d. Maintained in perpetuity without fences or barriers;
 - e. Eligible to qualify as a forecourt frontage type;

- f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.
2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and doorwell, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.
3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.
4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.
5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.
6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.
7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.
8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be

granted until the study is reviewed and approved by the City.

9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.
10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.
12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. 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.
14. 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.
15. **THE DEVELOPER SHALL WORK WITH THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS REGARDING THE PROPOSED PARKING ALONG THE NORTH SIDE OF THE SITE SO THAT IT DOES NOT INTERFERE WITH TRAFFIC FLOW ALONG THE SHARED DRIVEWAY AND TO POTENTIALLY STRIPE THE DRIVEWAY TO INCLUDE A LEFT-TURN LANE.**

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION January 5, 2023

ITEM NO: 11	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	Z-50-22-4
Location:	Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road
From:	C-2 TOD-1
To:	WU Code T5:5 UT
Acreage:	4.79
Proposal:	Multifamily residential
Applicant:	Brian Greathouse, Burch & Cracchiolo, PA
Owner:	Larkspur Lane Investment Properties, LLC
Representative:	Brian Greathouse, Burch & Cracchiolo, PA

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Alhambra 12/20/2022 Approval, per the staff recommendation with an additional stipulation.
Vote: 12-4.

Planning Commission Recommendation: Approval, per the Alhambra Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Boyd made a MOTION to approve Z-50-22-4, per the Alhambra Village Planning Committee recommendation.

Maker: Boyd
Second: Gaynor
Vote: 8-0
Absent: Mangum
Opposition Present: Yes

Findings:

1. The proposed development is consistent with the General Plan Land Use Map designation and the transect map within the Uptown Transit Oriented Development Policy Plan.
2. The proposal as stipulated, will create a strong pedestrian environment along 7th Avenue with shaded and detached sidewalks to convey residents safely and comfortably to the 7th Avenue/Camelback Road light rail station.
3. The proposal will create additional housing options in line with the Housing Phoenix Plan's goal of preserving or creating 50,000 housing units by 2030.

Stipulations:

1. The developer shall provide a minimum 10,000 square feet of publicly accessible open space in a forecourt configuration, as described below and as approved or modified by the Planning and Development Department. The publicly accessible open space shall be:
 - a. Adjacent and accessible to the public sidewalk on 7th Avenue
 - b. Provided in areas of not less than 500 square feet and 20 feet in width;
 - c. Shaded to a minimum of 50 percent by vegetative shade;
 - d. Maintained in perpetuity without fences or barriers;
 - e. Eligible to qualify as a forecourt frontage type;
 - f. Improved to contain, at minimum, a drinking fountain for people and pets, art, and seating.
2. All ground floor dwelling units adjacent to 7th Avenue shall utilize the stoop and door well, forecourt, or porch frontage types, as approved or modified by the Planning and Development Department.
3. Between the public sidewalk and the building fronts, there shall be a 6-foot-wide landscape area planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department to comply with frontage requirements.
4. The development shall incorporate masonry elements into the primary exterior building materials and shall be reflective of the architectural style in the area, as approved by the Planning and Development Department.
5. The developer shall install traffic calming devices along the driveways of the property so that vehicle drivers exercise caution prior to crossing the sidewalk when exiting the property, as approved or modified by the Planning and Development Department.
6. The developer shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H of the Phoenix Zoning Ordinance, shall be secured parking.
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 - c. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility near the secure bicycle parking areas.
7. A minimum 35 percent of the uncovered parking lot area shall be shaded by minimum 3-inch caliper shade trees, as approved by the Planning and Development Department.

8. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. The TIS shall include evaluation of 7th Avenue peak hour restrictions and resulting site traffic routing on the surrounding street network and proposed mitigation to Colter Street. The developer shall be responsible for all costs for mitigation measure determined by the Study and contribute funds for the Colter Street Project. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.
9. The southern driveway onto 7th Avenue, as depicted on the site plan date stamped October 31, 2022, shall be restricted to right-in/right-out only and access shall be coordinated with the Public Transit Department, as approved by Planning and Development.
10. The developer shall construct a minimum 6-foot-wide sidewalk separated from the curb by a minimum 10-foot-wide landscape area along the east side of 7th Avenue and planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
11. The developer shall dedicate a sidewalk easement to accommodate a minimum 6-foot-wide sidewalk and minimum 10-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.
12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. 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.
14. 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.
15. THE DEVELOPER SHALL WORK WITH THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS REGARDING THE PROPOSED PARKING ALONG THE NORTH SIDE OF THE SITE SO THAT IT DOES NOT INTERFERE WITH TRAFFIC FLOW ALONG THE SHARED DRIVEWAY AND TO POTENTIALLY STRIPE THE DRIVEWAY TO INCLUDE A LEFT-TURN LANE.

