City of Phoenix

Agenda
City Council Formal Meeting

Meeting Location:
City Council Chambers
200 W. Jefferson St.
Phoenix, Arizona 85003

Wednesday, April 7, 2021 **2:30 PM** **phoenix.gov**

*****REVISED April 6, 2021*****
Item Requested to be Continued: 115

OPTIONS TO ACCESS THIS MEETING

Request to speak at a meeting:

- Register online by visiting the City Council Meetings page on phoenix.gov **at least 1 hour 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=ec07c0a9c218d97f1b4590c3d5ba217e4

- Register via telephone at 602-262-6001 **at least 1 hour 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.

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 126 310 0822# (for English) or 126 537 1993# (for Spanish). Press # again when prompted for attendee ID.

Para nuestros residentes de habla hispana:

- Para registrarse para hablar en español, llame al 602-262-6001 **al menos 1 hora 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 126 537 1993 #. 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 126 537 1993 #). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

CALL TO ORDER AND ROLL CALL

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000 CITIZEN COMMENTS

ADJOURN

City of Phoenix

Report

Agenda Date: 4/7/2021, **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 **Date:** April 7, 2021

From: Mayor Kate Gallego

Subject: BOARDS AND COMMISSIONS – APPOINTEES

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

Environmental Quality and Sustainability Commission

I recommend the following for appointment:

Kathy Knoop
Ms. Knoop is an Energy Innovation Advisor at Arizona Public Service and a resident of District 2. She fills a vacancy for a term to expire April 7, 2024.

I recommend the following for reappointment:

Kelly Barr
Ms. Barr is serving her second term to expire May 10, 2023.

Caroline Lobo
Ms. Lobo is serving her fifth term to expire August 31, 2023.

Library Advisory Board

I recommend the following for appointment:

Dominique Medina
Mr. Medina is a Creative Professional at YCM Marketing and a resident of District 8. He fills a vacancy for a term to expire April 7, 2024.

I recommend the following for reappointment:

Kathleen Ingley

Ms. Ingley is serving her second term to expire April 5, 2023.

Brenda Thomson
Ms. Thomson is serving her second term to expire April 5, 2023.

Phoenix Aviation Advisory Board

I recommend the following for appointment:

Chad Makovsky
Mr. Makovsky is the Director of the Aviation Department and will replace Interim Director Charlene Reynolds in the ex-officio position.

Phoenix Business Workforce Development Board

I recommend the following for appointment:

Jon Ellerston
Mr. Ellerston is the Vocational Rehabilitation Regional Program Manager at the Rehabilitation Services Administration in the Arizona Department of Economic Security. He will represent the Vocational Rehabilitation category for a term to expire June 30, 2022.

Tourism and Hospitality Advisory Board

I recommend the following for appointment:

Angela Karp
Ms. Karp is the Co-Founder of Angelic Grove/The Croft Downtown and a resident of District 6. She replaces Debbie Johnson and will represent the Hospitality Industry for a term to expire September 30, 2022.

I recommend the following for reappointment:

John Chan
Mr. Chan will serve his fifth term to expire September 30, 2022.

Jerry Harper
Mr. Harper will serve his third term to expire September 30, 2022.

Youth and Education Commission

I recommend the following for appointment:

Laurence De Respino

Mr. De Respino is the General Counsel and Chief Legal Officer at U-Haul and a resident of District 6. He will represent businesses and serve a partial term to expire August 31, 2021.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 2

Liquor License - Coma Sushi & Izakaya Corporation

Request for a liquor license. Arizona State License Application 138318.

Summary

Applicant
Duy Nguyen, Agent

License Type
Series 12 - Restaurant

Location
17155 N. 51st Ave., Ste. 122 & 124
Zoning Classification: PSC
Council District: 1

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow the sale of alcoholic beverages.

The 60-day limit for processing this application is April 10, 2021.

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.

Angelina's Vietnamese Cuisine Pho & Grill (Series 12)
5350 W. Bell Road, Ste. 123-124, Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: In April 2017, a fine of $375 was paid for delinquent taxes.

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 been running many of the same business and never had any issues. Always follow the law, Public Safety First."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Public Safety comes first."

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 - Coma Sushi & Izakaya Corporation
Liquor License Map - Coma Sushi & Izakaya Corporation

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: COMA SUSHI & IZAKAYA CORPORATION

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	1
Liquor Store	9	2	1
Beer and Wine Store	10	1	1
Restaurant	12	4	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	43.40	17.09	23.56
Violent Crimes	7.97	1.88	2.01

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

Property Violation Data

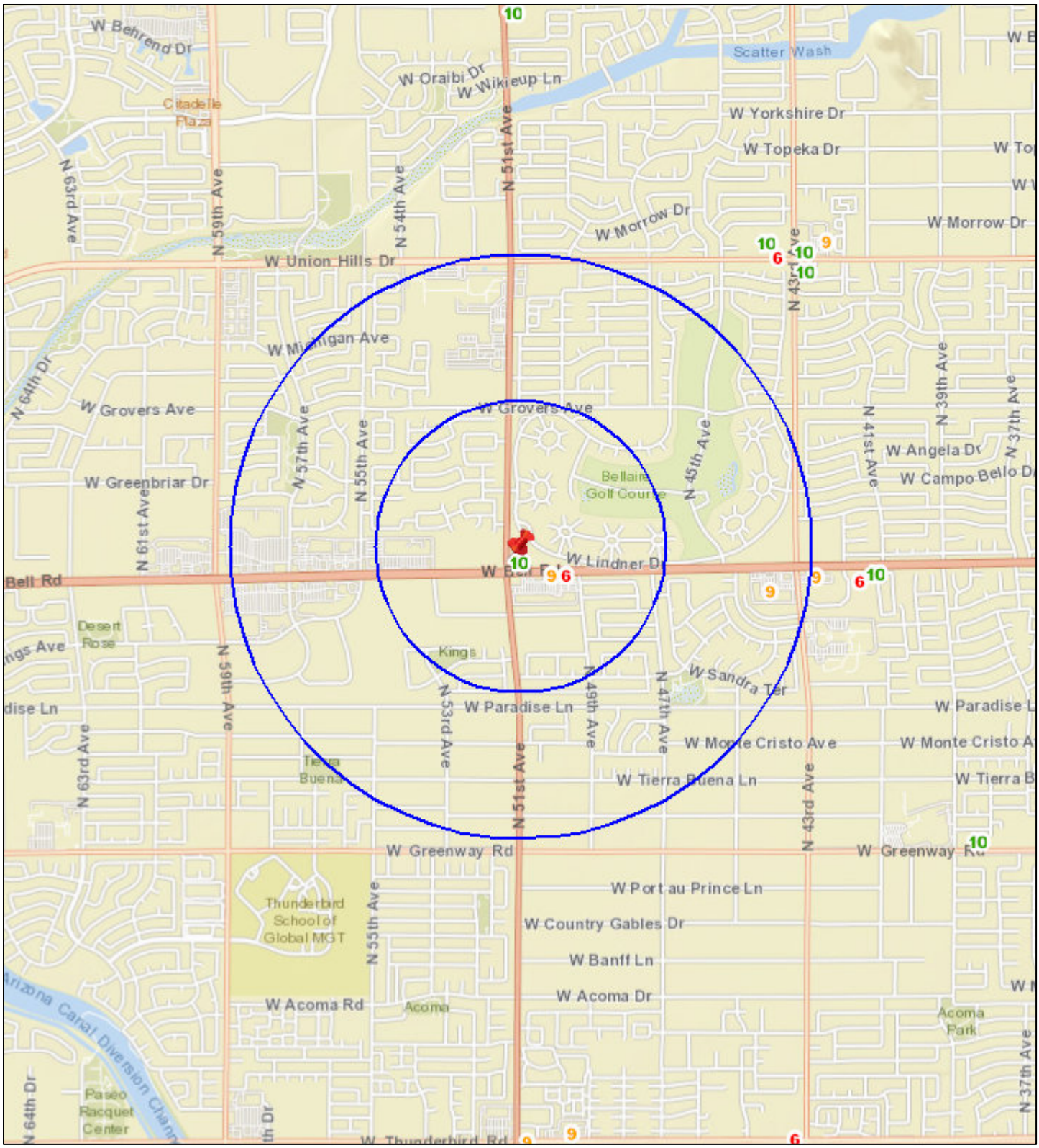
Description	Average	1/2 Mile Average
Parcels w/Violations	57	31
Total Violations	93	48

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1042142	985	72 %	7 %	11 %
1042251	1242	53 %	8 %	9 %
1042253	904	85 %	5 %	11 %
6180001	2499	85 %	2 %	12 %
6181001	1795	84 %	3 %	7 %
6181002	1569	92 %	0 %	6 %
Average		61 %	13 %	19 %

Liquor License Map: COMA SUSHI & IZAKAYA CORPORATION

17155 N 51ST AVE



N

Date: 3/15/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 3

Liquor License - Cook & Craft

Request for a liquor license. Arizona State License Application 137378.

Summary

Applicant
Kevin Kramber, Agent

License Type
Series 12 - Restaurant with Growler Privileges

Location
5310 E. High St., Unit 100
Zoning Classification: C-2 DRSP
Council District: 2

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

The 60-day limit for processing this application is April 18, 2021.

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.

Cook & Craft (Series 12)
7306 E. Shea Blvd., Scottsdale
Calls for police service: N/A - 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:
"I am currently an Agent on 180 + liquor licenses throughout the state. All partners currently own & operate a series 12, restaurant, liquor license at their first location. There have been no Title IV or DLLC compliance actions against their current liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The location is in a very affluent part of Phoenix, and as such we would like to be able to offer spirits to our customers as a way to enhance their dining experience."

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 - Cook & Craft
Liquor License Map - Cook & Craft

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: COOK & CRAFT

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	9	7
Beer and Wine Bar	7	3	2
Liquor Store	9	3	3
Beer and Wine Store	10	4	2
Restaurant	12	26	21

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	26.85	19.53
Violent Crimes	7.67	1.67	1.27

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

Property Violation Data

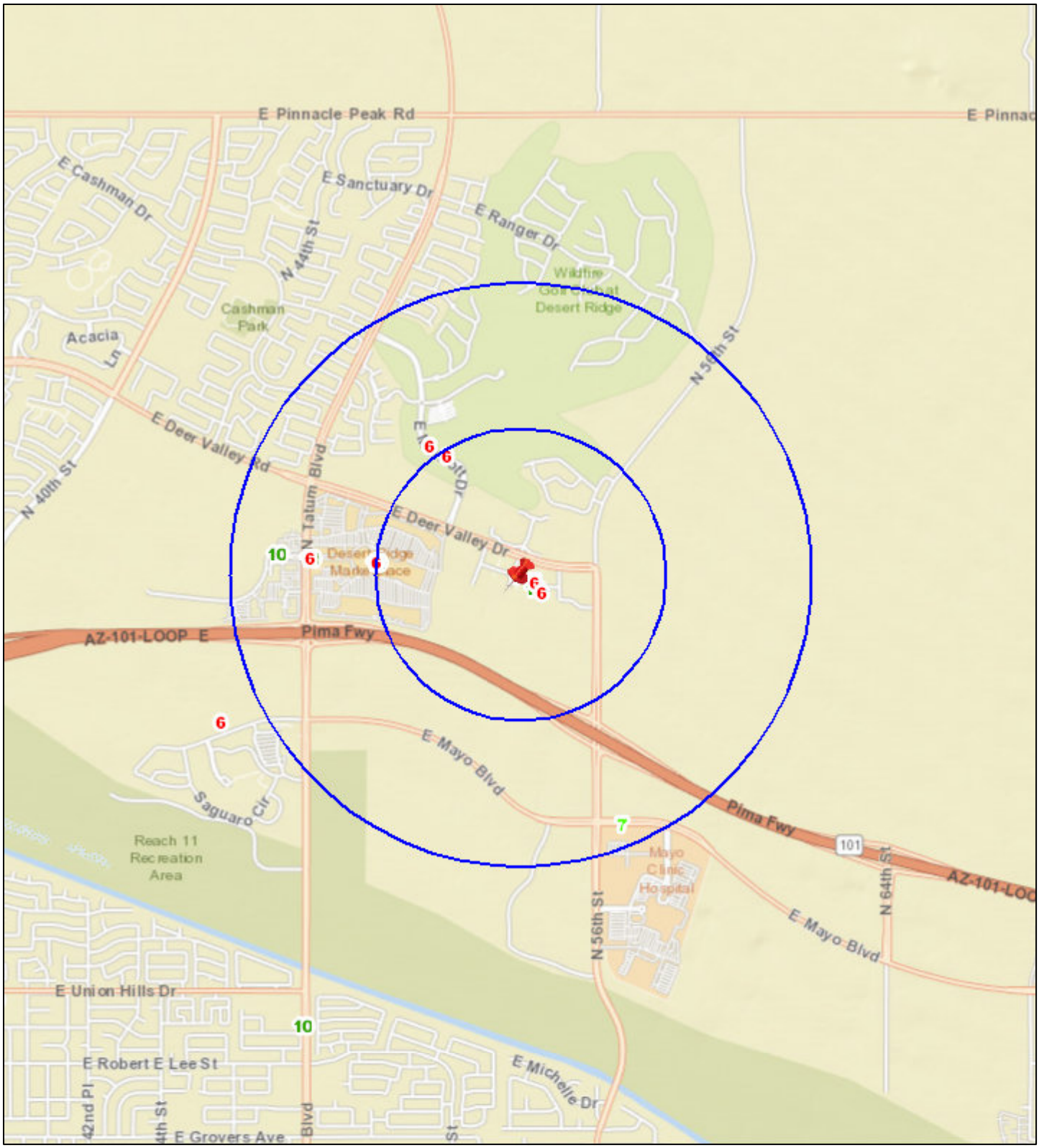
Description	Average	1/2 Mile Average
Parcels w/Violations	59	0
Total Violations	98	0

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6152001	1993	8 %	29 %	12 %
6152002	2127	70 %	10 %	4 %
Average		61 %	13 %	19 %

Liquor License Map: COOK & CRAFT

5310 E HIGH ST



N

Date: 2/19/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 4

Liquor License - Humble Bistro

Request for a liquor license. Arizona State License Application 136466.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
5415 E. High St., Unit 127
Zoning Classification: C-2 DRSP
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 April 17, 2021.

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.

Humble Pie Pizza Wine & Spirits (Series 12)
3890 W. Happy Valley Road, Ste., 169, Phoenix
Calls for police service: 9
Liquor license violations: None

Humble Pie Pizza Wine & Spirits (Series 12)
6149 N. Scottsdale Road, Ste., A1, Scottsdale
Calls for police service: N/A - 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 alcohol 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:
"Humble Bistro is a neighborhood restaurant featuring pizza, pasta, burgers, sandwiches, salads, and soup in a family-friendly environment. Applicant would like to continue to offer guests 21 and over the opportunity to order alcoholic beverages as an incident to the meals they enjoy."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Humble Bistro
Liquor License Map - Humble Bistro

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: HUMBLE BISTRO

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	9	7
Beer and Wine Bar	7	3	2
Liquor Store	9	3	3
Beer and Wine Store	10	4	2
Restaurant	12	27	22

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	27.91	19.53
Violent Crimes	7.67	1.80	1.27

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

Property Violation Data

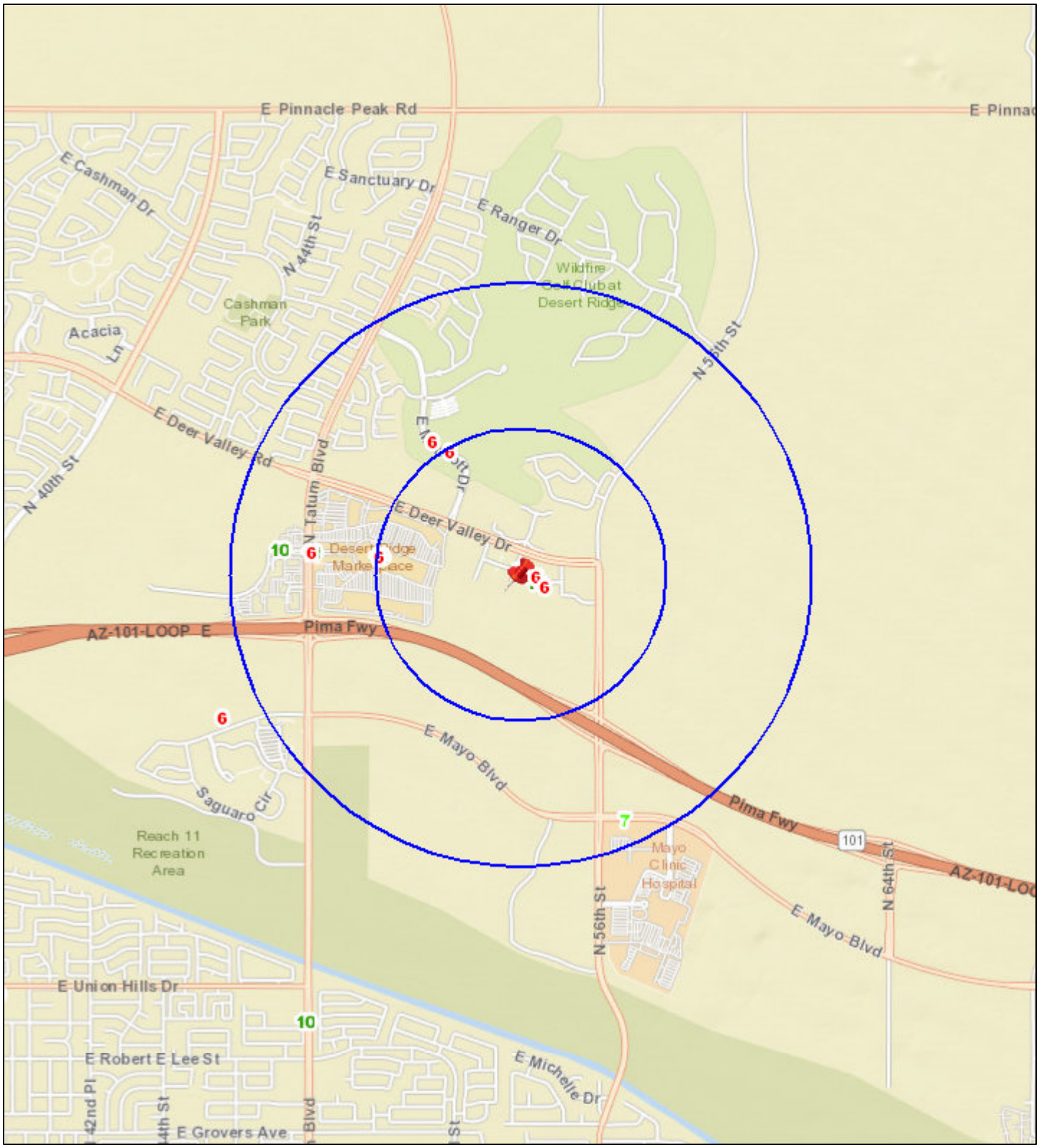
Description	Average	1/2 Mile Average
Parcels w/Violations	59	0
Total Violations	98	0

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6152001	1993	8 %	29 %	12 %
6152002	2127	70 %	10 %	4 %
Average		61 %	13 %	19 %

Liquor License Map: HUMBLE BISTRO

5415 E HIGH ST



N

Date: 2/19/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 5

Liquor License - Saddlecreek Coffee Co.

Request for a liquor license. Arizona State License Application 137073.

Summary

Applicant
James Ebel, Agent

License Type
Series 12 - Restaurant

Location
28212 N. Tatum Blvd., Ste. D6
Zoning Classification: C-2
Council District: 2

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 was April 3, 2021. However, the applicant has submitted a written request for more time.

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.

Craftsman (Series 12)
20469 N. Hayden Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Craftsman (Series 18)
20469 N. Hayden Road, Scottsdale
Calls for police service: N/A - 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:
"I have owned & managed restaurants for over 15 years. I currently hold the liquor license for the Craftsman restaurant in Scottsdale & before that Two Brothers Taphouse & Brewery in Scottsdale."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Many of our regular customers have requested us to serve alcoholic beverages. There are very limited options in the local area for happy hour opportunities. Want to offer customers opportunity to enjoy an alcoholic beverage with lunch or late afternoon."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Saddlecreek Coffee Co.
Liquor License Map - Saddlecreek Coffee Co.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: SADDLECREEK COFFEE CO.

Liquor License

Description	Series	1 Mile	1/2 Mile
Liquor Store	9	1	1
Beer and Wine Store	10	1	1
Restaurant	12	4	4

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	4.64	9.76
Violent Crimes	7.67	0.42	0.21

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

Property Violation Data

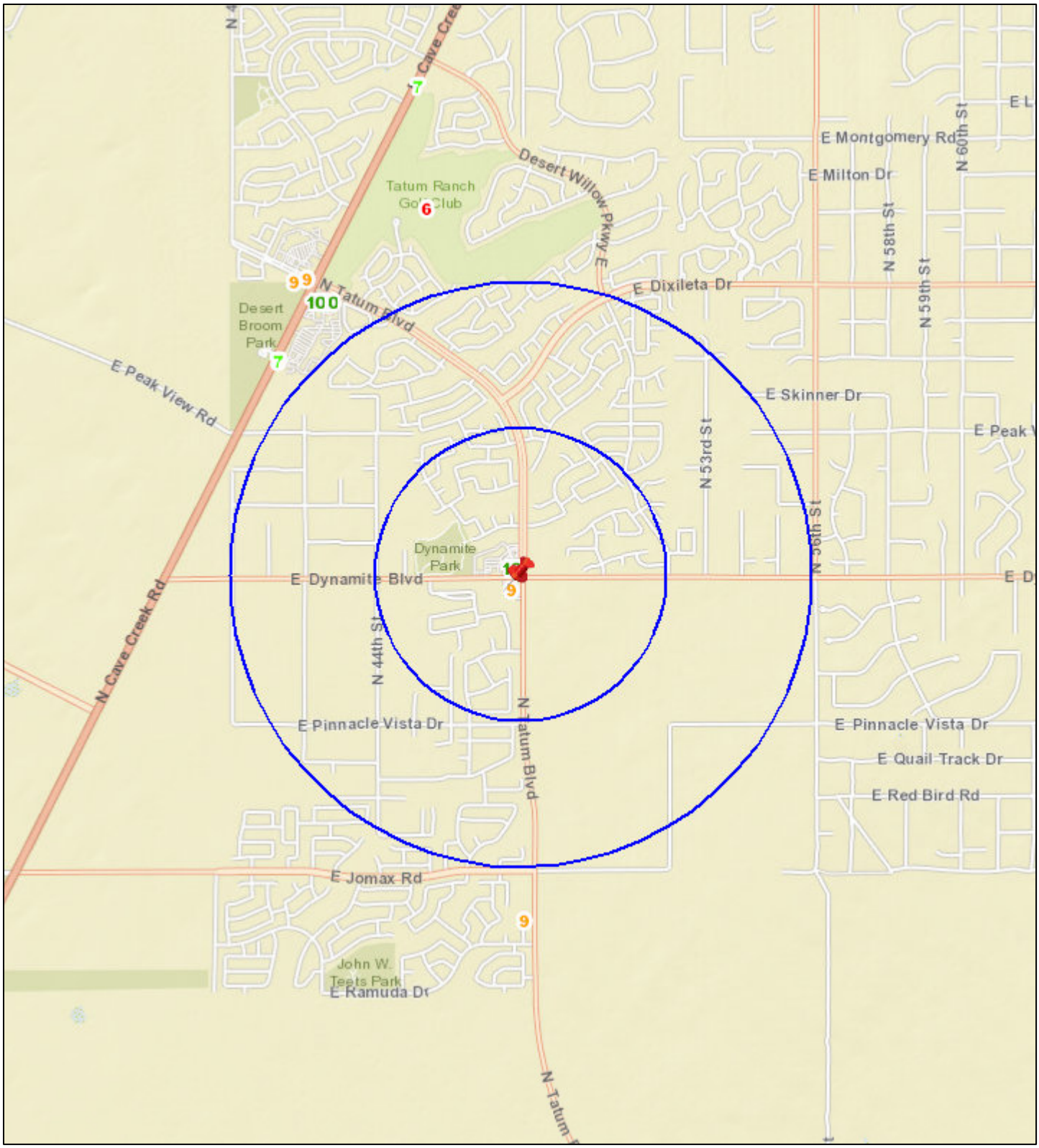
Description	Average	1/2 Mile Average
Parcels w/Violations	60	0
Total Violations	100	0

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6128001	2069	83 %	21 %	1 %
6129001	834	80 %	0 %	2 %
6129002	1521	93 %	18 %	1 %
6133001	1688	91 %	7 %	2 %
6133003	1120	84 %	17 %	15 %
Average		61 %	13 %	19 %

Liquor License Map: SADDLECREEK COFFEE CO.

28212 N TATUM BLVD



N

Date: 2/5/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 6

Liquor License - Special Event - St. Mary's Roman Catholic High School Phoenix

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

Summary

Applicant
Patricia Hollerbach

Location
2525 N. 3rd St.
Council District: 4

Function
Community Event

Date(s) - Time(s) / Expected Attendance
April, 17, 2021 - 3:00 p.m. to 9:00 p.m. / 180 attendees

Staff Recommendation
Staff recommends approval of this application noting that approval of this application is based on criteria set forth in Title IV of the Arizona Revised Statutes and noting that the applicant has agreed to adhere to the implementation and enforcement of safety precautions consistent with the guidance issued by both the Centers for Disease Control and Prevention and the Arizona Department of Health Services.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 7

Liquor License - Express Beer and Tacos

Request for a liquor license. Arizona State License Application 138840.

Summary

Applicant
Juanita Esparza, Agent

License Type
Series 10 - Beer and Wine Store

Location
7730 W. Indian School Road
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a beer and wine store. This location was previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is April 18, 2021.

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:
"The owner of Express Beer and Tacos is committed to upholding the highest standards for it's business practices & employees. Mr. Lazar has been trained along with all employees in the techniques of legal & responsibility and has taken the Title 4 Liquor Law Training course. As owner of the business he will oversee all employees & will provide a safe experience for the staff and the public at all times."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Mr. Lazar wishes to provide off-sale privileges of beer and wine to the general public. Express Beer and Tacos will responsibly adhere to all state and federal tax laws & maintain a strict adherence to the security requirements of the city and state agencies."

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 - Express Beer and Tacos
Liquor License Map - Express Beer and Tacos

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: EXPRESS BEER AND TACOS

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	3	0
Liquor Store	9	3	1
Beer and Wine Store	10	8	2
Restaurant	12	2	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	113.53	111.67
Violent Crimes	7.67	26.59	26.22

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

Property Violation Data

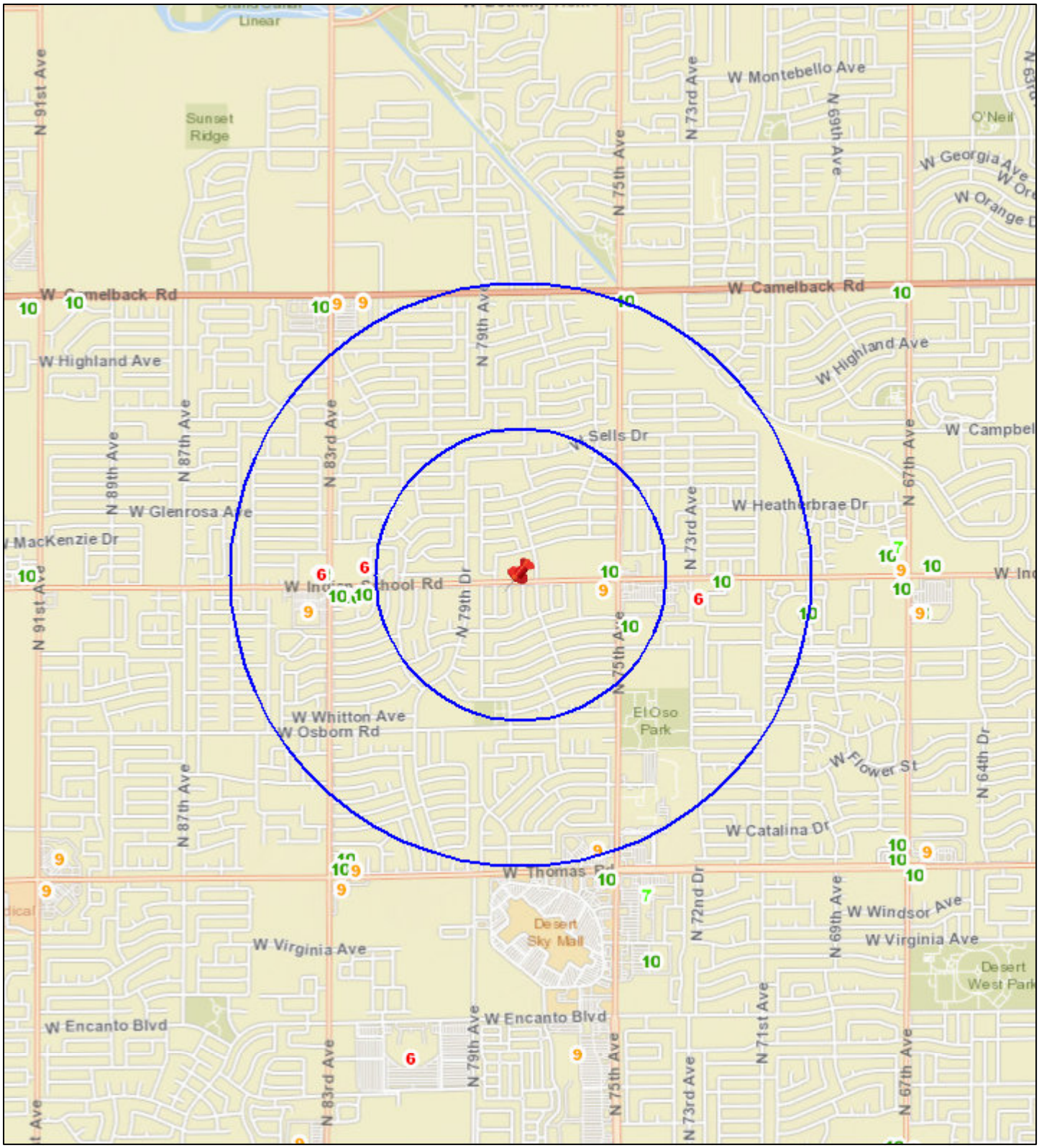
Description	Average	1/2 Mile Average
Parcels w/Violations	58	374
Total Violations	96	618

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1096012	1021	34 %	18 %	34 %
1096013	2174	69 %	19 %	21 %
1096021	1392	71 %	14 %	35 %
1096023	1946	79 %	0 %	22 %
1096031	852	79 %	11 %	3 %
1096032	1211	75 %	15 %	23 %
1096034	1269	66 %	0 %	17 %
1097021	1552	88 %	22 %	35 %
1097032	1653	33 %	12 %	31 %
1097041	1602	68 %	5 %	35 %
1097042	784	71 %	19 %	15 %
Average		61 %	13 %	19 %

Liquor License Map: EXPRESS BEER AND TACOS

7730 W INDIAN SCHOOL RD



N

Date: 2/22/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 8

Liquor License - Arcadia Grill & Tavern

Request for a liquor license. Arizona State License Application 1207B248.

Summary

Applicant
Korey Boals, Agent

License Type
Series 12 - Restaurant

Location
4801 E. Indian School Road, Ste. 1
Zoning Classification: C-2
Council District: 6

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales with a Series 12 - Restaurant, liquor license.

The 60-day limit for processing this application is April 23, 2021.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

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: “Establishment has always been in existence - agent change only.”

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 9

Liquor License - Dodey's Bar

Request for a liquor license. Arizona State License Application 06070201.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 6 - Bar

Location
7051 N. 7th St.
Zoning Classification: C-2
Council District: 6

This request is for an acquisition of control of an existing liquor license for a bar. This location is currently licensed for liquor sales with a Series 6 - Bar, liquor license.

The 60-day limit for processing this application is April 19, 2021.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

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: “I was managing this bar for several years and am now the owner. I will continue to abide by Title 4 liquor laws.”

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 10

Liquor License - Sonesta Select Phoenix Camelback

Request for a liquor license. Arizona State License Application 135920.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 11 - Hotel

Location
2101 E. Camelback Road
Zoning Classification: C-2 CEPCSP
Council District: 6

This request is for a new liquor license for a hotel. 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 April 18, 2021.

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.

Sonesta Es Suites Flagstaff (Series 7)
1400 N. Country Club Road, Flagstaff
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Sonesta Suites Scottsdale (Series 6)
7300 E. Gainey Suites Dr., Scottsdale
Calls for police Service: N/A - not in Phoenix
Liquor License Violations: None

Sonesta Es Suites Tucson (Series 7)
6477 E. Speedway Blvd., Tucson
Calls for police service: N/A 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 alcohol 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:
"Applicant will manage the Sonesta Select Phoenix Camelback Hotel (formerly Courtyard) in the heart of the Camelback business corridor. Applicant would like to continue to offer alcoholic beverages to guests 21 and over."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Sonesta Select Phoenix Camelback
Liquor License Map - Sonesta Select Phoenix Camelback

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: SONESTA SELECT PHOENIX CAMELBACK

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Wholesaler	4	2	0
Bar	6	6	0
Beer and Wine Bar	7	5	2
Liquor Store	9	5	2
Beer and Wine Store	10	8	4
Hotel	11	4	3
Restaurant	12	37	18

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	118.84	183.43
Violent Crimes	7.67	12.28	11.88

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

Property Violation Data

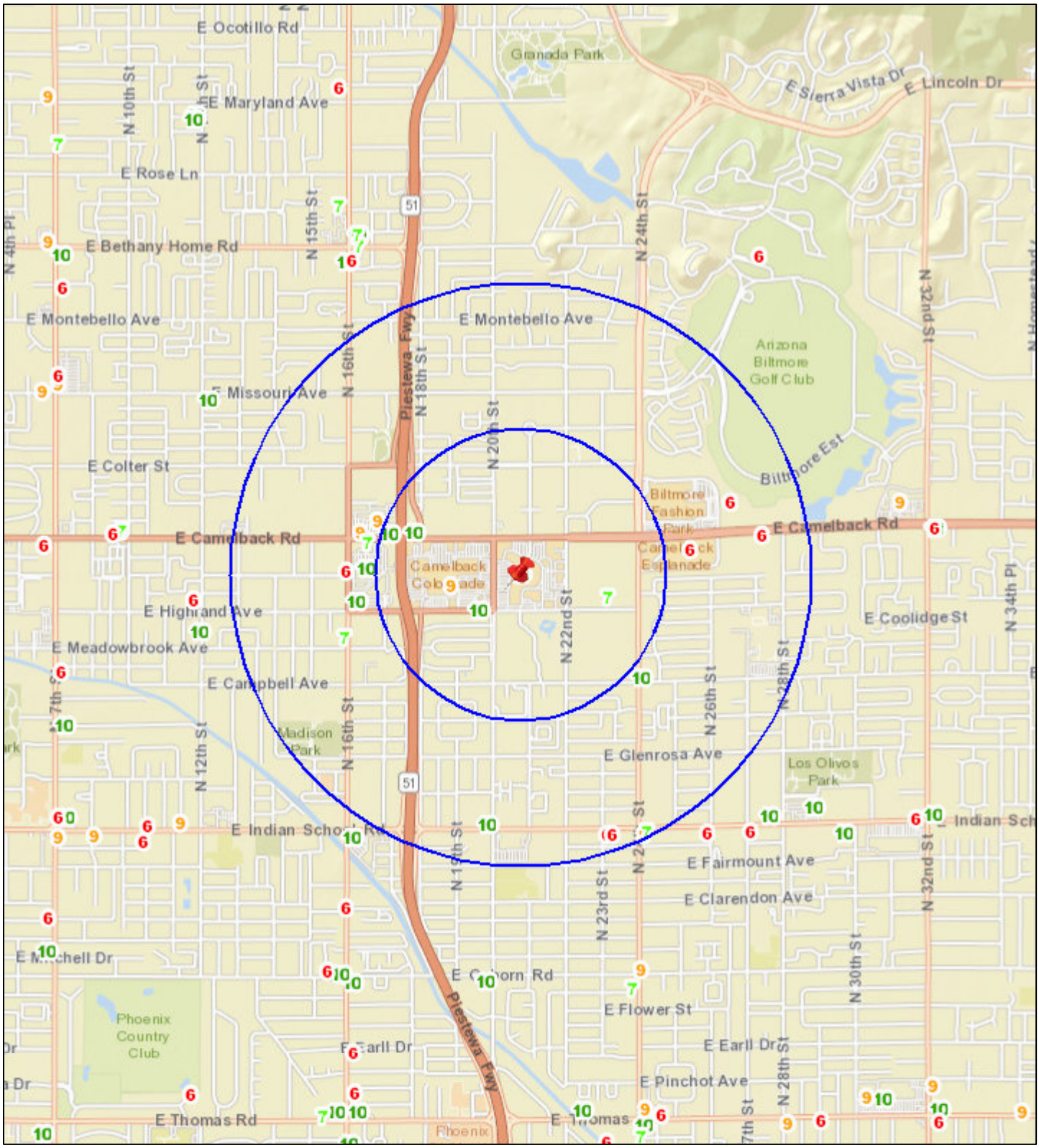
Description	Average	1/2 Mile Average
Parcels w/Violations	59	30
Total Violations	98	37

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1077002	738	57 %	10 %	8 %
1077003	457	26 %	26 %	16 %
1077005	736	14 %	6 %	4 %
1078002	1477	63 %	28 %	5 %
1084004	1641	65 %	7 %	19 %
1085011	1023	33 %	6 %	13 %
1085012	1416	74 %	21 %	4 %
1085022	732	23 %	28 %	12 %
1085023	1475	42 %	20 %	7 %
1085024	549	43 %	31 %	15 %
Average		61 %	13 %	19 %

Liquor License Map: SONESTA SELECT PHOENIX CAMELBACK

2101 E CAMELBACK RD



N

Date: 2/19/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 11

Liquor License - Club Envy

Request for a liquor license. Arizona State License Application 137115.

Summary

Applicant
Bradley Chavez, Agent

License Type
Series 6 - Bar

Location
136 E. Washington St.
Zoning Classification: DTC - Business Core
Council District: 7

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

The 60-day limit for processing this application was April 3, 2021. However, the applicant submitted a written request for more time.

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:
"I respect and clearly know of the responsibility that I must upkeep to protect our guest and the public. I hold an active Real Estate License in the state of Arizona and know what it takes to upkeep code of ethics and principles. I'm grateful for the opportunity and know that a "Liquor License" is a privilege that can be revoked, just like any other license. I will continue to strive on enforcing all laws when handling liquor to guarantee our business is keeping the community safe while obeying all laws. I am fully committed and capable."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Downtown Phoenix is driven by nightlife and entertainment. Being centered so close to the Phoenix Suns Arena brings hundreds of thousands of fans that after every event strole the streets of Jefferson & Washington searching for great and welcoming vibe entertainment. This serves the best interest for our community because it drives more revenue for the city in TPT/revenue sales in which we can use to continue to improve our city, educational systems and community to help the valley continue to grow in innovation."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Club Envy
Liquor License Map - Club Envy

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: CLUB ENVY

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	2	1
Wholesaler	4	1	0
Government	5	8	5
Bar	6	40	25
Beer and Wine Bar	7	13	6
Liquor Store	9	3	2
Beer and Wine Store	10	10	2
Hotel	11	7	5
Restaurant	12	78	37
Club	14	3	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	43.40	143.25	191.18
Violent Crimes	7.97	41.64	46.49

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

Property Violation Data

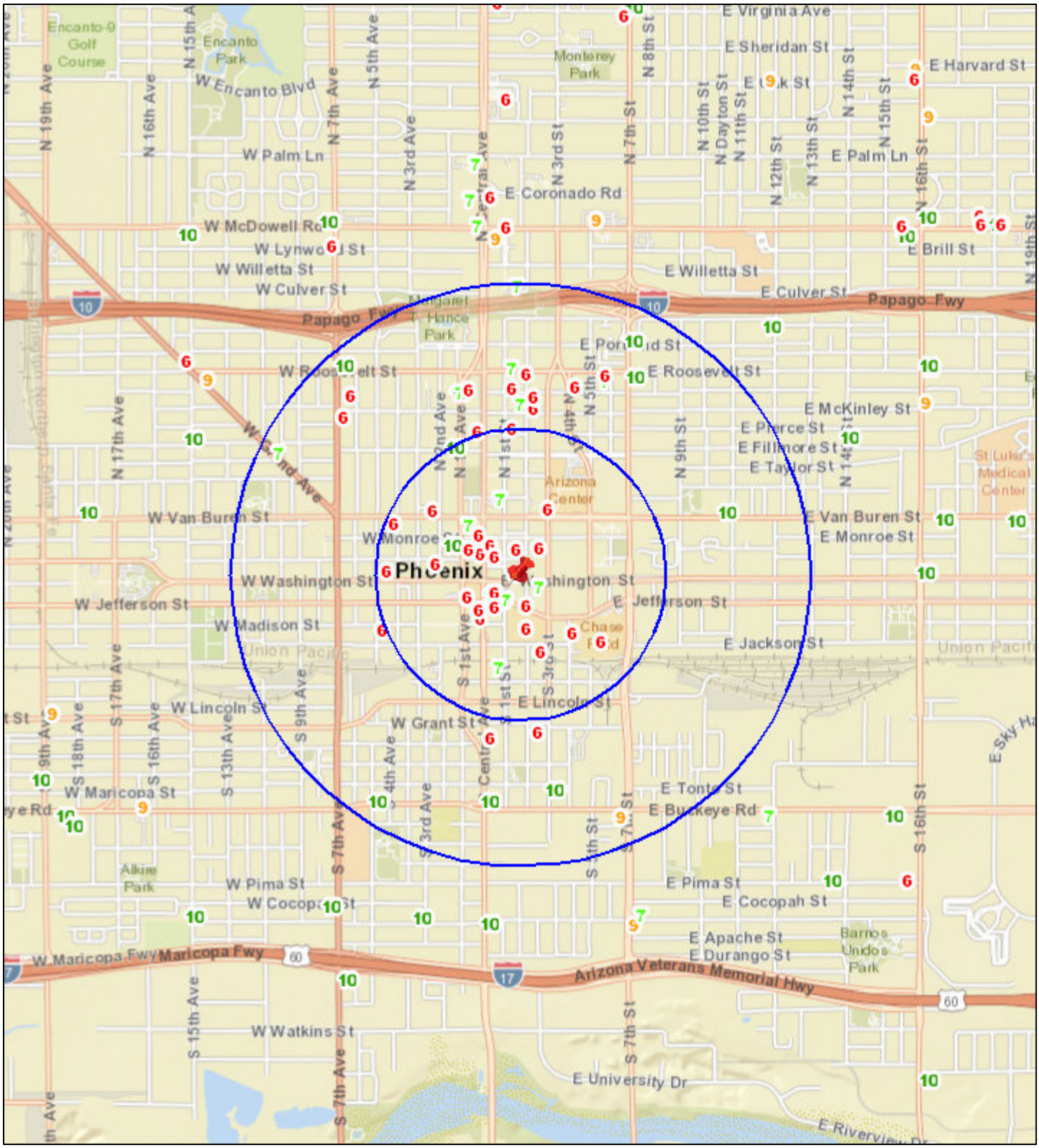
Description	Average	1/2 Mile Average
Parcels w/Violations	57	21
Total Violations	93	31

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1132022	1257	47 %	29 %	55 %
1140001	1831	25 %	20 %	47 %
1140002	78	77 %	0 %	32 %
1141001	2299	16 %	37 %	44 %
1142001	1321	36 %	22 %	50 %
Average		61 %	13 %	19 %

Liquor License Map: CLUB ENVY

136 E WASHINGTON ST



N

Date: 2/5/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 12

Liquor License - Pizzeria Del Sol

Request for a liquor license. Arizona State License Application 138980.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
3010 S. 99th Ave., Ste. 102
Zoning Classification: C-2 PCD
Council District: 7

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. This business is currently under construction with plans to open in May 2021.

The 60-day limit for processing this application is April 19, 2021.

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 train all of our employees in responsible liquor service. We also conduct regular audits to ensure they comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like the ability to offer our patrons of legal age an adult beverage with their meal if they choose to have one."

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 - Pizzeria Del Sol
Liquor License Map - Pizzeria Del Sol

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: PIZZERIA DEL SOL

Liquor License

Description	Series	1 Mile	1/2 Mile
Beer and Wine Store	10	3	3
Restaurant	12	3	3

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	44.50	90.76
Violent Crimes	7.67	6.34	10.93

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

Property Violation Data

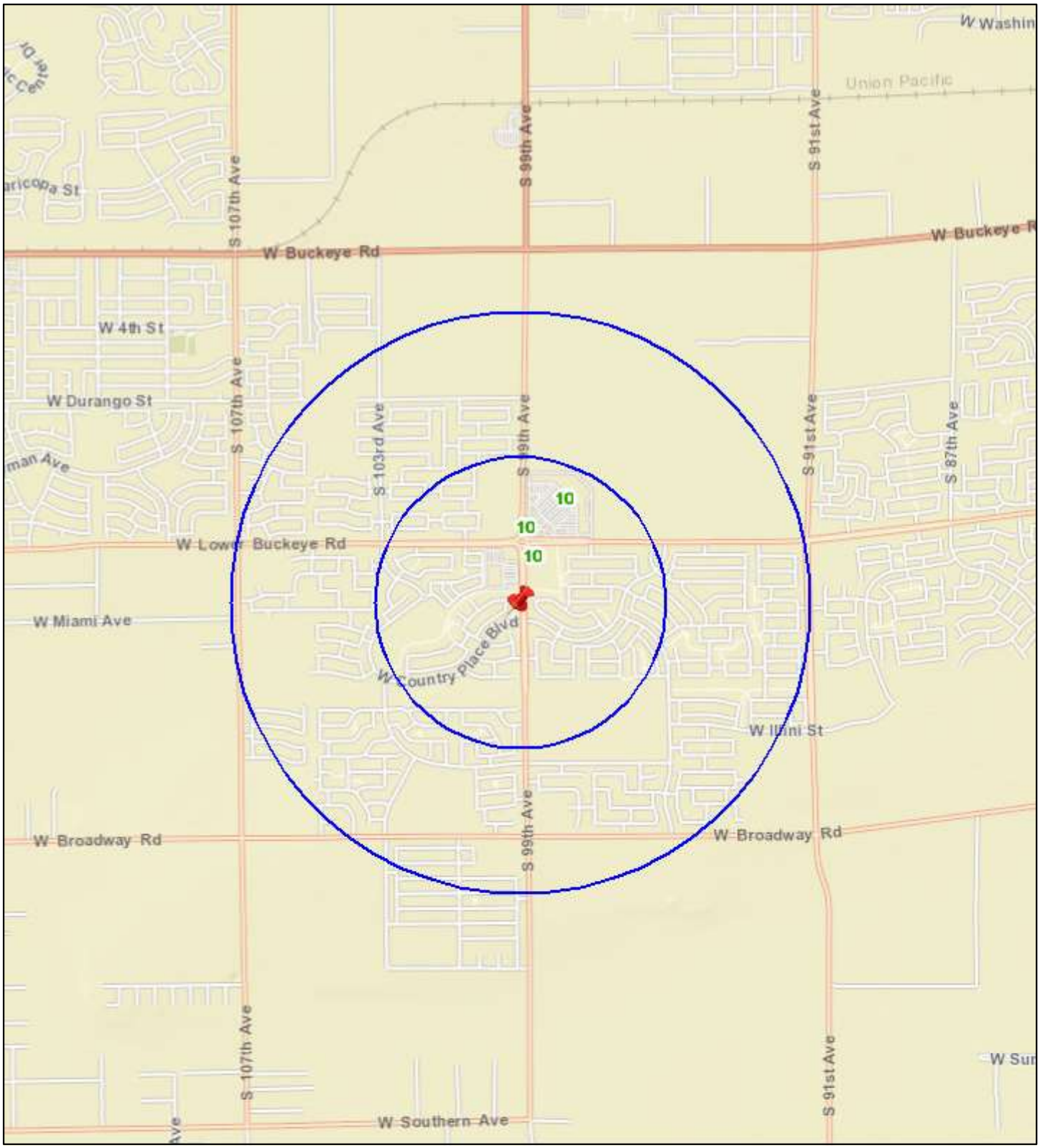
Description	Average	1/2 Mile Average
Parcels w/Violations	58	19
Total Violations	96	21

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
0822031	3552	88 %	0 %	7 %
0822032	946	88 %	47 %	23 %
0822033	1592	79 %	20 %	2 %
0822041	1770	70 %	9 %	0 %
0822042	4205	71 %	3 %	16 %
Average		61 %	13 %	19 %

Liquor License Map: PIZZERIA DEL SOL

3100 S 99TH AVE



N

Date: 2/22/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 13

Liquor License - Legacy Golf Resort

Request for a liquor license. Arizona State License Application 06070498.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 6 - Bar

Location
6808 S. 32nd St.
Zoning Classification: RH BAOD
Council District: 8

This request is for an ownership transfer of a liquor license for a golf course. 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 April 13, 2021.

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 train all of our employees in responsible liquor service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This golf course has been in operation for many years. We would like to continue to offer alcohol if our guests choose to have an adult beverage."