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 329-5065, TTY use 7-1-1.

ATTACHMENT E

CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:			
APPLICATION NO/ LOCATION	Z-50-22-4 Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road	(SIGNATURE ON ORIGINAL IN FILE)	
		opposition	x
APPEALED FROM:	PC 1/5/2023	126 West Pierson Street Phoenix, AZ 85013	
	<i>PC DATE</i>	<i>STREET/ADDRESS/CITY/STATE/ZIP</i>	
TO PC/CC HEARING	CC 2/1/2023	Ken Waters 602-373-1902 Kennywaters602@gmail.com	
	<i>CC DATE</i>	<i>NAME / PHONE / EMAIL</i>	
REASON FOR REQUEST: NOT Walkable Urban Mixed-Use as should be! Etc.			
RECEIVED BY:	Chase Hales	RECEIVED ON:	1/9/2023

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Diana Hernandez
David Urbinato
Vikki Cipolla-Murillo

Greg Harmon
Paul M. Li
Village Planner
GIS
Applicant
Adam Stranieri (for PHO Appeals)



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

JAN 09 2023

Planning & Development
Department

The **PLANNING COMMISSION** agenda for **January 5, 2023** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **January 12, 2023.**

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. **January 12, 2023.**

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **January 12, 2023.**

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **January 19, 2023.**

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-50-22-4 - Magnolia

APPLICATION NO.

Jan 5th 2023

DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

NEE Camelback & 7th Ave

LOCATION OF APPLICATION SITE

Chase Hales

PLANNER

(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Ken Waters

PRINTED NAME OF PERSON APPEALING

126 W. Pierson St.

STREET ADDRESS

Phoenix, AZ 85013

CITY, STATE & ZIP CODE

KennyWaters602@gmail.com

EMAIL ADDRESS

Ken Waters

SIGNATURE

Jan 9th 2023

DATE OF SIGNATURE

602 373-1902

TELEPHONE NO.

REASON FOR REQUEST

NOT Walkable Urban Mixed-Use as Should be! Etc.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:			
APPLICATION NO/ LOCATION	Z-50-22-4 Approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	x
APPEALED FROM:	PC 1-5-2023	7135 E. Camelback Road, Suite 360 Phoenix, AZ 85251	
	<i>PC DATE</i>	<i>STREET/ADDRESS/CITY/STATE/ZIP</i>	
TO PC/CC HEARING	CC 2-1-2023	Jon Garshick 602-778-2800 jgarshick@allresco.com	
	<i>CC DATE</i>	<i>NAME / PHONE / EMAIL</i>	
REASON FOR REQUEST: Safety concerns related to current site plan which required vehicular maneuvering within an active driveway easement.			
RECEIVED BY:	Brad Wylam	RECEIVED ON:	1/12/2023

Alan Stephenson
 Joshua Bednarek
 Tricia Gomes
 Racelle Escolar
 Stephanie Vasquez
 Diana Hernandez
 David Urbinato
 Vikki Cipolla-Murillo

Greg Harmon
 Paul M. Li
 Village Planner
 GIS
 Applicant
 Adam Stranieri (for PHO Appeals)

JAN 12 2023



Planning & Development
Department

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FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-50-22-4		NEC of Camelback and 7th Avenue
APPLICATION NO.		LOCATION OF APPLICATION SITE
January 5, 2023		<i>Brenda Wilson</i>
DATE APPEALED FROM	<input checked="" type="checkbox"/> OPPOSITION <input type="checkbox"/> APPLICANT	PLANNER (PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Jon Garshick	<i>Jon Garshick</i>
PRINTED NAME OF PERSON APPEALING	SIGNATURE
7135 E. Camelback Road, Suite 360	1/12/2023
STREET ADDRESS	DATE OF SIGNATURE
Phoenix, AZ 85251	602.778.2800
CITY, STATE & ZIP CODE	TELEPHONE NO.
jgarshick@allresco.com	
EMAIL ADDRESS	
REASON FOR REQUEST	

Safety concerns related to current site plan which required vehicular maneuvering within an active driveway easement

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

ATTACHMENT F

From: [Brian Greathouse](#)
To: [Ellen Bilbrey](#); [Sarah Stockham](#)
Cc: [Randy Primrose](#); taylor@mpcres.com; [Jamie Blakeman](#); [Ricki Horowitz](#)
Subject: RE: Magnolia Camelback Apartment Project & Medlock Place
Date: Monday, December 19, 2022 11:46:52 AM

Ellen,

Thank you. We appreciate Medlock's support email below!

Sarah,

Please see below email from Ellen Bilbre and Rick Mountjoy on behalf of the Medlock Place Historic District Association.

Brian Greathouse

(602) 234-9903



[\[bcattorneys.com\]](http://bcattorneys.com)

From: Ellen Bilbrey <blockwatch.medlock@gmail.com>
Sent: Saturday, December 17, 2022 3:39 PM
To: Brian Greathouse <bgreathouse@bcattorneys.com>
Subject: Magnolia Camelback Apartment Project & Medlock Place

Caution! This message was sent from outside your organization.

[Allow sender \[mail-cloudstation-us-east-2.prod.hydra.sophos.com\]](#) |
[Block sender \[mail-cloudstation-us-east-2.prod.hydra.sophos.com\]](#)

Hi Brian

I will also send this to Drew Bryk to support Magnolia.

Ellen

Ellen Bilbrey

Begin forwarded message:

From: Rick Mountjoy <rick.mountjoy@gmail.com>
Date: December 12, 2022 at 1:53:39 PM MST
To: Council District 4 <council.district.4@phoenix.gov>
Cc: blockwatch <blockwatch.medlock@gmail.com>, Michael Petersen-Incorvaia <michael.petersen-incorvaia@phoenix.gov>, Maria G Lopez-Corona <maria.corona@phoenix.gov>, Kini Knudson <kini.knudson@phoenix.gov>, Christopher Kowalsky <chris.kowalsky@phoenix.gov>
Subject: **Magnolia Camelback Apartment Project & Medlock Place**

Dear Vice Mayor Pastor,

Thanks again for meeting with us on November 1st regarding traffic control and safety in Medlock Place, and for your directive to implement a trial traffic control feature on Colter Street (the “simulation”).

As you are aware, the Magnolia Property Company is proposing a 250-unit, four-story apartment project very near our neighborhood (7th Avenue & Camelback). This is in addition to Alliance Residential’s adjacent 285-unit project called “Broadstone Uptown” now under construction. These two projects combined add 535 dwelling units to our neighborhood, far exceeding all the dwellings in the Medlock Place Historic District. The additional traffic load from these projects will cause traffic on Colter Street to exceed 1000 vehicles per day; over the limit for a local street.

We had several meetings with Magnolia regarding traffic impact and mitigation, and Magnolia had agreed to implement a traffic suppression feature at Third Avenue and Colter Street. Subsequently, the Streets Department (Chris Kowalski) informed Magnolia that traffic suppression would be designed and installed solely by the Streets Department as part of the “Colter Street Project” and/or the “Third Avenue Project”.

We are thus forced to rely entirely on the City to finance and implement cut-thru traffic suppression from the Magnolia and Alliance projects. The preliminary designs shown on-line for the Colter Street Project **are not sufficient** to mitigate the cut-thru traffic. We **must** have a **stronger** solution; we expect the “trial” feature on Colter to help determine what this solution will be.

Magnolia has asked us to support their zoning change petition at the Village Planning Committee hearing on the 20th. Since the City has assumed leadership and responsibility for effective cut-thru traffic control, on this basis we will support Magnolia’s proposed zoning change subject to the City’s draft stipulations (Z-50-22-4) provided to us on November 17th by Magnolia’s attorney (Brian Greathouse).

Sincerely,

Ellen Bilbrey, President; Medlock Place Historic District Association

Rick Mountjoy, Chairman; Medlock Place Traffic Committee

ATTACHMENT G

From: [Kenny W](#)
To: [Sarah Stockham](#)
Subject: Please forward to AVPC members asap re #3 tonight
Date: Tuesday, December 20, 2022 3:10:18 PM

[https://northcentralnews.net/2022/features/fighting-for-the-future-of-central-avenue/\[northcentralnews.net\]](https://northcentralnews.net/2022/features/fighting-for-the-future-of-central-avenue/[northcentralnews.net])

Sarah,

Please forward -asap - this above link to the December cover story of the North Central News, that is applicable to agenda item #3 tonight, on to the entire AVPC committee. It is not applicable for just “Central Ave” but a fight for the Camelback Rd Walkable Urban TOD future as well.