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 - Legacy Golf Resort
Liquor License Map - Legacy Golf Resort

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: LEGACY GOLF RESORT

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	3	1
Liquor Store	9	2	0
Beer and Wine Store	10	4	0
Restaurant	12	11	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	60.69	16.24
Violent Crimes	7.67	7.88	1.69

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

Property Violation Data

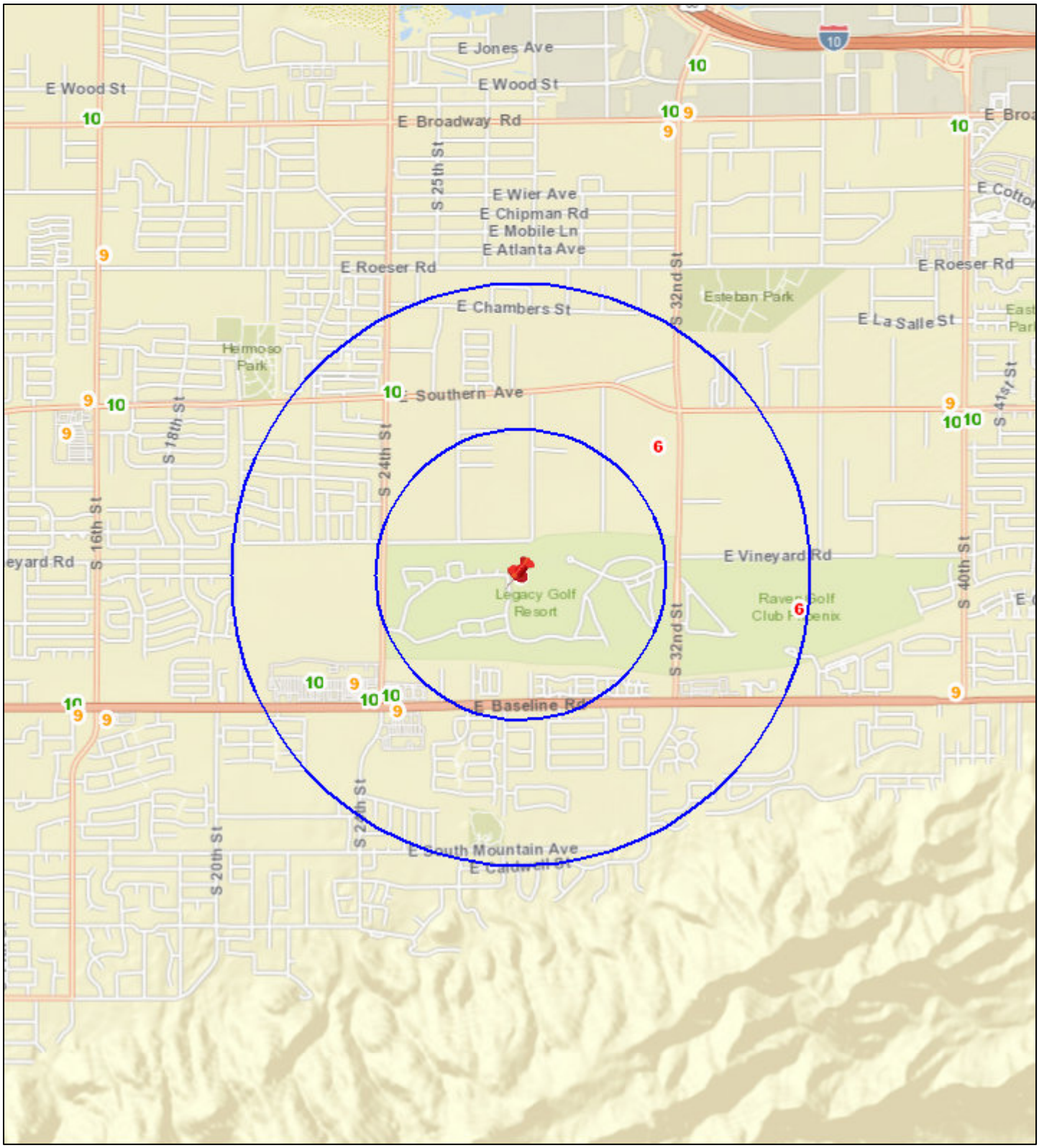
Description	Average	1/2 Mile Average
Parcels w/Violations	58	4
Total Violations	96	7

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1162033	1381	79 %	23 %	5 %
1163001	2349	79 %	10 %	54 %
1163003	2181	70 %	10 %	18 %
1167042	2012	71 %	13 %	9 %
Average		61 %	13 %	19 %

Liquor License Map: LEGACY GOLF RESORT

6808 S 32ND ST



N

Date: 2/22/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 14

Liquor License - Los Cuatro Nietos

Request for a liquor license. Arizona State License Application 138479.

Summary

Applicant
Juanita Esparza, Agent

License Type
Series 12 - Restaurant

Location
705 E. Mohave St.
Zoning Classification: C-3 AIO
Council District: 8

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 April 12, 2021.

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.

El Camaron Gigante (Series 12)
8343 W. Van Buren St., Ste. A-1, Tolleson
Calls for police service: N/A - 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:
"The owner's of Los Cuatros Nietos is committed to upholding the highest standards for it's business practices & employees. They have been trained in all techniques of legal & responsibility & have taken the title 4 liquor law training course and will operate the business on a day to day basis. As owners of the business they will oversee all employees & will provide a safe experience for all staff & patron."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The owner's of Los Cuatros Nietos wishes to provide dining with alcohol beverages at the request of the patron. In addition Los Cuatro Nietos will responsibly adhere to all state and federal tax laws and maintain a strict adherence to the security requirements of the city and state."

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 - Los Cuatro Nietos
Liquor License Map - Los Cuatro Nietos

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: LOS CUATRO NIETOS

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.53	2.60	3.18
Violent Crimes	7.71	0.61	1.69

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

Property Violation Data

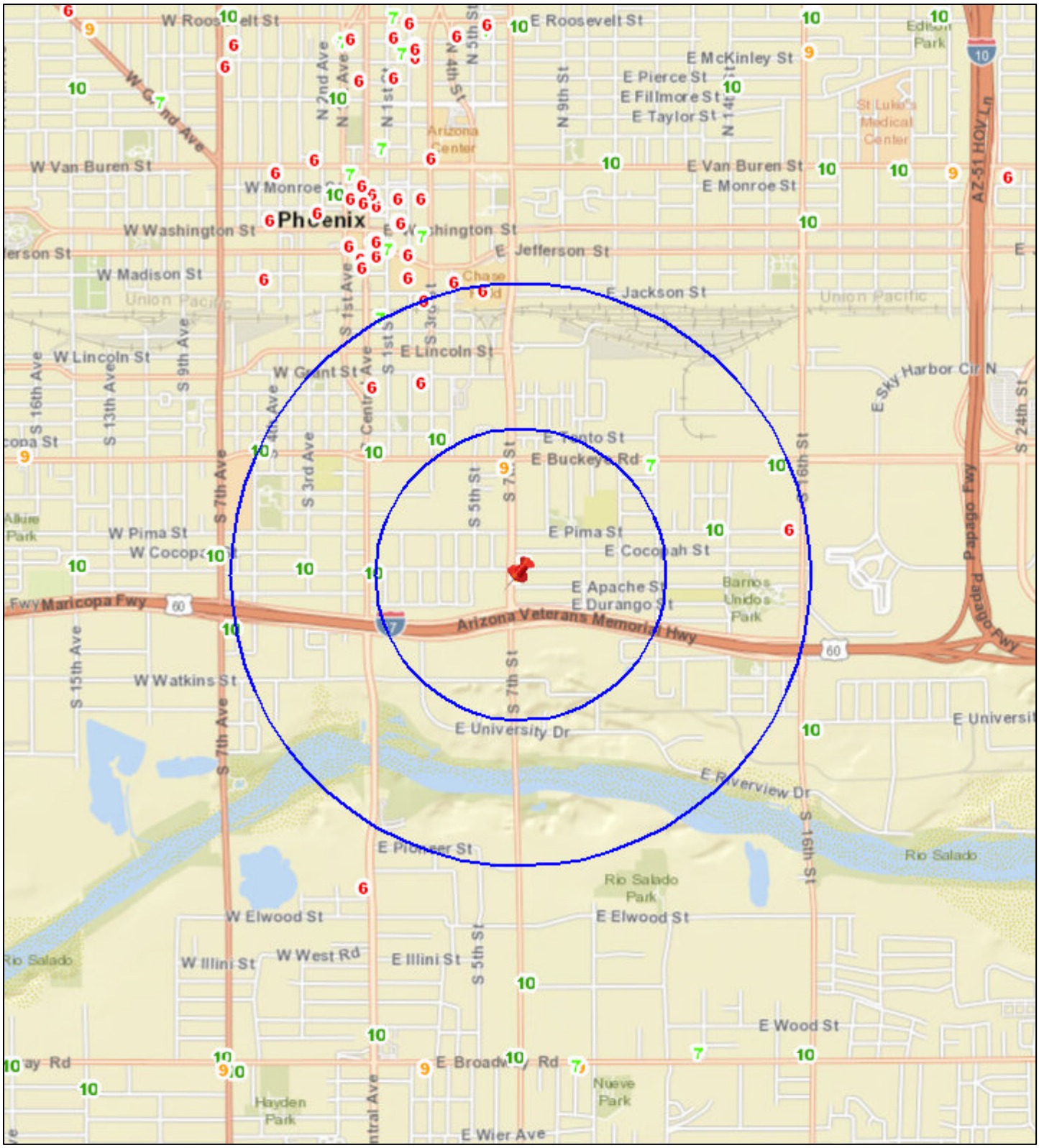
Description	Average	1/2 Mile Average
Parcels w/Violations	59	94
Total Violations	98	164

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1140002	78	77 %	0 %	32 %
1142001	1321	36 %	22 %	50 %
1149001	798	28 %	13 %	57 %
1172001	823	25 %	17 %	70 %
1172002	851	25 %	28 %	20 %
Average		61 %	13 %	19 %

Liquor License Map: LOS CUATRO NIETOS

705 E MOHAVE ST



N

Date: 2/17/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 15

Liquor License - Urban Bricks Pizza

Request for a liquor license. Arizona State License Application 137449.

Summary

Applicant
Rohit Patel, Agent

License Type
Series 12 - Restaurant

Location
4750 S. 48th St., Ste. 107
Zoning Classification: C-2
Council District: 8

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 April 20, 2021.

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:
"I am successful business man for last 15+ years in restaurant business. I am recently purchase pizza store which sells beer to its customers. To continue to sell beer, I am required to have a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Selling beer at pizza store is truly satisfy customer convenience. It is solely depends on customer choice."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Urban Bricks Pizza
Liquor License Map - Urban Bricks Pizza

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: URBAN BRICKS PIZZA

Liquor License

Description	Series	1 Mile	1/2 Mile
Beer and Wine Bar	7	3	3
Liquor Store	9	3	0
Beer and Wine Store	10	3	2
Restaurant	12	3	3

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	24.01	35.66
Violent Crimes	7.67	5.65	10.61

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

Property Violation Data

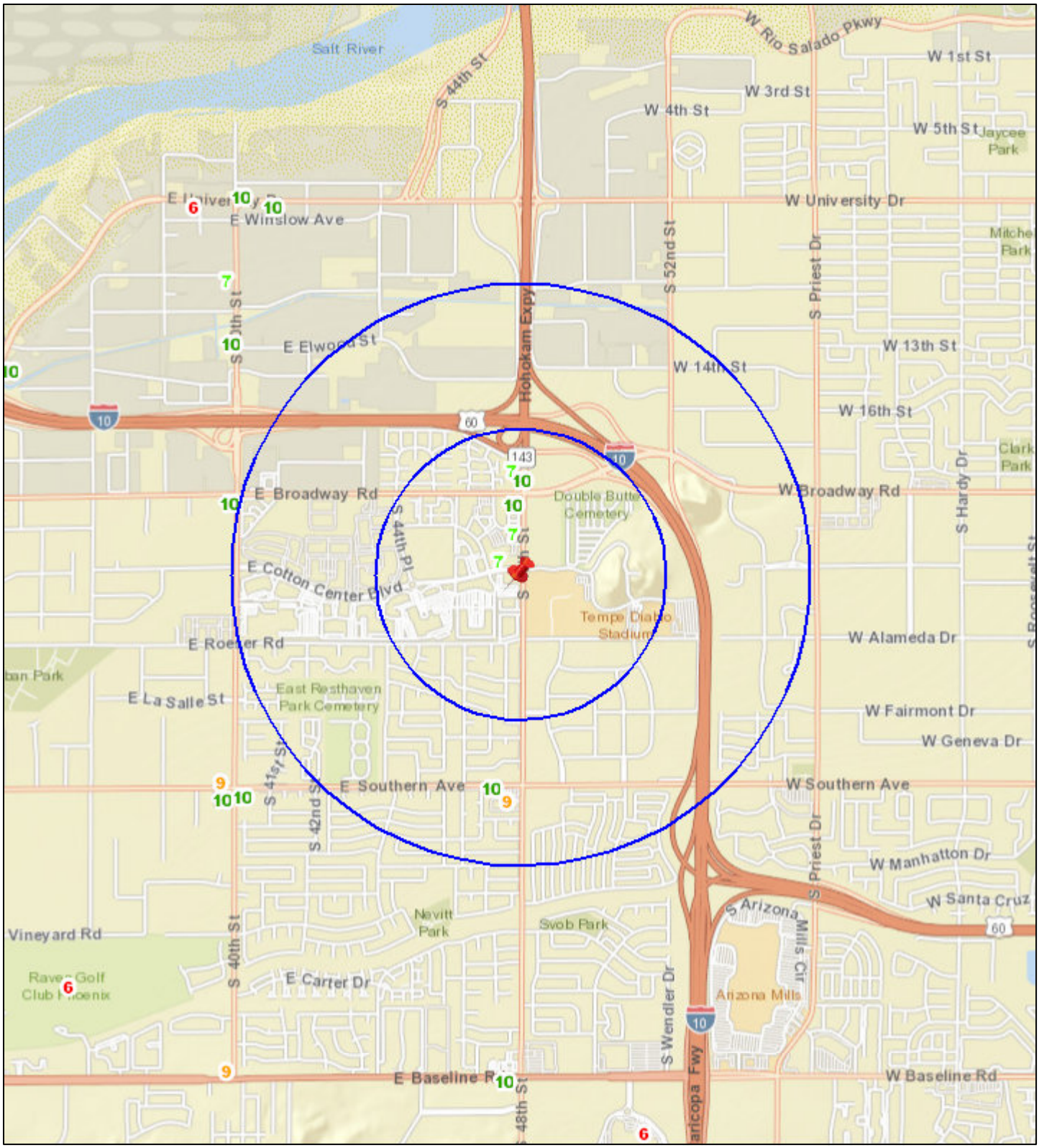
Description	Average	1/2 Mile Average
Parcels w/Violations	58	31
Total Violations	96	43

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1152001	1118	13 %	16 %	58 %
1152003	546	8 %	44 %	45 %
1162041	1426	79 %	6 %	24 %
1162042	1819	57 %	0 %	32 %
1162043	535	59 %	24 %	8 %
3197041	1777	42 %	9 %	20 %
Average		61 %	13 %	19 %

Liquor License Map: URBAN BRICKS PIZZA

4750 S 48TH ST



N

Date: 2/22/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 16

Liquor License - Speedy Stop Liquors

Request for a liquor license. Arizona State License Application 09070499.

Summary

Applicant
Minesh Patel, Agent

License Type
Series 9 - Liquor Store

Location
5033 S. 16th St.
Zoning Classification: PSC
Council District: 8

This request is for an ownership transfer of a liquor license for a liquor store. 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 April 19, 2021.

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.

Herbal Nail & Spa In Laveen (Series 7)
5185 W. Baseline Road, Phoenix
Calls for police service: 12
Liquor license violations: None

Ray Mini Mart (Series 10)
797 E. Ray Road, Gilbert
Calls for police service: N/A - 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:
"I have run a liquor store in the City of Chandler before and I currently have a gas station with a beer and wine license. I have many years experience in the industry. I have also taken appropriate training classes regarding liquor."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This business has been serving the local community for many years. We provide the essentials the community is looking for within walking distance and help the community by providing the household needs they need at prices they can afford. It is a local favorite and many repeat customers numerous times during the day."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Speedy Stop Liquors
Liquor License Map - Speedy Stop Liquors

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: SPEEDY STOP LIQUORS

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	42.36	83.75	74.62
Violent Crimes	7.67	18.20	19.85

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

Property Violation Data

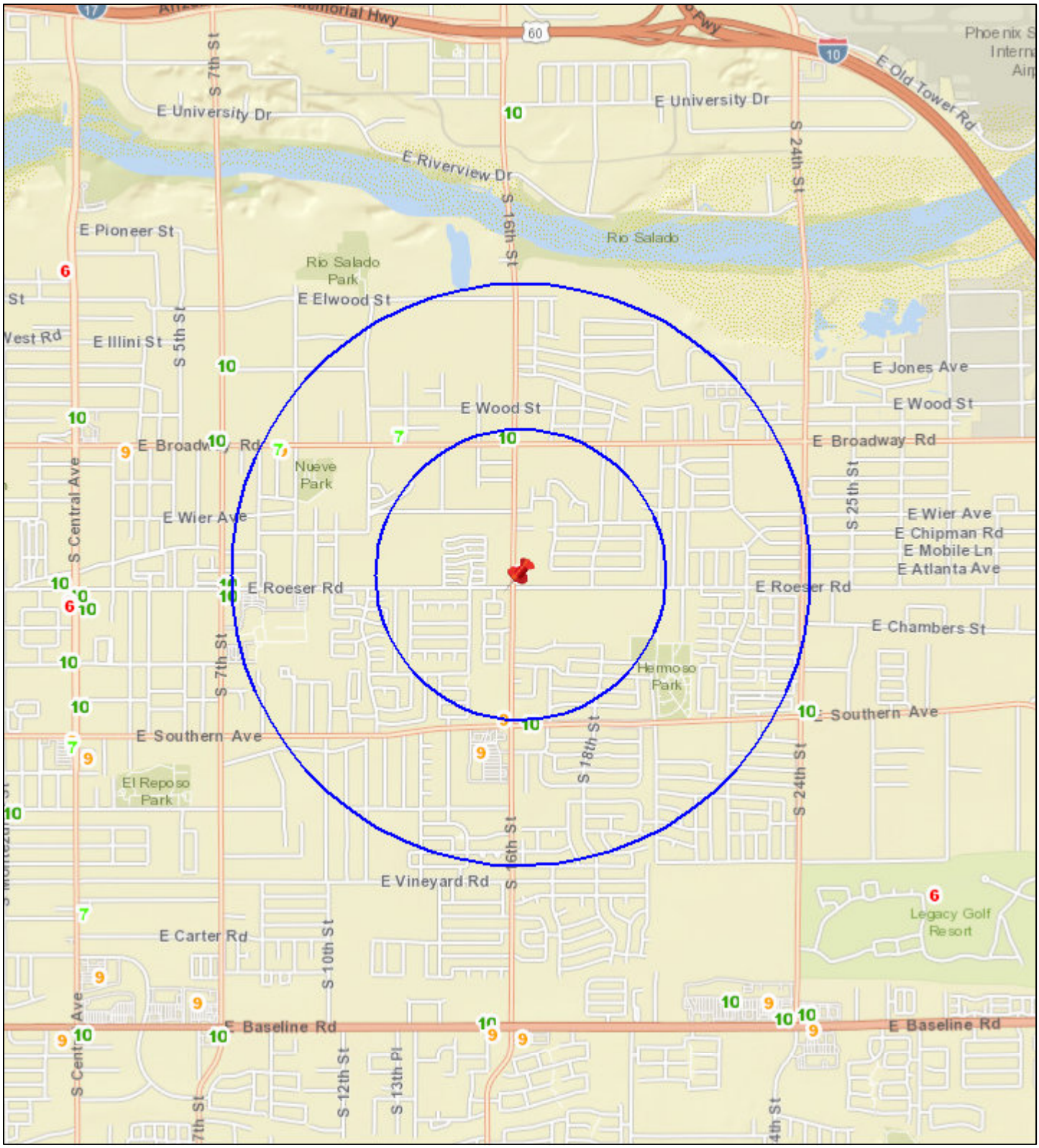
Description	Average	1/2 Mile Average
Parcels w/Violations	58	87
Total Violations	96	137

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1153001	1600	47 %	16 %	46 %
1153002	804	36 %	0 %	33 %
1159001	1461	63 %	20 %	45 %
1159002	2720	55 %	22 %	30 %
1160002	2674	85 %	19 %	9 %
1160003	1802	54 %	17 %	38 %
Average		61 %	13 %	19 %

Liquor License Map: SPEEDY STOP LIQUORS

5033 S 16TH ST



N

Date: 2/22/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 17

Off-Track Pari-Mutuel Wagering Permit Renewal - Padre Murphy's

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
4338 W. Bell Road
Zoning Classification: PSC
Council District: 1

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 18

Off-Track Pari-Mutuel Wagering Permit Renewal - Arena Sports Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
6245 E. Bell Road, Ste. 101-104
Zoning Classification: C-1
Council District: 2

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 19

Off-Track Pari-Mutuel Wagering Permit Renewal - Azool Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
3134 W. Carefree Hwy., Ste. 3
Zoning Classification: C-2 PCD
Council District: 2

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 20

Off-Track Pari-Mutuel Wagering Permit Renewal - Casey Jones Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
2848 E. Bell Road, Ste. 111 & 112
Zoning Classification: C-2
Council District: 2

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 21

Off-Track Pari-Mutuel Wagering Permit Renewal - Longshots Bar & Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
13610 N. Scottsdale Road, Ste. 30-31
Zoning Classification: C-2
Council District: 2

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 22

Off-Track Pari-Mutuel Wagering Permit Renewal - The Burg Sports Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
751 E. Union Hills Dr., Ste. 3-6
Zoning Classification: PSC
Council District: 2

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 23

Off-Track Pari-Mutuel Wagering Permit Renewal - Big Daddy's Sports Lounge

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
10618 N. Cave Creek Road
Zoning Classification: C-2
Council District: 3

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 24

Off-Track Pari-Mutuel Wagering Permit Renewal - Roman's County Line

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
10540 W. Indian School Road
Zoning Classification: C-2
Council District: 5

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 25

Off-Track Pari-Mutuel Wagering Permit Renewal - Armadillo Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
1904 E. Camelback Road
Zoning Classification: C-1 CEPCSP
Council District: 6

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 26

Off-Track Pari-Mutuel Wagering Permit Renewal - Bleacher's Sports Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
15410 S. Mountain Pkwy., Ste. 109
Zoning Classification: C-2 PCD
Council District: 6

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 27

Off-Track Pari-Mutuel Wagering Permit Renewal - Gallagher's

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
7575 N. 16th St., Ste. 1
Zoning Classification: PSC PCD
Council District: 6

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 28

Off-Track Pari-Mutuel Wagering Permit Renewal - Mr. Haney's

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
5110 E. McDowell Road
Zoning Classification: C-2
Council District: 6

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 29

Off-Track Pari-Mutuel Wagering Permit Renewal - American Legion #1

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
364 N. 7th Ave.
Zoning Classification: C-3 CMOD ACOD
Council District: 7

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 30

Off-Track Pari-Mutuel Wagering Permit Renewal - Gallagher's Food and Fun

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
3220 E. Baseline Road
Zoning Classification: C-1 BAOD
Council District: 8

Staff Recommendation
Staff recommends approval of this application.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

PAYMENT ORDINANCE (Ordinance S-47417) (Items 31-38)

Ordinance S-47417 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.

31 **JLL Pioneer, Inc doing business as Pioneer Landscape Centers**

For $20,000.00 in payment authority to purchase 1/2-inch screened palomino gold road base for the Parks and Recreation Department. The road base consists of gravel, which will be spread over the Tovrea Castle's roadways and pathways to significantly reduce the creation of dust by tour and maintenance vehicles. All vehicles visiting Tovrea Castle park on dust-free surfaces due to the Phoenix City Code 36-145. Adding the gravel onto the dirt roadways will increase parking spaces and help prevent City Code violations that could occur during castle operations. The Parks and Recreation Department has reviewed various material samples and has determined that 1/2-inch screened palomino gold road base will be aesthetically the best fit for the Tovrea Castle. The Environmental Programs Office has provided $20,000.00 to purchase the gravel.

32 **SAMS Technical Publishing, LLC.**

For $49,470.00 in payment authority for a new contract, entered on or about April 15, 2021 for a term of five years for SAMS Photofact Online database for the Library Department. SAMS Technical Publishing will provide access to SAMS Photofact Online database/eLibrary to customers and staff. The database will be available from the Phoenix

Public Library website once customers sign in using their valid library card. The eLibrary will meet residents' educational and entertainment needs as well as continue to serve as a primary, high-circulating collection, and will be available 24/7. SAMS manuals contain a complete set of schematics with voltages, wave forms, component location guides, parts list, and service adjustments covering TVs, VCRs, DVDs, radios, and audio equipment (Micro-HiFi System). The database is searchable, and searches are completed by entering the model number from the device being serviced. Partial model numbers can be researched, and the database will bring back results regarding the availability of manuals in the database.

33 **Aviation Specialties Unlimited, Inc.**

For $65,000.00 in payment authority for a new contract entered on or about May 3, 2021, for a term of five years for Night Vision Goggles (NVG) and related services for the Phoenix Fire Department. NVG is specifically designed for fire rescue units to safely and effectively perform night-time, low-light, and no-light rescue operations, both inside and outside Phoenix city limits. Aviation Specialties Unlimited is the sole authorized distributor for L-3 and Harris products and the factory authorized service provider for testing, certification, and repair of the equipment. The NVG for the Fire Department hoist operators must be identical to what is used by the Phoenix Police Department pilots to ensure interoperability during flight rescue operations. The consistency is critical because the NVG is calibrated and serviced in compliance with the Federal Aviation Administration requirements.

34 **Settlement of Claim(s) Womble v. City of Phoenix**

To make payment of up to $30,860.95 in settlement of claim(s) in *Womble v. City of Phoenix*, 19-0669-001, AU, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a bodily injury claim against the Parks and Recreation Department arising from a motor vehicle accident on Aug. 23, 2019.

35 **Settlement of Claim(s) Gonzales v. City of Phoenix**

To make payment of up to $70,000.00 in settlement of claim(s) in *Gonzales v. City of Phoenix,* 18-1258-002, AU, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a

settlement of a bodily injury claim against the Police Department arising from a motor vehicle accident on March 6, 2019.

36 **OnSolve, LLC**

For $11,400.00 in payment authority to purchase One Call Now services, a web-based service that will allow departmental staff to communicate residential, participant and COVID-19 information electronically with the Public Housing and Section 8 residents via email, telephone, or text within minutes for the Housing Department. The expenditure is necessary to ensure residents have the latest information regarding COVID-19 and other relevant information through a safe and timely communication medium as information becomes available, and when changes are made. This is paid for with Federal funds and there is no impact to the General Fund.

37 **Multiforce Corporation**

For $75,000.00 in additional payment authority for Contract 136054 for fuel site computer maintenance for the Public Works Department. The contract is utilized to provide hardware and software support to the City's Fuel Management Systems at 86 fuel site locations. These systems are used to track fuel, energy usage, monitor fuel inventories and equipment odometers. The systems track data from 110 City-owned kiosks at the fuel site locations and are required to maintain employee access to fuel City-owned vehicles and equipment.

38 **National Association of City Transportation Officials, Inc.**

For $25,000.00 in payment authority for a one-year 2021 membership in the National Association of City Transportation Officials (NACTO) for the Street Transportation and Public Transit departments. The NACTO Membership is vital to service, delivery, and the operation of the Street Transportation Department. The Street Transportation Department will pay $20,000.00 (80 percent) of the total fee, and the Public Transit Department will pay $5,000.00 (20 percent). The item was approved by the Transportation, Infrastructure and Innovation Subcommittee on March 3, 2021.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 39

Public Comment on Proposed MOU Between City of Phoenix and LIUNA, Local 777 (Unit 1)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the Laborers' International Union of North America (LIUNA), Local 777 (Unit 1).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 40

Approving the Memorandum of Understanding Between City of Phoenix and LIUNA, Local 777 (Unit 1) (Resolution 21913)

The City of Phoenix has met and conferred with Laborers' International Union of North America (LIUNA), Local 777 (Unit 1) in accordance with the terms of Section 2-218 of the City Code, and a Memorandum of Understanding (MOU) has been approved by the organization's membership. A copy of the proposed MOU has been filed with the City Clerk and an opportunity for public comment has been requested as an agenda item preceding this resolution.

The following is a summary of the most significant agreements outlined in the proposed MOU:

TRANSPARENCY
Based on public dialogue about the need for greater transparency and accountability for city employees, several sections of the contract are modified. These modifications are proposed consistently through all City of Phoenix employee contracts. Signing these modifications is tied to an additional compensation increase as described in the COMPENSATION section. These transparency and accountability modifications are as follows:

Investigation language:
Add guidelines for conducting employee investigations.

Discipline to remain for employee’s career:
Change current language that allows discipline to be considered up to 5 years for progressive discipline, transfers, and promotions. Under this agreement, 10 categories of discipline will last for the life of employment. These are shown in the attached agreement.

Representation on Grievance Committees:
Update current language that rotates other labor groups on grievance committees to ensure an impartial review.

Purging Files:
Place the process into a single chart that makes it clear that discipline remains in the City's human resources files and that there is no "purging" of employee records.

COMPENSATION
LIUNA is proposed to receive the same percentage increases of total compensation as the other labor groups as follows:

Year 1:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Additional compensation for agreeing to the City's transparency and accountability proposals:
Ongoing 0.5% of total compensation
Non-continuous 0.5% of total compensation

Year 2:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

MEMORANDUM OF UNDERSTANDING

2021 – 2023

BETWEEN

LABORERS' INTERNATIONAL UNION

OF NORTH AMERICA,

LOCAL 777, AFL-CIO

AND

CITY OF PHOENIX

REPRESENTING FIELD UNIT I EMPLOYEES

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PREAMBLE

Whereas the well-being and morale of employees of the City are benefited by providing employees an opportunity to participate in the formulation of policies and practices affecting the wages, hours and working conditions of their employment; and

Whereas the parties hereby acknowledge that the provisions of this Memorandum of Understanding (hereinafter “Memorandum”) are not intended to abrogate the authority and responsibility of City government provided for under the statutes of the State of Arizona or the charter or ordinances of the City except as expressly and lawfully modified herein; and

Whereas the parties agree that the Phoenix Employment Relations Board (PERB) unit certification reflects that there exists a clear and identifiable community of interest among employees covered by this Memorandum; and

Whereas the parties, through their designated representatives, met and conferred in good faith pursuant to the Meet and Confer Ordinance in order to reach agreement concerning wages, hours, and working conditions of employees in Field Unit I; and

Whereas it is understood by the parties that any hours or fractions of hours spent outside the employee's work shift in pursuit of rights and benefits provided by this Memorandum, shall not be counted as hours or time worked for the purpose of calculating and paying overtime;

Now therefore, the City of Phoenix, hereinafter referred to as the "City" and Laborers’ International Union of North America, Local 777, AFL-CIO, hereinafter referred to as the "Union", having reached this complete agreement concerning wages, hours and working conditions for the term specified, the parties submit this Memorandum to the City Council of the City of Phoenix with their joint recommendation that the body resolve to adopt its terms.

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ARTICLE 1: RIGHTS

Section 1-1. Purpose

It is the purpose of this Memorandum of Understanding (hereinafter "MOU") to continue and maintain harmonious relations, cooperation and understanding between the City and its employees; and to set forth the full and entire understanding of the parties reached as a result of good faith meeting and conferring regarding wages, hours, terms and conditions of employment of the employees covered hereby, which understanding the parties intend jointly to submit and recommend for approval and implementation to the Mayor and City Council.

Section 1-1A. Recognition

The City of Phoenix recognizes Laborers' International Union of North America, Local 777, AFL-CIO, (hereinafter "Union") as the sole and exclusive meet and confer agent pursuant to the Meet and Confer Ordinance for all regular employees in positions as certified or hereafter certified by the Phoenix Employment Relations Board (PERB) as constituting Field Unit I. This includes the following positions in Unit I:

All regular full-time and part-time field employees employed by the following City of Phoenix Departments: (1) City Clerk – Mail Room, (2) Human Services – Laborers, (3) Parks & Recreation – Division Operations, Sports and Turf Management, Specialized Maintenance, and Aquatics Division, (4) Public Transit – Minibus Operators, (5) Public Works – Solid Waste Collections and Disposal Divisions, Landfill Operations and Transfer Stations, and (6) Street Transportation – Street Maintenance Division, Sign Manufacturing, Street Marking and Parking Meter Sections.

Whenever any words used herein in the masculine, feminine or neuter, they shall be construed as though they were also used in another gender in all cases where they would so apply.

The City will notify the Union, in writing, 30 calendar days in advance before any new position or classification is placed permanently within Unit **1**. The parties agree to consult on the inclusion or exclusion of new classification(s) in Unit I and will thereafter refer any such matter to PERB for appropriate action.

If any conflict exists between the language in the Administrative Regulations or employment/department rule and the language of this MOU, the MOU shall prevail.

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Section 1-2. City and Department Rights

A. The Union recognizes that the City has and will continue to retain, whether exercised or not, the sole and exclusive right to operate, administer and manage its municipal services and work force performing those services in all respects except as expressly modified by this MOU.

B. The City Manager and Department Heads have and will continue to retain exclusive decision-making authority on matters not officially and expressly modified by specific provisions of this MOU, and such decision making shall not be in any way, directly or indirectly, subject to the grievance procedure contained herein.

C. The exclusive rights of the City shall include, but not be limited to, the right to determine the organization of City government and the purpose and mission of its constituent agencies, to set standards of service to be offered to the public, and through its management officials to exercise control and discretion over its organization and operations, to establish and effect Administrative Regulations and employment rules and regulations, consistent with law and the specific provisions of this MOU to direct its employees, to take disciplinary action for just cause, to relieve its employees from duty because of lack of work or for other legitimate reasons, to determine the methods, means and personnel by which the City's services are to be provided, including the right to schedule and assign work and overtime, and to otherwise act in the interest of efficient service to the community. Nothing herein shall be construed to diminish the rights of the City under the Meet and Confer Ordinance.

Section 1-3: Union Rights

A. No employee shall suffer reprisal for the exercise of rights granted by this MOU.

B. Union Release

The Phoenix community benefits from harmonious and cooperative relationships between the City and its employees. The City and LIUNA Local 777 have negotiated full-time release positions, and release hours, as an efficient and readily available point of contact for addressing labor-management concerns. Examples of work performed by the release positions in support of the City include ensuring representation for unit employees during administrative investigations and grievance/disciplinary appeal meetings with management; participating in

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collaborative labor-management initiatives that benefit the City and the unit **employees**; serving on City and departmental task forces and committees; facilitating effective communication between City and Department management and unit employees; assisting unit **employees** in understanding and following work rules; and administering the provisions of the Memorandum of Understanding. The cost to the City for these release positions, including all benefits, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits.

1. Full-Time Release Positions

   Three (3) persons designated as official full-time release Union representative for the unit shall be allowed up to 2,080 work hours for each representative per MOU year to engage in lawful Union activities pursuant to and consistent with this MOU. The full-time release positions agree to be bound by all City rules and regulations. Time used for this purpose in excess of 2,080 hours for each representative shall be at the expense of the Union and the Union shall reimburse the City at the employee's hourly rate of pay. The City will pay the employee's full-time fringe benefits.

   The Union shall notify Labor Relations and the appropriate Human Resources Liaison 5 working days in advance when requesting release time for the above official designated Union representatives.

   The Union will submit quarterly reports to the Labor Relations Division documenting the regular work schedules of the release positions and any leave used during the quarter.

   Upon return from full-time release, the official Union representative shall be reinstated to their original location/yard and schedule. If the previous location **is** no longer **available,** then the employee will have their choice of location/yard and schedule **based on availability and operational need as determined by the department**. Once at the location/yard the employee will, if applicable, receive an available assignment of route, truck and partner. They will then have an opportunity to participate in the next future transfer process in accordance with the department’s transfer policy. In addition, any approved leave time the employee had scheduled prior to their return to their department shall be honored by the department.

   The City will provide 3 parking cards to the Union.

2. Union Stewards

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The Union may designate 45 Union members as stewards and shall notify the Labor Relations Administrator of such designations. There shall be no obligation on the City to change or adjust normal departmental scheduling or assignments of personnel as a result of such designations. Such designations shall be made from amongst Union members regularly working at the job sites within the proximate geographic area where they are intended to provide representation. The Union shall endeavor to be equitable in the distribution of its stewards.

a) One such representative from the Grievant's home department may, after the Grievant and the supervisor were unable to resolve the matter informally (Article 2, Section 2-1-A), when the Union is designated by a Grievant as his representative, attend mutually scheduled grievance meetings and hearings with department representatives without loss of pay or benefits. Paid release time used for any other purpose, such as gathering information, interviewing the grievant or witnesses, or preparing a presentation shall be charged against the bank of Union release hours (Section 1-3 D).

b) City employees who are on duty and are, either witnesses, charging parties, appellants or grievants and the shop steward representing any such employee from the employee's home department, may attend grievance, Civil Service, Phoenix Employment Relations Board (P.E.R.B.) and **department** Accident Review Board meetings on City time provided 1) it is for their particular case which is either scheduled or on the public meeting agenda for that date and time and 2) Once a witness testimony has been concluded, or if a grievant, charging party or appellant once that agenda item has been completed or the grievance meeting concluded, unless they have made other arrangements in advance with their immediate supervisors approval, they will promptly return to work. Management reserves the right to restrict the number of witnesses who can be off of the job at any one time but will cooperate in rotating witnesses from the workplace so as to minimize the impact to operations and service to the public. For group grievances the group will be allowed to select no more than two non-witness grievant representatives to attend the proceeding. These do not have to be the same group grievant representative for each step or meeting of the entire proceeding. As a matter of courtesy, employees will give management as much notice as possible.

c) Union designated representatives shall be admitted to the buildings and grounds of the City for the purpose of assisting in the adjustment of grievances and other official Union business, so long as such will not, in any manner, interfere with any work operation or the safety and security of any work site. Such representative will check in with the supervisor involved and will be

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required to conform with the operational and safety regulations and procedures as directed by the supervisor.

3. Bank of Union Release Hours

The Union will be allowed, subject to operational and scheduling factors and 4 working days advance request in each instance, a unit total of 4,287.25 hours paid release time in a bank of release hours per M.O.U. year. Requests for release time shall be submitted to the Labor Relations Administrator and approval of release time hereunder shall not be arbitrarily withheld. The cost to the City for these release hours, including fringe, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits. Examples of how these hours are used by the Union include:

- For Executive Board members to attend meetings of the Executive Board, meetings of the general membership, and for preparation for negotiations.
- For stewards to provide representation when a steward from the employee's home department or a full-time release employee is unavailable.
- For a second representative to attend a grievance or investigative meeting.
- For authorized representatives to attend Union conferences, meetings, seminars, training classes and workshops so that representatives better understand issues such as City policies and practices, conflict resolution, labor-management partnerships, and methods of effective representation.
- For authorized representatives to research and prepare for grievance meetings and disciplinary hearings.
- For authorized representatives to educate and communicate with unit **employees** in support of City policies and programs, and participate in City partnerships.

Only one representative may be released from the same work group at the same time. No representative will be permitted to use more than 420 hours of release time from the bank of hours in any one MOU year.

Any hours used in excess of the bank of Union release hours must be approved by the Labor Relations Administrator and the LIUNA Local 777 Lead Business Manager. The number of hours used in excess of the allowable Union release hours at the end of the contract term will be deducted from the Union release hours available for the following year. A surplus of hours will be carried over into the next year to a maximum total Union release of 7500 hours.

a) The Union shall be allowed up to $20,000 per MOU year to be used towards LIUNA Local 777-City of Phoenix Apprenticeship Programs to purchase training materials, uniforms, promotional outreach materials, instructional activities such as schools and workshops, and any other activity approved by the Human Resources Director or his/her designee for Unit **employees** approved to participate in the Apprenticeship Programs. These monies are to be paid to the Union in one lump sum in the first pay period of each MOU year. The Union will document the nature of the expenditures made for each Unit **employee** approved to participate in the Apprenticeship Programs. The City Auditor Department may conduct an audit of the funds designated for the Apprenticeship Programs periodically. Any payments not adequately supported by the documentation of expenses, or payments made for activities outside the scope of this agreement, will be returned to the City by the Union.

   At the end of each fiscal year, any money not expended on the Apprenticeship Programs will be carried over to the next year for continued use in these programs. The funds set aside for the Apprenticeship Programs will not exceed $30,000 and the City and the Union will discuss appropriate measures to ensure the Union receives the appropriate economic value.

b) In recognition of the mutual benefit provided to the City and the Union by the full-time release positions, the City agrees to pay the Lead Business Agent of the Unit two hundred and eight overtime hours each MOU year. The two full time Union Representatives will be paid 80 hours overtime each MOU year. The overtime will be paid on the last paycheck of July upon request of the Union. The Union shall make such request no later than June 1.

   The Union agrees to reimburse the City of Phoenix for the equivalent salary costs plus fringe benefits on or before the last day of July each MOU year.

C. Unit **employees** may be authorized in advance in writing to engage in lawful Union related activities during City work hours on a non-paid basis by the City Manager or his designee in his unrestricted discretion consistent with this MOU.

D. There shall be no use of official time for unit-related activities except as has been expressly authorized under this MOU. The City reserves the right to deny approval of request for use of official time for activities not expressly authorized under this MOU. The City shall not arbitrarily deny requests for use of official time for union activities.

E. Payroll Deductions

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1) The City shall deduct from the first and second pay warrants of Union members, in each month, the regular periodic Union membership dues as certified by an authorized official of the Union and regular periodic Union sponsored insurance benefits pursuant to the City's deduction authorization form duly completed and signed by the employee and transmit such deductions monthly to the Union no later than the 14th day following the end of the pay period in which the deduction occurs, along with an alphabetical list of all employees for whom deductions have been made. Such deductions shall be made only when the Union member's earnings for a pay period are sufficient after other legally required deductions are made. Authorization for membership dues deductions herein shall remain in effect during the term hereof unless revoked by the employee. Revocation of deductions shall be accepted by the City only during the first week of July or January to be effective the following payroll period. The City will notify the Union of any revocations submitted to it, consistent with the PERB Ordinance Section 2-214.

   If it is determined by a final decision by a court of competent jurisdiction that “Fair Share” does not violate Arizona State law or the Arizona State Constitution, the Union and City shall open up this contract to bargain in good faith over the “Fair Share” issue.

2) The City shall not make dues deductions for unit employees on behalf of any other employee organization as defined in the Meet and Confer Ordinance, during the term of this MOU.

3) The City assumes no liability on account of any actions taken pursuant to this section. The City shall, however, as promptly as technically possible, implement changes brought to its attention. The City shall, at the written request of the Union during the term of this agreement, make changes in the amount of deduction hereunder for the general membership, provided cost for implementing such changes shall be reimbursed by the Union. This charge shall not apply to submission of new individual authorization cards or revocations or individual status changes.

F. Facilities and Services

1) The Union may distribute **material which is not abusive of any person or organization, which does not violate Administrative Regulation (A.R.) 2.16, and which is not disruptive of the City’s operation. Materials may be posted or distributed** on the City's premises (buildings and grounds) before and after scheduled working hours or in non-work areas during scheduled work hours provided both the employee distributing and the employee receiving such material are on their own time.

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2) The City shall provide the Union with bulletin board space for its sole and exclusive use in communicating with its members at mutually agreeable locations. **All bulletin boards will be kept updated with material that is current and up to date.**

3) The Union shall have the right to meet with new unit employees for the purpose of informing each such employee of the Union and of that employee's right to have Union dues deducted from his/her pay warrant. The Human Resources Department will notify the Union when orientation sessions involving new unit employees are scheduled.

   Such opportunity shall be **afforded** the Union during the new employee orientation (NEO) sessions conducted by the Human Resources Department, Public Works **Department** Orientation Program (PWOP), and Parks **& Recreation** Department **N**ew **E**mployee **O**rientation (Parks **& Recreation** NEO)**, Streets Transportation Department New Employee Orientation (Streets Transportation NEO), Aviation Department New Employee Orientation (Aviation NEO)**.

   The speaker cannot be defamatory against the City or specific departments or individuals.

G. List of Unit **Employees**

   Upon the Union's filing of a Third Party Data Sharing agreement with the HR Department, the City shall provide electronically, at no cost, a list of unit **employees** which includes the following: Emp ID, First Name, Last Name, Initial, Deduct, Service Date, Dept ID, Department, Job Title, Job Locator Code, Mailing Address, City, State, Zip, Home Phone, Work Phone**, and active Union deduction**.

   Any and all information furnished by the City shall be used by the Union solely for the purpose of communicating with unit **employees**, other legitimate union purposes, and shall not be shared with any other individual or organization.

H. Upon written request from the Union, the City will provide specific information from an employee's personnel files pertinent to a written grievance, arbitration case or civil service appeal. The City will also provide all pertinent collective bargaining information requested by the Union. The information will be supplied to the Union at no charge.

I. In accordance with the City's selection and interview process guidelines and at management's request, Union Designated Employees will participate in City Selection processes.

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J. For a unit employee whose regular shift is other than day shift, there will be flexibility in changing his, her or their normal work hours for the purposes of attending official Labor-Management meetings called by or with the concurrence of the Department Head or designee. There shall be a 48-hour notice to the affected Department to ensure proper coverage.

K. City Email

The City shall send union-requested communication using the City Email System using the following procedures:

<u>Processing Guidelines</u>

- **Requests for email distribution must be submitted by the LIUNA Local 777 Business Manager or their designee from the labor group to the Labor Relations email address (labor.relations@phoenix.gov).**
- **Labor Relations will review the email content to ensure compliance with the guidelines noted below.**
- **Labor Relations will distribute compliant emails to unit members within 5 business days.**
- **A limit of one email per month, per labor group will be distributed. Exceptions will be reviewed by Labor Relations.**
- **Emails will only be distributed to the corresponding unit members.**
- **Emails will be sent to unit members via blind copy.**
- **The standard City notice not to reply will be included on all emails.**

<u>Email Content Guidelines</u>

The following is a list of acceptable types of communication. This is not an all-inclusive list:

- **Labor benefit fairs/ meet-and-greets.**
- **Union Open House's.**
- **City program/policy changes.**
- **Open Enrollment.**
- **Promoting City/union-sponsored training, committees, safety programs or initiatives.**
- **City/union/association-sponsored charitable events or community projects.**

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Other Guidelines/Information

- **Communication cannot violate City policies.**
- **Communication cannot reflect negatively on the City organization, City staff, elected officials, or residents.**
- **Communication cannot negatively Impact our residents' perception of the City.**
- **All distributed emails are subject to the City's public records policy (reference AR 1.60, Public Records Request Processing).**
- **Changes may be made to these procedures at any time.**
- **Changes will be communicated with labor groups prior to implementation.**

Section 1-4. Rights of Unit Employees

A. Non-Discrimination

All unit **employees** have the right to have the Union serve as their meet and confer representative without discrimination based on membership or non-membership in the Union.

B. Grievance Representation

All unit **employees** have the right to present their own grievance, in person or by legal counsel in accordance with Article 2, Section 2-1. A copy of all MOU grievances, filed by anyone other than a designated official Union representative, shall be sent to the Union office. There shall be no cost incurred to the Union.

C. Disciplinary Investigations / NOI Representation

A. Unit employees have the right to be represented by the union and the union reserves the right to provide representation to its members in dealings with the City concerning grievances, and matters pertaining to their individual employment rights and obligations, and during an investigatory interview concerning allegations focused on the employee which may result in disciplinary action.

B. Supervisors are encouraged to discuss concerns and attempt to resolve those concerns with an employee without utilizing a formal investigatory

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process. Supervisors are encouraged to not utilize an investigatory process unless they have a reasonable belief that discipline (a written reprimand or higher) could result. Should information be made during a conversation to attempt to resolve an issue that could result in discipline, the supervisor will immediately stop the meeting and utilize an investigatory process as outlined below. Any interview becomes investigatory when facts or evidence sought by the City may result in a disciplinary action.

C. The City may, at its sole discretion, either conduct investigatory interviews with employees or issue employees written questions. In either case, a Notice of Inquiry (NOI) form will be used. The intent of the NOI is to clearly put employees on notice that they are under investigation that could result in discipline, inform them of the nature of the allegations against them, and inform them of their right to representation.

Time limit for investigations

D. If the City elects to issue written questions to the employee, the following shall apply:
   I. If an NOI is being issued and there is no active questioning, representation is not required. Employees may bring a representative if they desire, however there will be no discussion during the issuance of the NOI.
   II. The employee will have 72-hours excluding holidays and N-days to respond in writing and provide any other material requested. This deadline may be extended by mutual agreement if there are extenuating circumstances.

E. If the City elects to conduct an investigatory interview, the following shall apply:
   I. Prior to the employee being interviewed, the unit employee shall be advised of their right to a representative.

      A. Prior to the employee being interviewed, the employee shall be advised of their right to a representative and given up to 48 hours to secure representation. The 48-hour time period may not apply in emergency situations.
      B. A unit employee identified solely as a witness will not be prevented from contacting the union (association) on tier own time to consult with a union (association) representative prior to their interview.

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II. **The NOI form will be issued at the meeting.**

III. **The union representative may assist and consult with the employee, attempt to clarify the facts or questions asked, and suggest other employees or witnesses who may have knowledge of the underlying issues. The union representative cannot speak on behalf of the employee or impede the progress of the interview.**

IV. **The member or representative may ask for a caucus during the meeting. Caucuses will be granted for a reasonable timeframe. Ay any time either party requests a caucus the party shall inform the other party of an estimate of what time they shall return.**

V. **The interviewer may not prohibit the union representative from engaging in representation, including consulting with the employee. The member shall be allowed to seek advice from their representative in caucus during the interview. A caucus will not be permitted when a question is pending. The employee will be given the opportunity to clarify their answer after the caucus**

VI. **Neither party will behave in a violent, verbally abusive, insulting, or demeaning manner toward the interviewer.**

VII. **Prior to the conclusion of the meeting, the member or representative shall have the opportunity to make a closing statement for no more than 5 minutes.**

VIII. **If the department requires a written statement at an investigatory meeting, the employee will be given up to one hour of City time to write the statement. Additional time may be granted at the sole discretion of the department and will not be withheld arbitrarily.**

IX. **The employee will be provided with a copy of the interview notes and given 72 hours to confirm their answers and provide any additional information.**

F. **Regardless of whether the City elects to interview the employee, or issue written questions, the following shall apply:**

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I. **The employee will be instructed not to speak to anyone regarding an investigation. This restriction does not apply to the union, the union's attorney, the employee's family, the employee's attorney, the employee's clergy, the investigator, or chain-of-command.**

II. **The employee will be advised if the inquiry is supervisor initiated or the result of a citizen complaint, employee/co-worker complaint, or other.**

III. **The member shall also be informed of the Garrity protections afforded to public employees who may also be under criminal investigation or whose actions meet the elements of a crime [Garrity v. New Jersey, 385 U.S. 493, 87 S.Ct. 616 (1967)].**

IV. **A unit member shall receive a copy of any statement that they are asked to sign.**

V. **Every 60 days, a unit employee under investigation may request a status update. At management's discretion, the status will be provided either verbally or in writing.**

G. **Misc.**

No investigatory documentation, such as the NOI or witness statements shall be kept in the Personnel or Supervisory Files after the investigation is concluded.