City of Phoenix Planning needs to stop letting developers kill the vibrant Walkable Urban MIXED-USE TOD *Vision* with their 100% NON Walkable Urban destination-less dead end 100% residential products that simply covets “It’s next to Light Rail!” We’re building a TOD out with no places to go, no vibrancy, no services, with fewer and fewer retail offerings - just Nothingville AZ, USA. This Magnolia project actually tears down and destroys existing TOD retail.

Members: Please consider mercifully rejecting this project, for a better Version 2.0 tomorrow. Please insist that the TOD ground floor floorplates are unique, sacred, and reserved for commercial/retail only on our Light Rail TOD system. The price of TOD entry for developers is vibrancy and delivered VISION. Not more and more of the same non contributing soulless product *not* fit for *ANY* Main Street USA.

Thanks,
Ken Waters

From: [Michael Trend](#)
To: [PDD Long Range Planning](#)
Subject: RE: Z-50-22-4 (7TH Ave and Camelback, NE Corner)
Date: Tuesday, December 20, 2022 1:59:33 PM
Attachments: [Outlook-y3jt35io.png](#)

Hi

As a resident and business owner in North Central Phoenix I wanted to share my comments with the committee in regards to the following topic:

1. **Z-50-22-4:** Presentation, discussion, and possible recommendation regarding a request to rezone 4.79 acres located approximately 180 feet north of the northeast corner of 7th Avenue and Camelback Road **from** C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One) **to** WU T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) to allow multifamily residential.

I believe that all Multi-family Residential along the light rail in TOD should have retail that is accessible by foot traffic. As the city becomes denser there needs to be space set aside for restaurants, coffee shops and retail, that enhances these parts of the city and makes them more livable and walkable.

Thank for considering my comments.

Best,
Michael



Michael Trend
Real Estate Advisor
602.708.8013
michael@michaeltrend.com

HomeSmart
5225 North Central Avenue, Suite 104 Phoenix, AZ 85012

See my past sales, read reviews or add a new review on Zillow:
<https://www.zillow.com/profile/MichaelTrend/> [zillow.com]

From: [Linda Vincent](#)
To: [Sarah Stockham](#)
Subject: Last Meeting
Date: Sunday, January 8, 2023 4:21:20 PM

I was upset by a remark by the representative of the aspiring developer of an additional apartment complex at 7th Avenue and Camelback. He stated that we who voted in opposition had not bothered to attend the Alhambra Village Meeting. I am you recall there was a glitch because you did not recognize the phone number for Janice Paul and she was not given an opportunity to speak. I can only say it was our intention to speak and share the concerns we expressed at the meeting this past week.

Also he spoke about attending the neighborhood meeting to present the plans for the development. It is my understanding there were six people in attendance representing over 200 residents. One might wonder why there appeared to be no interest or concern. In something of obvious impact isn't it possible there was really no information that was shared so the majority of residents were not informed.

I am not sure this is necessarily within your area but it has caused a sense of being deliberately left out to avoid any resistance.

Thank you for responding to my and other's attempts to communicate with you to express our genuine concerns.

Sent from my iPad



Consideration of a Citizen Petition

This report provides the City Council with information in response to the citizen petition submitted by Mr. Andy Diaz Nunez at the Jan. 25, 2023, Formal Meeting (**Attachment A**).

Summary

On Jan. 25, 2023, Mr. Andy Diaz Nunez submitted a citizen petition to ban the use of the City of Phoenix suite at the Footprint Center by Phoenix City Council members. Upon review by the Law Department, this submittal was determined to qualify as a citizen petition because it is an action within the purview of the City Council.

In 1989, the City executed a development agreement, operating agreement and other related contracts with the Phoenix Arena Development Limited Partnership and the Phoenix Suns to construct and operate a new downtown arena, now known as Footprint Center (the Arena). This City-owned multipurpose facility hosts concerts, family shows, conventions and professional sports events that occur every three days on average. As part of the operating agreement with the Suns, the City is provided a suite and twelve tickets for most events. The Community and Economic Development Department (CEDD) manages the use of the suite for the City and has adopted policies for such use. The current Arena Suite Policy, as revised in April 2019 (**Attachment B**), provides guidance for the use of the suite as follows:

Events hosted by City of Phoenix (City) staff in the Arena Suite (suite) are meant to foster connections between industry professionals, community stakeholders, community groups, and those actively considering the Phoenix market for business. City Council has approved the following specific uses for the suite:

1. Economic Development Activities.
2. Hosting distinguished guests of the City.
3. Promotion of the City.
4. Enhancing relations with other Public Agencies.
5. Employee award programs.
6. Activities for youth and/or developmentally disabled individuals.

A few of the other key elements of the policy include: For those events that are available, there are twelve tickets included as part of the use of the suite. An additional ten tickets may be purchased for the event, at cost as determined by the Arena. Requestors, Designated Hosts, and all guests are responsible for making sure that their use of the suite and conduct there complies with the City of Phoenix Ethics and Gift Policies. CEDD maintains records of the use of the suite including a Suite Request Form, a Preliminary Guest List and a Post Event Report. Designated Hosts must be either a current City employee or an elected official. Documentation will be obtained and approved for all requests to utilize the suite by City Council members and must be submitted to the CEDD Director and approved by the Deputy City Manager. For hosted events: a sign-in sheet for the event of the guests attending the event, including acknowledgements that the guests will adhere to the City's Lobbying Policy and agreed to comply with City ethics. On nights the suite does not have scheduled use by CEDD or the City Council, the suite can be made available to the City's Youth and Education Program as a City Council approved usage.

The Economic Development and Equity Subcommittee (EDE) Chair requested in early January 2023 that staff provide an update on the Arena Suite Policy as an EDE future agenda item, and the item will be heard at the Feb. 22, 2023, EDE meeting.

Options for Council Action:

- A. Accept the petition and direct staff to amend the Arena Suite Policy to remove use by City Council members.
- B. Deny the petition.
- C. Other direction to staff related to amending the Arena Suite Policy.

Location

201 E. Jefferson St.
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.

Attachment A

Sina Matthes

Subject: FW: 000 - Citizens Petition

2023 JAN 25 PM 4:41
CITY CLERK DEPT.



From: And <>
Sent: Tuesday, January 24, 2023 11:36 AM
To: Council Packet Mailbox CLK <council.packet.mailbox@phoenix.gov>
Subject: 000 - Citizens Petition

Hello,

My citizens petition is below:

Citizen's Petition to Ban the Use of the City of Phoenix Skybox at the Footprint Center by Phoenix City Councilmembers

I, Andy Diaz Nunez, present this petition to the Phoenix City Council to ban the use of the City of Phoenix skybox at the Footprint Center by Phoenix City Councilmembers.

 <p>City of Phoenix</p> <p>COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>CITY OF PHOENIX ARENA SUITE POLICY</p> <p>Policy #: 2019-02 Effective date: February 27, 2019 Revised: April 26, 2019</p>
<p>Approved: </p>	<p>Christine Mackay, CEDD Director</p>

COUNCIL APPROVED USAGES

Events hosted by City of Phoenix (City) staff in the Arena Suite (suite) are meant to foster connections between industry professionals, community stakeholders, community groups, and those actively considering the Phoenix market for business. City Council has approved the following specific uses for the suite:

1. Economic Development Activities
2. Hosting distinguished guests of the city
3. Promotion of the City
4. Enhancing relations with other Public Agencies
5. Employee award programs
6. Activities for youth and/or developmentally disabled individuals.

As part of economic development activities, CEDD may offer use of the suite to potential businesses considering locating or expanding in Phoenix, if Phoenix is chosen. With approval from the Director, this incentive could be offered for up to five (5) Phoenix Suns basketball games.

The CEDD is responsible for the primary administration, oversight, and operational expenses for all approved usages of the suite.

COUNCIL APPROVED USAGES

Not all events at the arena are available for City use. The Arena Operator is responsible for notifying the City when the suite is available. The CEDD Administrative Aide (AA) is the City liaison to Arena Operator.

There are a total 12 tickets available for each event. An additional 10 tickets may be purchased for the event at cost determined by the Arena. Requests for additional suite tickets must be approved by the CEDD Director, or the Deputy City Manager (DCM) when necessary, in all circumstances.

As administrator of the suite, CEDD AA is responsible for maintaining all records regarding the use of the suite. In order to ensure compliance with existing City A.Rs and existing suite policies city staff must completely fill out the Suite Request Form (Attachment A). At a minimum the form will include the following information:

1. A description of the purpose of the suite, specifically including the anticipated benefit to the City for suite use
2. Name of the Designated Host (DH) – The DH must be a current employee or an elected official
3. Anticipated guest list, including all names of any person attending the event
4. Request for any concessions and if the DH believes that \$250.00 for concessions is insufficient

Requests for the suite must be first reviewed by a supervisor, and then finalized by the Department Director. In the case where the Department Director is making a request to utilize the suite, the DCM over CEDD must approve the request. A completed request form must be submitted before approval.