H. **Unit employees will be permitted to apply and/or compete in a transfer process while in a pending investigation. The transfer process will not be delayed pending the conclusion of the related investigation.**

I. **An employee who receives a written reprimand or suspension may request a copy of the information upon which the written reprimand or suspension was based, pertaining to what was specifically cited in the discipline at no cost to the employee.**

J. **It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article unless otherwise specified in this MOU. The employer shall count as time worked any hours or fractions**

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of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

D. Personnel Files

1) Any unit **employee** covered hereunder shall, at their request and by appointment, be permitted to examine their personnel files in the presence of an appropriate supervisory official of the Department and/or authorize a Union representative to obtain copies of documents in their personnel files. Said files shall be in a location as specified below, one per location. These include the main Human Resources Department file, the department personnel file, and the official department office personnel file contained at the district or yard office.

2) No unit **employee** shall have any adverse statements entered i**n to their** personnel file without **having a discussion about the action**.

3) **Unit employee** may, at **their** discretion, attach **no more than a 1-page** rebuttal statement to any material contained in **their** personnel file which may be of a derogatory nature **within 7 business days**.

E. Fair & Impartial Treatment

All unit **employees** have the right to be treated equally and in a manner, which is fair and impartial in any matter associated with the rights of unit **employees** under the terms of this MOU.

F. Coaching / Supervisory Counseling

A coaching is a verbal discussion with an employee. A coaching is not to be considered a first offense for purposes of progressive discipline. A written record of a coaching may be placed in the supervisor's files for both positive and negative incidences. A coaching is to be one-on-one. When 2 or more supervisors are present at the coaching, the employee shall be advised of their right to representation. An employee may receive more than 1 coaching for a similar matter.

A supervisory counseling is a warning that the supervisor shall document in memo form. A supervisory counseling is not discipline. They are to be used to determine only notice to the employee. If a supervisory counseling is to be used in any disciplinary or personnel action or any performance rating, the employee will be given the supervisory counseling in memo form, that identifies the behavior requiring

improvement, the reason for the improvement, and the consequences of continuing the unacceptable behavior. The memo will contain a line for the employee's signature and an above the line statement of "The employee shall date and sign the supervisory counseling, not as an indication of agreement, but solely as evidence of being advised of its existence." The employee will receive a copy of the memo.

Discipline older than 5 years from the date of issuance will not be considered for progressive discipline or job related promotion/transfer purposes except for the following types of discipline, which may be considered for the duration of employment (and upon the employee's return to employment, if applicable):

Final sustained discipline of suspension or higher of the following:

- **The employee has been abusive or threatening in language or conduct towards fellow employees or the public;**
- **The employee has solicited or taken for personal use a fee, gift or favor in the course of the assigned work or in connection with it, which would lead toward favoritism or the appearance of favoritism or a conflict of interest;**
- **That the employee is in possession of a deadly weapon (as defined in ARS 13-3101), except a pocketknife (as provided in ARS 13-3102) at a City worksite;**
- **The employee has intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix;**
- **The employee has stolen or is in unauthorized possession of City property or the property of another employee or citizen;**
- **The employee is under the influence of alcohol or illegal drugs on the job;**
- **The employee has violated City of Phoenix anti-harassment or anti-discrimination policies;**
- **The employee committed a violation of the City's Ethics Policy;**
- **The employee committed an act of intentional dishonesty;**
- **The employee committed an act meeting the elements of a felony.**

The official discipline record is maintained in the Personnel File by the Human Resources Department. Copies maintained in either the Supervisory and/or Department files are not the official record. Employees may request to remove/inactivate eligible documents based on the below criteria by contacting the department Human Resources Officer. Official records may only be inactivated and not removed per records retention law, and

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members/employees will receive confirmation once the requested record is removed/inactivated.

Document	Supervisory File	Department File (if applicable)	Personnel File (OFFICIAL FILE)
Coaching's/Supervisory Counseling's	**Maintain original in file. Remove annually provided no further incidents.**	**Not maintained in file.**	**Not maintained in file.**
Written Reprimands	**Maintain copy in file. Remove annually provided no further incidents.**	**Maintain copy in file. Employee may request to remove after 3 years.**	**Maintain original in file. Employee may request to inactivate after 3 years.**
Suspensions (other than below)		**Maintain copy in file. Employee may request to remove after 10 years.**	**Maintain original in file. Employee may request to inactivate after 10 years.**
Discipline under 21b2, 21b4, 21b5, 21b12, 21b13, 21b14, 21b15, 21b18, 21b19, 21b20.		**Maintain copy in file. Cannot Remove**	**Maintain original in file. May not be inactivated**

G. **Performance Evaluation**

Although the terms "coaching" or "supervisory counseling" will not be used, the employee's behavior or performance which resulted in the "coaching" or "supervisory counseling" can, along with any other behavior or performance, be discussed in the **performance evaluation**.

If an employee is not given **their performance evaluation** by the annual review date, the employee's merit increase shall be processed within 21 calendar days following the above due date and be retroactive to the **performance evaluation** annual review date. (If an overall "met").

H. Departmental Policies

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The City will notify employees and Unit **1** of new or revised written City or Departmental policies affecting unit employees as soon after release as possible. The City shall post on their bulletin boards any new policies and/or revisions in City or written department policies and procedures affecting Unit I employees. Notice shall remain posted for no less than 21 **calendar** days. Review of policy and procedure revisions shall be included in employee group meetings when appropriate and practical to do so.

Section 1-5. Prohibition of Strikes and Lockouts

A. The provisions of the Meet and Confer Ordinance are expressly incorporated herein.

B. The City nor its agents for any reason shall authorize, institute, aid or promote any lockout of employees covered by this MOU.

Section 1-6. New Positions / Classifications

A. **Classification and Compensation** Studies

The City shall give notice to the Union within 10 working days whenever a classification or compensation study is undertaken that includes active positions belonging to the Union. The Human Resources Department shall provide the Union with an opportunity to meet with the person conducting the study prior to preparation of any report or recommendations. The City shall notify the affected Union of the results and recommendations resulting from any study 30 calendar days prior to that study being presented to the Human Resources Committee. It should be noted that there is no guarantee, either expressed or implied that changes to a classification or its grade and salary range will result from a study.

B. New Classifications

The parties agree to consult on the inclusion or exclusion of new classification(s) in the bargaining unit and may thereafter refer any such matter, jointly or individually, to the Phoenix Employment Relations Board (PERB) for appropriate action.

C. **Position Management**

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The City shall give written notice to the Union 30 days in advance of a position being reallocated or reclassified such that the position is removed from the unit.

D. Union Requested Job Classification Studies

The Union may submit written requests for job classification studies to the Human Resources Department. Requests from the Union will be prioritized with other standing requests.

1) All written requests for classification studies submitted by the Union shall include, but not be limited to, the following information:

   a) A full description of the new duties and responsibilities.
   b) A full explanation of why the Union feels the position(s) should be reclassified.
   c) A list of comparative positions/ classifications that led to the Union's request.
   d) Such other information as is normally considered relevant to a classification review.

2) The results of the audit of any classification study shall be subject to review by the City's Personnel Committee in accordance with existing procedures.

3) **The Union may submit a prioritized written request of classifications specific to the unit that they wish to have studied. All written requests shall include a full explanation of why the classification should be studied. This explanation shall indicate whether the Union is requesting a full classification study (including job levels and job architecture) or if the request is limited to a compensation review to assess market competitiveness and grade and salary levels. At least one request by the Union shall be completed by the Human Resources Department in order of their ranking if the City Manager has authorized the HR Department to conduct studies.**

ARTICLE 2: GRIEVANCE / ARBITRATION / LABOR MANAGEMENT

Section 2-1. Grievance Procedure

It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee’s work shift in pursuit of benefits provide by this Article. The employer shall count as time worked any hours or fractions of hours

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spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. Informal Resolution

1. As a matter of good labor-management relations the parties encourage unit **employees** who believe that they have a bona fide grievance to discuss and attempt to resolve it with their immediate non-unit supervisor.

2. If the above informal discussion is held and does not resolve the grievance, the unit **employee** may file a formal grievance in accordance with the following procedure.

B. Definition of Grievance

1. A grievance is a written allegation by a unit **employee**, submitted as herein specified, claiming violation(s) regarding the interpretation and/or application of the specific express terms of this Memorandum for which there is no other specific and formal method of review; and doesn't have a fact pattern that has been presented to and decided upon by the City Manager in a prior grievance. However, disputes specifically excluded in other Articles of this Agreement from the Grievance and Arbitration procedure shall not be construed as within the definition set forth above and shall not be handled in accordance with this procedure. It is agreed that such excluded disputes are not grievable or arbitrable under the terms of this Article or under this contract.

2. The City continues to retain the format used for grievances, including forms, technology, etc.

3. A grievance which does not meet the requirements set forth in this Article shall be null and void, and will not be processed in accordance with this procedure.

C. Procedure

All grievances covered by this Article shall be handled exclusively in the following manner:

A grievance must be reduced to writing, citing the specific Article and Section of this Memorandum alleged to have been violated.

1. Step 1

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The unit **employee** shall reduce the grievance to writing by signing and completing the grievance form provided by the City and submit it to the division head, or designee, within 14 calendar days of the initial commencement of the occurrence being grieved.

The division head, or designee, may investigate, further consider, and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. By mutual agreement, the parties can agree to skip Step 1 and proceed to Step 2 of the grievance procedure.

2. Step 2

   If the written response of the Step 1 does not result in a resolution of the grievance, the grievant may appeal the grievance by signing and completing the City form and presenting it to the department head, or designee within 14 calendar days of the grievant's receipt of the Step 1 response.

   The department head, or designee, may further consider and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. By mutual agreement, the parties can agree to skip Step 2 and proceed to Step 2.5 or Step 3 of the grievance procedure.

3. Step 2.5

   After the Step 2 response, but prior to review by the Grievance Committee, the parties involved may mutually agree to submit the grievance to Labor Relations. The grievance, as originally written and Step 1 and Step 2 responses, must be submitted to Labor Relations within 14 calendar days of receipt of the Step 2 response. Labor Relations shall, within 14 calendar days of the receipt of the grievance, meet with the department head, or designee, and the grievance and the grievant's representative, if any, in an attempt to resolve the grievance. Labor Relations shall then submit a written response to all parties within 14 calendar days of the meeting.

4. Step 3

   a. If the written response of the Step 2 (or 2.5 if applicable) does not result in a resolution of the grievance, the grievant may, within 14 calendar days of the Step 2 response, appeal the grievance by signing and completing the City form and presenting it to Labor Relations. A Grievance Committee hearing will be scheduled at which the grievant shall be afforded the opportunity to fully present **their** position and to be represented.

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The Grievance Committee shall be composed of:

Chairman – A member of the City Manager's Office designated by the City Manager.
Member – A City function head on a rotating schedule.
Member – **An individual mutually agreed upon between the City Manager, or his designee, and LIUNA Local 777**.

The Grievance Committee shall submit findings and advisory recommendation(s) to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and **their** designated representative.

b. If the grievant so elects in writing within the above time limit, in lieu of such hearing the grievance may be reviewed by an arbitrator. The parties, or their designated representatives, shall agree on an arbitrator, and if they are unable to agree on an arbitrator within a reasonable time, either party may request the Federal Mediation and Conciliation Service to submit to them a list of 7 arbitrators who have had experience in the public sector. The parties shall, within 7 calendar days of the receipt of said list, select the arbitrator by alternately striking names from said list until one name remains. Such person shall then become the arbitrator. The arbitrator so selected shall hold a hearing as expeditiously as possible at a time and place convenient to the parties, and shall be bound by the following:

i. The arbitrator shall be bound by the language of this Memorandum and departmental rules and regulations consistent therewith in considering any issue properly before him/her.

ii. The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider any other issue not so submitted to him/her.

iii. The arbitrator shall be bound by applicable State and City law.

iv. The cost of the arbitrator and any other mutually incurred costs shall be borne equally by the parties.

The arbitrator shall submit findings and advisory recommendations to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

D. Time Limits

Failure of City Management representatives to comply with time limits specified in Paragraph C shall entitle the grievant to appeal to the next level of review; and failure of the grievant to comply with said time limits shall constitute abandonment of the grievance; except however, that the parties may extend time limits by mutual written agreement in advance of the deadline.

E. Union Grievance

The Union may, in its own name, file a grievance that alleges violation by the City of the rights accorded to the Union by the specific terms of Article 1-3 of this Memorandum. The Union shall file such grievance at Step 3 of this Procedure.

F. Group Grievance

When more than one unit **employee** claims the same violation of the same rights allegedly accorded by this Memorandum, and such claims arise at substantially the same time and out of the same circumstances, a single group grievance may be filed in the name of all such members. Such group grievances shall be filed at the Step of this Procedure which provides the lowest level of common supervision having authority over all named grievants. Each unit **employee** that is a party Grievant must be named and must sign such group grievance.

G. Employer Grievances

Should they occur as a result of official Union activities or actions, including the failure to act as required under the terms of this Memorandum, employer grievances will be presented directly to the Union president or any officer of the Union within 14 days of the occurrence prompting the grievance. The president, or designee, shall in each case provide a written answer within 14 days from receipt of the grievance. Unresolved employer grievances may be submitted to arbitration pursuant to Step 3.

H. Municipal Court

It is understood concerning the administration of this grievance procedure in the Municipal Court, specifically Step 2 that the designated "Department Head" is the Executive Court Administrator, and the "City Manager's Office" or "City Manager" shall mean the Presiding Judge, or his designee as provided in the procedure.

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Section 2-2. Labor-Management Committee

The benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. There shall be a Labor-Management Committee consisting of **the three Union Authorized Representatives, one LIUNA staff member, and four representatives from management that are agreed upon by the LIUNA staff member and the Labor Relations Administrator. The Labor-Management Committee shall be facilitated by Labor Relations staff. The purpose of the Committee shall be to facilitate improved relations, provide a forum for open and informal discussion, and make recommendations for operational or other rules changes that are of mutual benefit**.

B. The Committee shall meet, at least once a month per MOU year, or more often by mutual agreement, at mutually agreed upon times. The Committee will meet to discuss matters to be of a mutual benefit including, but not limited to, methods of improving the level of productivity when needed. The members shall, upon request for a meeting, provide the Chairman with proposed agenda items and the Chairman shall provide the members with the meeting agenda in advance of the meeting.

C. Any signed/dated written Labor/Management agreements with the signatures of the parties and the Chairman will be binding on the parties for the remaining term of the MOU.

D. If the representative of the Union is a unit **employee**, such representative shall not lose pay or benefits for meetings mutually scheduled during duty time.

E. During this Memorandum of Understanding, the City and the Union will establish a Labor-Management Committee dedicated to the discussion of cost analysis for potential contracted work presently performed by Unit employees, the reduction in force process and any other matters deemed relevant by the Committee.

F. During this Memorandum of Understanding, the City and the Union will discuss the following topics at the Labor Management Committee Meetings

- **The City’s disciplinary process**

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Section 2-3. Bargaining Unit Work

A. The City will schedule a meeting with the Union, with a minimum of seven calendar days' notice, except in emergency situations, to discuss management recommendations and basis for contracting of work presently being performed by unit **employees**, which would directly result in a reduction in the number of regular unit positions during the term of this agreement. The meeting will occur prior to any final recommendation to the City Council. Failure by the City to meet with the Union under this Article may be subject to the Grievance Procedure (Article 2, Section 2-1) of this MOU. The management recommendation, and final decision thereon by the City, shall not be subject to the Grievance Procedure (Article 2, Section 2-1.)

B. The Management recommendation, and final decision thereon by the City, shall not be subject to the Grievance Procedure (Article 2, Section 2-1) of this MOU.

C. The City agrees that it will not assign work currently performed by LIUNA represented employees to non-represented City employees or to employees in any other City of Phoenix bargaining unit, for a period up to 90 days.

   The exception will be when individuals are being placed in an effort to comply with federal law, in which case the Union will be notified.

   By mutual consent, the City and the Union may agree to a time period longer than 90 days.

Section 2-4. Health and Safety Committee

The benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. The City will continue to undertake all reasonable efforts to provide for employee health and safety in accordance with the State's Occupational Safety and Health Law.

B. In order to facilitate this policy, a joint committee entitled "Health and Safety Committee" shall be established. This Committee shall be composed of 2 unit

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employees appointed by the Union and 2 City representatives as designated by the City Manager. The Chairmanship shall rotate among the members.

C. The Committee shall meet quarterly at mutually scheduled times or more frequently by mutual agreement to consider on-the-job safety matters referred to it by the existing departmental safety committees and safety officers, or otherwise coming to its attention, and shall advise Department Heads and the City Manager concerning on-the-job safety and health matters.

   All written recommendations of the Committee shall be submitted to the Department Head concerned and to the City Manager.

D. The Committee shall be guided by the applicable regulations of the State's OSHA agency, and the City's existing practices and rules relating to safety and health, and formulate suggested changes.

E. Employee members of the Committee shall not lose pay or benefits for meetings mutually scheduled during their duty time.

Incident Review Board

An Incident Review Board is an effective management tool to minimize injuries and protect property. The function of an Incident Review Board is to determine if a vehicular or operational incident is preventable or non-preventable. The City shall establish an Incident Review Board in each Unit One represented department. Each Incident Review Board shall have the same rules, and all rules shall be applied in the same manner in each department.

Section 2-5. Public Outreach & Public/Employee Safety Cross Training

It is understood that bargaining unit **employees** are frequently required to address social service needs and problems as well as threats to public health and public/employee safety posed in our streets and parks.

To ensure that bargaining unit **employees** are trained adequately to safely deal directly with members of the public and to properly refer citizens to appropriate City agencies, all bargaining unit **employees** shall be cross-trained with public outreach and public/employee safety skills in accordance with department needs.

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Section 2-6. Laborers' Apprenticeship Projects

A. Gardener Apprenticeship Project

The Union and the City shall **continue the** Joint Pilot Apprentice Program **as needed and when positions are available** for the Gardener classification in the City of Phoenix, entitled "Phoenix Gardener Apprenticeship Program".

The Phoenix Gardener Apprenticeship Program shall be organized with a set of standards established by a 5 person Joint Apprenticeship Committee (Committee). The Committee shall be comprised of 2 Union representatives, 2 City of Phoenix Parks and Recreation Department representatives, and 1**City of Phoenix Human Resources Department Safety Section employee**.

The Phoenix Gardener Apprenticeship Program is designed to prepare individuals, and produce highly qualified and well trained workers who have solid knowledge as well as specific, technical job skills for occupations in the skilled trades and crafts. The Joint Apprenticeship Committee shall award a Certificate of Completion of Apprenticeship to each apprentice who has successfully completed the Phoenix Gardener Apprenticeship Program.

B. SWEO Apprenticeship Project

The Union and the City shall establish a **continue the** Joint Pilot Apprentice Program **as needed and when positions are available** for the Solid Waste Equipment Operator classification in the City of Phoenix, entitled "Phoenix SWEO Apprenticeship Program".

The Phoenix SWEO Apprenticeship Program shall be organized with a set of standards established by a 5 person Joint Apprenticeship Committee (Committee). The Committee shall be comprised of 2 Union representatives, 2 City of Phoenix Public Works Department representatives, and 1 City of Phoenix Human Resources Department Safety Section employee.

The Phoenix SWEO Apprenticeship Program is designed to prepare individuals, and produce highly qualified and well trained workers who have solid knowledge as well as specific, technical job skills for occupations in the skilled trades and crafts. The Joint Apprenticeship Committee shall award a Certificate of Completion of Apprenticeship to each apprentice who has successfully completed the Phoenix SWEO Apprenticeship Program.

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C. Street Maintenance Worker I Apprenticeship Project

The Union and the City shall **continue the** Joint Pilot Apprentice Program **as needed and when positions are available** for the Street Maintenance Worker classification in the City of Phoenix, entitled "Phoenix Street Maintenance Worker Apprenticeship Program".

The Phoenix Street Maintenance Worker Apprenticeship Program shall be organized with a set of standards established by a 5 person Joint Apprenticeship Committee (Committee). The Committee shall be comprised of 2 Union representatives, 2 City of Phoenix Streets Department representatives, and 1 City of Phoenix Human Resources Department Safety Section employee.

The Phoenix Street Maintenance Worker Apprenticeship Program is designed to prepare individuals, and produce highly qualified and well trained workers who have solid knowledge as well as specific, technical job skills for occupations in the skilled trades and crafts. The Joint Apprenticeship Committee shall award a Certificate of Completion of Apprenticeship to each apprentice who has successfully completed the Phoenix Street Maintenance Worker Apprenticeship Program.

ARTICLE 3: COMPENSATION / WAGES

Various sections of this MOU contain a form of compensation, wages, or benefits that have been negotiated in good faith and may or may not provide a direct payment of wages or other benefit to each member. Those forms of compensation, wages, or benefits that do not provide a direct payment to each unit **employee** have been negotiated in place of a direct payment and costed as part of the overall economic package. Examples include: life insurance, long term disability insurance, leave payouts, etc.

Section 3-1. Wages

A. In year one of **this** agreement, the economic value of ongoing total compensation increases will equal **1.5**%. Unit 1 employees will **also** receive **a non-continuous payment equal to the** economic value of **2.5%** total compensation. **Finally,** Unit 1 employees will also receive **an additional ongoing increase equal to the economic value of 0.5% of total compensation, and a non-continuous** payment equal to the economic value of **0.5**% total compensation **for agreeing to the City's transparency and accountability proposals**. **This will be paid as follows:**

1. **2.34**% **base** wage increase**,** effective **the first full pay period in** July **2021**.
2. **A non-continuous** payment of $**2,191** for each full-time **employee and $200 for each part-time employee in year one, to be** paid **out** on **the first full pay period in August 2021**.
3. **Increase pesticide application differential by $.50/hr**
4. **Increase 2nd shift differential by $.50/hr**
5. **Increase 3rd shift differential by $.75/hr**
6. **Provide 3 parking cards for Union use.**

B. In year two of the agreement, the economic value of ongoing total compensation increases will equal 1.5%. Unit 1 employees will also receive a **non-continuous** payment equal to the economic value of **2.5**% total compensation. **This will be paid as follows:**

1. **A** 1.77% **base** wage increase effective **the first full pay period in** July **2022**.
2. **A non-continuous** payment of $**1,860** for each full-time **employee and $200 for each part-time employee in year two, to be** paid **out** on **the first full pay period in August 2022**.

The City will evaluate the American Rescue Plan Act and will provide a (non-specified) percentage of premium pay as allowed by the legislation and deemed appropriate by the City Council, balancing the needs of the community and employees in their development of a strategic plan for the ARPA funds. The strategic plan will follow guidelines provided by the Department of Treasury. This language will expire at the conclusion of the 2021-2023 MOU.

C. During the term of this MOU the City will provide an annual budget presentation to the LIUNA Local 777 Chapter Board. This presentation will be scheduled within 30 days of the final budget being presented to Council.

D. It is understood that for implementation purposes, the practice of rounding of fractional cents shall be done in accordance with accepted mathematical and accounting principles.

E. Notwithstanding the rates of pay set forth in any appendix or attachment to the agreement for reference, the term "Pay Schedule" shall mean the schedule computed and published by the Human Resources Department for payroll purposes pursuant to Council Action in the Pay and Compensation Ordinance.

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Section 3-1A. Productivity Enhancement Pay

In recognition of continuous service and overall performance, the City agrees to the following **productivity enhancement** pay formula for unit employees.

A. Pay Benefit:

In November **2021**, **May 2022**, November **2022**, and May **2023**, unit **employees** who meet the additional qualifications of this section shall qualify for $50.00 for each full year of continuous full-time service in excess of 5 years, up to an annual maximum of $1,400.00 at 19 years.

In November **2021**, **May 2022**, November **2022**, and May **2023**, unit **employees** who have completed at least 20 years of full-time service and who meet the additional qualifications of this section shall qualify for $65.00 for each full year of continuous full-time service in excess of 5 years, up to an annual maximum of $1,820.00.

B. Qualifications:

1) An employee must have completed at least 1 year of continuous full-time service at the top step in his pay range. Qualifications for Productivity Enhancement pay are made in the base class and will not be affected by movement into or out of assignment positions. As well, Productivity Enhancement pay will not be affected by movements to positions within the same pay range.

2) An employee must have received a performance rating of overall "Met" on his latest scheduled performance evaluation on file at the time of the qualifying date. For employees who are otherwise eligible for Productivity Enhancement pay, an employee who receives an overall "Not Met" evaluation shall receive another evaluation within 90 days to 120 days, and if that evaluation is an overall "Met", he**, she, they** will be eligible to start receiving Productivity Enhancement pay the first paycheck for the first full pay period after the next qualifying date. A unit **employee** who receives an overall "Not Met" rating may appeal by memo through his chain of command to the Department Head.

3) An employee must be on full-time active status. Employees on industrial leave shall qualify for this payment for only the first year of the industrial leave. However, the entire period of industrial leave shall qualify as continuous service when the employee returns to active employment.

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C. Terms of Payment:

1) The Productivity Enhancement payment will be pro-rated and included each pay period in the qualifying unit **employee's** regular paycheck.

2) When a position is reclassified to a higher classification, or when classification is assigned to a higher pay range, incumbents who are receiving Productivity Enhancement pay shall be moved to that step of the new range which corresponds the closest to their combined base pay and previous Productivity Enhancement amount (incumbent's annualized payment), and which does not result in a decrease from that total amount. The placement in the new range will be limited to the maximum step in the range. If the reclassification or pay range change only results in a maximum possible one-range increase, and the incumbent is receiving Productivity Enhancement pay, the employee will be moved to the top step and continue to be eligible for Productivity Enhancement pay.

Section 3-2. Overtime

A. As a regular practice, overtime shall not be used. The parties agree that at times the City may require overtime work outside of an employee's regularly-scheduled shift.

B. Overtime is defined as time assigned and worked beyond the regularly scheduled 40 hours per week.

C. Except for paid sick leave, all duly authorized paid leave time shall be considered as time worked for the purposes of the regularly scheduled workweek. Paid sick leave shall not be considered as time worked for the purpose of calculating overtime for the regularly scheduled workweek.

   The employee's appropriate leave bank will be charged only for the difference between the scheduled daily work shift and the hours actually worked that day.

D. Overtime shall be worked and shall be allowed if assigned by the non-unit supervisor or other authorized representative of the City. The City shall endeavor to be equitable in the distribution of voluntary overtime amongst qualified employees or crews of employees within the same classification, function, work location, and shift. Seniority may be used as a factor in determining the assignment of overtime work. Other factors include skill level, assigned equipment, etc. The City will make available to the Union upon request reports of overtime worked by unit **employees**

on a quarterly basis. The City reserves the right to assign overtime in the event insufficient employees volunteer, to avoid inadequate staffing, to insure timely service delivery or to conduct mandatory training.

Employees may be required to work on scheduled holidays and/or non-work days during the holiday week in order to provide City services on weeks containing holidays.

Rotational overtime work lists ranked by seniority shall be posted on city bulletin boards and updated each time it is worked.

E. Compensation for overtime work as defined in Section B. above will be as follows: 1-½ times the regular rate. The regular rate shall include, if applicable, night shift differential, stand-by pay, and out-of-class pay. Overtime will be compensated after the first 7 minutes assigned and worked beyond a member's regularly scheduled work week or work shift, as outlined in Section B, calculated to the nearest 1/4 hour. There shall be no compounding or pyramiding of overtime pay with regular or premium pay except as required under the Fair Labor Standards Act.

F. There shall be a minimum of 12 hours off between shifts. If this is not possible and the unit **employee** is not receiving overtime pay for the additional hours worked (the unit **employee** is not entitled to both overtime and 12-Hour Rule time), the unit **employee** shall receive 12-Hour Rule compensation (1-1/2 times the regular rate) for each full hour worked within the described 12 hour period. This language only applies to employees who work 2 full shifts.

Example #1:

Monday	Tuesday	Wed – Fri	Total for Week
6a.m. – 5:30 p.m.	3:30 a.m. – 1p.m.	6a.m. – 2:30 p.m.	44 hrs. Worked
11 hrs. Worked	9 hrs. Worked	8 hrs. Worked per Day	40 hrs. Paid at Regular Rate of Pay
	2 hrs. within 12-Hour Rule		4 hrs. Paid at 1-1/2 (OT)

In example #1, the 12-Hour Rule time is not paid for the two hours worked within the 12-Hour Rule because overtime was earned for the additional hours worked.

Example #2:

Monday	Tuesday	Wed – Thurs	Friday	Total for Week
6 a.m. – 5:30 p.m.	3:30 a.m. – 1 p.m.	6 a.m. – 2:30 p.m.	6 a.m. – 10 a.m.	40 hrs. Worked

11 hrs. Worked	9 hrs. Worked	8 hrs. Worked per Day	4 hrs. Worked	38 hrs. Paid at Regular Rate of Pay
	2 hrs. within 12-Hour Rule			2 hrs. Paid at 1-1/2 (12-Hour Rule)

In example #2, the 12-Hour Rule time is paid for the two hours worked within the 12-Hour Rule because overtime was not earned for the additional hours worked.

G. In lieu of cash payment, a unit employee may request compensatory time credits up to a maximum accumulation of 210 hours. The request for compensatory credit must be made at the time the overtime is worked. Use of compensatory time off within the work period shall be subject to departmental approval and scheduling.

Accumulated compensatory time in excess of 210 hours must be paid in cash.

Effective July 2009, 210 hours is increased to 215 hours.

Section 3-2A. Call-Out Pay

A. A unit **employee** called out for work after going home from a shift or called out for overtime work while on stand-by pay shall be entitled to a minimum of 3 hours pay at 1 ½ times the employee's regular rate of pay.

B. Travel time shall be included in the minimum call-out guarantee and shall be paid only if the total work and allowed travel time exceed the 3 hour minimum. The total travel time compensated for round trip travel to and from the job site shall be 45 minutes.

C. Travel time shall not apply when the employee is working on overtime which was planned in advance. An employee requested to report early, before the normal starting time of the shift, shall not be eligible for travel time, but would qualify for overtime for the extra time worked at the job site.

D. Once called out, Standby Pay will stop.

Section 3-3. Out-Of-Class Pay

A unit **employee** temporarily required to serve in a regular authorized position in a higher classification shall be compensated at a higher rate of pay in accordance with the following:

A. To be eligible for the additional compensation, the unit **employee** must first accumulate 10 regular working shifts of assignment in the higher class within any 24 month period; satisfactory performance during a previous appointment to the higher class will be credited to the qualifying period. The days of out-of-class assignment need not necessarily be consecutive.

   The days of out-of-class will be credited to the qualifying period. Once this qualification is satisfied, no additional re-qualification will be required.

B. Temporary assignments out-of-class shall be recorded only in full-shift units. A unit **employee** working out-of-class for 4 hours in an 8 hour shift or 5 hours in a 10 hour shift or more in a given shift shall be credited with working out-of-class for the entire shift. No out-of-class credit shall be given for out-of-class work of less than 4 or 5 hours in any given shift.

C. To qualify for out-of-class pay, a unit **employee** must be assuming substantially the full range of duties and responsibilities of the higher level position. Out-of-class pay is not authorized, for example, if the organization of a work unit is such that each unit **employee** carries on his normal duties during the temporary absence of a supervisor, without a need for the direction which the supervisor would provide on a longer term basis. However, eligibility for out-of-class compensation shall take place when an employee becomes responsible on a regular basis, for the full range of duties normally assigned to the higher class.

D. Time worked in a higher class shall not earn credits toward the completion of probationary requirements in the higher class.

E. A unit **employee** who has qualified under these provisions shall be compensated at the minimum rate established for the higher class for each completed work shift served in the higher class. In the event of overlapping unit salary ranges, a minimum one-step differential shall be paid for out-of-class assignments into unit classifications. The higher rate of pay shall be used in computing overtime when authorized overtime is served in out-of-class work assignments; the overtime rate shall be the rate established by the overtime regulations that apply to the higher rank.

F. The City shall endeavor to be equitable in the distribution of out-of-class assignments amongst qualified unit **employees**.

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G. The City shall not make out-of-class assignments pursuant to this Article in an arbitrary and capricious manner.

Section 3-4. Pesticide Applicator Differential

Licensed Pesticide Applicators shall receive $**1.00** in addition to their base hourly rate for each hour engaged in assigned and authorized activities when applying, mixing, or managing herbicide or pesticides. This compensation includes any preparation and maintenance of application equipment.

Section 3-5. Shift Differential Pay

Unit **employees** shall receive $**1.00** per hour in addition to their hourly rate of pay when working a night shift which ends at or after 9:00 p.m. and before midnight, and $**1.50** per hour in addition to their hourly rate of pay when working a night shift which includes work during the period after midnight to 3:30 a.m.
Employees shall receive night shift pay differential only for hours scheduled and worked, and not while on paid leave time.

Employees participating in a 4/10 work schedule shall receive $**1.00** per hour in addition to their hourly rate of pay when working a regular night shift which ends between 10:00 p.m. and 3:30 a.m., inclusive, and $**1.50** per hour in addition to their hourly rate of pay when working a regular night shift which ends after 3:30 a.m. Night shift differential shall continue to be paid at the rate of the regular shift for any additional hours worked following the regular shift.

Section 3-5A. Weekend Shift Differential Pay

A unit employee shall receive $0.45 per hour added to his base hourly rate of pay and any other shift differential or any other premium pay he**, she, they** may be receiving for working a weekend shift. A designated weekend shift is defined as any shift that starts on or after 2:00 p.m., on Friday, and continuing through any shift that starts on or before, but not after 11:59 p.m. on Sunday.

A unit **employee** shall receive weekend shift pay differential only for hours scheduled and worked, and not while on paid leave.

A unit **employee**, who is called out and works between 2:00 p.m. on Friday and 11:59 p.m. on Sunday, will be paid weekend shift differential for all hours worked at the rate specified in this article. If a unit **employee** was called out while on stand-by status, he**, she, they** will not receive weekend shift differential.

Section 3-6. Stand-By Pay

When a unit **employee** is required and assigned to be available for emergency call back, outside of his regular daily or weekly work schedule, the employee shall be compensated for such stand-by hours that he**, she, they** remained available at $3.25 per hour. Unit **employees** serving in stand-by assignments shall be subject to contact requirements as provided for by the Department Head.

Section 3-7. Show-Up Time

Except in emergencies, an employee who is scheduled to report for work, has not been notified to the contrary, and presents himself/herself for work as scheduled, shall be paid for at least 4 hours at the hourly rate of pay. If work on the employee's regular job is not available for reasons beyond his control, the City may assign the employee substitute work. Where there is substitute work readily available, the opportunity for such work will not be arbitrarily denied.

In the event scheduled work is interrupted due to conditions beyond the City's control, and substitute work is not available to be assigned, affected employees shall be paid for 4 hours at the hourly rate of pay, beginning at release, or to the end of the scheduled work shift, whichever occurs first. An employee shall have the option of using either vacation **or comp** time**. If there is no other leave available, unit employee shall be able to use unpaid leave** for the balance of **the** regular shift **in compliance with the personnel rules**.

Employees released hereunder prior to the end of their scheduled shift may be required to stand-by and keep themselves available for immediate call-back during the balance of their scheduled shift (for which time they shall be entitled to stand-by pay under Article 3, Section 3-6 hereof). Employees called back to work shall be entitled to their hourly rate of pay only and not any guaranteed minimums for work performed during the balance of their regularly scheduled shift.

Section 3-8. Jury Duty Pay

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A unit **employee** called for jury duty or subpoenaed by a court as a witness shall be granted a leave of absence for the period of jury or witness service and will be compensated his/her regular pay and jury or witness pay for work absences necessarily caused by such jury or witness duty. To be eligible for such pay, an employee must present verification of the call to jury or witness duty.

A unit **employee** required by the Court to call in for jury duty the morning of his/her scheduled daily work shift may elect to take the day off on vacation or compensatory time. Such leave request shall not be denied. Should the unit **employee** be required by the Court to report for jury duty, the vacation or compensatory time will be restored from the actual time of reporting required by the Court through the end of the scheduled work shift. To be eligible for such leave restoration, the unit **employee** must present verification of the jury service.

Unit **employees** subpoenaed to appear as a witness in court as a result of their official duties on their status as a City employee shall return all fees tendered for such service to the City.

Paid **Jury Duty** leave shall not be allowed when the unit **employee** is the defendant, plaintiff, or voluntary character witness in a court action.

Section 3-9. Deferred Compensation Program

The current percentage of base pay for deferred compensation is .45 %.

Section 3-10. Sick Leave Conversion at Retirement

A. Sick Leave Cash Out Formula

A unit **employee** who has accumulated a minimum of 750 qualifying hours or more of accrued and unused sick leave at the time of retirement shall be paid an amount of compensation equal to 25% of his base hourly rate for all hours in excess of 250 hours.

B. Final Average Salary

The number of sick leave hours eligible to be cashed out and included in an employee's Final Average Salary upon retirement will be limited to the number of sick leave hours in

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the employee's leave bank on July 1, 2012, provided all criteria are met as described in Subsection A.

Employees with less than 250 hours of accrued and unused sick leave on July 1, 2012, will not meet the minimum balance requirements for a sick leave cash out that can be included in their Final Average Salary.

The portion of accrued and unused sick leave that is not included in the Final Average Salary upon retirement can be cashed out as a lump sum upon retirement, provided all criteria are met as described in Subsection A.

The number of vacation leave hours eligible to be cashed out and included in an employee's Final Average Salary upon retirement will be limited to the number of vacation leave hours in the employee's bank on June 30, 2014, not to exceed 450 hours.

ARTICLE 4: HOURS OF WORK / WORKING CONDITIONS

Section 4-1. Hours of Work

The City, in collaboration with the Union, may approve flextime schedules when all the following conditions are met:

1. **Approval of Department Head**
2. **Approval of LIUNA Local 777 Business Manager or their Designee**
3. **Mutually agreed schedule between Unit Employee and Supervisor**
4. **The City, the Union and the affected employee(s) shall sign a written agreement.**

A. This Article is intended to define the normal hours of work and to provide the basis for calculation and payment of overtime pursuant to Article 3, Section 3-2.

B. Work Week Defined

The regular work week for regular full-time unit **employees** shall consist of 5 consecutive work days in a 7 day pre-established work period, except as provided in Article 4, Section 4-1-F and except in those departments performing normal services regularly on Saturday and/or Sunday and except in those operations utilizing a different work week, such as a 4 day work week.

C. Work Day Defined

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The work day for regular full-time unit **employees** shall consist of 8 hours of work within any 24 hours in a pre-established work schedule, exclusive of unpaid time allotted for meals except in those operations utilizing a different workday schedule such as a 10 hour work day.

D. Work Schedule Changes

Except for emergency situations, permanent regular work schedules shall not be changed without notice by the Department of at least 14 days to the affected employee(s) and to the Union. Exceptions for more or less than the 14 days notice mentioned above may be mutually agreed to by labor and management on a case by case non-precedent basis.

When temporary work schedule changes are necessary, the Department will try to give affected employees at least 2 calendar days notice or, if less notice, it will be considered an emergency.

When changes are to be made by the City on a permanent basis for other than emergency reasons, or where new permanent schedules are to be adopted, the City will notify the Union of such changes or new schedules, prior to implementation. Overtime work or stand-by, before or after the normal work day or work week, does not constitute a change in the work schedule. A department will not reassign employees to another work location temporarily for arbitrary or capricious reason(s).

E. Summer Work Schedules

Summer hours may begin no later than the first Monday in April, and may terminate no earlier than the second Monday in October whenever such scheduling impacts operations, all of which are within the discretion and control of the City, and where such summer scheduling has been customarily used in the past. Summer scheduling may, at the discretion of the City, be implemented earlier or terminated later in the year than specified in this section. Summer work schedules in the Streets Department and Parks Department may begin at 5:00 a.m.

It shall be within the Department Head's discretion to determine starting times for summer hours based on such operational considerations as dividing and/or rotating crew starting times to facilitate safety to the public, employees and equipment, to guarantee a high level of convenient service to the public, to preclude negative impact on traffic flow, and similar factors.

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F. SWEO Schedule

The City may implement a 10 hour workday, 4 workdays per week schedule in all functions of the Solid Waste Management Division.

Except for Solid Waste Collections and Disposal, the regular work-week for regular full-time unit **employees** working a “four/ten” work schedule shall consist of 4 consecutive work days in a 7 day pre-established work period.

Section 4-2. Rest and Lunch Periods

A. Existing workday schedules spanning 9 elapsed hours shall continue to include a 60 minute unpaid meal period. Existing workday schedules of 8-1/2 hours and 10-1/2 hours shall continue to include a 30 minute unpaid meal period. Workday schedules of 8 and 10 consecutive hours shall include a paid straight time meal period of up to ½ hour on the job. Two (2) non-work periods of up to 15 minutes during a regular daily shift shall be permitted by supervision to promote the health, safety, and efficiency of employees on the job. Emergency situations may make this impossible in rare situations. Activities of employees during those non-work periods shall not be subject to any unreasonable restrictions.

B. When a unit **employee** does not receive a paid meal period, his/her meal period shall be uninterrupted and duty-free.

Section 4-3. Clean-Up Time

Employees will be given time, in keeping with past practice, at the end of a normal daily shift for personal clean-up.

Such time is in addition to and exclusive of any time the City requires be spent for maintaining equipment.

The intent of the above provision has always been to allow field employees who need personal clean-up prior to rest or lunch periods a reasonable amount of time to do so. Clean-up material should be supplied on an as needed basis to field employees. If the field supervisors and employees act reasonably in addressing the issue, everyone will have a healthier and safer work environment.

Section 4-4. Seniority

A. The City shall provide the Union with a list of unit **employees** showing each unit **employee's** employment date and class date.

B. Seniority shall be by length of service within a class. If seniority within a class is not determinative, then length of service with the City shall prevail.

C. Seniority shall be used as a factor consistent with established Civil Service procedures in choice of work assignments, vacation schedules, and in the determination of layoffs.

   Department policies for work assignment selection and vacation scheduling will be discussed with the Union at least 30 days prior to implementation.

Section 4-5. Transfer Program

The City and the Union acknowledge mutual interest in the success of the present program of minimizing layoffs of employees by seeking to place such employees in other positions, consistent with Civil Service Rules on seniority. The Union agrees to provide positive counseling to unit **employees** so affected to ease the transition to other positions. The City agrees to make available, on request, job counseling in order to provide training assistance to the employee during the first 30 days of the new work assignment.

Although not required to honor a request for a voluntary transfer for an employee having documented extraordinary personal hardship beyond his/her control, the City will try to honor the request. In such a case, factors such as, but not limited to, the employee's shift, seniority, and work record may be considered.

To every extent practicable, a transferred unit **employee** will be allowed to maintain his previous vacation schedule.

Section 4-6. CDL Renewal

Employees will be allowed City time to renew their CDL license and or related endorsements and will be reimbursed for such renewal fees which will include the HAZMAT background screening fee.

ARTICLE 5: BENEFITS

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Section 5-1: Employee Assistance

The City Employee Assistance Program, will provide confidential, individual and family counseling to all employees and their **household members**. These services will be furnished by an independent contract agency to be chosen by the City.

Section 5-2: Health and Dental Insurance

A. The City shall maintain the current 80/20 split for health insurance for both single and family coverage. If there is a rate increase or decrease the City shall pay 80% of the new monthly contribution and the employee will pay 20%.

B. The City agrees to the continuation of a **Healthcare Taskforce** for the purpose of studying existing plans and to explore alternative plans. The **Taskforce** shall include representatives of the City and Union.

C. The City shall retain the dental insurance plan for unit **employees** and their qualified dependents. The plan shall consist of 80% payment of reasonable and customary charges covered for preventive and diagnostic services, basic services, and major services. The plan shall also include an orthodontia benefit providing for 80% payment of reasonable and customary charges up to a maximum lifetime benefit of $4,000 per person. This plan is subject to the deductibles and limitations contained in the contract between the dental insurance carrier and the City of Phoenix. The City shall pay the premium costs for single unit employees **for employees enrolled in the base dental HMO or PPO plan** (employee only coverage), and 75% of the premium costs for unit employees and their qualified dependents (family coverage).

   The City shall maintain the current dental premium split. If there is a rate increase or decrease, the City will pay 100% of the new monthly contribution for single coverage **for employees enrolled in the base dental HMO or PPO plan**. If there is a rate increase or decrease, the City will pay 75% of the new monthly contribution, and the employee will pay 25% for family dental coverage.

D. The City agrees to continue the formalized complaint procedure with respect to the service under all plans.

E. Unit **employees** retiring on or after July 1, 2006, who meet all other MERP eligibility requirements and **enroll in** either single or family City of Phoenix health insurance, shall receive an additional $100.00 per month to help defray the cost of health insurance.

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Unit **employees** retiring after August 1, 2022, who meet eligibility requirements, shall receive the $150 month allowance for Post Employment Health Plan accounts (PEHP).

Section 5-3: Life Insurance

The City will provide regular full-time unit **employees** the existing off-the-job and on-the-job life and dismemberment insurance coverage. The face value of the policy being $15,000; in addition the City will pay $75,000 for death in-the-line-of-duty insurance.

The designated beneficiary of a unit **employee** will be paid for all accumulated sick leave hours that remain on the City's official file at the time of a line-of-duty death of the unit **employee** and payment will be based upon the unit **employee's** current base hourly rate. The beneficiary shall be designated **in the eCHRIS Benefits portal** for the City of Phoenix Group Life Insurance Program on file in the City Human Resources Department.

Additionally, the City will provide to each unit **employees** a $200,000 death benefit covering the unit **employee's** commutation to and from **their** City work location. **The current City Life Insurance carrier** will cover the unit **employee's** commute for up to two hours before **their** shift begins, and two hours after **their** shift concludes. The Union will only pay the cost of **their** benefit the first year of the MOU.

In the event of the death of a unit **employee** while commuting to or from **their** work location, for a period of two hours each way, the City will continue to pay the full monthly health insurance premium for the spouse and all eligible dependents. **The current City Life Insurance carrier** for the payment of a supplementary commutation life insurance policy for each unit **employee**. The Union will pay the cost of this benefit, if any, the first year of each new MOU period.

Section 5-4. Long Term Disability Insurance

Employees who have been continuously employed and working on a full-time basis for twelve consecutive months are eligible for long term disability coverage. After an established 90 calendar day qualifying period, the plan will provide up to 66-2/3% of the employee's basic monthly salary at the time disability occurs and continue up to age 75 for employees who have been employed full-time for 36 months and one day. This **coverage** will be coordinated with leave payments, industrial insurance payments, unemployment compensation, social security benefits and disability provisions of the retirement plan.

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Employees who have been employed full-time with the City of Phoenix for 36 months or less, will be eligible **to apply for** long term disability **coverage** for no more than 30 months.

Section 5-5. Holidays, Vacation Pay, Family Leave, and Leave Donations

A. Holidays / Personal Days

The City agrees to incorporate into the MOU the benefits provided under A.R. 2.11 modified to indicate the following holidays.

Employees, except those on hourly paid status, shall, when possible without disrupting the various municipal services, be allowed the paid holidays listed below:

New Year's Day	January 1
Martin Luther King's Birthday	January, Third Monday
President's Day	February, Third Monday
Cesar Chavez Birthday	March 31
Memorial Day	May, Last Monday
Independence Day	July 4
Labor Day	September, First Monday
Veteran's Day	November 11
Thanksgiving Day	November, Fourth Thursday
Friday after Thanksgiving Day	Friday after Thanksgiving
Christmas Eve December 24	**Half an employee's paid regular shift** on
Christmas Day	December 25
Two Personal Leave Days	After completion of six months of full-time employment.

When a holiday named in this regulation falls on Sunday, it shall be observed on the following Monday. When a holiday named in this regulation falls on Saturday, it shall be observed on the preceding Friday except that in the case of 6 day operations such holidays may be observed on Saturday. This paragraph shall not apply to Christmas Eve, which shall only be granted when it falls on the employees' regular scheduled workday. In the case of continuous 24 hour, 7 day operations and 7 day non-continuous operations, holidays shall be observed only on the calendar days on which they actually fall.

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The Personal Leave Days are added to an employee's vacation leave bank and may be taken on any day of the employee's choosing after completion of six months of full-time employment, subject to operational and scheduling factors and the limitations of A.R. 2.11. This time does not alter the maximum carryover of vacation hours outlined in A.R. 2.18.

If a full-time unit **employee's** regularly scheduled day off falls on a holiday to which he**, she, they are** entitled under this Article, 1st consideration shall be given to allowing 3 consecutive days off, but if this is not feasible, a substitute day off of 8 hours with pay shall be given at straight time on a day designated by the Department Head. Unit **employees** who work a 4/10 schedule, whose regularly scheduled day off falls on one of the holidays listed in paragraph C of this Article, shall receive 10 hours of compensatory time. An employee shall not be paid in cash in lieu of a substitute holiday except that in extraordinary circumstances the City Manager's office may approve payment in cash at a straight-time rate. The substitute holiday shall not be granted when an employee is on paid industrial leave.

A unit **employee** whose regular scheduled day-off falls on a holiday specified in this Article, and who is called in to work a regular shift on such holiday and scheduled day off, shall be compensated at 1-1/2 the regular rate for each hour assigned and worked in addition to the substitute holiday provided above.

B. Vacation Accumulation

Vacation accrual and carryover shall be governed according to the following table:

SERVICE	MONTHLY ACCRUAL	MAXIMUM CARRYOVER	MAXIMUM PAYOUT
0-5 years	8 hours	192 hours	290 hours
6-10 years	10 hours	240 hours	350 hours
11-15 years	11 hours	264 hours	380 hours
16-20 years	13 hours	312 hours	440 hours
21+ years	15 hours	360 hours	500 hours

C. The parties agree that on all holidays, unit **employees** whose regularly assigned work week consists of 4 10 shifts, shall not be required to submit documentation for 2 hours of paid leave.