Requestors, DHs, and all guests are responsible for making sure that their use of the suite and conduct there complies with the City of Phoenix Ethics and Gift Policies. For more information, go to www.phoenix.gov/ethics.

Documentation will be obtained and approved for all requests to utilize the suite by City Council members and must be submitted to the CEDD Director and approved by the DCM.

For confidential economic development prospects, the requestor may provide the real estate company, designated site selector name, broker name, Greater Phoenix Economic Council contact, and first name of guests. For those deemed confidential, a log will be maintained by the CEDD Director and may be provided upon request. It is the intent of this policy that the City will attempt to keep the guest names and company information on location/expansion prospects confidential to the extent allowed by Arizona public records law.

All other suite guests (those not classified as confidential) should be advised that if requested by the media, or the public, their names and affiliations will be provided to the requestor.

Hosting Duties – Responsibilities, Activities, Reporting

DHs, must attend the full event for which they have been assigned. This does not include incentive events for businesses that have been offered use of the suite and chosen to locate or expand in Phoenix. During the event, the DH is responsible for acting in a host capacity (a formal welcome, introducing guests, and thanking guests for attending) at the event.

Because CEDD is responsible for all operational costs associated with the operation of the suite, including concessions, a DH is responsible for making sure that expenses are within reason. For each event \$250.00 is budgeted for concessions, if a DH believes that expenses will exceed that amount, the DH must indicate it on Attachment A (along with the need to place a concessions order), for approval.

Guests attending a hosted event may purchase additional concessions; if the guest chooses to do so, the guest(s) are responsible for covering the costs associated with those purchases.

City staff is permitted to bring a personal guest to hosted events. The personal guest will only be permitted to attend with prior approval by the CEDD Director or DCM. The DH must purchase an additional ticket for the suite (through the AA) for their personal guest and provide receipt documentation.

Payments for all suite concessions will be processed through CEDD. The CEDD Administrative Assistant II is responsible for reconciling suite expenses.

Post Event Report

After an event, each DH will submit a Post Event Report (PER) to CEDD describing activities of the event and affirming the usage of the suite. The report will include three pieces of information:

1. A recap memo, restating the intent of the event and a brief overview of the event to ensure the anticipated benefit to the City, as described in the Suite Request Form (Attachment A), was received.
2. A final guest list must be submitted within 2 business days of the event to ensure any changes to the originally submitted guest list are captured correctly.
3. For hosted events: a sign-in sheet (Attachment B) for the event of the guests attending the event, including acknowledgments that the guests will adhere to the City of Phoenix's Lobbying Policy and agreed to comply with City of Phoenix ethics.

If the event includes any confidential economic development prospects as described above, the DH may provide the full PER directly to the CEDD Director (or DCM if the Director is the DH), and provide a redacted copy of the PER (excluding the prospect's information) to CEDD. It is the intent of this policy that the City will then attempt to keep the portions of the PER relating to the prospect(s) confidential to the extent allowed by Arizona public records law.

After the event, when concession invoices are received by CEDD from the Arena Administrator, hosts will be responsible for confirming the costs incurred during the event.

The CEDD Administrative Assistant II is responsible for submitting final payment to the Arena Administrator and any other necessary reimbursements.

Expedited Request for Suite Use

If an immediate and unanticipated use of the suite is necessary, the requestor may provide a written, truncated request for the suite to the Director. The approval of the request must still either be reviewed and signed off on by the Director or the DCM provided the suite is not already in use. In this type of event, the DH must still submit a filled-out Suite Request form and a PER for the usage of an event.

On nights the suite does not have scheduled use by CEDD or the City Council, the suite can be made available to the City's Youth and Education Program (YEP). Events are only to be offered to YEP if there are no requests for other uses of the suite and will be made available no more than 10 business days in advance of the date of the event. YEP uses of the suite will be documented by collecting documentation of the suite being made available to the YEP, the suite usage reports (with chaperones and the organization using the suite), and sign in sheet for attendees. This information will be maintained by the CEDD AA.

COMPLIANCE

All CEDD staff members are required to comply with this policy. Questions should be directed to the Management Services Deputy Director.

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Revised Apr. 26 2019