Unit **employees** shall be allowed a vacation buyout twice per calendar year, by notifying the Department **payroll staff** in writing of such intent during the month of either October or April, to be paid on the last paycheck of November and May. The total annual buyout is up to a maximum of 80 hours taken in no more than 40 hour

increments, after the employee has accumulated a minimum of 175 hours and has used 40 hours of vacation/comp-time during the calendar year.

D. Parental/Family Leave

The City will, as a matter of general policy, and subject to operational needs, authorize up to 3 months of unpaid leave for an employee who is the parent of a newly born or legally adopted child or any Unit **employee** who needs to care for an ill family member. Family members include spouse, children (natural, adopted, foster, or stepchildren), brother, sister, parents, grandparents, as well as others living in the same household with the employee. Approval and use of this leave shall be subject to existing Personnel Rules.

E. An employee may use up to 10 hours of accumulated sick leave in at least one-hour increments each calendar year for the home care or medical treatment for an immediate family member residing in the employee's household. This will be marked as "BO" on leave slips. When there is an extreme illness or injury situation where a life or death question exists involving an immediate family member, an employee may use up to 5 days of accumulated sick leave. (This should not be construed as bereavement leave under Personnel Rule 15g). This will be marked as "BN" on leave slips.

In addition, employees may have dependent care situations where the above leave is insufficient to cover their absence. Therefore, employees will be allowed to use unscheduled accumulated vacation or compensatory time for the care of an immediate family member up to a maximum of 5 incidents not to exceed a total of 40 hours each calendar year.

For all the above mentioned leaves, (sick leave, vacation, and compensatory leave) the employee will not have these leaves be considered a negative factor, when evaluating the job performance of an employee involved in a leave management program, up to a maximum total of 7 incidents per calendar year. An incident is defined as an absence from work, regardless of the length of time.

An immediate family member is defined as the employee's spouse, qualified domestic partner, mother, father or child. A child is defined as a biological, adopted, foster or stepchild, legal ward, or a child of a person standing in place of a parent. A brother, sister, grandparent, or in-law who is living with the employee under his/her care is also defined as an immediate family member.

F. Leave Donations

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Unit **employees** may contribute accrued vacation or compensatory time to other employees in accordance with City policy governing contribution of leave for serious illness or injury of an employee or their immediate family member. An immediate family member is defined as the employee's spouse, qualified domestic partner, mother, father, or child. A child is defined as a biological, adopted, foster or stepchild, legal ward, or a child of a person standing in place of a parent. A brother, sister, grandparent, or in-law who is living with the employee under his/her care is also defined as an immediate family member. Requests to receive such leave contributions will require a completed doctor's certification.

Section 5-6. Tuition Reimbursement

A. Unit **Employees** who participate in the Tuition Reimbursement Program shall be eligible for tuition reimbursement pursuant to the following provisions:

   1. The maximum sum reimbursable to unit **employees** each MOU year shall be $6,500.

   2. To be eligible for any reimbursement, unit **employees** must have successfully completed academic or training courses approved by the department and the Human Resources Director as provided in existing Administrative Regulations.

B. Tuition Reimbursement, in accordance with this Article, shall be made in the event an employee's approved course of instruction is terminated by the educational institution. Tuition reimbursement shall not occur in the event of any voluntary termination of employment by the employee.

C. The City will reimburse unit **employees** for expenses incurred as a result of requiring and maintaining certification required by the City. The City will not reimburse unit **employees** for classes the City provides at no cost, or for classes the City identifies for unit **employees** to be taken at no cost.

D. Unit **employees** shall be allowed to utilize up to $150 to attend one-day, in-state, City-related seminars/training.

ARTICLE 6: MISCELLANEOUS

Section 6-1. Saving Clause

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A. If any article or section of this MOU should be held invalid by operations of law or by a final judgment of any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section should be restrained by such tribunal, the remainder of this MOU shall not be affected thereby.

Section 6-2. Copies of MOU

A. Within 60 days after this MOU is adopted by the City Council, the Union will arrange for printing of jointly approved copies of it for furnishing one to every unit **employee**, unit supervisor and to management personnel. The costs of such duplication and distribution will be borne equally by the Union and the City.

B. Printing vendors secured by the Union shall comply with Chapter 18, Articles IV (City Construction Contractors' Affirmative Action Requirements) and V (Supplier's and Lessee's Affirmative Action Requirements), Phoenix City Code.

Section 6-3. Aid to Construction of Provisions of MOU

A. The provisions of this MOU shall be in harmony with the rights, duties, obligations and responsibilities which by law devolve upon the City Council, City Manager, and other City boards and officials, and these provisions shall be interpreted and applied in such manner.

B. The lawful provisions of this MOU are binding upon the parties for the term thereof, it being understood that the Union is precluded from initiating any further meeting and conferring for the term thereof relative to matters under the control of the City Council or the City Manager.

Section 6-4. Part-Time Employees

Hourly paid unit **employees**, excluding seasonal and temporary employees, who have worked a minimum of 50 hours in each pay period for 26 consecutive weeks shall be entitled to the same benefits for authorized work on holidays as received by regular full-time unit **employees**. In addition, such employees shall receive vacation credits prorated for the number of hours worked after the qualifying period is satisfied. Vacation credits shall be calculated and paid in cash in December and June. These hourly-paid employees

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shall be considered for advancement from Pay Step 1 to Pay Step 2 after completing 1,040 hours of work in Step 1 and for advancement from Pay Step 2 to Pay Step 3 after working 2,080 hours in Pay Step 2.

Hourly paid unit **employees** who have worked a minimum of 50 hours in each pay period for 26 consecutive weeks shall be entitled to the same benefits as received by regular full-time unit **employees**. Members that meet these requirements shall be eligible for participation in the City's Health, Life, and Dental insurance programs. The City's premium participation will be the same as that provided for full-time employees. Continuation of participation under these plans will be determined by reviewing the average hours worked in the prior 12-month period every calendar year on October 1. This qualifying period will be determined for the following benefit year effective January 1. If the employee separates from City employment, the participation will cease.

Part-time employees are allowed an hours reduction of up to 2 weeks in one pay period in the (26 week qualifying period and each period thereafter, without impacting their eligibility to participate in the part-time employees' benefit programs.

Section 6-5. Term and Effect of MOU

A. This Memorandum shall remain in full force and effect commencing with the beginning of the first regular pay period in July 2019, up to the beginning of the first regular pay period commencing in July 2021. In compliance with the Meet and Confer Ordinance (Phoenix City Code Chapter 2, Article XVII, Division 1) as may be amended, on or before December 1, 2020, LIUNA 777 shall submit its proposed memorandum of understanding for the next contract period.

B. Except as expressly provided in this MOU, the City shall not be required to meet and confer concerning any matter, whether covered or not covered herein, during the term or extensions thereof.

C. The provisions of this MOU shall be subject to Federal, State and local law that vests jurisdiction and authority in other public boards and officials, including the City Council, Phoenix Employment Relations Board, Phoenix Civil Service Board, City Manager and Department Managers, or determines issues contrary to the provisions hereof.

D. This **Memorandum** constitutes the total and entire agreements between the parties and no **past written or** verbal statement**/agreements** shall supersede any of its provisions. All side agreements executed during this MOU contract period will expire

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on or before the contract end date unless incorporated into the MOU or extended by mutual agreement. Any supplement, amendments, or modifications to this MOU which are mutually agreed upon must be reduced to writing and signed by both parties.

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IN WITNESS WHEREOF, the parties have set their hands this

____ of April, 2021

_____

Jennifer Grøndahl, LIUNA Local 777 Representative

_____

Ashley Pritchett, Deputy Human Resources Director, City of Phoenix

_____

Ed Zuercher, City Manager, City of Phoenix

ATTEST:

_____

Denise Archibald, City Clerk, City of Phoenix

APPROVED AS TO FORM:

_____

Acting City Attorney, City of Phoenix

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LIUNA 777 Team:	City of Phoenix Team:
Jennifer Grøndahl	Ashley Pritchett, Human Resources
Robert Reidenbach	Larry Polk, Parks and Recreation
Daniel Salinas	Chris Ewell, Street Transportation
Wilfredo Cancel	Felipe Moreno, Public Works
Ronald March	Shenal Hooks, Human Resources (Coordinator)
Alexis Petrinovic	Melissa Huffman, Human Resources (Scribe)
Jessie Martinez	

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 41

Public Comment on Proposed MOU Between City of Phoenix and Phoenix Law Enforcement Association, PLEA (Unit 4)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the Phoenix Law Enforcement Association, PLEA (Unit 4).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 42

Approving the Memorandum of Understanding Between City of Phoenix and Phoenix Law Enforcement Association, PLEA (Unit 4) (Resolution 21914)

The City of Phoenix has met and conferred with the Phoenix Law Enforcement Association, PLEA (Unit 4), in accordance with the terms of Section 2-218 of the City Code, and a Memorandum of Understanding (MOU) has been approved by the organization's membership. A copy of the proposed MOU has been filed with the City Clerk and an opportunity for public comment has been requested as an agenda item preceding this resolution.

The following is a summary of the most significant agreements outlined in the proposed MOU:

TRANSPARENCY

Based on public dialogue about the need for greater transparency and accountability for city employees, several sections of the contract are modified. These modifications are proposed consistently through all City of Phoenix employee contracts. Signing these modifications is tied to an additional compensation increase as described in the COMPENSATION section. These transparency and accountability modifications are as follows:

Public warning language:
Remove current language warning public complainants that “any false report in an attempt to unjustly defame police personnel or place their employment in jeopardy can result in criminal charges and or civil liability.”

Using vacation time for suspensions:
Remove current language that allows employees to use up to 40 hours of vacation time toward a suspension.

Police Chief's discretion for pre-termination timing:
Provide the Police Chief discretion for setting a Loudermill (pre-termination meeting) resulting from arrest for a job-related felony crime.

Witness representation language:
Remove language that provides employees identified only as a witness the ability to meet with the union prior to an interview.

Discipline to remain for employee's career:
Change current language that allows discipline to be considered up to 5 years for progressive discipline, transfers, and promotions. Under this agreement, 10 categories of discipline will last for the life of employment. These are shown in the attached agreement.

Representation on Grievance Committees:
Update current language that rotates other labor groups on grievance committees to ensure an impartial review.

Purging Files:
Update current language on purging/inactivating files to accurately reflect that the official Human Resources file is not purged.

COMPENSATION
PLEA is proposed to receive the same percentage increases of total compensation as the other labor groups as follows:

Year 1:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Additional compensation for agreeing to the City's transparency and accountability proposals:
Ongoing 0.5% of total compensation
Non-continuous 0.5% of total compensation

Year 2:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

MEMORANDUM OF UNDERSTANDING

2021 – 2023

CITY OF PHOENIX

AND

PHOENIX LAW ENFORCEMENT ASSOCIATION

REPRESENTING UNIT 4 EMPLOYEES

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Preamble

WHEREAS the parties, through their designated representatives, met and conferred in good faith pursuant to Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code in order to reach agreement concerning wages, hours, and working conditions of employees in the Police Officers Unit, and

WHEREAS the parties hereby acknowledge that the provisions of this Memorandum are not intended to abrogate the authority and responsibility of City government provided for under the statutes of the State of Arizona or the Charter or ordinances of the City of Phoenix except as expressly and lawfully limited herein,

NOW THEREFORE, it is agreed that this Memorandum of Understanding (hereinafter "Memorandum") shall be submitted to the City Council of the City of Phoenix for its consideration.

ARTICLE 1: Rights

Section 1-1: Purpose/Gender

Wherever any words used herein in the masculine, feminine or neutral, they shall be construed as though they were also used in another gender in all cases where they would so apply.

Section 1-2: City and Department Rights

A. The Association recognizes that the City and the Police **Chief** retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of and the manner in which the City's law enforcement activities are conducted, managed, and administered, and the Association recognizes the exclusive right of Police **Chief** to establish and maintain departmental rules and procedures for the administration of the Police Department during the term of this Memorandum provided that such rules and procedures do not violate any of the specific express provisions of this Memorandum.

B. The City and Police **Chief** have the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City.

C. It is understood by the parties that every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that all such duties shall be performed by the employee.

D. The Police **Chief** and City Manager reserve the right to discipline or discharge employees for just cause**, defined as follows**, pursuant to the Civil Service laws. The City reserves the right to lay off personnel of the Department.

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1. **The employer informed the law enforcement officer of the possible disciplinary action resulting from the officer's conduct through agency manuals, employee handbooks, the employer's rules and regulations, or other communications to the officer or the conduct was such that the officer should have reasonably known disciplinary action could occur.**

2. **The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the agency, the orderly, efficient or safe operation of the agency, or the officer's fitness for duty.**

3. **The discipline is supported by a preponderance of evidence that the conduct occurred.**

4. **The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.**

E. The City and the Police **Chief** shall determine assignments and establish methods and processes by which assignments are performed. **This is not grievable under the MOU.**

F. The City and Police **Chief** shall have the right to transfer employees within the Police Department in a manner most advantageous to the City. **This is not grievable under the MOU.**

G. Except as otherwise specifically provided in this Memorandum, the City and the Police **Chief** retain unqualifiedly all rights and authority to which by law they are entitled.

H. The City shall have the authority without prior meeting and conferring to effect reorganizations of the Police Department.

I. The Association recognizes that the City has statutory and Charter rights and obligations in contracting for matters relating to municipal operations.

J. The Association pledges cooperation to the increasing of departmental efficiency and effectiveness. Any and all rights concerning the management, organization, and direction of the Police Department and the police force, including those set forth in this Memorandum, shall be exclusively the right of the City and the Police **Chief** unless otherwise provided by the express terms of this Memorandum as permitted by law.

K. The inherent and express rights of the City and the Police **Chief**, including those herein specifically referred to, which are not expressly modified or restricted by a specific provision of this Memorandum, are not in any way, directly or indirectly, subject to the Grievance Procedure herein.

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Section 1-3: Rights of Association

A. The Association, as the authorized representative, has the exclusive right to serve as the meet and confer representative of all employees in the Police Officers Unit as described in **the City Code**.

Under no circumstance shall the department create or request unit members to sign or agree to individual employment contracts without mutual agreement with the Association. Unit members will still be required to sign for receipt of materials.

B. Union Release:
The Phoenix community benefits from harmonious and cooperative relationships between the City and its employees. The City and the Association have negotiated six full-time release positions, and release hours, as an efficient and readily available point of contact for addressing labor-management concerns. Examples of work performed by the release positions in support of the City include ensuring representation for unit employees during administrative investigations and grievance/disciplinary appeal meetings with management; participating in collaborative labor-management initiatives that benefit the City and the unit members; serving on Police Department task forces and committees; facilitating effective communication between City and Department management and unit employees; assisting unit members in understanding and following work rules; and administering the provisions of the Memorandum of Understanding. The cost to the City for these release positions, including all benefits, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits.

1. Full-Time Release Positions:

   a. The 6 full time release positions shall be sworn, full time, paid police officers of the Phoenix Police Department, who will at all times remain qualified to perform such duties as are normally expected and required of a municipal police officer in the City of Phoenix, Arizona. These 6 full time release positions will receive their regular salary including fringe benefits, and the employer shall make all employer contributions to the Public Safety Personnel Retirement System required by law so as to maintain their full eligibility under the Public Safety Personnel Retirement System.

   b. The 6 full time release positions shall participate in all appropriate training requirements necessary to maintain membership in the department, including all training mandated by the Arizona Peace Officers Standards and Training Board (AZ POST).

   c. The 6 full time release positions agree to be bound by the City's and the Police Department's rules, regulations, and operations orders, including but not limited to proper notification when utilizing sick or vacation leave.

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The full time release employees may be subject to disciplinary action for violations of any such rules, regulations, general or operations orders.

d. The 6 full time release positions may work supplemental overtime shifts consistent with the processes and policies set in place by the Phoenix Police Department for all sworn police officers. Employees will submit all overtime slips to their current supervisor to ensure that overtime is being used appropriately.

2. Association Representatives:

The Association may designate up to 42 representatives and shall notify the Police **Chief** and Labor Relations in writing of such designations as they occur. There shall be no obligation on the City to change or adjust normal departmental scheduling or assignments of personnel as a result of such designations **or as changes occur**.

Every quarter, PLEA will provide a list of stewards that will be posted.

a. Up to two PLEA representatives may, when the Association is designated by the unit member as his representative, attend mutually scheduled grievance meetings, Use of Force Boards, Disciplinary Review Boards, IRP Meetings, and hearings with department representatives and hearings scheduled and conducted by the Civil Service Board without loss of pay or benefits. Up to two PLEA representatives may attend hearings with the department representative if more than one department representative is in attendance. Paid release time used for any other purposes, such as gathering information, interviewing the grievant/appellant or witnesses, or preparing a presentation shall be charged against the bank of release hours as described in Section 1-3 D. PLEA representatives are required to obtain the permission of their non-unit supervisor to absent themselves from their duties to attend scheduled meetings and provide representation.

b. When new work units, precinct(s)/bureau(s) are created, the Association may designate up to 1 additional representative per bureau and up to 3 additional representatives per precinct. The increased number will be consistent with current practice and will be based solely on the addition of new work unit(s). Any deviation from the above will be discussed at a Labor-Management meeting.

3. Bank of Release Hours:

A bank of 1,859 hours of paid Association release time shall be created per M.O.U. year for use by the Association to engage in legitimate Association business. **PLEA will utilize best efforts to provide advanced notice of the use of these hours to Labor Relations so the affected chain of commands can be notified. In all instances, PLEA will provide Labor Relations with notice of hours used.** The cost to the City for these release

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hours, including fringe, has been charged as part of the total compensation contained in this agreement in lieu of wages and benefits. Examples of how these hours are used by the Association include:

a. For Executive Board members to attend meetings of the Executive Board, meetings of the general membership, and for preparation for negotiations pursuant to Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code.

b. For unit members to attend seminars, meetings, training classes and conferences so that representatives better understand issues such as City policies and practices, conflict resolution, labor-management partnerships, and methods of effective representation.

c. For Association representatives to communicate with members, investigate grievances or prepare for hearings. A PLEA representative wishing to enter a work area for the purpose of investigating a formal grievance must first gain the permission of the work area supervisor. This permission will not be unreasonably withheld, giving proper consideration to essential work of the department and the occupational safety of the PLEA representative. When requesting a meeting with the work unit/site supervisor, the PLEA representative will inform the supervisor of the purpose of the meeting. PLEA representatives will attempt to schedule an appointment in advance whenever possible. One additional PLEA representative may be allowed to attend such meetings for training purposes.

   Approval for use of paid release time hereunder shall be subject to Departmental operational and scheduling factors. When using such paid time, Association representatives and members of the Executive Board shall give at least 24 hours written notice in advance.

   In recognition of the mutual benefit to both the City and the Association, a unit member using Association release time as defined by Articles in this MOU to conduct Association business shall be accorded all insurance-related benefits. Approval of claims made for benefits will be determined on a case by case basis.

   Any hours used in excess of the bank must be approved by the Police Chief, the Labor Relations Administrator, and the PLEA president. The number of hours used in excess of the bank at the end of the contract term will be deducted from the bank at the start of the first year of the following contract. Unused hours will be carried over into the first year of the next contract.

C. The president may appoint a legislative representative for the Association if the legislative representative is registered with the Secretary of State as a lobbyist and if the legislative representative has agreed to work with and assist the city's

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legislative lobbyist. The legislative representative shall receive 500 hours of release time per MOU year.

D. A member of the Executive Board of the Association, or a designated PLEA representative, will, with the approval of the Police **Chief** or his designee, subject to 24 hours written notice in advance, be authorized to engage in Association related activities during City work hours on a non-paid basis. Approval for such authorization for more than 2 Executive Officers or Board members of the Association or designated shift representatives is subject to 48 hours written notice in advance. Approval for use of unpaid time hereunder shall be subject to Department operational and scheduling factors and administration control as to usage of such time, but shall not be arbitrarily withheld. There shall be no use of official paid time for Association related activities under this paragraph.

E. Upon the Association's filing of a Third Party Data Sharing Agreement with the Labor Relations Division, during the term of this Memorandum**, upon request**, the City shall furnish to the Association bimonthly at no cost a listing of all unit members, indicating name, mailing address, phone number and assignment.

F. The City shall deduct monthly from the pay warrants of Association members the regular periodic Association membership dues and/or special assessments in accordance with Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code and pursuant to the City's existing dues deduction authorization form duly completed and signed by the Association member, and transmit such deductions to the Association on a monthly basis; except, however, that such deduction shall be made only when an Association member's earnings for a pay period are sufficient after other legally required deductions are made. The City shall, at the request of the Association, make changes in the amount of the deduction hereunder during the term of this Memorandum at cost for implementing such change. The City shall not make dues deductions for unit members on behalf of any other employee organization as defined in Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code during the term of this Memorandum. The City assumes no liability on account of any action taken pursuant to this paragraph.

G. The Association is authorized to use mutually agreed upon non-work areas in City facilities for pick-up by or distribution to unit members of official Association literature that is not political in nature, abusive of any person or organization, or disruptive of the department's operations, it being understood and agreed, however, that such activity shall not be done during the on-duty time of any unit member. The Association may, using its own resources, use the mailboxes at work locations to communicate with unit members. The association may use Inter-departmental mail to communicate with unit members on two occasions **a year**.

H. The Association and the Department will jointly present a **4-**hour **Employee Wellness course** to **recruits who are expected to become** sworn police officers. Immediately following, the Association will be allowed 1 hour to talk to

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and possibly sign newly sworn police officers into the Association and to explain the rights and benefits under the MOU. This time will be allotted **prior to reporting for the first patrol training shift** at the offices of the Association. The content of such information shall not be political in nature, abusive of any person or the Department or disruptive of the Department's operation. **Curriculum will be jointly approved with the Training Bureau Division Chief.**

I. It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the unit member's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the unit member's regular work shift in pursuit of benefits provided by this Article.

J. Any unit representative attending any IRP, DRB, UFB, DAC, or any other review board will be allowed to adjust their work schedule by an equal amount of time spent in the meeting. The adjustment will require the approval of the representative's supervisor with operational consideration. Approval will not be unreasonably withheld.

K. In the interest of encouraging continuing education for unit members, the department will mail to the Association president the AZ POST calendar and all other job related seminar notices it receives.

L. The Association will have 2 PLEA positions, designated in writing, on continuous paid stand-by for the mutual benefit of both the City and the Association to respond to critical incidents as needed. No member will be placed on stand-by if the member is not available for call-out. If call-out occurs, overtime will be paid in accordance with Article 3, Section 3.2.

M. Upon written request from the Association, the City will provide specific information pertinent to a written grievance, arbitration case, or Civil Service appeal. The City will also provide pertinent collective bargaining information. This material will be supplied to the Association at no cost.

N. To improve communication and relationships between labor and management, the Association will be allowed an opportunity to attend one mutually agreed upon briefing quarterly with each squad to discuss Association business and issues of mutual concern to labor and management. **PLEA will utilize best efforts to provide advance notice of meeting.**

O. The City values and benefits from the participation of Union leaders on citywide task forces and committees, Police Department task forces and committees, Labor –Management work groups, and a variety of Health and Safety committees. These activities take time away from expected tasks such as representation and communicating with the membership and may occur outside the regular work day of the Union officials. The full-time release positions agree

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to participate in these important committees and task forces. In recognition of this commitment, the City agrees to provide a 960 hour bank of compensation for use by the full-time release positions each MOU year.

P. Unit members who are not Association members at the beginning of the last pay period in June **of each year** will receive 3.5 hours of vacation time, in addition to their normal annual accruals, credited to their vacation leave bank on the second paycheck in August **of that same year**. Unit members who are not Association members at the beginning of the last pay period in December **of each year** will receive 3.5 hours of vacation time in addition to their normal annual accruals, credited to their vacation leave bank on the second paycheck in **February of the following year**.

The number of hours distributed to Unit members who are not Association members will be deducted from the leave banks described in Section 1-3, beginning with the Section 1-3(C) leave bank, then the Section 1-3(**B)(3**) leave bank, and then the Section 1-3(**O**) leave bank. If there are not enough hours in the leave banks to refund the hours to Unit members who are not Association members, the Association will reduce the number of full-time release positions for the remainder of the six-month period. The value of each reduced full-time release position will be converted to hours and credited to the Section 1-3(B)(3) leave bank.

On or before **the second paycheck in August and February**, the City will provide Unit members who are not members of the Association "opt in" forms, to be approved by the Association, allowing them to donate vacation leave to be deposited into the Section 1-3(B)(3) leave bank. At any time during the term of this MOU, any Unit member may request this "opt in" form in order to donate vacation time in the manner above-described.

Q. As the certified unit 4 bargaining unit, the Association will be notified electronically of Use of Force Boards and Disciplinary Review Boards at the time of scheduling.

Section 1-4: Rights of Unit Members

A. A unit member has the right to have the Association serve as his meet and confer representative as set forth in Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code.

B. A unit member has the right to be represented by the Association in dealings with the City concerning grievances and matters pertaining to his individual employment rights and obligations.

1. If a unit member requests, representation will be allowed when the member is the subject of an administrative investigation by Professional Standards Bureau, any Police Department supervisor, or other City employee who is

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conducting an investigatory interview. The City will notify the Association who will obtain the most readily available unit Association representative, who must be a bargaining unit member. The unit representative will make every reasonable attempt to arrive within one hour from the time a phone is made available to the unit member. Management will make a concerted attempt to release the association representative giving the consideration of the departments' and the associations' scheduling concerns. The unit Association representative may make a request for a caucus prior to, during, or after the interview to bring to the investigator's attention issues which may be violations of the MOU as set forth in this Memorandum or questions outside the scope of the N.O.I. Prior to the conclusion of the meeting, the member, or representative on behalf of the employee, will have the opportunity to make a closing statement.

The Union representative may assist and consult with the employee, attempt to clarify the facts or questions asked, and suggest other employees or witnesses who may have knowledge of the underlying issues. The Union representative may not turn the meeting into an adversarial proceeding, unduly disrupt the interview, interfere with the objective of the examination, or compromise the integrity of the interview. The Union representative may not interrupt the employee's response to a question**, speak on behalf of the employee,** or prevent the employee from responding to a question. The Union representative also may not behave in a violent, verbally abusive, insulting, or demeaning manner toward the interviewer.

During the interview, the interviewer may insist that he is only interested in hearing the employee's own account of the matter under investigation at that time. The interviewer may not prohibit the Union representative from engaging in meaningful representation, including assisting and consulting with the employee.

2. The interview session shall be a reasonable period of time, taking into consideration the gravity and complexity of the misconduct being investigated.

3. Prior to conducting an administrative interview, the City/Department will consider the necessity of interviewing a Unit Member who is impaired by alcohol or drugs. If the City/Department deems an immediate administrative interview is not necessary, it will/may be scheduled at a later time.

4. At the time of the scheduled interview by Professional Standards Bureau, a Police Department Supervisor, or other City Employee, the investigator will make available for review to the unit member and/or his representative any material that is being used as the basis for an allegation of misconduct. Material includes any video, audio, photographs, or documents at the time the internal investigation is initiated, and which is specifically related to the conduct of the unit member under investigation. Material does not include audio recorded interviews of witnesses, or investigative leads captured during the investigative process. All materials will be made available to the unit member and/or his

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representative in the draft investigation prior to the investigative review process (IRP). .

For investigations related to critical incidents such as officer involved shootings, in-custody deaths, and/or police contract that result in serious physical injury or death, Body Worn Camera (BWC) video will be made available to a unit member prior to his administrative (PSB) interview if the unit member first completes the criminal interview process with criminal investigators. The parties understand that there are inherent limitations to BWCs and memory. They also recognize that the inability to review BWC video can impact reporting accuracy.

During the course of the administrative investigation, the investigator will not knowingly misrepresent any fact or material issue to the unit member.

Prior to interviewing an involved employee, an Internal Investigation Material List form documenting what materials, the investigating supervisor or PSB investigator provided to the involved employee will be completed.

5. A unit member under investigation, and the association, will be notified in writing every 3 months as to the current status of the investigation. This will include a brief description of the number of known witnesses still to be interviewed and other investigative processes remaining to be completed, as well as an estimated date of completion.

6. If a Professional Standards Bureau (PSB) investigation has not been completed within 180 days, the unit member may request that the PLEA grievance chair meet with the PSB Division Commander to discuss the status of the investigation.

7. When a draft investigation is provided to a Unit member, it will contain an explanation of the member's right to review the investigation within the time period provided in Ops Order 3.19 before signing the investigative review control form.

8. If changes are made to an investigation after an IRP, the unit member and representative will be provided with a revised draft of the investigation. The unit member will have up to 5 business days to review the revised draft, and may attach a rebuttal, before signing an IRC form.

9. If new information is added, outside what was discussed during the IRP, to the draft investigation, the member reserves the right to have an additional IRP to discuss the new information. The additional IRP will only be afforded to specifically discuss the added information, not to revisit items already discussed in the initial IRP. The additional IRP will be scheduled and completed within 7 calendar days, unless mutually agreed upon in writing prior to the deadline.

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10. As the certified bargaining unit for all unit 4 members, all finalized investigations (that the unit member has authorized via a checkbox on the IRC form) will be provided to the Association monthly.

C. A unit member has the right to present his own grievance, in person or by legal counsel.

D. Unit members are entitled to representation if a**n overall** "Not Met" **performance evaluation** is appealed and is at the Executive Level (Assistant Chief or Chief) or when management has more than one representative at the meeting to discuss the appeal of the **performance evaluation**.

E.

1. A unit member covered hereunder shall, on his request and by appointment, be permitted to examine his departmental or divisional personnel file, in the presence of an appropriate supervisory official of the Department. The unit member may be accompanied by another person of his choosing. When a city directed work fitness/job performance medical evaluation process is completed, the employee may request his/her medical information from the city doctor. The city agrees to give the city doctor a release to give the information to the requesting employee.

2. No unit member shall have any adverse comments entered into his departmental or divisional personnel file without the member being informed by a supervisor. If the unit member requests, he may receive a copy of the adverse comment.

3. A unit member may, at his discretion, attach rebuttal statements to any material contained in his departmental or divisional personnel file which may be adverse in nature.

4. **Discipline older than 5 years from the date of issuance will not be considered for progressive discipline or promotion/transfer purposes except for the following types of discipline, which may be considered for the duration of employment (and upon the employee's return to employment, if applicable):**

   Final sustained discipline of suspension or higher of the following;

   - **The employee has been abusive or threatening in attitude, language, or conduct towards fellow employees;**
   - **The employee has solicited or taken for personal use a fee, gift or favor in the course of the assigned work or in connection with it, which would lead toward favoritism or the appearance of favoritism or a conflict of interest;**
   - **The employee has intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix;**

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- **The employee has stolen or is in unauthorized possession of City property or the property of another employee or citizen;**
- **The employee is under the influence of alcohol or illegal drugs on the job;**
- **The employee has violated City of Phoenix anti-harassment or anti-discrimination policies;**
- **The employee committed a violation of the City's Ethics Policy;**
- **The employee committed an act of dishonesty;**
- **The employee committed an act meeting the elements of a felony; or**
- **The employee has committed a Class 3 violation of use of force.**

5. A Supervisory Counseling is a **documented** warning **presented to the employee for signature. The effective date for any applicable appeal will start from the date that the employee signs the Counseling**.

6. Once a unit member has been disciplined, no further disciplinary action may be imposed for the same specific allegation during the same incident of misconduct. If a unit member has received a coaching for the same incident, it may be considered as a mitigating factor in the final determination of discipline. A unit member may be subjected to additional discipline if further investigation reveals additional allegations arising from the same incident.

F. A unit member and his Association Representative shall have the right to appear before the departmental Disciplinary Review Board when disciplinary matters are brought before the Board involving the unit member.

1. The purpose of such appearance is to give the unit member an opportunity to respond to the assertions made against him.

2. The Department shall notify the unit member 10 calendar days prior to such opportunity to respond to the Board. The notification shall contain the date, time, violation(s) and basis of each violation that has been sustained. In addition, the unit member, if he chooses, may meet with his immediate supervisor along with his second level supervisor or the unit member's Bureau/Precinct Commander for the purpose of discussing the basis of each violation to be reviewed by the DRB. If the immediate supervisor conducted the investigation, the unit member, if he chooses, may meet with the next supervisor in his chain of command. Such request shall be made in writing to the unit member's immediate supervisor. Also, the unit member, if he chooses, may be accompanied by an Association representative at either meeting.

   a. At the IRP meeting, the unit member shall be afforded a reasonable opportunity to review the written investigation. Realizing that in some cases there may be information that would be detrimental to the department's ability to conduct misconduct investigations, that information may be deleted. However, all other information will be available for review.

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3. The unit member under investigation may request a copy of the DRB information at no cost. The DRB information will be made available to the unit member or his representative at the same time the unit member is served with the DRB notice. Any written or electronic material to be presented by the employee or his representative to the DRB shall also be given to the department in a reasonable time. The information will be supplied **electronically** if possible; if not, it will be supplied in written form. In addition, the department will supply any audio/video tapes and computer graphics which have been produced.

4. The unit member may, at his discretion, appear before the Board with an Association representative of his choosing and may state his reasons why the proposed action is unjustified. The unit member and his representative may passively observe all presentations made to the board and all responses made to questions by board members. The unit member and non-board members will be excluded from the room during board deliberations.

5. The unit member may submit relevant written matter in support of his position.

6. If the unit member requests, representation will be allowed, consistent with Article 1, Section 1-4(B)(1) of this Memorandum, during Use Of Force Board (UFB) hearings. A unit Association representative will be allowed to observe all presentations made to the Board and all responses to questions by Board members.

    a. At least 10 days prior to the convening of the UFB the unit member will be provided at no cost with a copy of all documentation concerning his involvement in the matter under investigation that is made available to the UFB Board members.

    b. At the conclusion of the UFB, the Board Chair will verbally advise the unit member and representative of policies violated that support the recommendation. The unit member and representative will also be provided a copy of the UFB recommendation submitted to the Chief within 3 business days.

    c. The Association has the right to meet with the Police Chief, or designee, within 7 business days of the board's decision, as scheduled by the Police Chief's office, to discuss an "out of policy" recommendation by the UFB before a final decision is rendered.

7. A unit member will be provided written notice of a Loudermill hearing at least 5 working days before the scheduled hearing along with copies of all supporting documentation. This is to ensure the member will have a meaningful opportunity to prepare for the hearing. The unit member may submit written information for the Chief's consideration in advance of the hearing. At the hearing, the unit member may present any information the member deems

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relevant, including one character witness to provide a statement. The witness will not read written statements submitted by others.

a. The timeline for written notice of a Loudermill hearing resulting from an arrest for a felony crime under color of authority will be at the discretion of the Police Chief.

8. In recognition of the mutual benefit to both the city and the unit member, suspensions MAY BE served under the following time limits, at the unit member's option. Unit members may serve suspensions of more than 40 hours on an alternating weekly schedule. The city retains the option to deviate from this provision for suspensions involving sexual harassment, violence in the work place, felonies, and drugs/alcohol.

G. A unit member under investigation by Professional Standards Bureau or a Police Department supervisor for a disciplinary matter that may lead to a written reprimand, suspension, demotion, or discharge, and who is interviewed or interrogated, or requested to produce any documentation, shall be given a written Notice Of Investigation (Form 80-58DB) informing him of the specific nature of the investigation, his status in the investigation, and all known allegations of misconduct involved in the interview of the unit member. In addition, the unit member and/or the Police Department supervisor/Professional Standard Bureau representative may mechanically record such interview/interrogation. Should any mechanical recordings take place, the department reserves the right to transcribe any such interview/interrogation for the purpose of verifying the accuracy of the interview/interrogation and, if requested, the unit member shall sign the transcription if it is accurate. In the event that the investigator intends to segment the interview or the interrogation, the NOI will inform the member of the specific nature and all known allegations pertaining to the portion or portions of the investigation being covered by the segmented Notice of Investigation.

1. A copy of the signed and dated Notice of Investigation will be given to the unit member prior to the beginning of the interview. The unit member shall have the right to retain the NOI for his use throughout the entire course of the interview.

2. The unit member will be provided a copy of all the interview/interrogation in digital media format.

3. If any unit member is told not to speak to anyone regarding an investigation, this admonition does not apply to speaking with an attorney functioning within the attorney-client relationship. In addition, if an accused unit member is told not to speak to anyone regarding an investigation, this admonition does not apply to speaking with an Association representative, who may discuss the matter only with the grievance chairman/Association president or his designated representative. Once the investigation is completed, any unit member may speak with an Association representative regarding the incident. When the investigation is completed, the accused unit member will be notified in writing of the findings. A unit member under internal or administrative

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investigation may be reassigned (may include reassignment to his home), until the completion of the investigation.

4. If during the course of the above mentioned investigation, information is learned concerning additional misconduct on the part of the unit member being interviewed, an NOI will be issued to the unit member prior to the unit member being questioned about the additional misconduct information.

5. Investigations alleging serious misconduct and/or issues of veracity will be investigated by Professional Standards Bureau (PSB) **or other appropriate City entity**.

6. Notification regarding the general nature of a Professional Standards Bureau (PSB) interview at the time of scheduling will be left at the discretion of the PSB Commander.

7. If any additional NOI's are served during the course of a misconduct interview where a PLEA representative is not present (has not been requested), a break in the interview of up to 1 hour will be granted (if requested) for the employee to obtain a PLEA representative.

8. The unit member or the unit member's representative may make a request to the Chief, or his designee, in unusual circumstances such as a unit member's extended duty or hospitalization, to delay the PSB interview for up to 24 hours after a critical incident.

9. A unit member will not be terminated for the sole reason of having been served with an order of protection or injunction against harassment unless that court order precludes the officer from performing their essential functions, including but not limited to carrying a firearm; until appeal processes have been exhausted.

H. It is understood by the parties that the benefits granted by this Article, shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the unit member's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the unit member's regular work shift in pursuit of benefits provided by this Article.

I. **The affected employee** attending any IRP, DRB, UFB, DAC, Grievance meeting, **Civil Service Appeal,** or any other review board while off duty shall be allowed to adjust their work schedule by an equal amount of time spent in the meeting. The adjustment will require the approval of the unit member's supervisor, with operational considerations**. A**pproval will not be unreasonably withheld.

J. After a separation notice has been signed by the appropriate authorities, and if the unit member is given the opportunity to resign, the unit member will have 3 hours to consult with an Association representative.

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K. A unit member who receives a written reprimand will be provided a copy of the official documentation, if any, supporting the written reprimand at the time the unit member receives the reprimand.

L. If the Driving Analysis Committee sends a case to the DRB for review, the unit member will receive a copy of the facts supporting the DAC position upon request. Prior to the DAC review, unless the unit member declines, an IRP will be completed with the unit member's commander.

M. A unit member seeking an "at request" transfer will only have discipline of a relevant nature considered in the determination of the transfer using the following prescribed time frames. The class will be determined by the finalized PSB investigation.

Written Reprimands:	12 months from date of NOI
Class I Discipline:	12 months from date of NOI
Class II Discipline:	18 months from date of NOI
Class III Discipline:	24 months from date of NOI

N. If a polygraph examination is required of a unit member, an Association representative may monitor the interview and examination from the monitoring room. Monitoring will include both visual and audio. A unit member will be allowed an association representative during the post exam interviews. The PSB Investigator will also have the right to be present**.**

O. If an employee is not given **their performance evaluation** by the annual review date, the employee may request **the** merit increase in writing by sending a memorandum directly to the Human Resources Officer in the Fiscal Management Bureau. If the **performance evaluation** is an overall "met," the request will be processed within 21 calendar days of submittal and will be retroactive to the **performance evaluation** annual review date.

P. Unit members will not be excluded from applying and/or competing in a transfer process based solely on a pending investigation. The investigation is no longer considered "pending" once the NOF has been served to the member. However, the transfer process will not be delayed pending the conclusion of the related investigation. If a unit member is passed over for transfer based on the pending investigation, he/she may be eligible for the next available opening depending upon the outcome of the investigation.

Q. An association member, or the association at the request of the member, may request the opportunity to discuss a good-of-the-department transfer decision with the member's Division Commander. The Division Commander will make him/herself available, but the transfer action will not be delayed based on this provision. This provision does not apply to transfers made to adjust staffing levels, reduce staff in a specific area or other similar operational need.

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R. A unit member or their representative may request the opportunity to discuss and review a transfer that is the subject of a grievance with the Chief or their designee. The Chief or their designee shall make themselves available to discuss, but the transfer action will not be delayed based on this provision. The transfer action could be delayed or reversed at the discretion of the Chief or their designee. (This paragraph does not apply to at-request transfers or transfers based on a selection process).

S. If the City overpays a unit member for any reason, the money will be recovered at the same rate at which it was paid unless total amount is less than $250.00, at which the entire amount may be recovered in one lump sum.

T. Progressive Discipline time periods will be based on date of the NOI.

Section 1-5: Prohibition of Strike and Lockouts

A. The Association and the unit members covered by this Memorandum recognize and agree that rendering of police services to the community cannot under any circumstances or conditions be withheld, interrupted, or discontinued, and to do so would endanger the health, safety and welfare of the citizens of the City of Phoenix.

B. The Association pledges to maintain unimpaired municipal services as directed by the City. Neither the Association, nor any unit member, for any reason, will authorize, institute, aid, condone or engage in a slowdown, work stoppage, strike, or any other interference with the work and statutory functions and obligations of the City or the Department. During the term of this Memorandum neither the City nor its agents for any reason shall authorize, institute, aid or promote any lockout of unit members covered by this Memorandum.

C. Should any unit member during the term of this Memorandum, and until such time that it is expressly and legally rescinded, breach the obligations of Section 1-5B, the City Manager or his designee shall immediately notify the Association that a prohibited action is in progress.

D. The Association shall forthwith, through its executive officers and other authorized representatives, disavow said strike or other prohibited action, and shall notify in writing all Association members and representatives of their obligation and responsibility for maintaining compliance with this Article, including their responsibility to remain at work during any interruption which may be caused or initiated by others. Copies of such notification shall be delivered to the office of the City Manager. In addition, the Association shall order all unit members violating this Article to immediately return to work and cease the strike or other prohibited activity. Such order shall be delivered both orally and in writing to all unit members violating this Article with copies of the written order to be delivered to the office of the City Manager.

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E. Penalties or sanctions the City may assess against a unit member who violates this Section shall include, but not be limited to:

1. Discipline up to and including discharge.

2. Loss of all compensation and benefits, including seniority, during the period of such prohibited activity.

F. Should the Association during the term of this Memorandum and until such time that it is expressly and legally rescinded, breach its obligations under this Section, it is agreed that all penalties set forth in Chapter 2, Article XVII (Employer-Employee Relations), Phoenix City Code, shall be imposed on the Association, in addition to any other legal and administrative remedies available to the City that in its discretion it may elect to pursue.

G. Nothing contained herein shall preclude the City from obtaining judicial restraint or from seeking damages from the Association, in the event of a violation of this Section.

ARTICLE 2: Grievance/Arbitration/Labor Management

Section 2-1: Grievance Procedure

It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. Informal Resolution

1. As a matter of good labor-management relations**,** unit members who believe that they have a bona fide grievance **will** discuss and attempt to resolve it with **the appropriate lowest level of supervision**.

2. If the above informal discussion is held and does not resolve the grievance, the unit member may file a formal grievance in accordance with the following procedure.

B. Definition of Grievance

1. A grievance is a written allegation by a unit member, submitted as herein specified, claiming violation(s) regarding the specific express terms of this

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Memorandum for which there is no other specific and formal method of review. However, disputes specifically excluded in other Articles of this Agreement from the Grievance and Arbitration procedure shall not be construed as within the definition set forth above and shall not be handled in accordance with this procedure. It is agreed that such excluded disputes are not grievable or arbitrable under the terms of this Article or under this contract.

2. The City continues to retain the format used for grievances, including forms, technology, etc.

3. A grievance which does not meet the requirements set forth in this Article shall be null and void, and will not be processed in accordance with this procedure.

4. **The City is not under any obligation to accept grievances where the City Manager has previously decided on the same fact pattern.**

C. Procedure

All grievances covered by this Article shall be handled exclusively in the following manner:

A grievance must be reduced to writing, citing the specific Article and Section of this Memorandum alleged to have been violated.

1. Step 1

   The unit member shall reduce the grievance to writing by signing and completing the grievance form provided by the City and submit it to the **Commander/Administrator**, or designee, within 14 calendar days of the initial commencement of the occurrence being grieved.

   The **Commander/Administrator**, or designee, may investigate, further consider, and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written mutual agreement may move the grievance to Step 2 of the grievance procedure.

2. Step 2

   If the written response of the Step 1 does not result in a resolution of the grievance, the grievant may appeal the grievance by signing and completing the City form and presenting it to the **division** head, or designee within 14 calendar days of the grievant's receipt of the Step 1 response.

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The **division** head, or designee, may further consider and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written agreement may move the grievance to Step 3 of the grievance procedure.

3. Step 2.5

   After the Step 2 response, but prior to review by the Grievance Committee, the parties involved may mutually agree to submit the grievance to Labor Relations. The grievance, as originally written and Step 1 and Step 2 responses, must be submitted to Labor Relations within 14 calendar days of receipt of the Step 2 response. Labor Relations shall, within 14 calendar days of the receipt of the grievance, meet with the department head, or designee, and the grievant and the grievant's representative, if any, in an attempt to resolve the grievance. Labor Relations shall then submit a written response to all parties within 14 calendar days of the meeting.

4. Step 3

   a. If the written response of the Step 2 (or 2.5 if applicable) does not result in a resolution of the grievance, the grievant may, within 14 calendar days of the Step 2 response, appeal the grievance by signing and completing the City form and presenting it to Labor Relations. A Grievance Committee hearing will be scheduled at which the grievant shall be afforded the opportunity to fully present his position and to be represented.

      The Grievance Committee shall be composed of:

      Chairman – A member of the City Manager's Office designated by the City Manager.
      Member – A City department head on a rotating schedule.
      Member – The President **of another union, other than the Grievant's**, **representing employees with the City of Phoenix**.

      The Grievance Committee shall submit findings and advisory recommendation(s) to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

   b. If the grievant so elects in writing within the above time limit, in lieu of such hearing the grievance may be reviewed by an arbitrator. The parties, or their designated representatives, shall agree on an arbitrator, and if they are unable to agree on an arbitrator within a reasonable time, either party may request the Federal Mediation and Conciliation Service to submit to

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them a list of 7 arbitrators who have had experience in the public sector. The parties shall, within 7 calendar days of the receipt of said list, select the arbitrator by alternately striking names from said list until one name remains. Such person shall then become the arbitrator. The arbitrator so selected shall hold a hearing as expeditiously as possible at a time and place convenient to the parties, and shall be bound by the following:

i. The arbitrator shall be bound by the language of this Memorandum and departmental rules and regulations consistent therewith in considering any issue properly before him/her.

ii. The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider any other issue not so submitted to him/her.

iii. The arbitrator shall be bound by applicable State and City law.

iv. The cost of the arbitrator and any other mutually incurred costs shall be borne equally by the parties.

The arbitrator shall submit findings and advisory recommendations to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

D. Time Limits

Failure of City Management representatives to comply with time limits specified in Paragraph C shall entitle the grievant to appeal to the next level of review; and failure of the grievant to comply with said time limits shall constitute abandonment of the grievance; except however, that the parties may extend time limits by mutual written agreement in advance of the deadline.

E. Union Grievance

The Union may, in its own name, file a grievance that alleges violation by the City of the rights accorded to the Union by the specific terms of Article 1-3 of this Memorandum. The Union shall file such grievance at Step 3 of this Procedure.

F. Group Grievance

When more than one unit member claims the same violation of the same rights allegedly accorded by this Memorandum, and such claims arise at substantially the same time and out of the same circumstances, a single group grievance may be filed in the name of all such members. Such group grievances shall be filed at

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the Step of this Procedure which provides the lowest level of common supervision having authority over all named Grievants. Each unit member that is a party Grievant must be named in such group grievance.

G. Employer Grievances

Should they occur as a result of official Union activities or actions, including the failure to act as required under the terms of this Memorandum, employer grievances will be presented directly to the Union president or any officer of the Union within 14 days of the occurrence prompting the grievance. The president, or designee, shall in each case provide a written answer within 14 days from receipt of the grievance. Unresolved employer grievances may be submitted to arbitration pursuant to Step 3 so long as the City pays the cost of the arbitrator.

Section 2-2: Labor-Management Committee

A. There shall be a Labor-Management Committee consisting of up to 6 representatives of the Association and up to 6 representatives of the Department and City. The purpose of the Committee is to facilitate improved Labor-Management relationships by providing an informal forum for the free exchange of views and discussions of mutual concerns and problems as distinguished from meeting and conferring.

B. The Committee shall meet **as needed by union request,** quarterly at mutually scheduled times. **Parties may mutually agree to meet more frequently.**

C. The City's Labor Relations Administrator or his designee shall be the Chairman. The members shall, in advance of a meeting, provide the meeting's Chairman with proposed agenda items, and the Chairman shall provide the members with the meeting agenda in advance of the meeting.

D. Representatives of the Association on the Committee who are unit members shall not lose pay or benefits for meetings mutually scheduled during their duty time up to a maximum of 3 hours per unit member per meeting.

E. It is understood by the parties that the benefits granted by this Section shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the unit member's work shift in pursuit of benefits provided by this Section. The employer shall count as time worked any hours or fractions of hours spent within the unit member's regular work shift in pursuit of benefits provided by this Article.

F. For a unit member whose regular shift is other than Shift 1, there will be flexibility in changing his normal work hours for the purposes of attending official Labor-Management meetings called by or with the concurrence of City management or the Police Chief or designee.

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Section 2-3:

In the spirit of continually developing good labor-management relations all parties are encouraged to address general complaints at the lowest level of management in attempt to seek resolution before escalating issues up the chain of command.

ARTICLE 3: Compensation/Wages

Section 3-1: Wages

A. In year one of this agreement, the economic value of ongoing total compensation increases will equal **1.5**%. Unit 4 employees will also receive a **non-continuous** payment equal to the economic value of **2.5**% total compensation. **Finally, unit employees will also receive an additional ongoing increase equal to the economic value of 0.5% of total compensation and a non-continuous payment equal to the economic value of 0.5% of total compensation for agreeing to the City's transparency and accountability proposals. This will be paid as follow:**

1. A **2.40**% base wage increase effective **the first full pay period in** July **2021**.

2. A **non-continuous** payment of **6.38**% of base wage **in** year one**, to be paid out on the first paycheck in December 2021**.

In year two of the agreement, the economic value of ongoing total compensation increases will equal 1.5%. Unit 4 employees will also receive a **non-continuous** payment equal to the economic value of **2.5**% total compensation. **This will be paid as follows:**

1. A **1.81**% base wage increase effective **the first full pay period in** July **2022**.

2. A **non-continuous** payment of **5.33**% of base wage **in** year two**, to be paid out on the first paycheck in December 2022**.

The City will evaluate the American Rescue Plan Act and will provide a (non-specified) percentage of premium pay as allowed by the legislation and deemed appropriate by the City Council, balancing the needs of the community and employees in their development of a strategic plan for the ARPA funds. The strategic plan will follow guidelines provided by the Department of Treasury. This language will expire at the conclusion of the 2021-2023 MOU.

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B. Unit members assigned to the Air Support Unit, and who have achieved and maintained the qualification level of Pilot in Command, shall be placed at step one of Police Officer*Pilot, Job Code 62211, in the pay schedule outlined in Attachment **C**.

C. Unit members assigned to the Air Support Unit, and who have achieved and maintained the qualification level of Rescue Qualified Pilot or PC12 Qualified Pilot, shall be placed at step one for Police Officer*Rescue Pilot, Job Code 62212, in the pay schedule outlined in Attachment **C**.

D. Unit members assigned to the Air Support Unit, and who have achieved and maintained the qualification level of Unit Certified Flight Instructor, shall be placed at step one of Police Officer*Flight Instr, Job Code 62213, in the pay schedule outlined in Attachment **C**.

E. A unit member assigned to the Air Support Unit, and who has achieved and maintained the qualification level of Chief Pilot, shall be placed at step one of Police Officer*Chief Pilot, Job Code 62214, in the pay schedule outlined in Attachment **C**.

F. Unit members assigned to one of the four described Air Support assignments may only qualify for and receive pay for one pay step at a time. Example: A unit member qualified as a Unit Certified Flight Instructor and receiving pay at pay step one of Job Code 62213 shall not receive the premium pay for any other pay step the unit member may also qualify for.

G. **Unit members designated as Team Leaders on SAU squads will receive an additional 5% base hourly rate of pay while assigned to this position.**

H. It is understood that for implementation purposes, the practice of rounding of fractional cents shall be done in accordance with accepted mathematical and accounting principles.

I. When a conflict arises between the Pay Schedule attached hereto as Appendices and the Pay Ordinance due to mathematical, typographical, or printing error, the Pay Ordinance shall be the controlling authority.

J. It is the intent of the parties to permanently move the effective date of any wage increase to the start of the first pay period in July.

Section 3-1A: Productivity Enhancement Pay

In recognition of dedicated public service and overall performance, the City agrees to implement the following Productivity Enhancement Pay formula for unit members:

A. Pay Benefit:

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1. **In** December **2021**, **May 2022**, December **2022**, and May **2023**, a unit **employee** who has completed at least 7 years of continuous full-time service and who meets the additional qualifications specified in this Article shall receive $80, pro-rated and included each pay period in the qualifying unit member's regular pay check, for each full year of continuous full-time service in excess of 6 years, up to a semi-annual maximum of $1,040, annual maximum of $2,080 at 20 years.

2. **In** December **2021**, **May 2022**, December **2022**, and May **2023**, a unit **employee** at 20 years and one day of continuous full-time service shall receive $125, pro-rated and included each pay period in the qualifying unit member's regular pay check, for each full year of continuous service in excess of 6 years, up to a semi-annual maximum of $2,000, annual maximum of $4,000 at 22 years or more.

B. Qualifications:

1. A unit member must have completed at least 1 year of continuous full-time service at the top step in his classification. Employees in step 8 as of July 8, 2002 will receive Productivity Enhancement Pay when they reach one year at step 8 and maintain their Productivity Enhancement Pay eligibility when they move to step 9. Employees in step 7 or below as of July 8, 2002 will be required to complete one year at step 9 to be eligible for Productivity Enhancement Pay.

2. Effective July 1, 1999, a unit member must have completed 7 years of continuous full-time service. A unit member who has continuous, full time City service in another classification(s) may apply that time to the 7 year requirement.

3. A unit member must have achieved the overall performance rating of meets standards or better on his latest scheduled performance evaluation on file in the Human Resources Department.

4. A unit member who receives a less than meets standards rating may appeal that rating by memo through his chain of command to the Police Chief. A unit member's eligibility shall be reinstated once the unit member receives a scheduled or unscheduled performance rating that meets standards.

5. A unit member must be on full-time active status. A unit member on industrial leave shall qualify for this payment for only the first year of the industrial leave. However, the entire period of industrial leave shall qualify as continuous service when the unit member returns to active employment.

C. Terms of Payment:

1. The City will make adjustments to an employee's Productivity Enhancement payment within 30 days of the qualifying date.

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Section 3-1B: Career Enhancement Pay

Effective July 14, 2008, Career Enhancement Pay (CEP) will be paid to qualified unit members at the levels fixed below:

1. CEP Level 1 pay shall be $1,903.20 per year ($73.20 per pay period).

2. CEP Level 2 pay shall be $3,806.40 per year ($146.40 per pay period).

3. CEP Level 3 pay shall be $5,709.60 per year ($219.60 per pay period).

4. CEP Level 4 pay shall be $7,612.80 per year ($292.80 per pay period).

Section 3-1C: Training Pay

A. **Master** Field Training Officers (FTOs) whom the department selects to conduct department-approved officer field training; will receive an additional 5% of their **base hourly** rate of pay for every day they are assigned to an officially authorized field training position.

B. **Field Training Officers who train in place or** unit member assigned to train an O.I.T. in traffic/DUI enforcement will receive 5% **base hourly rate of** pay for every day the unit member actually trains.

C. Unit members assigned to the Canine Unit, who have achieved and maintain the qualifications for the position of Canine Unit Trainer, will receive an additional 5% of their **base hourly** rate of pay for every day they are assigned to an officially authorized Canine Unit Trainer Position. The following is a list of requirements to receive payment as a Canine Unit Trainer:

   1. The unit member must be, or be designated by the Department to become, certified by an outside association to train police service dogs. The certifications include patrol, narcotics detection and/or explosive detection.

   2. Training being provided must include basic level training for canines and handlers assigned to the unit. This section is not meant to include a canine handler training only his or her assigned canine; it is meant for those who provide basic and in service training to other canine teams in the unit.

   3. An officially authorized Canine Unit Trainer Position must include responsibility for proper written evaluation of each canine and handler being trained.

D. **Detectives whom the department selects to conduct department-approved new Detective training; will receive an additional 5% of their base rate of pay for every day the Detective is training.**

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Section 3-1D: Compensation for Interpreting and Translation by Sworn Police Officers

A. Purpose

1. This regulation is written to provide guidelines for adjusting the compensation of sworn police officers who are authorized and required by a sworn police supervisor to utilize a language other than English, including sign language, to conduct an official Police Department function or activity.

2. This compensation shall be for police-related functions or activities in which the unit member is called upon to interpret in addition to their normal assigned duties.

B. Payment Authorization

Compensation provided for by this regulation shall be given only when approved by a sworn police supervisor prior to the actual interpretation or translation.

C. Performance Activities Approved for Special Compensation

1. Verbal interpretation, in excess of 7 consecutive minutes per occurrence, while conducting any assigned formal police function or activity.

2. Written translation, in excess of 7 consecutive minutes per occurrence, while conducting any assigned formal police function or activity.

3. Signing interpretation and translation, in excess of 7 consecutive minutes per occurrence, while conducting any assigned formal police function or activity.

D. Compensation

A unit member who meets linguistic skills qualifications, as determined by a management review panel, or in the case of sign language determined by presenting certification recognized by the Arizona Commission for the Deaf and Hard of Hearing (ACDHH), shall be paid a premium of $10.00 per hour calculated to the nearest 1/4 hour, in addition to his base hourly rate, for each hour he is engaged in assigned and authorized interpretation, translation, or signing activities.

Consistent with Section 5-7, 3 of this Memorandum and A.R. 2.51, employees are eligible to use the seminar and professional membership portion of their reimbursement benefit for the ACDHH certification.

E. Supervisory Authorization

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Authorization must be provided by a sworn police supervisor in each case. Written notification which includes a listing of the specific time periods for which the premium payment is sought along with signatures of the unit member and the appropriate supervisor should be forwarded to the Police Department's Fiscal Management Bureau before the end of the pay period in which the additional duty occurred.

Section 3-2: Overtime

A. Overtime is defined as time assigned and worked beyond the regularly scheduled 40 hour work week or 8 hour work shift, or 10 hour work shift if a 4 day work week is implemented. Duly authorized paid leave shall be considered as time worked for purposes of the regularly scheduled work week. This provision shall not apply to unpaid leave.

B. Overtime shall be worked and shall be allowed if assigned by the Police **Chief** or his designees.

C. Overtime work will be compensated in either cash or compensation time at 1-1/2 times the regular rate of pay after the first 7 minutes assigned and worked beyond the end of the unit member's regularly scheduled shift, calculated to the nearest 1/4 hour.

D. A unit member may, subject to approval of his non-unit supervisor based on considerations of departmental scheduling and operations factors, request to use overtime as compensatory time subject to the limitation of 300 hours on the accumulation of compensatory time. Use of compensatory time shall be subject to advance approval of the non-unit supervisor. If a unit member submits overtime requests that are in excess of 300 hours, he will be paid the difference.

E. Unit members may contribute accrued compensatory time to other employees in accordance with City policy governing contributions of leave for serious illness of an employee or their immediate family member.

F. A unit member may be paid for accumulated compensatory time by submitting a memorandum to the Fiscal Bureau requesting payment for any portion of the compensatory time. This may be done at any time upon the unit member's request, and such payment will be made in the pay period following receipt of the memorandum by the Fiscal Bureau.

G. At the direction of the immediate supervisor in each case, a unit member shall be entitled to overtime in accordance with Article 3, Section 3-2 hereof, while he is being evaluated by the authorized and designated City physician for return to work at times he is not scheduled to be on duty nor is on paid leave or disability benefit status, based on actual check-in and check-out time recorded by Health Center staff. This time shall not qualify for the guaranteed minimum overtime provision contained in Section 3-2B, but shall be compensated at a minimum of 1 hour at 1-

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1/2. No unit member shall be compensated for other than the supervisor directed evaluation(s) by the City physician for return to work.

H. After 4 consecutive hours of overtime, a unit member shall be entitled to a paid meal break of 1/2 hour, but in no event shall a unit member be entitled to more than one such meal break for every 8 consecutive hours of overtime.

For a unit member participating in the 4/10 schedule, this provision shall mean that before a unit member is entitled to a second 1/2 hour paid meal break, he shall have worked on an overtime basis for a minimum of 4 hours beyond the end of his regularly scheduled 10 hour work shift.

I. If work demands preclude a unit member from taking a meal period, the unit member will be paid an additional 30 minutes at the straight time rate. This benefit shall apply only if the interruption occurs during the first 30 minutes of the meal period.

J. When a unit member is off duty and is contacted by telephone by his supervisor because of the unit member's official duties, for purposes other than call-out, or a supervisor approves of the making or receiving of the call, the unit member will be paid a minimum of 15 minutes at time and one-half his regular rate of pay when any combination of calls equals 7 minutes or more. If the call extends past this minimum, the overtime will be calculated to the nearest 1/4 hour. He will not receive overtime for additional duty-related calls received during this compensation period.

K. A unit member on industrial leave and assigned to his home will be considered to have the same duty hours and N-days, up to a 7 calendar day period, as the squad he was on when the injury/illness occurred. After the 7 days, he may be reassigned to new duty hours and/or N-days.

L. A unit member who scheduled a leave day 30 calendar days in advance through his immediate non-unit supervisor in accordance with departmental policy and who subsequently is placed on court stand-by, or is required to appear in court will, by his choice, receive overtime pay in accordance with this Section and Section 3-2A and/or Section 3-2B, in addition to the leave day.

M. A unit member who scheduled a leave day but failed to do so within 30 calendar days in advance, and who is placed on stand-by or called to court, will receive overtime pay in accordance with this Article and Section 3-2A. However, the number of leave hours taken will be reduced by the number of overtime hours paid. Court stand-by hours do not apply to this provision.

Section 3-2A: Court Time Overtime

A. When court time constitutes overtime, a unit member shall be entitled to overtime compensation/minimum call-out pay consistent with Section 3-2B of this Memorandum.

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1. Court time overtime shall be continuous time compensated consistent with Section 3-2, subsection C.

2. **N**o cost parking will be provided for unit members who are called to testify or appear at any City of Phoenix Municipal Court facility for any official police department business, whether on or off-duty.

3. **If performed virtual, the unit employee must report to a Phoenix Police facility to be eligible for Court Time Overtime. If performed at a location of the unit employee's discretion, other than a work location, the unit member will be paid a minimum of 15 minutes at time and one-half his regular rate of pay when any combination of calls equals 7 minutes or more. If the call extends past this minimum, the overtime will be calculated to the nearest 1/4 hour. The unit employee will not receive overtime for additional duty-related calls received during this compensation period.**

B. For purposes of this Article the term Court shall be defined as including Federal District Court; Superior Court, State of Arizona; City Court, City of Phoenix, State of Arizona; Municipal Courts in Maricopa County; Justice Court; Federal, State, County Grand Juries; Motor Vehicle Department hearings, and Prosecutorial and Defense interviews. It is understood that this Article shall not apply to administrative hearings including but not limited to arbitration hearings pursuant to the MOU, Civil Service Board hearings, PERB hearings, and hearings pursuant to the A.R. 2.61 grievance procedure.

C. After a unit member verifies his need to appear in court to testify concerning the performance of his official duties at a time other than his regularly scheduled tour of duty, and he is notified less than 12 hours in advance of the scheduled appearance time that he need not appear, the unit member will receive 2 hours of pay at 1-1/2 times his base hourly rate of pay.

Section 3-2B: Call-Out Pay

A. A unit member called back because of his own negligence, whether in the proper care and use of City equipment, or for his failure to complete official reports prior to securing for the day, shall be paid for such call- back consistent with Section 3-2, subsection C, provided, however, the unit member shall not be eligible for the 3 hour guaranteed minimum pursuant to this Article. If a claim of negligence is disputed, it may become subject to the grievance procedure herein.

B. Anytime that a unit member is called back after leaving City facilities at a time other than his regularly assigned shift, the unit member will receive a minimum of 3 hours pay at time and one-half the unit member's base pay calculated to the nearest 1/4 hour, except that a unit member shall not be eligible for additional compensation during that three hour period.

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Compensation to a unit member who is called out at times other than his regularly scheduled shift will begin at the time the unit member is notified. The compensation will continue up to 30 minutes beyond the completion of the duties for which the unit member was called out, or until the member returns to his residence, whichever is first. Where applicable, the travel time shall be paid only if the total work and allowed travel time exceed the minimum call out guarantee. Travel time shall not apply when a unit member is working overtime planned in advance.

C. A unit member beginning an overtime period within 3 hours or less prior to the regularly scheduled duty reporting time, will be compensated from the time the overtime period begins to the time he is scheduled to report for duty except that a unit member shall not be eligible for additional compensation during that period.

D. Holdover time, i.e., being held over on shift (no break in duty exceeding 15 minutes) will be compensated for actual time spent in accordance with Section 3-2, subsection C.

Section 3-3: Out-of-Rank Pay

A. A unit member who is temporarily required to serve in a regular authorized position in a supervisory classification, (e.g., sergeant), shall be compensated at the higher rate of pay in accordance with the following:

B. To be eligible for the additional compensation, the unit member must first accumulate 10 regular working shifts of assignment in the higher rank within any 12 month period; satisfactory performance during a previous appointment to the higher rank will be credited to the qualifying period. The days of out-of-rank assignment need not necessarily be consecutive. Once this qualification is satisfied, no additional re-qualification will be required. All shifts worked beyond the 10th shift in the supervisory classification will be subject to the higher rate of pay.

C. Temporary assignments out-of-rank shall be recorded only in full shift units. A unit member working out-of-rank for less than 1 full shift will not be credited with working out-of-rank service time.

D. To qualify for out-of-rank pay, a unit member must be assuming substantially the full range of duties and responsibilities of the higher level position. Out-of-rank pay is not authorized, for example, if the organization of a work unit is such that each unit member carries on his normal duties during the temporary absence of a supervisor, without a need for the direction which the supervisor would provide on a longer term basis.

E. Time worked in a higher rank shall not earn credits toward the completion of probationary requirements in the higher rank.

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F. A unit member who has qualified under these provisions shall be compensated at the minimum rate established for the higher rank for all shifts worked beyond the 10th shift served in the higher rank. In the event of overlapping salary ranges, a one-step differential shall be paid for out-of-rank assignments. The higher rate of pay shall be used in computing overtime when authorized overtime is served in out-of-rank work assignments; the overtime rate shall be the rate established by the overtime regulations that apply to the higher rank.

Section 3-4: Sick Leave Conversion at Retirement

Effective at the beginning of the first pay period in July, 1992, the following benefits shall apply:

A. Definitions:

1. Qualifying hours - the minimum number of accrued and unused sick leave credits existing on the last day of service prior to retirement, which are necessary before a unit member can participate in the benefit program.

2. Base number of hours or base hours - the number of hours of accrued and unused sick leave credits which are uncompensated under this Article and above which the City will compensate the unit member.

3. Base hourly wage - the base hourly rate of pay being paid at the time of retirement to the retiring unit member who qualifies for participation in this benefit program.

B. Benefit and Eligibility:

1. A unit member who has accumulated a minimum of nine hundred (900) hours or more of accrued and unused sick leave at the time of a duty-related retirement shall be eligible for payment of an amount of compensation equal to 35% of his base hourly wage for all hours in excess of 450 hours; or

2. A unit member who has accumulated a minimum of 1286 qualifying hours or more of accrued and unused sick leave at the time of a duty related retirement shall be eligible for payment of an amount of compensation equal to 60% of his base hourly for all hours in excess of 386 hours.

3. Commencing July 1, 1998, a unit member who has accumulated a minimum of 1714 hours or more of accrued and unused sick leave at the time of a duty related retirement shall be eligible for payment of an amount of compensation equal to 60% of his base hourly wage for all hours.

4. A unit member who has accrued 1,286 hours or more of unused sick leave may elect to have one hundred 150 hours of sick leave paid out at the member's hourly rate in one lump sum. A unit member may only elect to exercise this

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benefit 3 times in their career, and not more than 1 time in a fiscal year. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

5. The payments described in numbers 1 through 4 above are not considered Final Average Salary for purposes of pension calculations.

C. Administration:

1. At the time of retirement, the City's Employee Benefits Division, or such other individual or agency as the City may designate, shall determine the unit member's eligibility and the amount of unused sick leave to be compensated.

2. The unit member shall verify in writing the computations of the Employee Benefits Division.

3. In the event a unit member's eligibility for participation or the amount of compensation is disputed, then the dispute shall be submitted to the City Auditor for binding resolution.

Section 3-4A: Sick Leave Payout

All accumulated sick leave hours on the city's official file at the time of the member's death will be paid. Payment will be based upon the member's base hourly rate at the time of death.

Section 3-5: Night Shift Differential/Weekend Shift Differential

A. A unit member shall receive $.60 per hour in addition to his base hourly rate of pay when working a night shift or any portions of a night shift which ends at or after 10:00 PM.

B. A unit member shall receive night shift pay differential only for hours scheduled and worked, and not while on paid leave time.

C. A unit member who is called out and works between the hours of 10:00 PM and 6:00 AM will be paid night shift differential for all hours worked at the rate specified in this Article. If a unit member was called out while on a stand-by status, he will not receive night shift differential.

D. A unit member shall receive $.25 per hour in addition to his base hourly rate of pay and any other shift differential or any other premium pay he may be receiving for working a weekend shift. A designated weekend shift is defined as any shift that starts on or after 2:00 PM on Friday, and continuing through any shift that starts on or before, but not after 11:59 PM on Sunday.

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1. A unit member shall receive weekend shift pay differential only for hours scheduled and worked, and not while on paid leave.

2. A unit member who is called out and works between 2:00 PM on Friday and 11:59 PM on Sunday will be paid weekend shift differential for all hours worked at the rate specified in this Article. If a unit member was called out while on stand-by status, he will not receive weekend shift differential.

Section 3-6: Stand-By Pay

A. When a unit member is required and assigned to be available for immediate emergency call-out at times that he is not otherwise on duty and the unit member complies with departmental regulations incident thereto, he shall be compensated as follows: $60.00 on the unit member's non-work day and $40.00 on a work day.

B. When management determines it is necessary to provide call-out service, stand-by assignments will be maintained **by any** detail **in the department**.

Section 3-6A: Court Time Standby Pay

A. When a unit member receives a subpoena or other notice requiring him to stand-by to appear in court to testify concerning the performance of his official duties at a time other than his regularly scheduled tour of duty, and he was not notified 12 hours or more in advance of the court appearance that he need not stand-by, he shall be entitled to a minimum of 2 hours of pay at 1-1/2 times his base hourly rate of pay for court dockets scheduled before 1200 hours, and an additional minimum of 2 hours of pay at 1-1/2 times his base hourly rate of pay for court dockets scheduled after 1200 hours, for each day the subject court proceeding is in session and the Unit member is subject to call, providing the provisions of subsection B hereof are satisfied. If a unit member is required to remain on stand-by after 1200 hours, the unit member shall receive an additional 1 hour of pay at 1-1/2 times his base hourly rate of pay.

   If call-out occurs before the expiration of stand-by pay, then stand-by status shall continue until the occurrence of either (a) the expiration of stand-by pay; or (b) arrival at the duty location **or participation in virtual appearance begin**. Call-out pay and stand-by pay shall not be permitted to overlap resulting in the compounding of compensation.

B. If a unit member fails to exercise his responsibility to contact the appropriate representative of the court or a party 16 hours or less before the time indicated on the subpoena to determine the continued need for him to stand-by, he is not eligible for any stand-by pay.

C. For the purpose of this Memorandum, subpoena refers to a subpoena duly issued by a court or the Arizona Motor Vehicle Department.

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D. For purposes of this Article the term Court shall be defined as including Federal District Court; Superior Court, State of Arizona; City Court, City of Phoenix, State of Arizona; Municipal Courts in Maricopa County; Justice Court; Federal, State, County Grand Juries; Motor Vehicle Department hearings; **Mental Health Court;** and Prosecutorial and Defense interviews. It is understood that this Article shall not apply to administrative hearings including but not limited to arbitration hearings pursuant to the MOU, Civil Service Board hearings, PERB hearings, and hearings pursuant to the A.R. 2.61 grievance procedure.

Section 3-7: Off-Duty Employment

A. The Department agrees to maintain a list of unit members who are interested in off-duty work for use in making job referrals, provided the unit member has received prior approval to engage in off-duty employment from the immediate supervisor.

B. Off-duty employment shall be governed by the rules and regulations of the Phoenix Police Department. Should the Department contemplate any changes in these rules and regulations during the term of this Memorandum, it shall meet and consult with the Association on such changes in the Labor-Management Committee prior to implementation.

C. The Police Chief agrees to eliminate the limitation of the number of off-duty work hours permitted. However, the Department reserves the right to take appropriate action in the event that a unit member's **wellness, welfare, or** performance is adversely affected.

D. A unit member who works off duty in a police function for a City-sponsored event or project, and is paid through City payroll, will be compensated at time and one-half his regular rate of pay for all time worked.

Section 3-8: Jury Duty

When a unit member is called upon to serve as a juror in any court action, he will be allowed leave from his duties without loss of pay for the time required for his service.

Section 3-9: Deferred Compensation and Defined Contribution Plans

A. **The City's contribution to DCP will continue at 2.56%.**

B. At the employee's separation, for either retirement or exiting the Deferred Retirement Options Program, the employee's sick leave payout amounts will be automatically contributed into the City's 401(a) plan. Any excess amount over the

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Internal Revenue Code 401(a) plan contribution maximum limits will be automatically contributed into the City's 457(b) plan. Any portion of the excess amount that cannot be contributed to the 457(b) plan because of Internal Revenue Code 457(b) plan contribution maximum limits will be paid as taxable income. The 401(a) Plan document as approved by the Deferred Compensation Board will be the governing document.

C. Discuss alternatives to the Union's participation in the City's Deferred Compensation Plans.

D. After the City receives official Internal Revenue Service approval and a private letter ruling regarding the City's 401(a) plan, the parties agree to schedule a meeting to discuss a possible change in the distribution of the current benefit between the 457(b) and 401(a) plans. Any agreement will be conditional on Deferred Compensation Board approval.

Section 3-10: Non-Direct Payment of Compensation or Benefits

Various sections of this Memorandum contain a form of compensation, wages, or benefits that have been negotiated in good faith and may or may not provide a direct payment of wages or other benefit to each member. Those forms of compensation, wages, or benefits that do not provide a direct payment to each unit member have been negotiated in place of a direct payment and costed as part of the overall economic package. Examples include: life insurance, long term disability insurance, leave payouts, etc.

ARTICLE 4: Hours of Work/Working Conditions

Section 4-1: Work Schedules

A. The regular duty hours for a unit member shall be 5 consecutive shifts of 8 hours in a 7 calendar day work week. These 5 consecutive shifts will be preceded and followed by 2 "N" days. If, by reason of transfer, a unit member's "N" days are changed, the provisions of this section pertaining to "N" days shall not apply. The 8 duty hours per shift shall be consecutive and may include any "briefing time" and shall include a meal period of 30 minutes. When work demands permit, with a supervisor's approval, a unit member may combine this 30 minute meal period with one of his 15 minute rest periods described under Subsection D of this Article to achieve a 45 minute meal period. This shall also apply to a unit member working a 4/10 schedule. At times, the department may have operational needs which necessitate a change in current work schedules. The department shall give a unit member a minimum 7 day advance written notice when his "N" days or hours will be changed. If this (7 day written notice is not given, and there is no operational need for not providing the notice, the "N" days or hours change will be rescheduled to allow for a 7 day notice period.

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B. If a 10 hour, 4 day work week is implemented; the regular duty hours for an affected unit member shall be 4 consecutive shifts of 10 hours in a 7 calendar day work week. These 4 consecutive shifts will be preceded and followed by 3 “N” days. If, by reason of transfer, a unit member’s “N” days are changed, the provisions of this Subsection pertaining to “N” days shall not apply. The 10 duty hours per shift shall be consecutive and may include any “briefing time” and shall include a meal period of 30 minutes. At times, the department may have operational needs which necessitate a change in current work schedules. The department shall give a unit member a minimum 7 day advance written notice when his “N” days or hours will be changed. If this 7 day written notice is not given, and there is no operational need for not providing the notice, the “N” days or hours change will be rescheduled to allow for a 7 day notice period.

C. All unit four members assigned to patrol squads with beat responsibility only will work the work schedule defined in subsection B of this section (4/10’s) through June 30, **2023**.

D. If a unit member’s normal duty hours are changed with less than 7 days’ notice, then the unit member is entitled to premium pay.

If a unit member’s normal “N” days are changed, then the unit member is entitled to premium pay.

"Premium Pay" is calculated as follows:

- For a unit member assigned to a 5/8’s schedule:
  - A change in normal duty hours: 2 hours at their base hourly rate of pay.
  - One “N” day change: 4 hours at their regular rate of pay.
  - Two “N” days changed: 20 hours at their regular rate of pay.
- For a unit member assigned to a 4/10’s schedule:
  - A change in normal duty hours: 2.5 hours at their base hourly rate of pay.
  - One “N” day change: 5 hours at their regular rate of pay.
  - Two “N” days changed: 10 hours at their regular rate of pay.
  - Three “N” days changed: 20 hours at their regular rate of pay.

Subject to the discretion of the Chief, or designee, official mobilization as defined in Operations Order 9.1 is exempt from this section.

A unit member, who requests a change in work schedules, will not receive premium pay since the request is not a department directed change.

This section does not apply to the 30 hour or more block of annual module training.

A unit member is not eligible to receive both premium pay and overtime for the same hours.

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E. When used in the context of this Article, “Operational Needs” will be defined as: Service demands or other required actions performed to accomplish the mission of the department. These actions may be routine (anticipated) or emergency (unanticipated). For routine operational actions, a seven-day written notice will be given to change schedules. For emergency operational actions, unit members will be provided with as much advance notice and information as the situation will allow.

F. In addition to all duties as assigned by the Police **Chief** or his designees, work hours shall continue to include 2 15 minute rest periods as work demands allow.

G. There shall be a minimum of 15 hours off between shifts, 13 hours for a unit member working a 4/10 schedule. If this is not possible, the unit member shall receive overtime compensation at his regular rate of pay for each full hour worked within the described 15 hour period, 13 hour period for a unit member working a 4/10 schedule. A unit member assigned to **a specialty bureau** may sign individual statements waiving the provisions of this section. Signed waivers shall continue in effect per fiscal year.

This section does not apply to mandatory training conducted by the Advanced Training Detail when a member is given 30 days written notice of the required training. The intent is not for supervisors to work employees on a double shift. Employees’ chain of command will ensure employee’s shift prior to training is adjusted to afford 13/15 hours off before reporting to training.

H. A unit member will be permitted to take the meal period at a location within the squad/team area, or if no suitable eating location is available, then with the approval of the designated supervisor, at a location outside the squad/team area. A meal period may be taken at a private residence, with supervisory approval, provided such residence is within the unit member’s beat area.

I. A unit member may return to his work station 20 minutes before his scheduled end of shift if work demands permit for the purpose of completing required paperwork, notifying oncoming unit members of any beat conditions, and to notify his supervisor of any unusual occurrences he encountered during his shift.

J. A unit member assigned to the Canine Detail shall be allowed 4 hours of paid time per work week to care for his police dog at his residence. The City will determine when and how the hours will be scheduled.

K. A unit member may waive the provision of section A and B of this section to facilitate an alternative work schedule upon written agreement of both the Association and the Department.

L. **“On duty” training will be approved at the Division Chief level.**

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Section 4-2: Seniority

A. The City shall provide the Association with a list of unit members showing each unit member's City employment date and class employment date.

B. Seniority shall be by length of service within a class. If seniority within the class is not determinative, then length of service with the City shall prevail.

C. Seniority shall be used as a factor consistent with established Civil Service procedures in choice of work assignments, vacation schedules and in the determination of layoffs.

ARTICLE 5: Benefits

Section 5-1: Health Insurance

A. The City and Association agree to maintain the current 80/20 split for health insurance monthly contribution for the single and family coverage. If there is a rate increase or decrease, the city will pay 80% of the new monthly contribution and the employee will pay 20%.

B. If there is a substantive change in the City's Health Insurance Plan design, the Labor Relations Administrator will discuss such change with the Association.

C. In the event of the death of a unit member while on duty or while performing a police function as determined by the City, the City will continue to pay the full monthly health insurance premium for the spouse and all eligible dependents. Should the surviving spouse remarry, the benefits of this provision shall be discontinued for the spouse. Benefits for remaining eligible dependents, e.g. children, step children, or adopted children, will remain in effect as federal law prescribes.

In the event of the death of a unit member while commuting to or from his work location, for a period of two hours each way, the City will continue to pay the full monthly health insurance premium for the spouse and all eligible dependents. This policy will be consistent with the terms of the 1997 agreement between the City of Phoenix and CIGNA Group Insurance, for the payment of a supplementary commutation life insurance policy for each unit member. The Association will pay the cost of this benefit, if any, the first year of each new Memorandum period.

D. In the event Congress or the State of Arizona passes legislation which considers the amount the City contributes to health or dental insurance as imputed income, then the City will consider such contributions as income to the employee.

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E. During the next 12 months, the City will participate in Labor-Management meetings to discuss alternatives to the Union's participation in the Health Care Plans currently provided by the City.

Section 5-1A: Retiree Health Insurance

A. Upon retirement of a unit member, or bargaining unit member who retired on August 1, 1992 or later, the City's contribution to health care premiums will be calculated without regard to age.

B. In no event will the combination of this contribution and the amount paid by the PSPRS (Public Safety Personnel Retirement System) exceed the monthly premium for the chosen health insurance benefit.

C. The City of Phoenix agrees to participate in the Post Employee Health Plan (PEHP) for unit members in accordance with the terms and conditions of the Plan's Participation Agreement, a copy of which is attached to this agreement. The Employer agrees to contribute to the Plan on behalf of unit members:

Effective July 1, 2017, the Employer shall contribute for each unit member the amount of $6.00 per pay period. If any contribution is an amount other than an equal dollar amount per unit member, that contribution shall be deposited in the unit member's Health Insurance Premium Reimbursement sub-account, otherwise the Employer's equal dollar amount contribution per unit member shall be deposited into the unit member's Universal Health Care Reimbursement sub-account pursuant to the terms and conditions of the Plan.

Section 5-2: Dental Insurance

A. **T**he City shall pay the full premium costs for single coverage **for employees enrolled in the base HMO or PPO plan.** and 75% of the premium costs for family coverage for a City dental plan.

B. The plan shall consist of 80% payment of reasonable and customary charges covered for preventive and diagnostic services, basic services, and major services. The plan shall also include an orthodontia benefit providing for 80% payment of reasonable and customary charges up to a maximum lifetime benefit of $4,000 per person. This plan is subject to the deductibles and limitations contained in the contract between the dental insurance carrier and the City of Phoenix. Enrollment in prior City of Phoenix dental plans counts toward major services time limit exclusions.

Section 5-3: Life Insurance

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A. The City will continue the existing off-the-job and on-the-job life and dismemberment insurance coverage, and will continue the face value of the policy at $15,000. The City will continue the current policy for death in the line of duty at $100,000.00.

B. Effective August 1, 2001, the City will increase the $35,000.00 line of duty life and dismemberment insurance coverage to each unit member to $100,000.00.

C. Additionally, the City will provide to each unit member a $200,000 death benefit covering the unit member's commute to and from his city work location. This policy will be consistent with the policy negotiated in 1997 with CIGNA Group Insurance and will cover the unit member's commute for up to two hours before his shift begins and two hours after his shift concludes. The Association will only pay the cost of this benefit the first year of the MOU.

Section 5-4: Long-Term Disability Insurance

A. The City will offer a long-term disability benefit for all full-time, regular unit members pursuant to A.R. 2.323 as may be amended (providing that such amendments shall not be in conflict with the MOU). Employees who have been continuously employed and working on a full-time basis for twelve consecutive months are eligible for long-term disability coverage. **Applicants must apply for benefits they may be eligible to receive.** After an established 90 calendar day qualifying period, the plan will provide up to 66-2/3% of the employee's basic monthly salary at the time disability occurs and continue up to age 75 for employees who have been employed full-time for 36 months and one day. Employees who have been employed full-time with the City of Phoenix for 36 months or less, will be eligible to receive a long term disability benefit for no more than 30 months.

B. This benefit will be coordinated with sick leave, industrial insurance payments, social security benefits, unemployment insurance and disability provisions of the retirement plan.

Section 5-5: Holidays and Vacation Leave

A unit member shall be entitled to holiday benefits as set forth in Paragraph 2 of Operations Order No. 3.6, including overtime compensation for hours assigned and worked on a specified holiday in accordance with and subject to Article 3, Section 3-2, Overtime.

A. The compensation of a unit member who actually works on a day designated as a holiday shall include, in addition to his regular day's pay, additional pay or compensatory time for hours worked up to 8 excluding overtime pay.

B. A unit member who is not scheduled to work on a designated holiday will still be compensated for 8 hours pay or compensatory time for each holiday.

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C. Paid holidays shall include:

New Year's Day
Martin Luther King, Jr's Birthday
President's Day
Caesar Chavez Birthday
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Day
Two Personal Leave Days* & **

* After 6 months of continuous service.
** Personal leave will be a total of 20 hours for all unit members.

Subject to operational and scheduling factors, a unit member's personal leave days shall be taken each calendar year on any day of the unit member's choosing.

D. For a unit member participating in the 4/10 schedule, holiday pay shall be applied as follows:

1. When a designated paid holiday falls on a unit member's scheduled day off, the unit member shall be paid 8 hours of holiday pay.

2. When a designated paid holiday falls on a unit member's normally scheduled work day and the unit member is directed to not work that day, the unit member shall be paid for 8 hours of holiday pay. The additional 2 hours necessary to receive 10 hours of pay will be deducted at the unit member's discretion as either non-paid time, accumulated vacation or compensatory time. If a unit member has no accumulated vacation or compensatory time, the unit member will receive only 8 hours of pay. Alternatively, the unit member may work for 2 hours on the holiday, paid at straight time, performing tasks at the direction of a supervisor. The compensation of a unit member who actually works on a day designated as a holiday shall include, in addition to his regular day's pay, additional pay or compensatory time for hours worked up to 8 hours, excluding overtime pay.

E. A unit member will continue to receive holiday pay while on industrial leave.

F. Holidays shall be observed on the calendar days on which they fall for unit members directly involved in providing continuous 24-hour or seven-day service operations.

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G. The City agrees to maintain its present vacation selection procedure and, to every extent practicable, allow a transferred unit member to maintain his previous vacation schedule.

H. A unit member who works a schedule at full time 52 weeks of the year shall be credited with vacation credits for every completed calendar month of paid service according to the following schedule:

1. Through 5 years of service 8 hrs. per month
2. 6th through 10th year of service 10 hrs. per month
3. 11th through 15th year of service 11 hrs. per month
4. 16th through 20th year of service 13 hrs. per month
5. 21st year of service and thereafter 15 hrs. per month

I. Unit members who have accrued 312 hours or more of vacation, may elect to have 150 hours of vacation leave paid out at the member's hourly rate in one lump sum or converted into their comp bank. The member may only elect to exercise this benefit 4 times in their career, and not more than 1 time in a fiscal year. This payment is not considered Final Average Salary for purposes of pension calculations. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

Additionally, 80 hours of vacation time can be accumulated above the maximum vacation carryover into the last 3 years of service. These hours must be used as paid time off prior to retirement.

J. Vacation accrual, carryover and compensation at separation is as follows:

YEARS OF SERVICE	MONTHLY ACCRUAL RATE (HOURS)	MAXIMUM CARRYOVER (HOURS)	MAX ACCRUAL THAT CAN BE COMPENSATED AT SEPARATION (HOURS)
0 – 5th	8	232	280
6th - 10th	10	280	340
11th - 15th	11	304	370
16th - 20th	13**	352	430
21st+	15**	400	490

** In the last three years of service an additional 80 hours may be carried over into a new calendar year.

During the 2021-2023 MOU, a workgroup will be formed with participants from City management and include a leader from PLEA for the purpose of exploring the possible creation of a Citywide bank of hours supplied by

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vacation cutback hours for use by employees with approved donation petitions. The workgroup will submit a recommendation to the City Manager before the end of the 2021-2023 MOU.

K. For the purposes of determining monthly vacation Accrual rates for a unit member who had a break in service, if the unit member was reemployed within 5 years, the amount of time the person is gone is subtracted from his previous service, thereby giving the unit member a new accrual service date.

L. A unit member may sell back up to 40 hours of vacation time each calendar year (unit member must use a minimum of 40 hours of vacation/comp-time leave during the calendar year to qualify for this benefit). This payment shall be made on the first payday of December of each year, and shall be included in the unit member's regular, bi-weekly paycheck.

Section 5-5A: Out-of-State Vacation Recall

When a unit member is temporarily recalled to duty from out-of-state while on an authorized vacation by order of the Police **Chief**, or designee, he shall be reimbursed for necessary and provable transportation expenses as determined by the Police Chief.

Section 5-5B: Military Leave

A. Definition

1. Pursuant to ARS 26-168 and ARS 38-610, employees who are members of the Arizona National Guard or the Reserves of the United States Armed Forces, will be entitled to a leave of absence from their duties for a period not to exceed 30 days when they are engaged in ordered annual training or to attend camps, maneuvers, formations, or drills under orders of any branch, including the reserve or auxiliary.

2. This leave will be granted without loss of pay or other employment rights.

B. Leave Guidelines

1. National Guard and Military Reserve leave time will be calculated using working days.

2. Employees will not be charged with military leave time for days that fall on their regularly scheduled days off.

3. Leave days do not have to be taken consecutively, the only limitation is the 300-hour maximum in any two consecutive military fiscal years (October 1 through September 30).

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4. Travel time will not be allowed in addition to inclusive dates shown on requests.

5. A copy of the Military Orders will accompany leave requests.

Section 5-6: Uniform, Clothing and Equipment Allowance

A. Department-issued equipment, as follows:

1. The Police Department will furnish to each unit member entering the department the following:

1	Uniform Belt
1	Handcuff Case
1	Holster
1	Helmet
1	**Magazine Pouch**
1	Service Weapon
1	Pepper Spray Holder
1	Pepper Spray Canister
1	Pair of Handcuffs and Key
1	Uniform Breast Badge
1	Flat Badge with Case
1	(pair) Puncture resistant gloves

The department also agrees to provide spit masks on a continuous basis.

2. Pilot's equipment list as follows:

The Police Department will furnish the following to each unit member assigned to the Air Support Detail:

2	Nom**ex** (or equivalent in quality) Flight Suits
1	Flight Helmet
1	Standard Headset

3. The Department shall replace those items as they, in the judgment of the Department, become unserviceable due to wear or damage in the course and scope of official duties.

B. A unit member will receive $1,150 clothing allowance per annum. Barring unforeseen circumstances, payment for uniform allowance will be made on or before August 1 of each fiscal year. Such payment will be made to cover the cost of uniforms, maintenance, cleaning of such uniforms, and for other duty-related expenses and for the unit member to provide a required flashlight and fresh batteries.

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C. A new unit member will receive an initial fiscal year uniform allowance equal to 1/12 of the annual allowance per month from the first day of the month of his employment through the end of the fiscal year. This payment will be made in a lump sum during the first 60 days of employment.

D. A unit member who leaves City Employment shall repay to the City the uniform allowance equal to 1/12 of the annual allowance per month for each month remaining in the fiscal year after the last day of the month in which separation occurs, provided, however, that a unit member who retires will not be required to repay any uniform allowance. In addition, the family or beneficiary of a unit member who dies while in the employment of the City shall not have to pay back any uniform allowance.

E. A unit member who has been on extended leave (paid or unpaid), excluding industrial leave, sick leave, or military leave of 2 months or longer, shall have the next annual uniform allowance reduced by 1/12 of the annual allowance for each month of extended leave.

F.

1. On or before August 1 of each fiscal year, a unit member assigned to the following details/squads/units will, in addition to his annual clothing allowance, be provided a one-time payment per the following schedule upon initial transfer to that assignment.

Canine	$320
SAU (Tactical)	$320
Air Unit	$320
Solo Motor	$320
TRU***	$320
Detectives*	$320
Bike Officers**	$320
Honor Guard	$320

* Detective is defined as a certified detective who is in a detective or investigative assignment or an assignment that normally requires the unit member to wear civilian business clothes.

** Bicycles will be furnished by the City. To be eligible for the one-time payment of $320, a bicycle officer must successfully complete the 40-hour bicycle certification class and be assigned to NET, DOU, CAO, the airport, or a School Resources Assignment, or any designated bike squad approved by the Police Chief (i.e. the Desert Horizon Precinct Bike Squad).

2. A unit member assigned to the following details/squads/units will receive, on or before August 1 of each fiscal year, in addition to his initial uniform allowances described in section F1 above, an annual maintenance allowance per the following schedule:

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Canine	$320
SAU (Tactical)	$320
Air Unit	$320
Solo Motor	$320
Detectives	$320
TRU***	$320
Bike Officers**	$320
Honor Guard	$320

The provisions of Subsection D of this Section shall apply to this Subsection.

** To be eligible for the one-time payment of $320, a bicycle officer must successfully complete the 40-hour bicycle certification class and be assigned to NET, DOU, CAO, the airport, or a School Resources Assignment, or any designated bike squad approved by the Police Chief (i.e. the Desert Horizon Precinct Bike Squad). All bicycle officers, assigned to one of the details above, who do not ride during the course of their regular duties, will be required to work at a minimum, one shift every fiscal year with DOU, during a regular shift or a special event, utilizing Department issued bicycles. This event will be coordinated with DOU command staff and the affected units' command. Proper notice of schedule change will occur of the shift is outside of the unit members normal work hours.

*** TRU is defined as an officer who has completed the annual TRU certification course and is assigned to a TRU response/support squad. The Unit member must attend annual training and maintain certification to be eligible for allowances.

G.

1. A unit member who purchases a new ballistic vest shall, upon showing proof of purchase, be reimbursed an amount up to, but not exceeding, $1,000.

2. **At the time of the purchase, the member can utilize the remainder of stipend to purchase department authorized armor plates.**

3. Upon replacement of his ballistic vest, a unit member shall be entitled to the above $1,000 reimbursement every 5 years.

H.

1. The City agrees to reimburse a unit member for the repair or replacement of uniform items and for other personal property damaged in the course of employment and performance of their assigned duties without fault or negligence on the part of the unit member, other than normal wear and tear in accordance with the schedule of items and maximum amounts authorized for reimbursement outlined below:

Business Suit	$250
Business Dress	$100

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Sport Coat	$150
Dress Shirt	$50
Dress Trousers	$75
Dress Skirt	$75
All Shoes	$100
Uniform Boots	ALL
Motorcycle Boots	ALL
Motorcycle Gloves	$100
Glasses and contacts RX	ALL
Sunglasses -non-RX	$80
Watches	$80
Jewelry	$75
Police Uniform Trousers	ALL
Police Motorcycle Breeches	ALL
Police Uniform Shirt	ALL
Police Jacket	ALL
Police Motorcycle Jacket	ALL
Flashlight	$100
Ballistic Vest	ALL
Service Weapon and (up to cost of City weapon) authorized attached accessories	

2. Reimbursements for full, 3/4, 1/2, 1/4, value are based on the supervisor's evaluation and recommendations of the article's condition and age. Items not listed above are not covered by the policy.

3. The option to repair or replace damaged items, and to determine whether replaced property will be returned to unit member, rests with the City.

4. The provisions of this policy shall not apply if the unit member has concealed or misrepresented any material fact or circumstances concerning the subject of the loss, his interests therein, or in the case of any fraud or false statements by the unit member relating thereto.

I. Upon duty related retirement, the City will provide the retiring member a Retired Police Officer's Commission Card similar in appearance to the regular Commission Card.

J. Upon retirement, **with Chief approval,** a unit member will receive his breast badge mounted on a plaque, a retired flat badge and case, handcuffs, and his fully functional department-issued service weapon, including all 3 duty magazines, for $1.00. If the unit member dies in the line of duty or while employed by the department, the unit member's spouse or an adult survivor may elect to receive these items, except for the flat badge and case, for $1.00 which will be paid by PLEA. The unit member's spouse or adult survivor will have the option of receiving the service weapon in a fully functional condition, or may request the unit member's service weapon be disabled and mounted in a shadow box, or may decline

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receiving the service weapon. The choice will be made in writing. PLEA will provide a gun safety device, upon request by the unit member.

K. A unit member assigned to the Canine Detail will have the option of purchasing his dog as follows:

1. If both the police dog and the unit member have been in the Canine Detail in excess of 5 years, at retirement the unit member may purchase his dog for $1.00.

2. If both the police dog and the unit member have been in the Canine Detail in excess of 5 years and the unit member leaves other than for retirement, the decision to allow the purchase of his dog will be made on a case by case basis and this decision will not be arbitrary.

L. Unit members who are assigned a rifle, currently qualified, and assigned to patrol or a patrol specialty unit, **Downtown Operations Unit, and Airport Bureau** will receive a stipend to offset costs of any Department authorized equipment already purchased, that assists them with deployment and utilization of their rifle as follows:

- **E**ligible employees will be able to submit a memo with attached receipts for new and/or replacement rifle related equipment up to a limit of $500 every 5 years.

Members will accumulate receipts for newly purchased equipment and will make one submission to fiscal for reimbursement.

Section 5-7: Reimbursement for Education Expenses

A. A unit member who participates in the Tuition Assistance Program shall be eligible for tuition reimbursement pursuant to the following provisions:

1. For the **2021-2023** fiscal years, an employee may submit tuition expenses incurred in the prior fiscal year such that the maximum total reimbursed does not exceed $13,000 across any two-year period.

2. To be eligible for any reimbursement, a unit member must have successfully completed academic or training courses approved by the Police **Chief** and the Human Resources Director as provided in existing regulations.

3. Unit members shall be allowed to use up to $500.00 of their reimbursement benefit for job-related seminars, workshops, and professional memberships each fiscal year.

Section 5-8: Leave of Absence

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Subject to development of administrative controls, a unit member who has no other accumulative paid leave may use up to 10 hours per year of accumulated sick leave for non-emergency home care or medical treatment for a member of the unit member's immediate family subject to operational and scheduling factors. When utilizing this benefit, the member shall identify the use of such time as non-emergency family illness. Such leave request shall not be unreasonably withheld.

Section 5-9: Workers' Compensation

A. Employees shall continue to receive 100% of their current rate of pay while off-duty due to an industrial injury based on current practice which is a maximum of 1 year per injury, thereafter the rate becomes 66-2/3%.

B. Should the Association believe that a dispute in jurisdiction is unduly delaying a Workers' Compensation claim, or if the Association believes the City needs to provide greater assistance to an employee trying to reopen an old claim, the Association may request a meeting with City Workers' Compensation staff (provided the involved employee signs a release to do so) and such meeting will be scheduled within 14 calendar days.

C. The City will first attempt to use physicians from specialty lists created by City of Phoenix Pension Boards for Independent Medical Examinations for employees in Unit 4.

D. Family and Medical Leave Act (FMLA) leave shall not run concurrent with leave paid as industrial injury/illness (e.g. Workers' Compensation).

ARTICLE 6: Miscellaneous

Section 6-1: Saving Clause

A. If any Article or Section of this Memorandum should be held invalid by operation of law or by a final non-appealable order of the Phoenix Employment Relations Board or a final judgment of any court of competent jurisdiction, or if compliance with or enforcement of any Article or Section should be restrained by such tribunal, the remainder of this Memorandum shall not be affected thereby; and upon issuance of such final order or decree, the parties, upon request of either of them, shall meet and confer to endeavor to agree on a substitute provision or that such a substitute provision is not indicated.

B. It is recognized by the parties that currently the provisions of the Fair Labor Standards Act are applicable to certain of the wage and premium pay provisions of this Memorandum of Understanding (MOU) and that this MOU shall be administered in compliance with the Act for so long as the Act is applicable.

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C. It is recognized by the parties that currently the provisions of the Americans with Disabilities Act are applicable to certain of the provisions of this Memorandum of Understanding (MOU) and that this MOU shall be administered in compliance with the Act for so long as the Act is applicable.

Section 6-2: Copies of Memorandum

Within 60 days from the date that this Memorandum is adopted by the City Council, the Association will arrange for printing of it for furnishing one to every unit member, unit supervisor and to management personnel. The cost of such duplication and distribution will be borne equally by the Association and the City. Printing vendors secured by the Association shall comply with Chapter 18, Articles IV (City Construction Contractors' Affirmative Action Requirements) and V (Supplier's and Lessee's Affirmative Action Requirements), Phoenix City Code.

Section 6-3: Aid to Construction of Provisions of Memorandum of Understanding

A. It is intended by the parties hereto that the provisions of this Memorandum shall be in harmony with the rights, duties, obligations and responsibilities which by law devolve upon the City Council, City Manager, Police **Chief**, and other City boards and officials, and these provisions shall be interpreted and applied in such manner.

B. The Association recognizes the powers, duties and responsibilities of the Police **Chief** as set forth in the Charter and Ordinances and that pursuant thereto the Police **Chief** has the authority to establish rules and regulations applicable to the operation of the Police Department and to the conduct of the police officers employed therein, subject to the express provisions of this Memorandum.

C. The lawful provisions of this Memorandum are binding upon the parties for the term thereof. The Association having had an opportunity to raise all matters in connection with the meet and confer proceedings resulting in this Memorandum is precluded from initiating any further meeting and conferring for the term thereof relative to matters under the control of the Police **Chief**, the City Council or the City Manager. This section shall not be construed to limit free and informal discussions under, Section 2-2 hereof.

Section 6-4: Changes in Department Operations Orders Pursuant to this Memorandum

A. Within 60 days from the date this Memorandum is adopted by the City Council, the Department shall **provide electronic** copies of those Department and Operations Orders reflecting changes pursuant to this Memorandum. Copies of such changes shall be available to each unit member on or about July 1 of each fiscal year or as soon thereafter as possible.

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B. During the preparation of changes to the Department's Operations Orders, and precinct/bureaus manuals, drafts of the proposed changes will be staffed out to the Association.

Section 6-5: Physical Fitness

A. It is recognized by the parties that it is the responsibility of a unit member at all times to make every effort to maintain his physical condition so as to be fully fit to perform his duties with maximum effectiveness.

To assist a unit member in this respect, the City agrees to provide and maintain exercise equipment for each precinct station, Deer Valley, Resource Bureaus, Police Headquarters, and at the Training Academy.

B. The City will provide required FAA physicals to pilots assigned to the Air Support Unit.

C. If a unit member, while carrying out his official duties is exposed to an infectious disease/virus, the City agrees to pay the expenses for inoculation of the member.

D. Unit members are allowed to work out on their "Code 7" at Police Department facilities. Unit members are required to remain in workpants/boots. Employees who work out on their "Code 7":

- Must adhere to Operations Order 4.1 (Meals and Breaks);
- Must submit a workout memo through the Chain of Command to the Department Fitness Coordinator;
- Adhere to Operations Order 3.7 (Industrial Injuries);
- Must limit their activity to Strength Training/Cardio Training;
- May not work out on their "Code 7" during overtime shifts; and,
- May not work out during the last 2 hours of their duty shift, unless approved by their supervisor.

Program viability will be reviewed annually by the Police Chief.

Section 6-6: Term and Effect of Memorandum

A. This Memorandum shall remain in full force and effect beginning with the first regular pay period commencing in July **2021**, up to the beginning of the first regular pay period commencing in July **2023**.

B. Except as expressly provided in this Memorandum, the City shall not be required to meet and confer concerning any matter, whether covered or not covered herein,

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during the term or extensions thereof. This paragraph is not intended to preclude informal discussions under Article 2, section 2-2 hereof.

C. The provisions of this Memorandum shall be subject to Federal, State, Charter, and existing local laws that vest jurisdiction and authority in the City Council, Phoenix Employment Relations Board, and Phoenix Civil Service Board.

D. This Memorandum constitutes the total and entire agreements between the parties and no past written or verbal statement/agreements shall supersede any of its provisions.

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IN WITNESS WHEREOF, the parties have set their hands this ____ of April, 2021.

_____
Darrell Kriplean, Chief Negotiator, Phoenix Law Enforcement Association (PLEA)

_____
Xavier Frost, Deputy Human Resources Director/Labor Relations, City of Phoenix

_____
Ed Zuercher, City Manager, City of Phoenix

ATTEST:

_____
Denise Archibald, City Clerk, City of Phoenix

APPROVED AS TO FORM:

_____
Acting City Attorney, City of Phoenix

PLEA Team:	City of Phoenix Team:
Darrell Kriplean, Chief Negotiator	Xavier Frost, Deputy HR Director, Labor Relations
Micheal London	Michael Kurtenbach, Executive Assistant Police Chief
Toby Sexton	Gabriel Lopez, Assistant Police Chief
Michael Thomas	Brian Freudenthal, Commander
Yvette Bro	Matthew Siekmann, Commander
John Maxwell	Tobin Daily, Public Safety HR Liaison
Becky Maldonado (Scribe)	Mark Bizik, Management Assistant II
	Marie Rabusa, Management Intern (Scribe)

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ATTACHMENT A

DRUG TESTING

The Phoenix Police Department's Operations Order 3.21, Controlled Substance Screening policy, is added to this Memorandum as Attachment B.

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ATTACHMENT B

RETIREE HEALTH CONTRIBUTION

City of Phoenix

The City shall provide Basic Medical Reimbursement Plan (MERP) benefits to MERP eligible unit retirees and to unit members who are hired before August 1, 2007 and are eligible to retire no later than August 1, 2022 (the date of an individual's retirement eligibility was determined on August 1, 2007), at the monthly amounts based on years of service listed below:

5 to 14 years of service	$135.00
15 to 24 years of service	$168.00
25 or more years of service	$202.00

Unit employees hired on or after August 1, 2007, regardless of years of service, may qualify for a Post Employment Health Plan (PEHP) account.

Public Safety Personnel Retirement System (These benefits are not under City of Phoenix control)*

Retiree only not on Medicare	$150.00
Retiree & family not on Medicare	$260.00
Retiree only on Medicare	$100.00
Retiree - one with Medicare	$215.00
Retiree - all on Medicare	$170.00

*Rates shown are for the 2012 calendar year. For current rates, see http://www.psprs.com/

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ATTACHMENT C

Unit 4 – Police Officers
WAGES

Police Officer, Job Code 62210

	Effective ~~July 1, 2019~~			Effective ~~July 13, 2020~~		
STEP	HOURLY	BI-WEEKLY	ANNUAL	HOURLY	BI-WEEKLY	ANNUAL
1	~~22.23~~	~~1,778.40~~	~~46,238~~	~~22.23~~	~~1,778.40~~	~~46,238~~
2	~~23.40~~	~~1,872.00~~	~~48,672~~	~~23.40~~	~~1,872.00~~	~~48,672~~
3	~~24.75~~	~~1,980.00~~	~~51,480~~	~~24.75~~	~~1,980.00~~	~~51,480~~
4	~~26.19~~	~~2,095.20~~	~~54,475~~	~~26.19~~	~~2,095.20~~	~~54,475~~
5	~~27.74~~	~~2,219.20~~	~~57,699~~	~~27.74~~	~~2,219.20~~	~~57,699~~
6	~~29.34~~	~~2,347.20~~	~~61,027~~	~~29.34~~	~~2,347.20~~	~~61,027~~
7	~~31.01~~	~~2,480.80~~	~~64,501~~	~~31.01~~	~~2,480.80~~	~~64,501~~
8	~~33.47~~	~~2,677.60~~	~~69,618~~	~~33.47~~	~~2,677.60~~	~~69,618~~
9	~~36.01~~	~~2,880.87~~	~~74,903~~	~~36.90~~	~~2,952.31~~	~~76,760~~

Police Officer*Pilot, Job Code 62211

	Effective ~~July 1, 2019~~			Effective ~~July 13, 2020~~		
STEP	HOURLY	BI-WEEKLY	STEP	HOURLY	BI-WEEKLY	STEP
1	~~37.37~~	~~2,989.25~~	~~77,721~~	~~38.29~~	~~3,063.39~~	~~79,648~~

Police Officer*Rescue Pilot, Job Code 62212

	Effective ~~July 1, 2019~~			Effective ~~July 13, 2020~~		
STEP	HOURLY	BI-WEEKLY	STEP	HOURLY	BI-WEEKLY	STEP
1	~~38.76~~	~~3,100.95~~	~~80,624.58~~	~~39.72~~	~~3,177.85~~	~~82,624~~

Police Officer*Flight Instr, Job Code 62213

	Effective ~~July 1, 2019~~			Effective ~~July 13, 2020~~		
STEP	HOURLY	BI-WEEKLY	STEP	HOURLY	BI-WEEKLY	STEP
1	~~40.21~~	~~3,216.78~~	~~83,636.17~~	~~41.21~~	~~3,296.55~~	~~85,710~~

Police Officer*Chief Pilot, Job Code 62214

	Effective ~~July 1, 2019~~			Effective ~~July 13, 2020~~		
STEP	HOURLY	BI-WEEKLY	STEP	HOURLY	BI-WEEKLY	STEP
1	~~41.69~~	~~3,335.09~~	~~86,712~~	~~42.72~~	~~3,417.80~~	~~88,863~~

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City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 43

Public Comment on Proposed MOU Between City of Phoenix and Phoenix Fire Fighters Association, IAFF Local 493 (Unit 5)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the Phoenix Fire Fighters Association, IAFF Local 493 (Unit 5).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 44

Approving the Memorandum of Understanding Between City of Phoenix and Phoenix Fire Fighters Association, IAFF Local 493 (Unit 5) (Resolution 21915)

The City of Phoenix has met and conferred with the Phoenix Fire Fighters Association, IAFF Local 493 (Unit 5), in accordance with the terms of Section 2-218 of the City Code, and a Memorandum of Understanding (MOU) has been approved by the organization's membership. A copy of the proposed MOU has been filed with the City Clerk and an opportunity for public comment has been requested as an agenda item preceding this resolution.
The following is a summary of the most significant agreements outlined in the proposed MOU:

TRANSPARENCY

Based on public dialogue about the need for greater transparency and accountability for city employees, several sections of the contract are modified. These modifications are proposed consistently through all City of Phoenix employee contracts. Signing these modifications is tied to an additional compensation increase as described in the COMPENSATION section. These transparency and accountability modifications are as follows:

Investigation language:
Add guidelines for conducting employee investigations.

Discipline to remain for employee’s career:
Change current language that allows discipline to be considered up to 5 years for progressive discipline, transfers, and promotions. Under this agreement, 10 categories of discipline will last for the life of employment. These are shown in the attached agreement.

Representation on Grievance Committees:
Update current language to rotate mutually agreed representation on grievance committees to ensure an impartial review.

Purging Files:
Place the process into a single chart that makes it clear that discipline remains in the

City's human resources files and that there is no "purging" of employee records.

COMPENSATION
IAFF is proposed to receive the same percentage increases of total compensation as the other labor groups as follows:

Year 1:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Additional compensation for agreeing to the City's transparency and accountability proposals:
Ongoing 0.5% of total compensation
Non-continuous 0.5% of total compensation

Year 2:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

MEMORANDUM OF UNDERSTANDING

2021 – 2023

CITY OF PHOENIX

AND

PHOENIX FIRE FIGHTERS ASSOCIATION

LOCAL 493

REPRESENTING UNIT 5 EMPLOYEES

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PREAMBLE

WHEREAS, the parties, through their designated representatives, met and conferred in good faith pursuant to Ordinance G-3303 in order to reach agreement concerning wages, hours, and working conditions of employees comprising the Fire Fighter Unit, and,

WHEREAS, the parties hereby acknowledge that the provisions of this Memorandum are not intended to abrogate the authority and responsibility of City government provided for under the statutes of the State of Arizona or the Charter or ordinances of the City of Phoenix except as expressly and lawful limited herein,

NOW, THEREFORE, having reached this complete agreement concerning wages, hours, and working conditions for the term specified, the parties submit this Memorandum to the City Council of the City of Phoenix with their joint recommendation that body resolve to adopt its terms and take such other action as may be necessary to implement its provisions.

Article 1: Rights

Section 1-1. Gender

Whenever any words used herein in the masculine, feminine or neutral, they shall be construed as though they were also used in another gender in all cases where they would so apply.

Section 1-2. City and Department Rights

A. The Union recognizes that the City and the Fire Chief retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of and the manner in which the Fire Department's service delivery activities are conducted, managed, and administered, and the Union recognizes the exclusive right of the Chief to establish and maintain departmental rules and procedures for the administration of the Fire Department during the term of this Memorandum provided that such rules and procedures do not violate any of the specific express provisions of the Memorandum.

B. The City and the Chief have the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City subject to the express terms of this Memorandum.

C. It is understood by the parties that every incidental duty connected with operations

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enumerated in job descriptions is not always specifically described; nevertheless, it is intended that all such duties shall be performed by the employee.

D. The Chief and City Manager reserve the right to discipline or terminate employees for just cause subject to Civil Service procedures.

E. The City and the Chief shall determine and establish methods and processes by which duties are performed subject to the express terms of this Memorandum.

F. The City and Chief shall have the right to transfer employees within the Department in a manner most advantageous to the City subject to the express terms of this Memorandum.

G. Except as otherwise specifically provided in the Memorandum, the City and the Chief retain unqualifiedly all rights and authority to which, by law, they are entitled.

H. The City shall have the authority to effect reorganizations of the Department. However, any such reorganization shall be discussed by the Labor-Management Committee prior to implementation.

I. The Union recognizes that the city has statutory and Charter rights and obligations in contracting for matters relating to municipal operations.

J. The inherent and express rights of the City and the Chief, including those herein specifically referred to, which are not expressly modified or restricted by a specific provision of this memorandum, are not, in any way directly or indirectly, subject to the Grievance Procedure herein.

K. Nothing herein shall be construed to diminish the rights of the City under Section 5 of Ordinance G-3032 or to diminish the provisions of the Civil Service Rules.

Section 1-3. Rights of the Union

A. The Union, as the authorized representative, has the exclusive right to serve as the meet and confer representative of all employees in the Fire Fighter's Unit as certified by the Phoenix Employment Relations Board on July 29, 1976.

B. The Phoenix community benefits from harmonious and cooperative relationships between the City and its employees. The Union plays an important role furthering this relationship and ultimately improving service to the City and its citizens. Accordingly, the City and the Union have negotiated various rights for unit employees as set forth in this MOU, in exchange for services to the City and in lieu of increased compensation. These bargained-for rights will promote and improve enhanced

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service delivery models and public safety, along with other tangible benefits to the City's residents.

C. The Phoenix City Council has determined, and Unit 5 agrees, there are specific activities that confer a public benefit; a dual public/private purpose or an exclusively public purpose, for which up to 2 Unit 5 (IAFF) members may be released and will perform these duties under City Business.

D. The City's Labor Relations Administrator or authorized designee will be responsible for coordinating the City Business Time. The Labor Relations Administrator shall work directly with Unit 5 in order to confirm any and all paid activity of the Authorized Employees is consistent with the activity approved below. The two Unit 5 members identified in Subsection B shall submit reports each pay period to the Labor Relations Administrator documenting the City Business and any leave (e.g., donated leave, vacation leave, sick leave, etc.) used during that pay period. The City has the right to audit time cards submitted. In the event there is disagreement, the parties will meet to discuss the matter at the request of Unit 5 or the City. The audit may result in Unit 5 reimbursing the City, by submitting Union Release hours, donated leave, personal leave, or monetary payment from the Union, for activity not deemed City Business under this Agreement.

E. City Business Time

The City has determined there are activities that confer a public benefit, a dual public/private purpose or an exclusively public purpose for which members of Unit 5 should be released from their official duties to perform. Unit 5 acknowledges its members will receive City Business time for the time spent performing the following activities:

1. Authorized Employees will attend trainings that have been authorized in advance by Administration.

2. Authorized Employees will facilitate communication between employees and management ensuring a safe and efficient delivery of services, as well as developing a heightened degree of labor/management cooperation.

3. In coordination with management, Authorized Employees will communicate new programs and/or policy changes to the broader City workforce that are members of the bargaining unit in order to streamline service delivery and ensure timely implementation of changes in policy or programs. Changes in safety or security policy and procedure will be prioritized.

4. In coordination with management, as a means of achieving a healthier workforce and driving down costs associated with workers' compensation, the cost of providing healthcare and the use of sick time, Authorized Employees will assist

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bargaining members with understanding coordination of benefits.

5. In order to ensure City resources are well coordinated, upon the direction of the City and consent of IAFF, Authorized Employees will participate in various City committees, labor management meetings, or labor management work groups as a member of the committee or group.

6. Participate in Department-authorized or City-sponsored authorized community projects and events.

7. Represent employees involved in critical incidents at the time of incident (e.g., personal injury related).

8. As a means of controlling administrative and litigation costs associated with employee matters in a large and complex City and with the goal of resolving matters at the earliest possible stage, at management's request Authorized Employees will assist bargaining unit members**/employees** and management in matters related to employer/employee relations.

9. Legislative, lobbying or political activities with the approval of the City Manager or authorized designee.

F. Activities not eligible for City Business Time

Authorized Employees shall be prohibited from engaging in any of the following activities while on paid City Business time:

1. Lobbying. This includes letter writing or telephone calls, without approval of the City Manager or authorized designee.

2. Legislative Activity. This includes participating in the preparation or distribution of legislative proposals, without approval of the City Manager or authorized designee.

3. Organizing. This includes preparing and/or distributing union related materials.

4. Civil Service Discipline. This includes the representation of any bargaining unit member**/employee** in disciplinary matters before the Civil Service Board.

5. Bargaining/Negotiations. This includes any matters deemed to be a mandatory subject of bargaining.

6. Representation in grievance or disciplinary proceedings.

G. Requests for City Business Time

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1. A union member who wishes to use City Business time must submit a written request *(e-mail will suffice)* as soon as the need for time is known but no later than 72 hours in advance, when practical, of the time requested to an individual designated by the Labor Relations Administrator or authorized designee. Any such request must specify what the time will be used for. A request for City Business time will be approved only if the activity has either a dual public/private purpose or an exclusively public purpose. Upon Labor Relations Administrator approval, Fire Department time management will be notified of the approved leave for entry into Telestaff.

H. Union Representatives

1. The Union may designate 2 shift representatives for each of the 3 24 hour shifts (Shift A, Shift B, and Shift C) and 1 for the day shift with the understanding that the Union will make every effort to ensure that the shift representative works on the shift represented and shall notify the Fire Chief of such designations. There shall be no obligation on the Department to change or adjust normal departmental scheduling or assignments of personnel as a result of such designations.

2. Union representatives may attend mutually scheduled grievance, investigative, and disciplinary meetings and hearings with department representatives during duty hours by using the Bank of Donated Leave. Time spent during duty hours for any other union activity, such as gathering information, interviewing the grievant or witnesses, attending a union meeting, or preparing a presentation shall also be charged against the Bank of Donated Leave as described in Article 5, Section 5-5.

I. Union members may be authorized in advance in writing to engage in Union related activities during duty hours on a non-paid basis by the Fire Chief at such time and in such instances when in the discretion of the Chief such will not in any manner interfere with the efficient and economical operations of the Department nor adversely impact the level of Fire Fighting services or support services.

J. There shall be no use of official time for Union-related activities except as expressly authorized under Section 1-3E of Article 1. The Department shall maintain procedures to administer and control use of official time in conformity with the provisions of this Section.

K. Upon the Union's filing of a Third Party Data Sharing Agreement with the Labor Relations Division, the City shall furnish to the Union on request, at actual cost, a listing of Union members on City payroll deduction in July and January during the term of this agreement indicating name, mailing address, and job assignment.

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L. The City shall, in conformity with Ordinance G-3303, deduct monthly the Union members regular periodic Union membership dues and/or special assessments pursuant to authorization on a form to be provided by the City, duly completed and signed by the Union member, and transmit such deductions to the Union on a monthly basis; except, however, that such deduction shall be made only when the employee's earnings for a pay period are sufficient after other legally required deductions are made. The City shall, at the request of the Union, make changes in the amount of the deduction hereunder during the term of this Memorandum at cost for implementing such change. The City shall not make dues deductions for Unit employees on behalf of any other employee organization during the term of this Memorandum. The City assumes no liability on account of any action taken pursuant to this paragraph. In addition, with sufficient notice the Union may request a change in dues deduction to either monthly or bi-weekly for the entire membership each July 1 or at other times agreed to by the parties. By filling out and submitting a voluntary deduction form for membership dues, each unit member**/employee** is clearly and affirmatively consenting to the deduction of the stated amount of money for membership dues from their pay check.

M. The City will continue to provide those bulletin boards as designated by the City in the past exclusively for posting of official Union literature that is not political in nature, abusive of any person or organization, or disruptive of the department's operations. In addition, the Union will be allowed to use all Fire Department Communications tools to disseminate such information when necessary. Such announcements shall not be political in nature, nor shall they be abusive of any person or organization or disruptive of the department's operation. The Assistant Chief in charge of personnel, or his designee, shall review the content of the buck slip communications prior to distribution.

N. Nothing herein shall be construed to diminish the Union's rights under Ordinance G-3303.

O. The City will provide the Union, upon request, non-confidential and readily available information concerning the Union that is necessary to Union representatives for negotiations, and is not otherwise available to the Union, such as personnel census, employee benefit data, and survey information. Such requests shall be made through the Assistant Chief in charge of personnel. Any unusual costs incurred by the City in connection with this Section shall be borne by the Union.

P. The Union and the Department will jointly present training to new Fire Fighter recruits about the activities that are mutually beneficial to the City and the Community. This time will be allotted sometime during the last 4 weeks of training of said recruits at the Training Academy. During such discussions, Union representatives shall avoid the dissemination of information that is political in nature, abusive of any person or organization or disruptive of the Department's operation. City business time will be available for this purpose.

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Q. **Seniority**

1. The City shall provide the Association with a list of unit members**/employees** showing each unit member's**/employee's** City employment date and class employment date.
2. Seniority shall be by length of service within a class. If seniority within the class is not determinative, then length of service with the City shall prevail.
3. Seniority will be applied in conjunction with City of Phoenix Personnel Rule 14.
4. The Department will also post an annual seniority list (beginning of the fiscal year) on the Department's internal webpage. In addition, new promotional lists for Fire Engineer and Fire Captain will be posted on the internal webpage after they are certified and finalized by City HR.

Section 1-4. Rights of Unit Employees

A. All employees have the right to have the Union serve as their meet and confer representative without discrimination based on membership or non-membership in the Union or any other organization. Whenever the terms "employee, Unit employees, grievant" or some derivation of those, is used in this MOU it shall be synonymous with the term "Unit member**/employee**."

B. Union employees have the right to be represented or not to be represented by the Union in dealings with the City concerning grievances and matters pertaining to their individual employment rights and obligations.

C. It is understood by the parties that the benefits granted by Section 1-4 of Article 1 shall not be interpreted or applied as requiring the employer to count as time worked any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Section. The employer shall count as paid leave any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Section.

D. **The official discipline record is maintained in the Personnel File by the Human Resources Department. Copies maintained in either the Supervisory and/or Department files are not the official record. Employees may request to remove/inactivate eligible documents based on the below criteria by contacting the department Human Resources Officer. Official records may only be inactivated and not removed per records retention law, and members/employees will receive confirmation once the requested record is removed/inactivated.**

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Document	Supervisory File	Department File (if applicable)	Personnel File (OFFICIAL FILE)
Coaching's/Supervisory Counseling's	Maintain original in file. Remove annually provided no further incidents.	Not maintained in file.	Not maintained in file.
Written Reprimands	Maintain copy in file. Remove annually provided no further incidents.	Maintain copy in file. Employee may request to remove after 3 years.	Maintain original in file. Employee may request to inactivate after 3 years.
Suspensions (other than below)		Maintain copy in file. Employee may request to remove after 10 years.	Maintain original in file. Employee may request to inactivate after 10 years.
Discipline under 21b2, 21b4, 21b5, 21b12, 21b13, 21b14, 21b15, 21b18, 21b19, 21b20.		Maintain copy in file. Cannot Remove	Maintain original in file. May not be inactivated

Discipline older than 5 years from the date of issuance will not be considered for progressive discipline or promotion/transfer purposes except for the following types of discipline, which may be considered for the duration of employment (and upon the employee's return to employment, if applicable}:

Final sustained discipline of suspension or higher of the following;

- **The employee has been abusive or threatening in language or conduct towards fellow employees;**
- **The employee has solicited or taken for personal use a fee, gift or favor in the course of the assigned work or in connection with it, which would lead toward favoritism or the appearance of favoritism or a conflict of interest;**
- **That the employee Is In possession of a deadly weapon (as defined In ARS 13-3101), except a pocketknife (as provided In ARS 13-3102) at a City worksite;**
- **The employee has intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix;**
- **The employee has stolen or is in unauthorized possession of City property or the property of another employee or citizen;**
- **The employee is under the influence of alcohol or illegal drugs on the job;**
- **The employee has violated City of Phoenix anti-harassment or anti-discrimination policies;**
- **The employee committed a violation of the City's Ethics Policy;**
- **The employee committed an act of dishonesty;**
- **The employee committed an act meeting the elements of a felony.**

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E. **Supervisors are encouraged to discuss concerns and attempt to resolve those concerns with a member/employee without utilizing a formal investigatory process. Supervisors are encouraged to not utilize an investigatory process unless they have a reasonable belief that discipline (a written reprimand or higher) could result. Should information be made during a conversation to attempt to resolve an issue that could result in discipline, the supervisor will stop the meeting and utilize an investigatory process as outlined below. Any interview becomes investigatory when facts or evidence sought by the City may result in a disciplinary action**.

1. **The City may, at its discretion, either conduct investigatory interviews with members/employees or issue members/employees written questions. In either case, a Notice of Inquiry (NOI) form will be used. The intent of the NOI is to clearly put members/employees on notice that they are under investigation that could result in discipline, inform them of the nature of the allegations against them, and inform them of their right to representation.**

2. **If the City elects to issue written questions to the member/employee, the following shall apply:**

    a. **If an NOI is being issued and there is no active questioning, representation is not required. Members/employees may bring a representative if they desire, however there will be no discussion during the issuance of the NOI.**

    b. **The member/employee will have 72-hours excluding holidays and N-days to respond in writing and provide any other material requested. This deadline may be extended by mutual agreement if there are extenuating circumstances.**

3. **If the City elects to conduct an investigatory interview, the following shall apply:**

    a. **Prior to the member/employee being interviewed, the member/employee shall be advised of their right to a representative.**

    b. **The NOI form will be issued at the meeting.**

    c. **The union representative may assist and consult with the member/employee, attempt to clarify the facts or questions asked,**

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and suggest other members/employees or witnesses who may have knowledge of the underlying issues. The union representative cannot speak on behalf of the member/employee or impede the progress of the interview.

d. **The member/employee or representative may ask for a caucus during the meeting. Caucuses will be granted for a reasonable timeframe.**

e. **The interviewer may not prohibit the union representative from engaging in representation, including consulting with the member/employee. The member shall be allowed to seek advice from their representative in caucus during the interview. A caucus will not be permitted when a question is pending. The member/employee will be given the opportunity to clarify their answer after the caucus.**

f. **All parties may not behave in a violent, verbally abusive, insulting, or demeaning manner toward the interviewer.**

g. **Prior to the conclusion of the meeting, the member/employee or representative shall have the opportunity to make a closing statement.**

h. **If the department requires a written statement at an investigatory meeting, the member/employee will be compensated up to one hour of City time to write the statement. Additional time may be granted at the discretion of the department and will not be withheld arbitrarily.**

i. **The member/employee will be provided with a copy of the interview notes and given 72 hours to confirm their answers and provide any additional information.**

j. **Except for emergency situations, the unit members/employees shall have a minimum of 48 hours to arrange for union representation when the member/employee is the subject of an administrative investigatory interview. The union representative will make every reasonable attempt to arrive within the 48 hours. A member/employee may waive the 48-hour time requirement if the member/employee is not opting for representation.**

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4. **Regardless of whether the City elects to interview the member/employee, or issue written questions, the following shall apply:**

    a. **The member/employee will be instructed not to speak to anyone regarding an investigation. This restriction does not apply to the union, the union's attorney, the member/employee's family, the member/employee's attorney, the investigator, or chain-of-command.**

    b. **The member/employee will be advised if the inquiry is supervisor initiated or the result of a citizen complaint, employee/co-worker complaint, or other.**

    c. **The member/employee shall also be informed of the Garrity protections afforded to public employees who may also be under criminal investigation or whose actions meet the elements of a crime [Garrity v. New Jersey, 385 U.S. 493, 87 S.Ct. 616 (1967)].**

    d. **A unit member/employee shall receive a copy of any statement that they are asked to sign.**

    e. **Every 60 days, a unit member/employee under investigation or their designated representative may request a status update. At management's discretion, the status will be provided either verbally or in writing.**

5. **Miscellaneous**

    a. **A unit member/employee identified solely as a witness will not be prevented from contacting the union (association) on their own time to consult with a union (association) representative prior to their interview.**

    b. **No investigatory documentation, such as the NOI or witness statements shall be kept in the Personnel or Supervisory Files after the investigation is concluded.**

6. **Unit members/employees will be permitted to apply and/or compete in a transfer process while in a pending investigation. The transfer process will not be delayed pending the conclusion of the related investigation.**

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7. **A member/employee who receives a written reprimand or suspension may request a copy of the information upon which the written reprimand or suspension was based, pertaining to what was specifically cited in the discipline at no cost to the member/employee.**

8. **It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the member/employer to count as time worked, any hours or fractions of hours spent outside the member/employee's work shift in pursuit of benefits provided by this Article unless otherwise specified in this MOU. The employer shall count as time worked any hours or fractions of hours spent within the member/employee's regular work shift in pursuit of benefits provided by this Article.**

F. **Member Discipline**

Any member receiving discipline that results in a loss of hours, or days or work, will have those hours converted to match their appropriate work schedule. Discipline for 40-hour members shall be equal to 8 hours for one work day. Discipline for 56-hour members shall be equal to 11.2 hours for one work day. Any discipline exceeding one day will be increased proportional to the hours outlined in this section.

Section 1-5. Prohibition of Strikes and Lockouts

A. The Union pledges to maintain unimpaired Fire Fighting and related supported services as directed by the Fire Chief. It shall not cause, condone, counsel or permit employees, to strike, fail to fully and faithfully perform duties, slow down, disrupt, impede or otherwise impair the normal functions and procedures of the Department.

B. Should any employees of the bargaining Unit during the term of this Memorandum, and until such time that it is expressly and legally rescinded, breach the obligations of Paragraph A, the Fire Chief or his designee shall immediately notify the Union that a prohibited action is in progress. The Union shall forthwith disavow said strike or other prohibited action and shall endeavor in good faith to cause such employees to immediately return to work and/or cease the prohibited activity or, alternatively accept the responsibility for the strike or other prohibited activity.

C. There shall be no lockout by the City during the term of the Memorandum.

D. The provisions of Section 2 (17) and section (13) of Ordinance G-1532, are incorporated into this Memorandum.

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Article 2: Grievance/Arbitration/Labor Management

Section 2-1. Grievance Procedures

It is understood by the parties that the benefits granted by this Article shall not be interpreted or applied as requiring the employer to count as time worked, any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Article. The employer shall count as time worked any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Article.

A. Informal Resolution

1. As a matter of good labor-management relations the parties encourage unit members**/employees** who believe that they have a bona fide grievance to discuss and attempt to resolve it with their immediate non-unit supervisor.

2. If the above informal discussion is held and does not resolve the grievance, the unit member**/employee** may file a formal grievance in accordance with the following procedure.

B. Definition of Grievance

1. A grievance is a written allegation by a unit member**/employee**, submitted as herein specified, claiming violation(s) regarding the interpretation and/or application of the specific express terms of this Memorandum for which there is no other specific and formal method of review; and doesn't have a fact pattern that has been presented to and decided upon by the City Manager in a prior grievance. However, disputes specifically excluded in other Articles of this Agreement from the Grievance and Arbitration procedure shall not be construed as within the definition set forth above and shall not be handled in accordance with this procedure. It is agreed that such excluded disputes are not grievable or arbitrable under the terms of this Article or under this contract.

2. The City continues to retain the format used for grievances, including forms, technology, etc.

3. A grievance which does not meet the requirements set forth in this Article shall be null and void, and will not be processed in accordance with this procedure.

C. Procedure

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All grievances covered by this Article shall be handled exclusively in the following manner:

A grievance must be reduced to writing, citing the specific Article and Section of this Memorandum alleged to have been violated.

1. Step 1

The unit member**/employee** shall reduce the grievance to writing by signing and completing the grievance form provided by the City and submit it to the division head, or designee, within 14 calendar days of the initial commencement of the occurrence being grieved.

The division head, or designee, may investigate, further consider, and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written mutual agreement may move the grievance to Step 2 of the grievance procedure.

2. Step 2

If the written response of the Step 1 does not result in a resolution of the grievance, the grievant may appeal the grievance by signing and completing the City form and presenting it to the department head, or designee within 14 calendar days of the grievant's receipt of the Step 1 response.

The department head, or designee, may further consider and discuss the grievance with the grievant and the grievant's representative, if any, as deemed appropriate, and shall, within 14 calendar days of having received the written grievance, submit a response thereto in writing to the grievant. The parties by written agreement may move the grievance to Step 3 of the grievance procedure.

3. Step 2.5

After the Step 2 response, but prior to review by the Grievance Committee, the parties involved may mutually agree to submit the grievance to Labor Relations. The grievance, as originally written and Step 1 and Step 2 responses, must be submitted to Labor Relations within 14 calendar days of receipt of the Step 2 response. Labor Relations shall, within 14 calendar days of the receipt of the grievance, meet with the department head, or designee, and the grievant and the grievant's representative, if any, in an attempt to resolve the grievance. Labor Relations shall then submit a written response to all parties within 14 calendar days of the meeting.

4. Step 3

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a. If the written response of the Step 2 (or 2.5 if applicable) does not result in a resolution of the grievance, the grievant may, within 14 calendar days of the Step 2 response, appeal the grievance by signing and completing the City form and presenting it to Labor Relations. A Grievance Committee hearing will be scheduled at which the grievant shall be afforded the opportunity to fully present his position and to be represented.

The Grievance Committee shall be composed of:

Chairman – A member of the City Manager's Office designated by the City Manager.
2 Member**s** – Mutually agreed upon by **City Manager's Office and Local 493.**

The Grievance Committee shall submit findings and advisory recommendation(s) to the City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

b. If the grievant so elects in writing within the above time limit, in lieu of such hearing the grievance may be reviewed by an arbitrator. The parties, or their designated representatives, shall agree on an arbitrator, and if they are unable to agree on an arbitrator within a reasonable time, either party may request the Federal Mediation and Conciliation Service to submit to them a list of 7 arbitrators who have had experience in the public sector. The parties shall, within 7 calendar days of the receipt of said list, select the arbitrator by alternately striking names from said list until one name remains. Such person shall then become the arbitrator. The arbitrator so selected shall hold a hearing as expeditiously as possible at a time and place convenient to the parties, and shall be bound by the following:

i. The arbitrator shall be bound by the language of this Memorandum and departmental rules and regulations consistent therewith in considering any issue properly before him/her.

ii. The arbitrator shall expressly confine him/herself to the precise issues submitted to him/her and shall have no authority to consider any other issue not so submitted to him/her.

iii. The arbitrator shall be bound by applicable State and City law.

iv. The cost of the arbitrator and any other mutually incurred costs shall be borne equally by the parties.

The arbitrator shall submit findings and advisory recommendations to the

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City Manager. The City Manager shall make the final determination of the grievance and submit it in writing to the grievant and his designated representative.

c. The City is not under any obligation to accept grievances where the City Manager has previously decided on the same fact pattern.

D. Time Limits

Failure of City Management representatives to comply with time limits specified in Paragraph C shall entitle the grievant to appeal to the next level of review; and failure of the grievant to comply with said time limits shall constitute abandonment of the grievance; except however, that the parties may extend time limits by mutual written agreement in advance of the deadline.

E. Union Grievance

The Union may, in its own name, file a grievance that alleges violation by the City of the rights accorded to the Union by the specific terms of Article 1-3 of this Memorandum. The Union shall file such grievance at Step 3 of this Procedure.

F. Group Grievance

When more than one unit member**/employee** claims the same violation of the same rights allegedly accorded by this Memorandum, and such claims arise at substantially the same time and out of the same circumstances, a single group grievance may be filed in the name of all such members. Such group grievances shall be filed at the Step of this Procedure which provides the lowest level of common supervision having authority over all named Grievants. Each unit member**/employee** that is a party Grievant must be named and must sign such group grievance.

G. Employer Grievances

Should they occur as a result of official Union activities or actions, including the failure to act as required under the terms of this Memorandum, employer grievances will be presented directly to the Union president or any officer of the Union within 14 days of the occurrence prompting the grievance. The president, or designee, shall in each case provide a written answer within 14 days from receipt of the grievance. Unresolved employer grievances may be submitted to arbitration pursuant to Step 3.

Section 2-2. The RBO / Labor-Management Process

A. The purpose of the Relationships by Objectives (RBO) committee is to enhance service delivery models and address public safety employee-related issues. The

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RBO process is done through the facilitation and open discussion of mutual concerns and problems which may include; implementation of major department programs and/or substantial modifications of existing major programs that will have a significant impact on service delivery or work schedules. Items of concern are then enacted as initiatives to be in accomplished over the course of the year that follows.

B. The RBO Committee shall meet annually at mutually scheduled times, and at other mutually agreed upon times as necessary. The RBO Committee process consists of a Correlating Team. The Correlating Team includes the following representatives from Labor and Management: the Fire Chief and Executive Staff (Assistant Fire Chiefs) and the Union President and Labor Executives. For each initiative mutually identified in the RBO process, a Committee is established consisting of representatives from labor and management and facilitated by co-chairs. Sub-committees are further developed to facilitate meetings to achieve goals as set forth in the agreed upon initiatives. Throughout the year, Committees and Sub-Committees will meet regularly to accomplish their RBO initiatives.

C. There shall be a Fire Labor-Management Committee consisting of the Fire Chief and Union President. The Fire Labor-Management Committee provides oversight for the entire RBO / Labor-Management Process.

D. A standing agenda will be developed. The members shall, in advance of a meeting, provide the co-chairs with proposed additional agenda items, and the co-chairs will provide the members with the meeting agenda.

E. Representatives of the Union on the Committee shall not lose pay or benefits for meetings mutually scheduled during their duty time.

F. The Sub-Committees may be supplemented by representative(s) of the City Manager if it is proposed to discuss mutual aid or fire protection contract matters.

G. The Sub-Committees may, if they deem proper, suggest recommendations to the Fire Chief and the City Manager for their consideration and determination.

H. Employees who are designated by the Fire Labor-Management Committee as RBO/Labor Management Coordinators will be eligible for compensation from a bank of 2,112 hours. These individuals, limited to no more than 11 employees, will work with management on the priorities determined through the RBO (Relationships by Objectives) process. These initiatives pertain to enhancing operational efficiencies, service delivery, and improvements to employee safety and organizational performance.

I. It is understood by the parties that the benefits granted by Section 2-2 of Article 2 shall not be interpreted or applied as requiring the employer to count as time worked any hours or fractions of hours spent outside the employee's work shift in pursuit of

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benefits provided by this Section. The employer shall count as paid leave any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Section.

J. The City will provide the professional services of a secretary for the labor-management process. The secretary will be assigned to the community affairs division of the Phoenix Fire Department and will work at the direction of the Fire Labor-Management Committee. The selection process for this position shall be determined by the Fire Labor-Management Committee.

K. In the interest of encouraging member total wellness and providing customer service delivery, the City of Phoenix Fire Department and Phoenix Fire Fighters Association Local 493 will develop a drug testing policy through the Fire Labor/Management process. The drug testing program will be administered and managed by the Fire Department.

Section 2-3. Productivity Discussions

A. Recognizing the need to provide the highest practical level of fire protection and emergency medical service to the citizens of Phoenix, the City, Fire Department, and Union, pledge to continue to work towards increasing the productivity of the Phoenix Fire Department. In a continuing commitment towards increased productivity, the joint Labor-Management Productivity Committee shall meet on a regular basis during the term of the M.O.U. to discuss the development of structured productivity programs within the Phoenix Fire Department.

B. The distribution of any demonstrated economic savings or other productivity rewarding measures resulting from the implementation of productivity programs shall be a proper subject for the Meet and Confer process pursuant to Ordinance G-3303.

C. It is understood by the parties that the benefits granted by Section 2-3 of Article 2 shall not be interpreted or applied as requiring the employer to count as time worked any hours or fractions of hours spent outside the employee's work shift in pursuit of benefits provided by this Section. The employer shall count as paid leave any hours or fractions of hours spent within the employee's regular work shift in pursuit of benefits provided by this Section.

Article 3: Compensation/Wages

Section 3-1. Wages

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A. In year one of the agreement, **the economic value of ongoing total compensation increases will equal 1.5%. Unit 5 members/employees will also receive a non-continuous payment equal to the economic value of 2.5% total compensation. Finally, Unit 5 members/employees will also receive an additional ongoing increase equal to the economic value of 0.5% of total compensation and a non-continuous payment equal to the economic value of 0.5% of total compensation for agreeing to the City's transparency and accountability proposals. This will be paid out as follows:**

1. **A 1.77% base wage increase for all steps (to include assignment steps), effective the first full pay period in July 2021.**

2. **A change in sick leave conversion at retirement (see Section 3-4)**

3. **Restoration of vacation buy-back (see Section 5-5E)**

4. **A non-continuous payment of $5,217 for each Unit 5 member/employee in year one, to be paid out on the first full pay period in August 2021.**

B. In year two of the agreement, **the economic value of ongoing total compensation increases will equal 1.5%. Unit 5 members/employees will also receive a non-continuous payment equal to the economic value of 2.5% total compensation. This will be paid as follows:**

1. **A 1.65% base wage increase for all steps (to include assignment steps), effective the first full pay period in July 2022.**

2. **A non-continuous payment of $4,433 for each Unit 5 member/employee in year two, to be paid out on the first full pay period in August 2022**

The City will evaluate the American Rescue Plan Act and will provide a (non-specified) percentage of premium pay as allowed by the legislation and deemed appropriate by the City Council, balancing the needs of the community and employees in their development of a strategic plan for the ARPA funds. The strategic plan will follow guidelines provided by the Department of Treasury. This language will expire at the conclusion of the 2021-2023 MOU.

C. Employees assigned to, or assigned as rovers to, Special Operations Teams, canine search specialists, and the ARFF program, and who have also achieved and maintained the level of Technician, or equivalent, through specific training and education, shall receive assignment pay. Members certified in both hazmat (HMT) and technical rescue (TRT) and assigned to, or assigned as rovers to fill cross trained positions on the heavy rescue squads and/or C-957 shall receive both assignment

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pays. **An employee who is awarded and occupies a Special Operations position may receive their assignment pay no later than 6 months, if the following parameters are applicable:**

The Fire Department has not offered the employee a training spot in the required entry level Special Operations course within 6 months of occupying their assignment,
And
The employee must have a documented history of attending and completing Special Operations training modules once they occupy their position.

If Employees who are required to obtain dual technician certification (C957 Captains and employees assigned to heavy rescue squads) do not have either certification and meet the above parameters, they will receive assignment pay for one of the two disciplines. If the employee has one technical certification in good standing and is receiving assignment pay, the member will receive assignment pay for the second discipline if the above parameters are met.

D. Effective July 14, 2008, employees who meet the Fire Department's linguistic skill qualifications and become certified, shall receive a premium of $75.00 per month.

E. It is understood that the pay rates set forth in Attachment "A" are interpreted to be specific with regards to steps, corresponding years of service and monthly salaries, except that performance related items including, but not limited to, special merit increases, special salary adjustments, demotions, assignment pay and extensions in merit pay anniversary dates resulting from extended leave without pay, industrial and light duty assignments, and reinstatements may alter an employee's step progression and monthly salaries as indicated in Attachment "A."

If an employee is not given his/her **performance evaluation** by the annual review date, the employee may request his/her merit increase in writing by sending a memorandum directly to the Human Resources Officer. If the **performance evaluation** is an overall "met," the request will be processed within 21 calendar days of submittal and will be retroactive to the **performance evaluation** annual review date.

F. Employees assigned by the Fire Chief to staff assignments in authorized staff positions (40 hours) will be entitled to 10% assignment pay if such assignment is to exceed 2 consecutive pay periods, and shall continue to receive such assignment pay for the duration of such assignment. This provision shall not apply to employees attending recruit training or employees assigned to limited duty. Employees assigned to authorized 40 hour staff assignments and who begin receiving staff assignment pay shall also be eligible to continue all other current assignment pays provided all

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required certifications are maintained. Employees assigned to limited duty shall continue to receive holiday pay and FLSA/work week adjustments (Section 4-1, Paragraph E, of Article 4) for the duration of their limited duty assignment, irrespective of their actual work hours.

G. Employees assigned to any 40 hour staff positions shall receive 2 8 hour or 10 hour professional development days per year depending on their schedule. The employee shall decide the days and areas of development. These days shall be assigned through the vacation signup process. No employee shall receive these days in addition to the full amount of **Local 493** days.

H. The Fire Department's 21-day pay schedule normally begins on B-Shift Mondays. In any leap year, ERSO, South Shift Command, Payroll and Local 493 will identify the first and most appropriate "Payroll Monday" to switch to a leap year schedule. Following is an example schedule that was utilized during the 2020 leap year:

- Friday, February 7, 2020 (B-Shift Works)
- Saturday, February 8, 2020 (C-Shift Works)
- Sunday, February 9, 2020 (A-Shift Works)
- Monday, February 10, 2020 (B-Shift normally scheduled; however, B-Shift will be converted to C-Shift to coincide with 21-day pay schedule)
- Tuesday, February 11, 2020 (A-Shift works to begin regular A, B, C schedule)
- Wednesday, February 12, 2020 (B-Shift works) and 24 hour shifts continue on as normal until next leap year (2024).

Section 3-1A. Productivity Enhancement Pay

A. In recognition of the significant increase in service delivery and cost savings to the City of Phoenix by the employees of the Phoenix Fire Department, the City agrees to implement the following Productivity Enhancement Pay formula for employees:

1. In December of each calendar year and June of each calendar year, employees who have completed at least 7 years of continuous full-time service and who meet the additional qualifications specified in Section 3-1A of Article 3 shall be paid $80.00, pro-rated and included each pay period in the qualifying unit member's**/employee's** regular pay check throughout the year, for each full year of continuous full-time service in excess of 5 years, up to a semi-annual maximum of two thousand dollars ($2,000.00), annual maximum of $4,000.00 at 30 years.

2. Employees on industrial leave shall qualify for this payment for only the first year of the industrial leave. However, the entire period of industrial leave shall qualify as continuous service when the employee returns to active employment.

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3. Adjustments to payments will be made as soon as possible but no later than 30 days of the qualifying date.

B. An employee must have achieved the overall performance rating of "meets standards" on his latest scheduled performance evaluation on file in the Human Resources Department.

C. An employee who receives a below "meets standards" evaluation shall receive another evaluation within 90 to 120 days, and if that evaluation is "meets standards," he will be eligible for Productivity Enhancement Pay starting with the next qualifying date.

Section 3-2. Overtime

A. Employees who are assigned to be and are on duty beyond their scheduled work shift shall be compensated for such assigned overtime work at 1 ½) times their regular rate, 56 hours or 40 hours, after the first 7 minutes of assigned and worked overtime calculated to the nearest 1/4 hour.

B. Employees shall have the option of being paid in cash for overtime, or allow the overtime to accrue as compensatory time up to a maximum of 168 hours for employees working a 56 hour schedule, or 120 hours for employees working a 40 hour schedule.

C. Overtime compensation shall not be paid twice for the same hours worked.

D. Use of compensatory time shall be in conformance with the requirements of the Fire Chief and shall take into consideration departmental scheduling and operational factors.

E. Payment for time worked shall be in conformance with the requirements of the Fire Chief and shall take into consideration departmental scheduling and operational factors.

F. The provisions of Section 3-2 of Article 3 shall not apply where an employee is assigned out-of-class to a non-Unit position.

G. Allocation and opportunities for overtime shall be discussed in the Labor/Management process.

H. Fire department “peak time” rescues will only be staffed by employees on an overtime basis. This item reflects an agreement between the Fire Department and the Union in 1984 on the future staffing of the rescues. The increased work-load and responsibility of the full time rescues was incented by agreement that there would be

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overtime opportunities on peak time rescues. Further, the department was reorganized through the RBO process in 1993 to enhance ALS and rescue capabilities throughout the city. This reorganization included a pool of employees to staff back rescues and guarantee that no new employee would have to work more than 200 shifts on a rescue. Employees agreeing to be in this pool are then entitled to work on the peak time rescues on an overtime basis when their name comes up in a rotation.

Section 3-2A. Call Out Pay

A. Call out time shall be at a minimum of 3 hours at 1 ½ times the employee's regular rate of pay, 56 hours or 40 hours depending on assignment, after the first 7 minutes calculated to the nearest 1/4 hour. If a unit member**/employee** leaves a call out event without authorization prior to the termination of the event, Section 3-2A of Article 3 shall not apply.

B. The provisions of this Section shall not apply where an employee is assigned out-of-class to a non-Unit position.

Section 3-3. Out-of-Class Pay

Pursuant to A.R. 2.201, 16 hours of out-of-class work on a shift for employees will constitute a full shift of out-of-class assignment pay. There will be no out-of-class pay for working less than 16 hours.

In order to qualify to be eligible to receive out-of-class assignment pay, employees must complete 8 shifts of out-of-class assignment (16 hour minimum to constitute a full shift). As an alternative for qualifying only, 192 hours of out-of-class assignment shall satisfy the minimum qualifications required to become eligible for out-of-class pay. For the purpose of the 192 hour qualifier, out-of-class hours must be in increments of no less than 7 hours.

Employees on a 40 hour schedule will complete 11 shifts, 6 hours minimum of out-of-class assignment, to satisfy the minimum qualifications for out-of-class pay.

Section 3-4. Sick Leave Conversion at Retirement

The following benefit will apply:

A. Definitions

1. "Qualifying Hours" - The minimum number of accrued and unused sick leave credits existing on the last day of service prior to retirement, which are necessary

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before an employee can participate in the benefit program.

2. "Base Number of Hours" or "Base Hours" - The number of hours of accrued and unused sick leave credits which are uncompensated under Section 3-4 of Article 4 which the City will compensate the employee.

3. "Base Hourly Rate" - The base hourly rate of pay being paid at the time of retirement to the retiring employee who qualifies for participation in the benefit program.

B. Benefit and Eligibility

1. **An employee that has between 1 – 1,259 hours of sick leave remaining in their sick leave bank at the time of retirement, or the 40 hour equivalent, shall be eligible for payment of an amount of compensation equal to his/her base wage for 50% of their hours.**

2. An employee who has accumulated a minimum of 1,260 qualifying hours or more of accrued and unused sick leave at the time of retirement, or the 40 hour equivalent, shall be eligible for payment of an amount of compensation equal to his**/her** base hourly rate for **65% of their sick hours**.

3. An employee who has accumulated a minimum of 1,800 qualifying hours or more of accrued and unused sick leave at the time of retirement, or 40 hour equivalent, shall be eligible for payment of an amount of compensation equal to his**/her** base hourly rate for **80% of their sick hours**.

4. An employee who has accumulated a minimum of 2,400 hours, or the 40 hour equivalent, or more of accrued and unused sick leave at the time of retirement shall be eligible for payment of an amount of compensation equal to **100%** of his/her base hourly wage for all hours.

~~5~~. Effective July 1, 2014, and thereafter, an employee who has accrued **at least** 1286 hours **for 56 hour members, or 919 hours for 40 hour employees,** of unused sick leave may elect to have 168 hours for a 56 hour unit member**/employee**, or 120 hours for a 40 hour unit member**/employee** paid out in a lump sum. Any unit member**/employee** may only elect to exercise this benefit 3 times in their career, and not more than one time in a fiscal year. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

6. The payments described in numbers 1 through **5** above are not considered Final Average Salary for purposes of pension calculations.

C. Administration

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1. At the time of retirement or death of an active employee who is eligible for retirement, the City's Employee Benefits Division, or such other individual or agency as the City may designate, shall determine the employee's eligibility and the amount of accrued and unused sick leave to be compensated.

2. The employee shall verify in writing the computation of the Employee Benefits Division.

3. In the event an employee's eligibility for participation or the amount of compensation is disputed, the dispute shall be submitted to the City Auditor for resolution.

Section 3-5. Deferred Compensation and Defined Contribution Plans

A. The City shall contribute an amount equal to 4.42% of each employee's biweekly gross pay to the City's 401(a) Defined Contribution Plan. Pension contributions will be made by both the City and the employee on the contributions.

B. At the employee's separation, for either retirement or exiting the Deferred Retirement Options Program, the employee's sick leave payout amounts will be automatically contributed into the City's 401(a) plan. Any excess amount over the Internal Revenue Code 401(a) plan contribution maximum limits will be automatically contributed into the City's 457(b) plan. Any portion of the excess amount that cannot be contributed to the 457(b) plan because of Internal Revenue Code 457(b) plan contribution maximum limits will be paid as taxable income. The 401(a) Plan Document as approved by the Deferred Compensation Board will be the governing document.

Section 3-6. Non-Direct Payment of Compensation or Benefits

Various sections of this MOU contain a form of compensation, wages, or benefits that have been negotiated in good faith and may or may not provide a direct payment of wages or other benefit to each member. Those forms of compensation, wages, or benefits that do not provide a direct payment to each unit member**/employee** have been negotiated in place of a direct payment and costed as part of the overall economic package. Examples include: life insurance, long term disability insurance, leave payouts, member donated release time, etc.

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Article 4. Hours of Work/Working Conditions

Section 4-1. Hours of Work

A. The duty hours for employees assigned to Operations or Emergency Services, excluding 40 hour staff assignments, shall continue to average 56 hours per week. Shifts shall continue to be 24 hours in duration.

B. The work hours and schedule of employees assigned to an administrative staff assignment (Non-Operations/56-hour schedule) shall be 5 8 hour days (excluding authorized meal breaks), or 4 10 hour days (excluding authorized meal breaks) at the discretion of the Fire Chief.

C. The work hours and schedule of employees assigned to the Fire Investigations Section may only be mutually changed by the Fire Chief and the Union President through the Labor-Management process. Fire Investigation employees will be assigned to one of two 40-hour schedules that may include a 4/10 or a modified A, B, C shift schedule. All schedules will equal a 40-hour work week. All Fire Investigators, regardless of schedule will be paid overtime at the 40-hour rate.

   Fire Investigation employees assigned to the modified shift schedule will be required to work on City paid holidays when their regular schedule shift occurs on that day. Those employees required to work on a City holiday as a result of the shift schedule will receive pay in lieu of time off. The Fire Department shall continue its long-standing practice of using sworn Fire Captains as Fire Investigators.

   The Fire Department will attempt to maintain staffing levels of the Investigations Section, in order to provide for investigatory needs of the Department. Any future proposed staffing level recommendations will be discussed through the labor/management process. A maximum of one vacation shift will be allowed per shift for those employees assigned to the modified A, B, C shift schedule, unless pre-approved by department head or designee.

D. When an employee is required to change from one type of a schedule to another by the Fire Department, the Department shall allow a minimum of 16 hours between tours of duty.

E. The work week for employees on a 56 hour schedule shall be 53 hours. Employees will continue to work the existing 56 hour schedule. Employees working the existing 56 hour schedule will be compensated as follows:

   1. The first 53 hours will be paid at the base 56 hour rate.

   2. The 54th hour will be paid at 1 ½ times the regular hourly rate.

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3. The 55th and 56th hours will be paid at 2 times the base 56 hour rate.

F. Employees attending **a Department Sponsored** Training Program**s or courses** may be placed on one of two optional training schedules, based upon Operational, Training, and budgetary considerations:

Schedule 1. Employees may be placed on a 40-hour work week schedule and be entitled to a 10% increase in pay in accordance with Section 3-1 (H) of this Memorandum of Understanding. Employees shall be paid on a 40-hour work week until completion of the **respective** Training Program. In the event an employee attending **the** Training **Program** does not receive their regular **Local 493** Days (as per Section 3-1 (I) of this Memorandum of Understanding), any missed **Local 493** Days will be re-scheduled prior to the employee's return to the Operations Division.

Schedule 2. Employees may remain on their normal Operations schedule (A, B, or C Shift) and be provided paid Fire Department leave to attend **the T**raining **Program** when their training is scheduled on shift. When members are required to attend training on their days off, employees will be compensated at 1 ½ times their regular rate for the hours they are in attendance. Compensation and **Local 493** Days will remain the same as any other employee assigned to a 56-hour work week. The decision to utilize Schedule 1 or 2 will be discussed in a labor/management setting.

G. Each 56 hour unit employee shall receive 4 shifts off per year**, referred to in this MOU as Local 493 days**. This will allow for an hours reduction without specifying a specific number of hours in this reduction or reducing current rates of pay, FLSA, or hours reduction pay as specified in Section 4-1, Paragraph E, of Article 4. The rotation system shall be worked out between the Fire Chief and the Union President with the consent of the Labor Relations **Division**. **These Local 493 Days shall be awarded based on total seniority as a sworn member of the Fire Department.**

Section 4-2. Shift Trades

Two (2) employees serving in the same classification may be granted the opportunity to exchange shifts up to a maximum of 45 such exchanges per employee in a contract year. Shift exchanges shall not qualify an employee for premium overtime payment and cannot be repaid in any other form of compensation. All employees seeking shift exchanges (AWRs) must be current with all certifications and required training before being approved for the exchange. All shift exchanges are subject to the approval of the Fire Chief or his/her designee and shall be in conformance with regulations issued by the Fire Chief.

Section 4-3. Filling Vacancies

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The Fire Chief will endeavor to permanently fill vacancies in regular positions, that are duly authorized to be filled, expeditiously within limitations imposed on him by administrative and operational factors, and thereafter, consistent with applicable Civil Service Rules, based on length of service by classification when fitness and qualifications of interested employees for the particular vacancy are deemed to be equal by the Fire Chief. When requested, departmental management shall indicate the reason why an employee was or was not transferred into a vacancy as part of Labor-Management Committee proceedings. "Vacancy" hereunder is defined as a regular opening in any position created by death, retirement, dismissal, promotion, demotion, creation of a new regular position or transfer, provided, however, that with the filling of staff positions, all applicants shall be considered, and the Fire Chief shall make the final determination.

Article 5. Benefits

Section 5-1. Health Insurance

A. The City and Union agree to maintain the current 80/20 split for health insurance for both single and family coverage. If there is a rate increase or decrease in the second year of this M.O.U., the City shall pay 80% of the new monthly contribution and the employee will pay 20%.

B. In the event Congress or the State of Arizona passes legislation which considers the amount the City contributes to health insurance premiums as imputed income, then the City will consider such contribution as income to the employee.

C. The City shall provide the Basic Medical Reimbursement Plan (MERP) benefits to MERP eligible Unit retirees and to those employees who are hired before August 1, 2007 and are eligible to retire no later than August 1, 2022 at no less than $202.00 per month. The City also contributes an additional $50 toward City retiree family medical coverage; this credit is applied directly to the retiree's premium deduction. Any employee hired on or after August 1, 2007, regardless of years of service, may qualify for a Post Employment Health Plan (PEHP) account.

D. Additional MERP amounts will be paid to eligible retirees for the following categories:

RETIREE COVERAGE – RETIREE NOT ON MEDICARE			
ADDITIONAL MERP AMOUNTS			
	Retiree or Survivor Only NOT on Medicare	Retiree or Survivor w/family coverage – any dependent NOT on Medicare	Retiree or Survivor with family coverage – <u>all</u> dependent(s) ON Medicare

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HMO OR PPO COVERAGE	$105	$325	$210

RETIREE COVERAGE – RETIREE ON MEDICARE			
ADDITIONAL MERP AMOUNTS			
	Retiree or Survivor Only - ON Medicare	Retiree or Survivor w/family coverage – any dependent NOT on Medicare	Retiree or Survivor with family coverage – all dependent(s) ON Medicare
HMO OR PPO COVERAGE	$90	$195	$185

These MERP amounts are what the City agrees to pay. It is solely at the discretion of the City Manager to increase these amounts in the future.

E. During the next 12 months, the City will participate in Labor-Management meetings to discuss alternatives to the Union's participation in the Health Care Plans currently provided by the City. Meetings will occur at the request of the union, not to exceed two per month.

Section 5-2. Dental Insurance

A. The dental insurance plan shall consist of 80% payment of reasonable and customary charges covered for preventive and diagnostic services, basic services, and major services. The plan shall also include an orthodontia benefit providing for 80% payment of reasonable and customary charges up to a maximum lifetime benefit of $2,500.00 per person, maximum lifetime benefit increases to $4,000.00 per person effective August 1, 2003. This plan is subject to the deductibles and limitations contained in the contract between the dental insurance carrier and the City of Phoenix. The City shall continue to pay 100% of the premium costs for single employees **for employees enrolled in the base dental HMO or PPO plan** (employee only coverage), and 75% of the premium costs for employees and their qualified dependents (family coverage). Enrollment in prior City of Phoenix Dental Plans counts towards major services time limit exclusions.

B. In the event Congress or the State of Arizona passes legislation that considers the amount the City contributes to health insurance premiums as imputed income, then the City will consider such contribution as income to the employee.

Section 5-3. Life Insurance

A. The City will continue the existing off the job and on-the job life and dismemberment insurance coverage. The policy shall provide a benefit for each employee equal to the member's base annual salary. In addition, the City will continue the existing death in the line of duty insurance of $75,000.00. Additionally, the City will provide to each

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employee a $200,000.00 death benefit covering the employee's commutation to and from his City work location. This policy will cover the employee's commute for up to 2 hours before his shift begins, and 2 hours after his shift concludes.

B. In the event of the death of an employee while commuting to or from his work location, for a period of 2 hours each way, the City will continue to pay the full monthly health insurance premium for the spouse and all eligible dependents. This policy will be consistent with the payment of a supplementary commutation life insurance policy for each employee.

Section 5-4. Long Term Disability Insurance

The City will offer a long-term disability benefit for all full-time, regular unit members**/employees** pursuant to A.R. 2.323 as may be amended (providing that such amendments shall not be in conflict with the MOU). Employees who have been continuously employed and working on a full-time basis for twelve consecutive months are eligible **to apply** for long term disability coverage. After an established 90 calendar day qualifying period, the plan will provide up to 66 2/3% of the employee's basic monthly salary at the time disability occurs and continue up to age 75 for employees who have been employed full-time for 36 months and one day. This benefit will be coordinated with leave payments, industrial insurance payments, unemployment compensation, social security benefits and disability provisions of the retirement plan.

Employees who have been employed full-time with the City of Phoenix for 36 months or less, will be eligible to receive a long term disability benefit for no more than 30 months.

Section 5-5. Holidays, Vacations, and Donated Vacation Leave

A. Bank of Donated Leave

1. Each unit member**/employee** may complete a form to voluntarily donate vacation leave time for a specified number of hours, not to exceed the maximum number of hours as noted in Section 5-5, Subsection A, 3. These forms will be processed on July 1, October 1, January 1, and April 1. The voluntary donation will continue each subsequent year on the second paycheck in July, unless revoked by the unit member**/employee**. This donated time is to be used by union officers and representatives for Union-related activities as determined by the Unit 5 Union President and Executive Board. It is recognized that all hours negotiated in lieu of additional pay and benefits have been donated by the members of Unit 5 from their bank of vacation leave. By filling out and submitting a voluntary donation form, each unit member**/employee** is clearly and affirmatively consenting to the donation of the stated number of hours from their bank of vacation leave.

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2. The total hours donated by the members of Unit 5 will be considered the maximum number of hours available for donated hours under Article 5, Section 5-5.

3. The maximum number of hours that may be donated by any Unit member is 100 hours per fiscal year.

4. Only members of Unit 5 may donate hours to the Unit 5 bank of hours; Unit 5 may only accept donated hours from Unit 5 members.

5. No union member may use more than 120 hours of donated time during any one pay period.

6. Donated time does count towards hours worked for overtime purposes.

7. Examples of work performed by representatives on member donated release in support of the City include ensuring representation during administrative investigations and grievance/disciplinary appeal meetings with management; assisting unit members**/employees** in understanding and following work rules; administering the provisions of the Memorandum of Understanding; organizing and participating in charity functions within the greater Phoenix area to aid our communities. Member donated release is also used for authorized representatives to attend Union conferences, meetings, seminars, training classes, and workshops so that representatives better understand issues such as City policies and practices, conflict resolution, labor-management partnerships, and methods of effective representation, or any other purpose authorized by the President or Executive Board.

B. The City agrees to incorporate into the Memorandum the benefits provided under Administrative Regulation 2.11 as amended, indicating the following holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. President's Day
4. Cesar Chavez Birthday (March 31)
5. Memorial Day
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. Friday after Thanksgiving
11. Christmas Eve Day (6 hours for 56-hour employees and 4 hours for 40 hour employees).
12. Christmas Day

Employees working a 56 hour schedule shall receive 12 hours pay or compensatory time each holiday.

C. Employees will continue to receive holiday pay while on industrial leave.

D. Effective January 1, 1987, vacation accrual for employees with less than 5 years shall be increased to 11.2 hours per month, or the 40 hour equivalent. Vacation accrual for all other employees shall remain the same as currently authorized.

E. Employees covered by this M.O.U. shall be permitted to sell back up to 80 hours total per M.O.U. year of accrued vacation leave to the City at the employee's regular straight-time hourly rate. This benefit shall not exceed a total of 80 hours and may be used as follows: 40 hours on the last pay period in November and/or May of each M.O.U. year. Employees will only be permitted to sell back an amount of accrued vacation hours that would not result in their total bank of hours to drop below 150 or 210 hours, depending upon the work schedule.

F. Effective July 1, 2014, and thereafter, an employee who has accrued **at least** 312 hours**,** or **223 hours for 40 hour employees,** may elect to have 252 hours of vacation for a 56 hour unit member**/employee** or 180 hours of vacation for a 40 hour unit member**/employee** paid out in a lump sum or converted into their comp bank. Any unit member**/employee** may only elect to exercise this benefit 4 times in their career, and not more than one time in a fiscal year. This payment is not considered Final Average Salary for purposes of pension calculations. Eligible employees may elect to buy back their hours between July 1 and the last pay period in January each fiscal year.

G. Employees may donate accrued vacation leave to other City employees who are on medical leave and who have exhausted all of their paid leave based on guidelines contained in A.R. 2.144, with the understanding that no employee shall receive more than 12 months of donated time.

H. Employees who have less than 40 hours vacation may buy up to 120 hours personal leave. The cost of the personal leave shall be 110% of the employee’s base hourly rate. Such personal leave use and purchase shall not impact positively or negatively on the employee’s pension or any other benefits.

I. On the second paycheck in July 2019, and every year thereafter, every unit member**/employee** will receive 8.5 hours of vacation time, in addition to their other accruals, added to their vacation leave. This benefit will continue in perpetuity until otherwise agreed upon in good faith, by Unit 5 and the City, through the Meet and Confer process.

J. Military Leave

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Pursuant to ARS 26-168, ARS 38-610, and A.R. 2.39, employees who are members of the Arizona National Guard or the Reserves of the United States Armed Forces, will be entitled to a leave of absence from their duties for a period not to exceed 30 days in two consecutive years when they are engaged in ordered annual training or to attend camps, maneuvers, formations, or armory drills under orders of any branch, including the reserve or auxiliary. A day is defined as a shift of work.

Section 5-6. Uniforms

A. In lieu of the $135.00 per employee per year amount which was previously paid by the City to the Fire Department for additional uniform items, employees will now receive an equivalent annual uniform allowance amount of $129.75. Payment of this uniform allowance will be made on or about August 1 of each MOU year. Such payment will be made to cover the cost of uniforms, maintenance, and cleaning of such uniforms.

B. New employees will receive the entire annual uniform allowance within 30 days of the time they are directed to wear and maintain a uniform. The second uniform allowance, received at the start of the next fiscal year, will be equal to 1/12 of the annual uniform allowance for each month of the preceding fiscal period, starting with the first month the employee was directed to wear and maintain a uniform, to the start of the new fiscal year.

Prior to entering the Fire Academy, the Fire Department will furnish all new Firefighter Recruits with the following:

- 3 long sleeve red shirts
- 3 short sleeve red shirts
  (Recruits can select any combination of the long and short sleeve shirts noted above – not to exceed a total of six red shirts)
- 3 pair of blue fatigue pants
- 5 blue physical training (PT) shorts
- 1 pair of blue sweatpants
- 1 red sweatshirt (seasonally dependent)
- 1 belt
- 1 pair of OSHA/ANSI approved work boots; and,
- All necessary PPE’s required to participate in Fire Academy functions.

The Fire Department will provide a full Class A dress uniform upon successful completion of the Fire Academy and promotion to Firefighter to include the following:

- 1 approved Class A dress jacket complete with patches and full fitment

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- 1 approved Class A dress shirt complete with patches and full fitment
- 1 pair of approved Class A dress pants
- 1 approved Class A dress hat
- 1 approved Class A dress tie
- 1 approved Class A belt
- 1 approved Class A pair of shoes
- All approved hardware required (badges/pins etc.) to complete the approved Class A dress uniform; and,
- All necessary PPE's required to participate in field functions.

Additionally, any Captain RTO (Recruit Training Officer) or Firefighter Mentor (Firefighter or Engineer) assigned to the Recruit Training Academy will be provided a full Class A uniform (one time purchase) if the member has not already purchased one.

Upon promotion to Fire Engineer or Fire Captain, the Fire Department will provide a full Class A uniform to include the following:

- 1 approved Class A dress jacket complete with patches and full fitment
- 1 approved Class A dress shirt complete with patches and full fitment
- 1 pair of approved Class A dress pants
- 1 approved Class A dress hat
- 1 approved Class A dress tie; and,
- All approved hardware required (badges/pins etc.) to complete the approved Class A dress uniform.

The Fire Department will provide a Class A uniform to the Unit 5 member as a "one time only" purchase based upon whichever qualifying criteria previously listed is initially met. Until all Unit 5 members have been provided a Class A dress uniform by the Fire Department, no additional Class A dress uniforms will be issued to members who have already received the benefit. Labor and Management will continue to discuss funding options for additional Class A dress uniforms and the implementation plan for the new uniform language outlined above.

Labor and Management will meet to discuss an implementation plan for the new uniform language outlined above.

C. Employees who leave Department employment shall repay to the City the uniform allowance equal to 1/12 of the annual allowance per month for each month remaining in the fiscal year after the last day of the month in which the separation occurs. Provided, however, that employees who retire after August 31 will not be requested to repay any uniform allowance.

D. An employee who has been on extended leave (paid or unpaid) of 2 months or longer

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shall have the next annual uniform allowance reduced by 1/12 of the annual allowance for each month of extended leave.

Section 5-7. Tuition Reimbursement

A. Employees who participate in the Tuition Assistance Program shall be eligible for tuition reimbursement pursuant to the following provisions:

1. The maximum sum reimbursable to employees each fiscal year shall be $6,500.

2. To be eligible for any reimbursement, employees must have successfully completed academic or training courses approved in advance by the Fire Chief and the Human Resources Director and meet the requirements of A.R. 2.51 as may be amended, provided such amendments are not in conflict with the M.O.U.

Section 5-8. Wellness, Health and Fitness

A. For each employee, the City of Phoenix shall contribute $2.00 per month to a fitness fund to maintain and purchase fitness equipment for fire stations which has been charged against Unit 5's contract. The Fire Department will also contribute $2.00 each month per member to the fitness fund. The fund will be maintained by the City and Fire Administration. The Health and Fitness labor management committee shall oversee the funds and purchase equipment after reviewing input from all Fire Department personnel.

B. The Phoenix Fire Department Honor Guard is a professional organization that represents the Fire Department at official events, memorial services, and fire fighter's funerals. Through the work of the United Phoenix Fire Fighters Association, a registered 501c-3 non-profit association (ID#866053047), the Honor Guard provides public education and community service. Each year of this agreement, the Chief Financial Officer will direct $25,000 to a fund maintained by the City/and managed by Fire Administration, which is charged to the total compensation of the Unit 5 economic package, to support the work and related expenses of maintaining the Honor Guard for Unit 5 members only. The Union President and/or his designee will participate in identifying expenditures through the RBO process. Expenditures shall be in line with the general mission of the Honor Guard. Travel expenses and reimbursements must be in accordance with City travel policies and administrative regulations.

Section 5-9. Worker's Compensation

A. Employees who agree to participate in the Fire Department's health centers consultation and rehabilitation programs shall continue to receive 100% of their

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current rate of pay while off-duty due to an industrial injury based on current practice which is a maximum of 1 year per injury, thereafter the rate becomes 66-2/3%.

B. If there is a disagreement in treatment between the Fire Department physician and the employee's physician, the (2 physicians shall agree on a third physician whose decision shall be the final authority. Employees who refuse to adhere to the above conditions shall only receive 66-2/3% based on current state law and the current maximum monthly rate allowed. If an employee receives 66-2/3%, he/she may use sick leave, vacation, or compensatory time to make up the difference between 66-2/3% and 100%.

C. Should the Union believe that a dispute in jurisdiction is unduly delaying a Worker's Compensation claim, or if the Union believes the City needs to provides greater assistance to an employee trying to reopen an old claim, the Union may request a meeting with City Worker's Compensation staff (provided the involved employee signs a release to do so) and such meeting will be scheduled within 14 calendar days.

D. The City will first attempt to use physicians from specialty lists created by City of Phoenix Pension Boards for Independent Medical Examinations for employees in Unit 5 (represented by Phoenix Fire Fighters Association Local 493).

E. Family and Medical Leave Act (FMLA) leave shall not run concurrent with leave paid as industrial injury/illness (e.g. Workers' Compensation).

Section 5-10. Employee Benefit Trust Fund

A. Effective July 2016, the City will contribute $35.00 per employee, per month ($16.154 per pay period), into a fund for the purpose of providing a monthly stipend for retirees to apply to the costs of their health and/or dental insurance, medical and dental co-pays, prescriptions, cancer benefits for active employees not covered by the Public Safety Retirement System's cancer insurance and other benefits as the Trustees may determine. This contribution will be matched by a $29.00 per pay period contribution to the same fund by each employee.

B. The trust fund shall be managed and administered by a board of 5 trustees selected as follows:

1. Two (2) trustees shall be appointed by the City Manager;
2. Two (2) trustees shall be appointed by the Phoenix Fire Fighters Association, Local 493; and
3. One (1) trustee, who shall serve as chairman, shall be selected by the 4 appointees specified above.

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C. The fund shall be invested in prudent, protected investments in compliance with applicable State and Federal laws. The Fund Managers may seek such outside advice and consultation, as they deem appropriate.

D. The Fund Managers may adopt such rules and regulations as they deem appropriate and are authorized to secure a formal trust instrument. The trust instrument and any amendments there to, must be specifically approved by the City Manager and the association before they can become effective.

E. Sums contributed to the trust shall be divided into 2 equal parts.

1. The employee's contribution, together with all of the interest received from the entire fund, shall be considered the first part and shall be available for distribution as follows:

a. All retired employees shall be eligible to receive no less than $150.00 per month from the fund to assist them with their insurance premiums.

b. Employees who retired after August 1, 1994 shall receive $75.00 per month plus 5%, of the $75.00, for each full year they have contributed to the fund.

c. Employees who retired beginning in August 1998 through July 2000 shall receive two hundred $250.00 per month. Employees retiring beginning in August 2000 shall receive $200.00 per month

d. Employees who retire for any reason and have less than 12 years of service shall receive $75.00 per month plus 5% for each full year they have contributed to the fund or the benefits covered in Section 5-10, Paragraph (a), of Article 5 whichever is larger.

e. Effective July 8, 2004 each retired employee covered under paragraphs (b) and (d) of Section 5-10, Article 5 shall receive up to an additional $50.00, but no retiree shall receive more than the benefits described in Section 5-10, Paragraph (c) of Article 5.

f. In each month any sums remaining in the first part, after the distributions specified above, along with another $27.00 per employee, per pay period, shall pour-over into the second part and be treated as hereinafter specified for "second part funds." Second part funds other than interest generated from the funds, shall be for investment purposes only and are not to be used to provide direct benefits to active or retired members.

g. An employee who separates from the bargaining unit may apply to the fund managers to continue participation in the fund. To become eligible to apply, the employee must pay to the fund an amount equal to his contributions and

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the City's contributions for the entire period which he was out of the bargaining unit, but not for anytime prior to the start up for the fund. This amount is in addition to regular bi-weekly contributions by the employee and the City.

h. In addition to health insurance premiums, the monthly stipend may also be used to pay for co-payments for doctor visits and hospital stays, dental expenses, prescriptions and eye care.

2. The second part shall be the main corpus of the trust and shall be invested and managed as specified in Section 5-10, Paragraph B, of Article 5.

F. Any fund participant who separates from the bargaining unit prior to retirement, or who promotes out of the Unit shall receive an amount equal to all of his or her contributions to the fund, plus interest based on the average annual interest earned by the fund, but shall receive no other benefits and have no other claim on the fund.

G. Upon the death of any employee or retiree, the fund will provide a contribution to assist with funeral expenses in the amount of $1,500.00 for a retired employee and $2,500.00 for an active employee from the Trust Fund. A surviving spouse shall continue to receive the employee's benefit for the rest of the spouse's life. Survivor benefits under Section 5-10, Paragraph G, of Article 5 extend only for a surviving spouse and neither such surviving spouse nor the decedent's estate shall have any other claim on the fund.

H. Effective July 7, 2003, the fund will provide a long-term care benefit as the Trustees may determine.

I. If the trust fund is terminated for any reason, undistributed funds shall be distributed to those individuals (whether active or retired) who contributed to fund. Such distribution shall be on a pro rata basis based upon the amount of their contribution to the fund less any disbursements they have received under Paragraph E hereof.

J. Payments to retirees from the trust fund shall be in addition to current City contributions to retiree health insurance premiums.

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Article 6. Miscellaneous

Section 6-1. Saving Clause

A. If any Article or Section of this Memorandum should be held invalid by operation of law or by a final judgment of any tribunal of competent jurisdiction, or if compliance with or enforcement of any Article or Section should be restrained by such tribunal,

the remainder of this Memorandum shall not be affected thereby. In the event the decision of the court in *Cheatham, et al v. Gordon*, is stayed, reversed, vacated or otherwise not given effect in whole or in part, by any court, then the City agrees to meet and confer within 30 days of said ruling with Unit 5 to resolve any additional issues resulting from the ruling of the court. The basis for negotiations will be the document dated April 13, 2014, Proposed Unit 5 Addendum.

B. It is recognized by the parties that the provisions of the Fair Labor Standards Act are currently applicable to certain of the wage and premium pay provisions of this M.O.U., and that this M.O.U. shall be administered in compliance with the FLSA for so long as the Act is applicable.

C. Nothing contained in the Memorandum shall preclude the parties from being in compliance with the requirements of the Americans with Disabilities Act.

Section 6-2. Printing of M.O.U.

Printing vendors secured by the Union shall comply with Ordinance G-1372 (Affirmative Action Supplier's Ordinance), as may be amended, and Ordinance G-1901 (Affirmative Action Employment by Contractors, Subcontractors, and Suppliers), as may be amended. Printing of the M.O.U. shall be done by a Union printer only.

Section 6-3. Fire Watch

A. Whenever a Fire Department employee is required by the Fire Marshal or requested by a private party, to perform a fire watch, standby, or other associated duties for Fire Code compliance, such opportunities shall first be offered to Unit members**/employees**. Such work shall be offered to those members that are suitably qualified and who volunteer for such duty during their off-duty hours within a rotation system approved by the Fire Chief after consultation with the Union. In the event that no employee accepts such work, or in case of emergency, such work shall be offered to qualified non-Unit employees. It is understood that the rate of payment shall be at 1 ½ times the employee's base 40 hour rate, except in cases where non-Unit employees are utilized in which case payment shall be at 1 ½ times the non-Unit employee's base 40 hour rate. For purposes of Section 6-3, Article 6 only, the terms "qualified" is defined as follows:

1. "Qualified" shall mean any employee of the Fire Department who is familiar with the Fire Code and has successfully completed the Fire Watch training program provided by the Department.

2. "Emergency" shall mean any fire watch situation that cannot be pre-scheduled.

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Section 6-4. Term and Effect of Memorandum

A. This Memorandum shall remain in full force and effect commencing with the beginning of the first regular pay period in July **2021**, up to the beginning of the first regular pay period commencing in July **2023**.

B. Except as expressly provided in this Memorandum, the City shall not be required to meet and confer concerning any matter, whether covered or not covered herein to take effect during the term or extensions thereof.

C. This Memorandum constitutes the total and entire agreements between the parties and no past written or verbal statement/agreements shall supersede any of its provisions. Throughout the term of this Memorandum, the City and the union may jointly decide to participate in Labor-Management meetings to discuss items of mutual interest on an as-needed basis.

D. It is intended by the parties hereto that the provisions of this Memorandum shall be in harmony with the rights, duties, obligations and responsibilities which by law devolve upon the City Council, City Manager, Fire Chief, and other City boards and officials, and these provisions shall be interpreted and applied in such manner.

E. The Union recognizes the powers, duties and responsibilities of the Fire Chief as set forth in the Charter and Ordinances and that pursuant thereto the Fire Chief has the authority to establish rules and regulations applicable to the operation of the Fire Department and to the conduct of the employees and officers employed therein, subject to the express provisions of this Memorandum.

F. The lawful provisions of this Memorandum are binding upon the parties for the term thereof. The Union having had an opportunity to raise all matters in connection with the Meet and Confer proceedings resulting in the Memorandum is precluded from initiating any further meeting and conferring for the term thereof relative to matters under the control of the Fire Chief, the City Council or the City Manager.

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IN WITNESS WHEREOF, the parties have set their hands this ____ of June, 2021

_____

Steve Beuerlein, President, Phoenix Fire Fighters Association Local 493

_____

David Mathews, Assistant Human Resources Director, City of Phoenix

_____

Ed Zuercher, City Manager, City of Phoenix

ATTEST:

_____

Denise Archibald, City Clerk, City of Phoenix

APPROVED AS TO FORM:

_____

City Attorney, City of Phoenix

Local 493 Team:
Steve Beuerlein, President
Bryan Willingham
Ed Beuerlein
PJ Dean
Tim West
Ben Lindquist
Brian Moore
Ruben Saavedra
Josh Klemm
Iasha Hernandez
Tim Gammage Jr.
Scott Crowley

City of Phoenix Team:
David Mathews, Assistant HR Director
Daniel Seville, Assistant Fire Chief
Mark Gonzales, Assistant Chief
Gerome Dunn, Division Chief
Reda Riddle-Bigler, Battalion Chief
Joey Felipe, Deputy Chief
Julie Taylor, Fire HR Officer
Ariel LeBarron, Management Intern, (Scribe)

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ATTACHMENT A
HOURLY PAY RATES

HOURLY PAY RATES

		56 HOUR			40 HOUR	
		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~
FIREFIGHTER	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Upon Graduation from Academy	1	~~$16.496~~	~~$16.496~~	1	~~$25.410~~	~~$25.410~~
6 Months After Graduation from Academy	2	~~$16.909~~	~~$16.909~~	2	~~$26.040~~	~~$26.040~~
1 ½ Years After Graduation from Academy	3	~~$17.662~~	~~$17.662~~	3	~~$27.200~~	~~$27.200~~
2 ½ Years After Graduation from Academy	4	~~$18.209~~	~~$18.209~~	4	~~$28.050~~	~~$28.050~~
3 ½ Years After Graduation from Academy	5	~~$19.094~~	~~$19.094~~	5	~~$29.410~~	~~$29.410~~
4 ½ Years After Graduation from Academy	6	~~$20.119~~	~~$20.119~~	6	~~$30.970~~	~~$30.970~~
5 ½ Years After Graduation from Academy	7	~~$21.123~~	~~$21.123~~	7	~~$32.510~~	~~$32.510~~
6 ½ Years After Graduation from Academy	8	~~$22.215~~	~~$22.215~~	8	~~$34.230~~	~~$34.230~~
7½Years After Graduation from Academy	9	~~$24.032~~	~~$24.053~~	9	~~$37.011~~	~~$37.044~~

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		56 HOUR			40 HOUR	
		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~
FIREFIGHTER PARAMEDIC	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Fire Fighter upon assignment as a Paramedic	21	~~$21.123~~	~~$21.123~~	21	~~$32.510~~	~~$32.510~~
Fire Fighter Paramedic after one year	22	~~$22.215~~	~~$22.215~~	22	~~$34.230~~	~~$34.230~~
Fire Fighter Paramedic after two years	23	~~$23.376~~	~~$23.376~~	23	~~$35.990~~	~~$35.990~~
Fire Fighter Paramedic after three years	24	~~$24.486~~	~~$24.486~~	24	~~$37.710~~	~~$37.710~~
Fire Fighter Paramedic after four years	25	~~$26.485~~	~~$26.509~~	25	~~$40.778~~	~~$40.815~~

FIREFIGHTER SO	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Firefighter at Step 1 upon assignment	31	~~$17.643~~	~~$17.662~~	31	~~$27.189~~	~~$27.219~~
Firefighter at Step 2 upon assignment	32	~~$18.057~~	~~$18.076~~	32	~~$27.798~~	~~$27.828~~
Firefighter at Step 3 upon assignment	33	~~$18.809~~	~~$18.828~~	33	~~$28.969~~	~~$28.998~~
Firefighter at Step 4 upon assignment	34	~~$19.357~~	~~$19.376~~	34	~~$29.819~~	~~$29.848~~
Firefighter at Step 5 upon assignment	35	~~$20.242~~	~~$20.261~~	35	~~$31.168~~	~~$31.198~~
Firefighter at Step 6 upon assignment	36	~~$21.268~~	~~$21.287~~	36	~~$32.739~~	~~$32.768~~
Firefighter at Step 7 upon assignment	37	~~$22.271~~	~~$22.290~~	37	~~$34.309~~	~~$34.339~~
Firefighter at Step 8 upon assignment	38	~~$23.366~~	~~$23.385~~	38	~~$35.978~~	~~$36.007~~
Firefighter at Step 9 upon assignment	39	~~$25.180~~	~~$25.220~~	39	~~$38.779~~	~~$38.842~~

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		56 HOUR			40 HOUR	
		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~
FIREFIGHTER SO/PARA	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Firefighter Paramedic at Step 21 upon assignment	51	~~$22.271~~	~~$22.290~~	51	~~$34.309~~	~~$34.338~~
Firefighter Paramedic at Step 22 upon assignment	52	~~$23.366~~	~~$23.385~~	52	~~$35.979~~	~~$36.008~~
Firefighter Paramedic at Step 23 upon assignment	53	~~$24.525~~	~~$24.544~~	53	~~$37.769~~	~~$37.798~~
Firefighter Paramedic at Step 24 upon assignment	54	~~$25.633~~	~~$25.652~~	54	~~$39.489~~	~~$39.518~~
Firefighter Paramedic at Step 25 upon assignment	55	~~$27.633~~	~~$27.676~~	55	~~$42.568~~	~~$42.634~~

FIREFIGHTER HMT &TRT	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Firefighter at Step 1 upon assignment	61	~~$18.793~~	~~$18.831~~	61	~~$28.947~~	~~$29.006~~
Firefighter at Step 2 upon assignment	62	~~$19.206~~	~~$19.244~~	62	~~$29.567~~	~~$29.626~~
Firefighter at Step 3 upon assignment	63	~~$19.958~~	~~$19.996~~	63	~~$30.717~~	~~$30.776~~
Firefighter at Step 4 upon assignment	64	~~$20.505~~	~~$20.543~~	64	~~$31.577~~	~~$31.636~~
Firefighter at Step 5 upon assignment	65	~~$21.390~~	~~$21.428~~	65	~~$32.947~~	~~$33.006~~
Firefighter at Step 6 upon assignment	66	~~$22.414~~	~~$22.452~~	66	~~$34.547~~	~~$34.606~~
Firefighter at Step 7 upon assignment	67	~~$23.420~~	~~$23.458~~	67	~~$36.057~~	~~$36.116~~
Firefighter at Step 8 upon assignment	68	~~$24.512~~	~~$24.550~~	68	~~$37.757~~	~~$37.816~~
Firefighter at Step 9 upon assignment	69	~~$26.328~~	~~$26.388~~	69	~~$40.548~~	~~$40.640~~

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		56 HOUR			40 HOUR	
		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~
FIREFIGHTER HMT &TRT/PARA	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Firefighter Paramedic at Step 21 upon assignment	81	~~$23.420~~	~~$23.458~~	81	~~$36.057~~	~~$36.116~~
Firefighter Paramedic at Step 22 upon assignment	82	~~$24.512~~	~~$24.550~~	82	~~$37.757~~	~~$37.816~~
Firefighter Paramedic at Step 23 upon assignment	83	~~$25.672~~	~~$25.710~~	83	~~$39.537~~	~~$39.596~~
Firefighter Paramedic at Step 24 upon assignment	84	~~$26.784~~	~~$26.822~~	84	~~$41.257~~	~~$41.316~~
Firefighter Paramedic at Step 25 upon assignment	85	~~$28.780~~	~~$28.842~~	85	~~$44.316~~	~~$44.411~~

ENGINEER	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Engineer upon promotion	1	~~$23.239~~	~~$23.239~~	1	~~$35.780~~	~~$35.780~~
Engineer six months after promotion	2	~~$24.450~~	~~$24.450~~	2	~~$37.660~~	~~$37.660~~
Engineer one and ½ years after promotion	3	~~$26.364~~	~~$26.477~~	3	~~$40.610~~	~~$40.784~~

ENGINEER PARAMEDIC	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Engineer upon assignment	21	~~$26.665~~	~~$26.702~~	21	~~$41.074~~	~~$41.132~~
Considered for increase on anniversary date	22	~~$28.577~~	~~$28.728~~	22	~~$44.004~~	~~$44.235~~

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		56 HOUR			40 HOUR	
		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~
ENGINEER SO	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Engineer upon assignment	31	~~$25.599~~	~~$25.618~~	31	~~$39.429~~	~~$39.458~~
Considered for increase on anniversary date	32	~~$27.514~~	~~$27.647~~	32	~~$42.389~~	~~$42.593~~

ENGINEER SO/PARA	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Engineer upon assignment	51	~~$27.814~~	~~$27.871~~	51	~~$42.833~~	~~$42.919~~
Considered for increase on anniversary date	52	~~$29.726~~	~~$29.896~~	52	~~$45.783~~	~~$46.044~~

ENGINEER HMT &TRT	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Engineer upon assignment	61	~~$26.748~~	~~$26.787~~	61	~~$41.197~~	~~$41.256~~
Considered for increase on anniversary date	62	~~$28.663~~	~~$28.815~~	62	~~$44.127~~	~~$44.360~~

ENGINEER HMT&TRT/PARA	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Engineer upon assignment	81	~~$28.961~~	~~$29.037~~	81	~~$44.601~~	~~$44.717~~
Considered for increase on anniversary date	82	~~$30.875~~	~~$31.064~~	82	~~$47.551~~	~~$47.842~~

CAPTAIN	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Captain upon promotion	8	~~$25.733~~	~~$25.733~~	8	~~$39.630~~	~~$39.630~~
Captain after 1 year	9	~~$27.017~~	~~$27.017~~	9	~~$41.600~~	~~$41.600~~
Captain after 2	10	~~$29.088~~	~~$30.711~~	10	~~$44.805~~	~~$47.306~~

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		56 HOUR			40 HOUR	
		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~
years						
CAPTAIN PARAMEDIC	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Captain upon assignment	21	~~$27.945~~	~~$27.982~~	21	~~$43.024~~	~~$43.081~~
Considered for increase on anniversary date	22	~~$29.231~~	~~$29.268~~	22	~~$45.004~~	~~$45.061~~
Considered for increase on anniversary date	23	~~$31.302~~	~~$32.962~~	23	~~$48.199~~	~~$50.756~~

CAPTAIN SO	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Captain upon assignment	31	~~$26.881~~	~~$26.900~~	31	~~$41.409~~	~~$41.439~~
Considered for increase on anniversary date	32	~~$28.166~~	~~$28.185~~	32	~~$43.379~~	~~$43.409~~
Considered for increase on anniversary date	33	~~$30.237~~	~~$31.879~~	33	~~$46.554~~	~~$49.083~~

CAPTAIN SO/PARA	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Captain upon assignment	51	~~$29.094~~	~~$29.150~~	51	~~$44.813~~	~~$44.900~~
Considered for increase on anniversary date	52	~~$30.379~~	~~$30.435~~	52	~~$46.793~~	~~$46.880~~
Considered for increase on anniversary date	53	~~$32.450~~	~~$34.130~~	53	~~$49.968~~	~~$52.554~~

DRAFT

		56 HOUR			40 HOUR	
		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~		Effective ~~July 1, 2019~~	Effective ~~July 13, 2020~~
CAPTAIN HMT &TRT	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Captain upon assignment	61	~~$28.028~~	~~$28.066~~	61	~~$43.157~~	~~$43.216~~
Considered for increase on anniversary date	62	~~$29.314~~	~~$29.352~~	62	~~$45.137~~	~~$45.196~~
Considered for increase on anniversary date	63	~~$31.385~~	~~$33.047~~	63	~~$48.322~~	~~$50.881~~

CAPTAIN HMT &TRT/PARA	STEP	HOURLY RATE	HOURLY RATE	STEP	HOURLY RATE	HOURLY RATE
Captain upon assignment	81	~~$30.244~~	~~$30.320~~	81	~~$46.582~~	~~$46.698~~
Considered for increase on anniversary date	82	~~$31.528~~	~~$31.604~~	82	~~$48.552~~	~~$48.668~~
Considered for increase on anniversary date	83	~~$33.598~~	~~$35.297~~	83	~~$51.747~~	~~$54.363~~

Progression through these steps shall be in accordance with established regulations and the City's Pay Ordinance. It is understood that any time a member is promoted to another classification or assigned as a firefighter paramedic and is within a pay classification range, the member will proceed to the next higher step upon promotion or assignment.

DRAFT

ATTACHMENT B
VACATION CARRYOVER

With the reinstatement of vacation buy back in FY 2021-2022, vacation carryover will be the established maximum plus 240 hours (or the 56-hour equivalent). In FY 2022-2023, the vacation carryover will be the established maximum plus 160 hours (or the 56-hour equivalent).

DRAFT

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 45

Repeal and Replace Personnel Rule 22 (Ordinance S-47446)

Request City Council approval of amendments to City of Phoenix Personnel Rule 22, Hearing Procedures. This action establishes final rules and adopts changes to update procedures for Civil Service appeal hearings.

Summary

The proposed rule changes were developed over several years by the Civil Service Board, with input by both City and Labor stakeholders. The proposed rule changes are designed to provide more guidance and structure to the Civil Service Appeal Procedures and improve current City practices (**Attachment A - Personnel Rule 22**).

Public Outreach

Several public meetings were conducted by the Civil Service Board, that included stakeholders, to formally solicit comments on the proposed amendments. In accordance with Personnel Rule 23, the proposed changes were posted on March 8, 2021 and a public hearing was conducted on March 15, 2021.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

Attachment A

PURPOSE – The proposed rule changes were developed over several years by the Civil Service Board members, with input by both City and Labor stakeholders. The proposed rule amendments are designed to provide more guidance and structure to the Civil Service Appeal Procedures and improving current City practices.

New language to be included in the Personnel Rules is identified in all capital letters. Deletions are indicated by strikethrough. For convenience all amendments, including formatting changes, are highlighted.

Proposed language accomplishes the following:

RULE 22

HEARING PROCEDURES

REPEAL AND REPLACE RULE 22

~~22a.~~ **~~Request for Hearing:~~**
~~The employee shall have fourteen calendar days after date of service of notice of the order of suspension, demotion or dismissal on them personally, or twenty-one calendar days from the date of mailing by certified mail the notice of the order of suspension, demotion or dismissal, to request a hearing before the Board. The request for hearing must be in writing and must state the specific allegations in the discipline notice with which the employee disagrees. The request for hearing must be personally delivered to the Board or deposited in the United States mail, certified, return receipt requested, postage prepaid, addressed to the office of the Civil Service Board, within the above-stated time.~~

~~The employee shall also immediately thereafter file copies thereof with the complainant department head and the City Attorney. At the time the employee files the request for hearing, the employee shall set forth whether they desire a public or a private hearing.~~

~~Failure on the part of a suspended, demoted or dismissed employee to file a request for hearing within the time allowed in this Rule shall terminate the employee's right to a hearing and the order of suspension, demotion or dismissal made by the appointing authority shall be deemed final.~~

~~22b.~~ **~~Time for Hearing:~~**
~~The Board shall determine if the hearing will be public or private, set the date of the hearing and shall, when possible within thirty days, hear and determine the matter and either affirm, modify, or revoke such order.~~

~~22c.~~ **~~Conduct of Hearing:~~**
~~The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public or private hearing. The appointing authority may also be represented by counsel. All hearings and investigations before the Board shall be governed by these rules of practice and procedure; and in the conduct thereof, the Board shall not be bound by technical rules of evidence, nor shall informality in any of the proceedings or in the matter of taking testimony invalidate any order, decision, rule or regulation made or approved by the Board.~~

~~The Board may appoint a paid hearing officer to conduct the hearing. The conduct of the hearing and procedures shall be the same as if the Board were holding the meeting, and shall serve as the hearing provided in these Rules. It shall be the duty of the hearing officer, within two weeks of the conclusion of the hearing, to forward all records and the recommendation concerning the appeal to the Board for appropriate action.~~

22d. **Hearing Procedure:**

A record of the charges shall be included in the minutes of the Board, and a time and place set for a hearing. The Board shall have the power to subpoena and require the attendance of witnesses and the production of pertinent documents, and to administer oaths and, if necessary, to continue the hearing from time to time. Subpoenas issued by the Board must be served by personal service. If a Board subpoena is issued at least seven calendar days prior to the hearing date, a party seeking service on a City employee may contact the employee's department head for purposes of pre-arranging a specific date, time and place during the employee's shift where service can be completed. Upon receiving such request, it shall be the duty of the department head to establish a date, time and place reasonably convenient to the employee and the party seeking to serve the subpoena, unless said employee is on leave or vacation. The order of proof in any hearing of complaint shall be as follows:

22d1. The appointing authority, or the complainant, shall present evidence in support of the charges.

22d2. The defendant shall then produce such evidence as they may wish to offer in their defense.

22d3. The parties in interest may then offer rebuttal evidence.

22d4. No employee shall be disciplined or retaliated against for appealing a disciplinary action to the Civil Service Board, or for testifying at a Civil Service Board hearing.

If a private hearing has been approved by the Board, the Chairman of the Board or the Hearing Officer shall clear the hearing room of all persons not directly involved in the hearing.

If the hearing is open to the public, the Chairman of the Board or the Hearing Officer may order that no cameras or tape recorders be operated in the hearing room while the hearing is in progress, if in the judgment of the Chairman or Hearing Officer, the use of such devices would be disruptive to the hearing.

At the request of either party, the Chairman of the Board or the Hearing Officer shall order that witnesses who will testify during the hearing be excluded from the hearing room until such time as they testify. The City may exclude from the operation of this provision one representative of the appointing authority.

22e. **Disposition of Appeal:**

Following the hearing and such investigations as the Civil Service Board may see fit to make, the Board shall report its finding and decision to the appointing authority responsible for the removal, suspension, demotion, or reduction in compensation, as specified in the notice. Thereupon the

appointing authority shall make such final disposition of the matter as has been determined by the Civil Service Board. The Board may at its discretion:

22e1. Order the restoration of the employee to their position with or without loss of pay during the period between the filing of the charges and the making of the order.

22e2. Uphold or modify the order of suspension, demotion, or dismissal.

22e3. When an employee's competency is questioned upon charges filed by the appointing authority, the Board may require an examination of fitness, the result of which may be taken into consideration in determining such fact.

22f. **Finding and Decision:**
The finding and decision of the Board shall be final, and shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed. If the finding and decision of the Board orders the reinstatement of a dismissed employee without back pay, time off in excess of thirty working days caused by the Board's hearing procedure shall not be considered a suspension in violation of Rule 19, and shall not be compensated.

22g. **Record Filed:**
A copy of the order in writing and the request for hearing, together with a copy of the finding and decision of the Board, shall be filed as a public record in the office of the Board.

22h. **Rule Interpretation:**
If a dispute arises over the interpretation of a Personnel Rule, an aggrieved party shall file in writing a request for Rule interpretation by the Human Resources Director. This request shall be filed within fifteen calendar days of the date that the dispute arose. Within ten calendar days of the receipt of the request, the Human Resources Director shall respond to the aggrieved party. If the party is still dissatisfied with the interpretation, they may submit a request in writing for a review by the Civil Service Board. This appeal shall be submitted within ten days of the receipt of the Human Resources Director's reply.

The Civil Service Board may assign a hearing officer to investigate the complaints and the hearing officer shall submit findings to the Board within two weeks of the completion of the investigation. The decision of the Board shall be final.

RULE 22

HEARING PROCEDURES

22A – DEFINITIONS APPLICABLE TO THIS RULE:
22B ENFORCEMENT OF THIS RULE:
22C – COMPUTATION OF TIME UNDER THIS RULE:
22D – HEARING RIGHTS:
22E – REQUEST FOR HEARING:
22F – HEARING SCHEDULE:
22G – HEARING OFFICER ROLE AND RESPONSIBILITIES:
22H – HEARING PROCEDURE:
22I – BOARD DISPOSITION OF APPEALS:
22J – RECORD FILED:
22K – CALL TO THE PUBLIC:
22L – RULE INTERPRETATION:

22A DEFINITIONS APPLICABLE TO THIS RULE:

DEFINITIONS FOUND IN THE CITY OF PHOENIX PERSONNEL RULES REMAIN APPLICABLE TO THIS RULE 22. THE FOLLOWING DEFINITIONS ARE APPLICABLE TO RULE 22 ONLY.

THE SINGULAR OF A WORD INCLUDES THE PLURAL AND THE PLURAL INCLUDES THE SINGULAR.

"APPEAL" MEANS A WRITTEN REQUEST FILED WITH THE BOARD BY AN ELIGIBLE EMPLOYEE TO CHALLENGE A QUALIFIED DISCIPLINARY ACTION THAT HAS BEEN TIMELY FILED AND MEETS THE REQUIREMENTS OF THIS RULE.

"CERTIFIED POLICE OFFICER" MEANS AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY WHO HAS MET THE QUALIFICATIONS, TRAINING REQUIREMENTS AND HAS BEEN APPROVED FOR CERTIFICATION BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

"FOR CAUSE" MEANS THE EMPLOYEE'S FAILURE TO MEET THE STANDARDS OF CONDUCT, DUTIES, OR WORK PERFORMANCE FOR THE REASONS LISTED IN RULE 21 OF THE CITY OF PHOENIX PERSONNEL RULES.

"HEARING" MEANS A PROCEEDING CONDUCTED BY A HEARING OFFICER TO HEAR AND EVALUATE EVIDENCE PRESENTED BY THE PARTIES AS PART OF A CHALLENGE TO A QUALIFIED DISCIPLINARY ACTION FROM WHICH A REPORT AND RECOMMENDATION IS MADE TO THE BOARD.

"HEARING OFFICER" MEANS AN ARBITRATOR, FACT FINDER, OR OTHER ADMINISTRATIVE HEARING OFFICER HIRED BY THE BOARD TO PRESIDE OVER A HEARING OF AN APPEAL.

"HIRING AUTHORITY" MEANS THE DEPARTMENT DIRECTOR OR FUNCTION HEAD WITHIN THE CITY OF PHOENIX FOR THE EMPLOYEE FILING AN APPEAL.

"JUST CAUSE (FOR A CERTIFIED POLICE OFFICER)" HAS THE SAME DEFINITIONS AS PROVIDED IN A.R.S. § 38-1101(7).

"POLICE DEPARTMENT OPERATIONS ORDERS" MEANS THE POLICIES AND PROCEDURES ADOPTED BY THE CHIEF OF POLICE THAT APPLY TO THE EMPLOYEES WITHIN THE CITY OF PHOENIX POLICE DEPARTMENT.

"PREPONDERANCE OF THE EVIDENCE" MEANS THAT THE EVIDENCE AS A WHOLE SHOWS THE FACT SOUGHT TO BE PROVED IS MORE PROBABLE THAN NOT.

"QUALIFIED DISCIPLINARY ACTION" MEANS A SUSPENSION, DEMOTION, OR DISMISSAL OF AN EMPLOYEE IN THE CLASSIFIED SERVICE WHO IS ELIGIBLE TO PURSUE AN APPEAL.

22B ENFORCEMENT OF THIS RULE:

ANY ALLEGED VIOLATION OF THESE RULES SHALL FIRST BE BROUGHT TO THE ATTENTION OF THE HEARING OFFICER ASSIGNED TO THE APPEAL FOR CONSIDERATION. SUCH ALLEGED RULE VIOLATIONS SHALL BE RULED ON BY THE ASSIGNED HEARING OFFICER. THESE ALLEGED VIOLATIONS OR ISSUES MAY ARISE PRIOR TO THE COMMENCEMENT OF THE HEARING, OR DURING THE HEARING. HEARING OFFICER RULINGS ON ALLEGED VIOLATIONS OF THESE RULES CAN BE APPEALED IMMEDIATELY TO THE BOARD ONLY (1) IF BOTH PARTIES CERTIFY TO THE HEARING OFFICER THAT THE RULING IS OF SUCH SIGNIFICANCE THAT IT HAS THE POTENTIAL TO MATERIALLY PREJUDICE THE RIGHTS OF ONE OR BOTH OF THE PARTIES, OR (2) THE HEARING OFFICER CERTIFIES TO THE BOARD THAT THE RULING HAS THE POTENTIAL TO MATERIALLY PREJUDICE THE RIGHTS OF ONE OR BOTH OF THE PARTIES. IF SUCH A CERTIFICATION IS MADE TO THE BOARD, THE HEARING SHOULD BE SUSPENDED PENDING THE OUTCOME OF THE BOARD'S DECISION ON THE ISSUE. ALL OTHER RULINGS BY THE HEARING OFFICER RELATED TO ALLEGED VIOLATIONS OF THESE RULES WILL BE ADDRESSED BY THE BOARD AFTER THE HEARING OFFICER HAS PROVIDED THE BOARD WITH THE REPORT AND RECOMMENDATION FOR THE APPEAL. THE BOARD AND THE HEARING OFFICER HAVE THE AUTHORITY TO IMPOSE SUCH SANCTIONS AS THEY DEEM APPROPRIATE GIVEN THE NATURE OF THE ALLEGED VIOLATION AND THE POTENTIAL PREJUDICE TO THE OPPOSING PARTY. THE BOARD MAY ISSUE SANCTIONS UP TO AND INCLUDING DISMISSAL OF THE APPEAL, VACATING THE DISCIPLINE, OR IMPOSING MONETARY SANCTIONS ON A PARTY, OR COUNSEL.

22C COMPUTATION OF TIME UNDER THIS RULE:

IN COMPUTING ANY PERIOD OF TIME PRESCRIBED OR ALLOWED BY THESE RULES, THE DAY OF THE ACT OR EVENT FROM WHICH THE

DESIGNATED PERIOD OF TIME BEGINS TO RUN WILL NOT BE INCLUDED. THE LAST DAY OF THE PERIOD SO COMPUTED WILL BE INCLUDED UNLESS IT IS A SATURDAY OR SUNDAY, OR A CITY OF PHOENIX HOLIDAY, IN WHICH EVENT, THE PERIOD RUNS UNTIL 5:00 P.M. OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR CITY OF PHOENIX HOLIDAY. ALL DAYS ARE CALENDAR DAYS.

22D HEARING RIGHTS:

THE EMPLOYEE PURSUING AN APPEAL SHALL BE ENTITLED TO APPEAR PERSONALLY, TO HAVE COUNSEL OR A REPRESENTATIVE OF THEIR CHOOSING AT THEIR OWN EXPENSE, PRODUCE RELEVANT EVIDENCE, AND TO HAVE A PUBLIC OR PRIVATE HEARING. THE HIRING AUTHORITY MAY ALSO BE REPRESENTED BY COUNSEL. ALL HEARINGS AND INVESTIGATIONS BEFORE THE BOARD SHALL BE GOVERNED BY THESE RULES OF PRACTICE AND PROCEDURE; AND IN THE CONDUCT THEREOF, THE BOARD SHALL NOT BE BOUND BY TECHNICAL RULES OF EVIDENCE, NOR SHALL INFORMALITY IN ANY OF THE PROCEEDINGS OR IN THE MATTER OF TAKING TESTIMONY INVALIDATE ANY ORDER, DECISION, RULE OR REGULATION MADE OR APPROVED BY THE BOARD.

THE BOARD MAY APPOINT A PAID HEARING OFFICER TO CONDUCT THE HEARING.

22E REQUEST FOR HEARING:

1. **APPEAL PROCEDURES**. AN EMPLOYEE IN THE CLASSIFIED SERVICE MUST FOLLOW THESE PROCEDURES TO APPEAL A QUALIFIED DISCIPLINARY ACTION TO THE BOARD.

2. **FILING OF APPEAL**. A NOTICE OF QUALIFIED DISCIPLINARY ACTION, GENERALLY REFERRED TO AS A DISCIPLINE NOTICE OR A LETTER OF DISCIPLINE, MUST BE DELIVERED TO THE EMPLOYEE BY HAND OR SENT BY CERTIFIED MAIL. IF NOTICE OF QUALIFIED DISCIPLINARY ACTION IS HAND DELIVERED TO THE EMPLOYEE, THE EMPLOYEE MUST FILE AN APPEAL OF DISCIPLINE IN WRITING WITHIN 14 DAYS OF RECEIPT OF THE NOTICE OF DISCIPLINE. IF NOTICE OF QUALIFIED DISCIPLINARY ACTION IS DELIVERED BY CERTIFIED MAIL, AN EMPLOYEE MUST FILE AN APPEAL OF DISCIPLINE IN WRITING WITHIN 21 DAYS OF THE DATE THE NOTICE OF DISCIPLINE WAS MAILED. AN APPEAL OF QUALIFIED DISCIPLINE MUST BE IN WRITING AND MAY BE HAND DELIVERED TO THE EXECUTIVE SECRETARY, OR SENT BY E-MAIL, OR SENT BY FIRST CLASS U.S. MAIL POSTMARKED BY THE APPLICABLE DEADLINE. THE EXECUTIVE SECRETARY WILL PROVIDE A COPY OF THE APPEAL TO THE HIRING AUTHORITY AND CITY ATTORNEY.

3. **APPEAL REQUIREMENTS**. A WRITTEN APPEAL MUST INCLUDE THE FOLLOWING INFORMATION:

A. THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE EMPLOYEE WHO REQUESTS THE APPEAL, AND THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE EMPLOYEE'S REPRESENTATIVE IF THE EMPLOYEE IS REPRESENTED.

B. THE EMPLOYEE SHALL SPECIFY IN THE WRITTEN APPEAL WHETHER THEY ARE ASSERTING THAT THEY DID NOT COMMIT THE ALLEGED VIOLATION(S), OR THAT THE DISCIPLINE IMPOSED IS TOO SEVERE, OR BOTH. A FORM THAT CAN BE USED TO SUBMIT AN APPEAL WILL BE PROVIDED TO AN EMPLOYEE WHO IS ELIGIBLE TO PURSUE AN APPEAL WITH THE DISCIPLINE NOTICE.

C. THE EMPLOYEE'S PREFERENCE FOR A PUBLIC OR PRIVATE HEARING.

D. IF THERE ARE SPECIAL CONDITIONS THAT MAY WARRANT AN EXPEDITED HEARING, A REQUEST FOR EXPEDITED HEARING MUST BE MADE AT THE TIME THE WRITTEN APPEAL IS FIRST FILED, AND THE APPEAL MUST INCLUDE THE LEGAL AND FACTUAL GROUNDS FOR AN EXPEDITED HEARING. ANY REQUEST FOR AN EXPEDITED HEARING WILL BE CONSIDERED BY THE RECORDING SECRETARY AS PART OF THE HEARING OFFICER ASSIGNMENT PROCESS.

4. **FAILURE TO TIMELY APPEAL**. FAILURE ON THE PART OF A SUSPENDED, DEMOTED OR DISMISSED EMPLOYEE TO FILE A REQUEST FOR HEARING WITHIN THE TIME ALLOWED IN THIS RULE SHALL TERMINATE THE EMPLOYEE'S RIGHT TO A HEARING AND THE ORDER OF SUSPENSION, DEMOTION OR DISMISSAL MADE BY THE HIRING AUTHORITY SHALL BE DEEMED FINAL.

22F HEARING SCHEDULE:

1. **SCHEDULING OF HEARING**. UPON RECEIPT OF A TIMELY AND PROPERLY SUBMITTED APPEAL, THE RECORDING SECRETARY WILL ASSIGN EACH APPEAL A DOCKET CONTROL NUMBER. THE RECORDING SECRETARY WILL REQUEST FIVE AVAILABLE DATES DURING A SPECIFIED TIMEFRAME FOR THE HEARING FROM THE PARTIES. THE PARTIES SHALL RESPOND AS SOON AS REASONABLY POSSIBLE, HOWEVER, THE HEARING OFFICER AND THE HEARING DATE WILL BE ASSIGNED AT THE EXPIRATION OF 14 DAYS. HEARING OFFICERS WILL BE ASSIGNED TO THE GREATEST EXTENT POSSIBLE ON A ROTATING BASIS, BUT ALSO CONSISTENT WITH THEIR AVAILABILITY ON THE DATE(S) PROPOSED BY THE PARTIES. THE RECORDING SECRETARY WILL INFORM THE PARTIES ABOUT THE ASSIGNED HEARING OFFICER AND HEARING DATE. THE RECORDING SECRETARY WILL MAINTAIN THE APPEAL DOCKET, ALL LEGAL PAPERS, DOCUMENTS AND

OTHER INFORMATION SUBMITTED BY THE PARTIES AS PART OF THE APPEAL, AND THE RECORD ON APPEAL.

2. **CITY DISCLOSURE**. WITHIN 14 DAYS OF RECEIPT OF AN APPEAL, THE CITY SHALL PROVIDE TO THE APPELLANT A COPY OF THE DISCIPLINARY FILE MAINTAINED BY THE HIRING AUTHORITY IN ISSUING THE DISCIPLINE THAT IS THE SUBJECT OF THE APPEAL. PRODUCTION OF THESE DOCUMENTS DOES NOT LIMIT THE EXHIBITS THAT CAN BE USED AT THE HEARING.

3. **LENGTH OF HEARING**. THE PRESUMED LENGTH OF THE HEARING FOR AN APPEAL IS ONE DAY, OR LESS. IF EITHER OF THE PARTIES REASONABLY BELIEVES THAT THE HEARING WILL TAKE MORE THAN ONE DAY, THE PARTY SEEKING THE LONGER HEARING WILL INFORM THE RECORDING SECRETARY NOT LATER THAN 14 DAYS AFTER THE HEARING OFFICER IS ASSIGNED. THE PARTIES SHALL THEN PARTICIPATE IN A SCHEDULING CONFERENCE WITH THE HEARING OFFICER AS DIRECTED IN RULE 22F4.

4. **SCHEDULING CONFERENCE**. FOR HEARINGS PREDICTED TO TAKE MORE THAN ONE DAY, THE HEARING OFFICER AND THE PARTIES' REPRESENTATIVES, OR THE EMPLOYEE IF THEY ARE NOT REPRESENTED, SHALL PARTICIPATE IN A TELEPHONIC, OR IN PERSON, SCHEDULING CONFERENCE. THE PURPOSE OF THE SCHEDULING CONFERENCE IS TO CONFIRM THE TIME, DATE, AND PLACE OF THE HEARING, RESOLVE ANY CONCERNS ABOUT THE DEADLINES ESTABLISHED IN THE STANDARD SCHEDULING ORDER REQUIRED BY RULE 22F6, RULE ON ANY REQUEST FOR AN EXPEDITED HEARING, AND DISCUSS THE EXCHANGE OF DOCUMENTS, WITNESS INFORMATION, AND POTENTIAL EXHIBITS.

5. **SUBPOENAS DUCES TECUM**. EXCEPT FOR GOOD CAUSE SHOWN, OR AGREEMENT OF THE PARTIES, NO LATER THAN 45 DAYS BEFORE A SCHEDULED HEARING, EITHER PARTY MAY REQUEST THAT THE RECORDING SECRETARY ISSUE A SUBPOENA DUCES TECUM REQUIRING THE PRODUCTION OF DOCUMENTS OR OTHER MATERIALS. THE DOCUMENTS OR ITEMS REQUESTED THROUGH THE SUBPOENA DUCES TECUM WILL BE PRODUCED NO LATER THAN 21 DAYS AFTER SERVICE OF THE SUBPOENA.

   A. ANY PARTY REQUESTING A SUBPOENA DUCES TECUM MUST PROVIDE A COPY OF THE REQUEST TO THE OTHER PARTY AT THE TIME THE REQUEST FOR THE ISSUANCE OF THE SUBPOENA IS MADE.

   B. THE PARTY WHO WOULD BE RESPONDING TO THE SUBPOENA DUCES TECUM HAS 7 DAYS FROM RECEIPT OF THE REQUEST FOR THE SUBPOENA, OR SERVICE OF THE

SUBPOENA , WHICHEVER IS SOONER, TO SUBMIT WRITTEN OBJECTIONS TO THE HEARING OFFICER. THE PARTY REQUESTING THE SUBPOENA IS NOT ENTITLED TO SUBMIT A WRITTEN RESPONSE TO THE OBJECTIONS. THE HEARING OFFICER SHALL RULE ON THE OBJECTIONS AS SOON AS PRACTICAL AND MAY SET A TELEPHONIC CONFERENCE WITH THE PARTIES TO DISCUSS THE OBJECTIONS. THE HEARING OFFICER HAS THE AUTHORITY TO UPHOLD THE OBJECTIONS AND REFUSE TO ISSUE, OR WITHDRAW THE SUBPOENA, MODIFY THE SCOPE OF THE SUBPOENA, OR OVERRULE THE OBJECTIONS AND ISSUE THE SUBPOENA DUCES TECUM AS SUBMITTED.

C. SERVICE OF THE SUBPOENA DUCES TECUM MAY BE BY CERTIFIED MAIL, OR EMAIL TO THE PARTY, OR THE PARTY'S REPRESENTATIVE.

6. STANDARD SCHEDULING ORDER. WITHIN 3 DAYS AFTER THE HEARING DATE HAS BEEN SET, THE RECORDING SECRETARY WILL PROVIDE TO THE PARTIES A STANDARD SCHEDULING ORDER. THE STANDARD SCHEDULING ORDER WILL SET OUT THE FOLLOWING:

A. THE DATE, TIME, AND PLACE FOR THE HEARING.

B. EXCHANGE OF WITNESSES AND EXHIBITS. NO LATER THAN 14 DAYS BEFORE A SCHEDULED HEARING, THE PARTIES WILL EXCHANGE THE NAMES AND CONTACT INFORMATION FOR ALL WITNESSES, A BRIEF SUMMARY OF EACH WITNESS' PROPOSED TESTIMONY, AND COPIES OF ALL DOCUMENTS OR EXHIBITS THE PARTY ANTICIPATES OFFERING INTO EVIDENCE AT THE HEARING.

C. SUPPLEMENTAL INFORMATION. ANY SUPPLEMENTAL HEARING INFORMATION MUST BE EXCHANGED BY THE PARTIES NO LATER THAN 7 DAYS BEFORE A SCHEDULED HEARING.

D. EXCEPT FOR GOOD CAUSE AS DETERMINED BY THE HEARING OFFICER, A PARTY IS PROHIBITED FROM PRESENTING ANY WITNESS OR EXHIBIT THAT WAS NOT TIMELY DISCLOSED AND EXCHANGED.

E. FILING OF WRITTEN MOTIONS. IF ANY PARTY ANTICIPATES FILING A WRITTEN MOTION PRIOR TO THE HEARING, THE HEARING OFFICER WILL SPECIFY A SCHEDULE FOR FILING ANY WRITTEN MOTIONS. ALL PRE-HEARING MOTIONS MUST BE FILED 10 DAYS PRIOR TO THE SCHEDULED HEARING TO ALLOW AT LEAST 5 DAYS FOR THE OPPOSING PARTY TO RESPOND. THIS PROVISION IS NOT INTENDED TO PRECLUDE ORAL

MOTIONS, OR OBJECTIONS TO EVIDENCE, THAT MAY ARISE AT THE START OF, OR DURING, THE HEARING.

F. REQUEST FOR SUBPOENAS. NO LATER THAN 5 DAYS BEFORE A SCHEDULED HEARING, A PARTY SHALL SUBMIT ALL REQUESTS FOR SUBPOENAS FOR THE APPEARANCE OF WITNESSES TO THE RECORDING SECRETARY. ANY PARTY REQUESTING A SUBPOENA MUST PROVIDE A COPY OF THE REQUEST TO THE OTHER PARTY AT THE SAME TIME THE REQUEST IS MADE. THE RECORDING SECRETARY WILL NOT ISSUE THE SUBPOENA ABSENT CONFIRMATION THAT THE OTHER PARTY HAS RECEIVED NOTICE OF THE REQUEST.

7. OBJECTION TO PROPOSED HEARING OFFICER. ANY OBJECTION TO AN ASSIGNED HEARING OFFICER FOR AN APPEAL MUST BE FILED WITH THE RECORDING SECRETARY NO LATER THAN 14 DAYS FROM THE DATE OF NOTICE THAT IDENTIFIES THE ASSIGNED HEARING OFFICER, OR SUCH OBJECTION SHALL BE DEEMED WAIVED. IF AN OBJECTION IS MADE, THE RECORDING SECRETARY WILL ASSIGN A NEW HEARING OFFICER. AFTER THE NEW HEARING OFFICER IS ASSIGNED, THE PARTY THAT DID NOT OBJECT TO THE ORIGINAL HEARING OFFICER MAY OBJECT TO THE NEW HEARING OFFICER WITHIN 5 DAYS OF THE NOTICE OF THE NEW HEARING OFFICER. IF ANY OBJECTION IS MADE, THE RECORDING SECRETARY WILL ASSIGN A DIFFERENT HEARING OFFICER. EACH SIDE MAY SUBMIT ONLY ONE OBJECTION TO AN ASSIGNED HEARING OFFICER FOR EACH APPEAL. THERE SHALL BE NO ADMINISTRATIVE CHANGE OF THE ASSIGNED HEARING OFFICER WITHOUT THE CONSENT OF BOTH PARTIES.

8. REQUEST FOR EXPEDITED HEARING. AFTER THE ASSIGNMENT OF THE HEARING OFFICER, THE HEARING OFFICER WILL RULE ON ANY REQUEST FOR AN EXPEDITED HEARING. IF THE REQUEST IS GRANTED, TO THE EXTENT ALL PARTIES AND A HEARING OFFICER ARE AVAILABLE AND AGREE, AND GOOD CAUSE APPEARING, THE EXPEDITED HEARING WILL BE PLACED IN PRIORITY ORDER FOR SCHEDULING AND TO THE EXTENT NECESSARY, THE OTHER TIME LIMITS SET FORTH IN THIS RULE MAY BE MODIFIED.

9. REQUEST TO CONTINUE HEARING. EACH PARTY MAY REQUEST TO CONTINUE A SCHEDULED HEARING FOR GOOD CAUSE BY PROVIDING A WRITTEN MOTION. SAID MOTION IS TO BE PROVIDED TO THE ASSIGNED HEARING OFFICER, THE RECORDING SECRETARY, AND TO THE OPPOSING PARTY. IF THE REQUEST TO CONTINUE IS BASED ON THE LACK OF AVAILABILITY OF A MATERIAL WITNESS DUE TO VACATION OR OTHER IDENTIFIED SCHEDULE CONFLICT, THE WRITTEN REQUEST MUST BE MADE WITHIN 14 DAYS AFTER THE RECORDING SECRETARY OR THE HEARING OFFICER SETS THE HEARING DATE. EACH

WRITTEN REQUEST MUST INCLUDE DETAILED INFORMATION TO SUPPORT THE CONTINUANCE, CONFIRM THE OPPOSING PARTY HAS BEEN NOTIFIED OF THE REQUEST, AND LIST ALTERNATIVE HEARING DATE(S). THE OPPOSING PARTY SHALL HAVE AN OPPORTUNITY TO AGREE TO THE REQUEST TO CONTINUE THE HEARING, OR OBJECT. THE ASSIGNED HEARING OFFICER MAY GRANT OR DENY THE REQUEST WITH OR WITHOUT ARGUMENT. ORAL ARGUMENT MAY BE CONDUCTED BY TELEPHONE CONFERENCE. EMERGENCY REQUESTS MADE LESS THAN 28 DAYS BEFORE THE HEARING MAY BE HANDLED BY A CONFERENCE CALL BEFORE A WRITTEN MOTION IS FILED AND SHOULD ONLY BE GRANTED FOR GOOD CAUSE SHOWN. THE PARTY MAKING THE EMERGENCY REQUEST SHOULD SUBMIT THE REQUEST IN WRITING AFTER THE EMERGENCY CALL, AND INCLUDE THE SAME INFORMATION REQUIRED FOR ALL OTHER MOTIONS. IF THE GRANTING, OR FAILURE TO GRANT, AN EMERGENCY REQUEST FOR A CONTINUANCE IS OF SUCH SIGNIFICANCE THAT IT HAS THE POTENTIAL TO MATERIALLY PREJUDICE THE RIGHTS OF ONE, OR BOTH, OF THE PARTIES, THE AGGRIEVED PARTY MAY APPEAL THAT RULING TO THE CHAIRMAN OF THE BOARD, OR IN THEIR ABSENCE, THE VICE CHAIRMAN, WHO SHALL HAVE THE AUTHORITY ON THEIR OWN TO AFFIRM OR MODIFY THE DECISION OF THE HEARING OFFICER ON THE EMERGENCY REQUEST FOR A CONTINUANCE. A DELAY IN A RESPONSE TO A FREEDOM OF INFORMATION ACT, OR PUBLIC RECORDS REQUEST, SHALL NOT BE CONSIDERED GOOD CAUSE FOR A CONTINUANCE.

10. **SERVICE OF SUBPOENAS.** SUBPOENAS ISSUED BY THE BOARD FOR THE ATTENDANCE OF WITNESSES MUST BE SERVED BY PERSONAL SERVICE, UNLESS ALTERNATIVE MEANS HAVE BEEN AGREED TO BY THE WITNESS OR A PARTY. IF A BOARD SUBPOENA IS ISSUED AT LEAST 5 CALENDAR DAYS PRIOR TO THE HEARING DATE, A PARTY SEEKING SERVICE ON A CITY EMPLOYEE MAY CONTACT THE HUMAN RESOURCES REPRESENTATIVE FOR THE EMPLOYEE'S DEPARTMENT FOR PURPOSES OF PRE-ARRANGING A SPECIFIC DATE, TIME AND PLACE DURING THE EMPLOYEE'S SHIFT WHERE SERVICE CAN BE COMPLETED. UPON RECEIVING SUCH REQUEST, IT SHALL BE THE DUTY OF THE DEPARTMENT TO ESTABLISH A DATE, TIME AND PLACE REASONABLY CONVENIENT TO THE EMPLOYEE AND THE PARTY SEEKING TO SERVE THE SUBPOENA, UNLESS SAID EMPLOYEE IS ON LEAVE OR VACATION.

22G HEARING OFFICER ROLE AND RESPONSIBILITIES:

1. **HEARING OFFICER RESPONSIBILITIES**. THE HEARING OFFICER SHALL HEAR AND REVIEW ALL EVIDENCE PRESENTED AT THE HEARING, HEAR ALL ARGUMENTS BY THE PARTIES, MAKE FINDINGS OF FACT, AND RECOMMEND WHETHER TO SUSTAIN,

MODIFY, OR RESCIND THE DISCIPLINE. THE HEARING OFFICER PRESIDING OVER A HEARING SHALL POSSESS ALL POWER NECESSARY AND APPROPRIATE TO CONDUCT A FULL, FAIR, AND IMPARTIAL HEARING, INCLUDING THE POWER TO EXCLUDE IRRELEVANT, IMMATERIAL, OR UNDULY REPETITIVE EVIDENCE, WITNESSES, OR EXHIBITS. THIS POWER INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING:

A. TO ADMINISTER OATHS AND AFFIRMATIONS;

B. TO RECEIVE RELEVANT EVIDENCE;

C. TO RULE UPON EVIDENTIARY OBJECTIONS AND CONSIDER OFFERS OF PROOF;

D. TO REGULATE THE COURSE OF THE HEARING AND THE CONDUCT OF THE PARTIES AND THEIR REPRESENTATIVES;

E. SET REASONABLE TIME LIMITS FOR THE PRESENTATION OF EVIDENCE BASED ON THE NATURE AND CIRCUMSTANCES OF THE APPEAL.

F. TO RULE ON REQUESTS FOR TELEPHONIC TESTIMONY WHERE WITNESSES CANNOT ATTEND AS A RESULT OF UNDUE HARDSHIP, PROVIDING THAT THE TELEPHONIC TESTIMONY WILL NOT CAUSE UNDUE PREJUDICE TO ANY PARTY AND THE PROPONENT OF THE TELEPHONIC TESTIMONY ASSUMES RESPONSIBILITY FOR COSTS;

G. TO CONSIDER AND RULE UPON PROCEDURAL REQUESTS;

H. TO SANCTION PARTIES FOR VIOLATIONS OF THESE RULES, INCLUDING BUT NOT LIMITED TO, EXCLUDING UNDISCLOSED WITNESSES OR EXHIBITS, LIMITING TESTIMONY OR LIMITING CLAIMS OR DEFENSES, OR ISSUING MONETARY SANCTIONS. SEE RULE 22B.

I. TO EXAMINE WITNESSES AND DIRECT WITNESSES TO TESTIFY, LIMIT REPETITIVE OR CUMULATIVE TESTIMONY, AND SET REASONABLE LIMITS ON THE AMOUNT OF TIME EACH WITNESS MAY TESTIFY BASED ON THE NATURE AND CIRCUMSTANCES OF THE APPEAL;

J. TO CONCLUDE THE HEARING AT SUCH TIME AS ALL RELEVANT TESTIMONY HAS BEEN PRESENTED; AND,

K. TO RULE ON OBJECTIONS TO SUBPOENAS DUCES TECUM IN ORDER TO KEEP DISCOVERY WITHIN REASONABLE LIMITS.

2. **HEARING OFFICER REPORT AND RECOMMENDATION**. THE HEARING OFFICER SHALL PROVIDE ALL RECORDS AND A WRITTEN REPORT AND RECOMMENDATION TO THE RECORDING SECRETARY WITHIN 14 DAYS OF THE CONCLUSION OF THE HEARING. THE RECORDING SECRETARY WILL DELIVER A COPY OF THE RECOMMENDATION TO EACH PARTY AND THEIR REPRESENTATIVE WITHIN 2 DAYS OF RECEIPT OF THE HEARING OFFICER'S REPORT.

3. **CONTENTS OF HEARING OFFICER REPORT AND RECOMMENDATION**. THE HEARING OFFICER'S WRITTEN REPORT AND RECOMMENDATION SHALL CONTAIN:

A. DATE OR DATES OF THE HEARING.

B. NAME OF EMPLOYEE WHO IS APPEALING THE DISCIPLINE.

C. DISCIPLINE BEING APPEALED.

D. NAME OF EMPLOYEE'S REPRESENTATIVE, IF ANY.

E. NAME OF CITY'S REPRESENTATIVE.

F. ADMINISTRATIVE AND/OR PERSONNEL RULES CITED.

G. WHETHER THE HEARING WAS PRIVATE OR PUBLIC.

H. LIST OF ALL WITNESSES (CITY AND APPELLANT).

I. LIST OF ALL EXHIBITS ADMITTED (CITY AND APPELLANT).

J. BRIEF DESCRIPTION OF THE ISSUE/DISCIPLINE BEING PRESENTED.

K. A SUMMARY OF THE RELEVANT EVIDENCE PRESENTED.

L. SUMMARY OF FINDINGS OF FACT BASED ON THE EVIDENCE SUBMITTED DURING THE HEARING.

M. POSITIONS OF THE PARTIES.

N. HEARING OFFICER'S CONCLUSIONS.

O. FOR CAUSE FINDING OR A FAILURE TO FIND CAUSE (JUST CAUSE FOR A POLICE OFFICER).

P. FINAL RECOMMENDATION, INCLUDING WHETHER THE DISCIPLINE IMPOSED WAS APPROPRIATE, OR SHOULD BE MODIFIED OR RESCINDED.

22H HEARING PROCEDURE:

1. **EX PARTE COMMUNICATION PROHIBITED**. A PARTY SHALL NOT COMMUNICATE WITH THE HEARING OFFICER REGARDING THE MERITS OF A CASE EXCEPT: 1) IN THE PRESENCE OF ALL PARTIES TO THE HEARING INCLUDING A TELEPHONIC CONFERENCE; OR 2) UNLESS ALL PARTIES TO THE HEARING ARE NOTIFIED OF THE COMMUNICATION IN ADVANCE. THE HEARING OFFICER SHALL NOT INITIATE EX PARTE COMMUNICATIONS WITH ANY INTERESTED PERSON OR PARTY, DIRECTLY OR INDIRECTLY, IN REFERENCE TO ANY SUBSTANTIVE ISSUE ON THE APPEAL.

2. **ROUTINE MATTERS**. NOTHING SHALL PREVENT THE HEARING OFFICER FROM COMMUNICATING ABOUT ROUTINE MATTERS SUCH AS REQUESTS FOR CONTINUANCES OR MOTIONS, AS LONG AS ALL PARTIES ARE INFORMED OF THE SUBSTANCE OF THE COMMUNICATION. THE DATE AND TYPE OF COMMUNICATION, THE PERSONS INVOLVED AND THE RESULTS OF SUCH ROUTINE COMMUNICATIONS SHALL BE MADE PART OF THE RECORD.

3. **ORDER OF HEARING**. THE HEARING OFFICER SHALL MANAGE THE ORDER OF THE HEARING AS EFFICIENTLY AS POSSIBLE INCLUDING TAKING WITNESSES OUT OF ORDER. AS A GENERAL MATTER, THE ORDER OF THE HEARING SHALL BE:

   A. HEARING OFFICER TO IDENTIFY THE APPEAL, IDENTIFY PARTIES PRESENT, AND WITNESSES FOR THE RECORD.

   B. STIPULATIONS WILL BE ENTERED INTO THE RECORD.

   C. PRESENTATION, ARGUMENT, AND DISPOSITION OF MOTIONS PRELIMINARY TO THE HEARING.

   D. OPENING STATEMENT BY THE CITY, UNLESS WAIVED.

   E. OPENING STATEMENT BY THE EMPLOYEE, UNLESS WAIVED OR RESERVED UNTIL AFTER THE CITY HAS PRESENTED ITS CASE.

   F. PRESENTATION OF THE CITY'S CASE.

   G. PRESENTATION OF THE EMPLOYEE'S CASE.

   H. REBUTTAL TESTIMONY BY THE CITY.

   I. ALL WITNESSES SHALL BE SUBJECT TO CROSS EXAMINATION AT THE TIME THEY TESTIFY, SCHEDULES PERMITTING. THE PARTY CALLING THE WITNESS IS ALLOWED TO QUESTION THE WITNESS ON REDIRECT AFTER CROSS EXAMINATION, BUT

REDIRECT TESTIMONY SHALL BE LIMITED TO MATTERS RAISED DURING CROSS EXAMINATION.

J. CLOSING ARGUMENTS BY THE CITY.

K. CLOSING ARGUMENTS BY THE EMPLOYEE.

L. REBUTTAL CLOSING ARGUMENTS BY THE CITY.

4. **PUBLIC AND PRIVATE HEARINGS**. HEARINGS SHALL BE OPEN TO THE PUBLIC UNLESS THE EMPLOYEE REQUESTS A PRIVATE HEARING. ANY EMPLOYEE REQUEST THAT THE HEARING BE PRIVATE MUST BE MADE NO LATER THAN 14 DAYS PRIOR TO THE HEARING DATE. ONCE THE PRIVATE HEARING OPTION IS SELECTED, IT CANNOT BE CHANGED BY THE APPELLANT LESS THAN 14 DAYS BEFORE THE HEARING. IN THE EVENT OF A PRIVATE HEARING, THE HEARING OFFICER SHALL CLEAR THE ROOM OF ALL PERSONS NOT DIRECTLY INVOLVED IN THE HEARING. IF THE HEARING IS OPEN TO THE PUBLIC, THE HEARING OFFICER OR BOARD CHAIRPERSON MAY ORDER THAT NO CAMERAS OR RECORDING TAKE PLACE IF IT IS DEEMED TO BE DISRUPTIVE TO A FAIR HEARING PROCESS. THE HEARING OFFICER HAS THE AUTHORITY TO LIMIT, OR PROHIBIT, THE USE OF CELL PHONES WHILE TESTIMONY IS BEING TAKEN.

5. **RECORDING OF HEARINGS**. ALL HEARINGS, AND TO THE GREATEST EXTENT POSSIBLE, CONFERENCES BETWEEN THE HEARING OFFICER AND THE PARTIES, SHALL BE RECORDED BY AN AUDIO RECORDING DEVICE. IF EITHER PARTY DESIRES, A COURT REPORTER MAY TAKE DOWN THE PROCEEDINGS. THE PARTY REQUESTING A COURT REPORTER MUST MAKE ARRANGEMENTS FOR AND PAY THE COURT REPORTER. IF A CONFERENCE WITH THE HEARING OFFICER HAS NOT BEEN RECORDED, THE HEARING OFFICER WILL CREATE A WRITTEN RECORD OF THE ISSUES DISCUSSED AND THE OUTCOME OF THE CONFERENCE FOR THE RECORD.

6. **EXCLUSION OF WITNESSES**. WITNESSES SHALL BE EXCLUDED FROM THE HEARING ROOM AT THE REQUEST OF EITHER PARTY, OR BY THE HEARING OFFICER. WHEN EXCLUSION OF WITNESSES HAS BEEN REQUESTED, THE CITY MAY HAVE COUNSEL AND A REPRESENTATIVE OF THE HIRING AUTHORITY PRESENT AND THE APPEALING EMPLOYEE MAY HAVE COUNSEL AND A UNION REPRESENTATIVE PRESENT.

7. **BURDEN OF PROOF**. THE CITY MUST SUSTAIN THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE PRESENTED. THE RULE AND POLICY VIOLATIONS ALLEGED IN THE DISCIPLINE NOTICE, AND ONLY THOSE RULES AND POLICY VIOLATIONS, SHALL BE CONSIDERED BY THE HEARING OFFICER AND THE BOARD.

8. **EXCHANGE OF LEGAL PAPERS**. IN ACCORDANCE WITH THESE RULES, PARTIES TO AN APPEAL SHALL FURNISH COPIES OF ANY PLEADINGS, DOCUMENTS, OR WRITTEN MOTIONS TO THE OTHER PARTY. THE HEARING OFFICER MAY REFUSE TO ADMIT ANY DOCUMENT, PLEADING, OR MOTION THAT IS NOT TIMELY SUBMITTED, THAT IS NOT DISCLOSED TO THE OTHER PARTY, OR THAT DOES NOT OTHERWISE COMPLY WITH THESE RULES. A DOCUMENT OR PIECE OF PHYSICAL EVIDENCE SOUGHT TO BE ADMITTED INTO EVIDENCE DURING THE HEARING MUST FIRST BE IDENTIFIED FOR THE RECORD AND PRODUCED TO EACH PARTY AND THE HEARING OFFICER FOR REVIEW. THE HEARING OFFICER RETAINS THE DISCRETION TO ADMIT OR EXCLUDE EVIDENCE AS NECESSARY.

9. **RECORDED INFORMATION**. IT IS THE RESPONSIBILITY OF THE OFFERING PARTY TO PROVIDE THE MEANS FOR PRESENTING ANY AUDIO OR VIDEO EVIDENCE BEING OFFERED.

10. **CONDUCT OF PARTIES AND WITNESSES.** AT ALL TIMES DURING A HEARING, THE PARTIES TO THE APPEAL ARE EXPECTED TO OBSERVE PROFESSIONAL AND RESPECTFUL CONDUCT. EACH PARTY MUST TREAT ALL OTHER PARTIES AND WITNESSES WITH COURTESY, RESPECT AND DIGNITY.

11. **RETALIATION PROHIBITED**. NO EMPLOYEE SHALL BE DISCIPLINED OR RETALIATED AGAINST FOR APPEALING A DISCIPLINARY ACTION TO THE CIVIL SERVICE BOARD, OR FOR PARTICIPATING IN A CIVIL SERVICE BOARD PROCEEDING.

22I BOARD DISPOSITION OF APPEALS:

1. **BOARD CONSIDERATION OF HEARING OFFICER REPORT AND RECOMMENDATION**. THE BOARD SHALL CONSIDER AND RULE UPON THE APPEAL AT EITHER A REGULARLY SCHEDULED, OR SPECIAL MEETING, OF THE BOARD FOLLOWING THE PROCEDURES OUTLINED IN THIS RULE.

2. **HEARING OFFICER'S REPORT**. THE HEARING OFFICER'S REPORT AND RECOMMENDATION WILL BE FORWARDED TO THE PARTIES OR THEIR REPRESENTATIVES WITHIN TWO DAYS AFTER THE RECORDING SECRETARY RECEIVES THE REPORT AND RECOMMENDATION FROM THE HEARING OFFICER. THE HEARING OFFICER'S REPORT AND RECOMMENDATION WILL BE PROVIDED TO THE BOARD MEMBERS PRIOR TO THE BOARD MEETING DURING WHICH THE APPEAL WILL BE HEARD AND DECIDED.

3. **EXHIBITS**. THE RECORDING SECRETARY WILL HAVE AVAILABLE AT THE PROCEEDING BEFORE THE BOARD ALL EXHIBITS THAT WERE ADMITTED INTO EVIDENCE BY THE HEARING OFFICER. EXCEPT FOR AUDIO RECORDINGS OR VIDEO EXHIBITS, EITHER

PARTY MAY PRESENT TO THE BOARD COPIES OF EXHIBITS ADMITTED INTO EVIDENCE BY THE HEARING OFFICER.

4. **USE OF RECORDED INFORMATION BEFORE THE BOARD**. IF EITHER PARTY WISHES TO PRESENT AN AUDIO OR VIDEO RECORDING TO THE BOARD THAT WAS ADMITTED AS EVIDENCE BY THE HEARING OFFICER, THE PARTY PROPOSING TO USE THE RECORDING OR VIDEO MUST INFORM THE OTHER PARTIES NO LESS THAN 7 DAYS BEFORE THE BOARD MEETING. IF ANY PARTY OBJECTS TO THE USE OF THE AUDIO OR VIDEO, THE PARTIES ARE REQUIRED TO ATTEMPT TO RESOLVE THEIR OBJECTIONS. IF THERE HAS BEEN TIMELY DISCLOSURE, BUT THERE ARE UNRESOLVED OBJECTIONS, THOSE OBJECTIONS ARE TO BE SUBMITTED TO THE BOARD FOR ITS DETERMINATION. IF THE OFFERING PARTY FAILS TO TIMELY DISCLOSE ITS INTENTION TO USE THE AUDIO OR VIDEO AT THE BOARD MEETING, THE BOARD SHALL NOT HEAR THE AUDIO RECORDING, OR ALLOW THE VIDEO TO BE USED, IN THE ABSENCE OF GOOD CAUSE.

5. **PRESENTATION BY PARTIES**. EACH PARTY TO THE APPEAL WILL HAVE 15 MINUTES TO PRESENT THE REASONS WHY THE BOARD SHOULD ACCEPT, MODIFY OR REJECT THE HEARING OFFICER'S REPORT AND RECOMMENDATION AND ADDRESS ANY PERCEIVED ERRORS OF FACT IN THE REPORT. THE PARTY WHO DISAGREES WITH THE HEARING OFFICER'S RECOMMENDATION SHALL PRESENT FIRST. THE EMPLOYEE OR EMPLOYEE'S REPRESENTATIVE, BUT NOT BOTH, MAY ADDRESS THE BOARD. THE CHAIRPERSON MAY PERMIT MORE TIME FOR EACH OF THE PARTIES IF A MAJORITY OF THE BOARD MEMBERS DEEM IT BENEFICIAL. NO PARTY, INCLUDING THE EMPLOYEE, MAY PRESENT EVIDENCE THAT WAS NOT ADMITTED INTO EVIDENCE AT THE HEARING. NOTHING IN THIS RULE PRECLUDES EITHER PARTY FROM SUBMITTING TO THE BOARD ANY ISSUE RELATED TO A DECISION MADE BY THE HEARING OFFICER TO EXCLUDE THE TESTIMONY OF A WITNESS, OR TO FAIL TO ADMIT AN EXHIBIT OFFERED DURING THE HEARING.

6. **PRESENCE OF PARTIES**. THE APPEALING EMPLOYEE AND/OR HIS OR HER REPRESENTATIVE, AND A CITY REPRESENTATIVE, ARE EXPECTED TO BE PRESENT AT THE BOARD MEETING WHEN THE APPEAL IS SCHEDULED TO BE CONSIDERED. IF EITHER PARTY OR A REPRESENTATIVE IS NOT PRESENT AT THE BOARD HEARING, AND NO REQUEST FOR A CONTINUANCE HAS BEEN RECEIVED BY THE RECORDING SECRETARY, OR THE BOARD, THE BOARD CAN, ON ITS OWN MOTION POSTPONE DECIDING THE APPEAL, OR MOVE FORWARD AND DECIDE THE APPEAL. IF A REQUEST FOR A CONTINUANCE HAS BEEN MADE, FOR GOOD CAUSE SHOWN, THE BOARD MAY GRANT A POSTPONEMENT.

7. **OPEN MEETING LAW**. IF THE HEARING FOR THE APPEAL WAS CONDUCTED AS A PRIVATE HEARING, UNLESS WAIVED BY THE PARTIES, THE BOARD SHALL VOTE TO GO INTO EXECUTIVE SESSION IN COMPLIANCE WITH ARIZONA LAW TO HEAR THE PRESENTATION OF THE PARTIES. ALL VOTES TO RESOLVE AN APPEAL WILL BE HELD IN OPEN SESSION. THE BOARD MAY GO INTO EXECUTIVE SESSION FOR ANY REASON PERMITTED BY LAW AND AS INDICATED IN THE MEETING AGENDA.

8. **BOARD CONSIDERATION OF EVIDENCE**. THE BOARD WILL CONSIDER THE HEARING OFFICER'S REPORT AND RECOMMENDATION, THE PRESENTATION OF THE PARTIES, AND ANY OF THE ADMITTED EXHIBITS THAT IT WANTS TO REVIEW IN RENDERING ITS DECISION. EACH BOARD MEMBER MAY ASK QUESTIONS OF THE PARTIES, OR OF THE HEARING OFFICER, TO CLARIFY ANY ASPECT OF THE PRESENTATION, OR THE REPORT AND RECOMMENDATION. THE BOARD WILL NOT REQUIRE THE HEARING OFFICER TO DEFEND THE RECOMMENDATION.

9. **BOARD DISCRETION**. THE BOARD MAY IN ITS DISCRETION:

A. UPHOLD, MODIFY, OR REJECT THE RECOMMENDATION OF THE HEARING OFFICER.

B. DIRECT THE PREPARATION OF A TRANSCRIPT OF THE HEARING AND REVIEW THE TRANSCRIPT AND EXHIBITS BEFORE MAKING A DETERMINATION OF AN APPEAL.

C. MAKE A DETERMINATION OF BACK PAY FOR TERMINATIONS AND DEMOTIONS. THE BOARD MAY ORDER RESTORATION OF THE EMPLOYEE TO THEIR PREVIOUS POSITION WITH OR WITHOUT BACK PAY FOR THE PERIOD OF TIME BETWEEN THE BEGINNING OF THE DISMISSAL OR DEMOTION AND THE DECISION ON THE APPEAL. LAW ENFORCEMENT OFFICERS WHO PREVAIL ON THEIR APPEAL SHALL BE AWARDED BACK PAY CONSISTENT WITH THE PROVISIONS OF A.R.S. §38-1106.J. (2016), OR THE THEN CURRENT VERSION OF THAT STATUTE AS AMENDED. IN MAKING A BACK PAY DETERMINATION, THE BOARD MAY CONSIDER (A) AMOUNTS EARNED DURING THE TIME THE EMPLOYEE WAS SEPARATED FROM THE CITY, (B) DELAYS IN RESOLVING THE APPEAL, AND (C) ANY OTHER RELEVANT CONSIDERATIONS. IF THE DECISION OF THE BOARD ORDERS REINSTATEMENT WITHOUT BACK PAY, TIME OFF IN EXCESS OF 30 WORKING DAYS CAUSED BY THE BOARD'S HEARING PROCEDURE SHALL NOT BE CONSIDERED A SUSPENSION IN VIOLATION OF PERSONNEL RULE 19 AND SHALL NOT BE COMPENSATED. UNPAID TIME OFF IN EXCESS OF 30 DAYS WILL BE NOTED AS UNPAID LEAVE IN THE EMPLOYEE'S RECORD.

10. **VOTING REQUIRED**. BOARD MEMBERS PRESENT SHALL NOT BE EXCUSED FROM VOTING. A FAILURE TO VOTE OR A VOLUNTARY ABSTENTION SHALL COUNT AS AN "AYE" VOTE UNLESS EXCUSED BY AN ANNOUNCED CONFLICT OF INTEREST. IF A BOARD MEMBER FAILS TO VOTE, OR VOLUNTARILY ABSTAINS, THE BOARD MEMBER SHALL EXPLAIN THE REASON(S) FOR NOT VOTING.

11. **CONFLICT OF INTEREST**. EACH BOARD MEMBER MUST COMPLY WITH PHOENIX CHARTER CHAPTER XI AND PROVISIONS OF STATE LAW GOVERNING CONFLICT OF INTEREST OF OFFICERS AND EMPLOYEES (ARIZONA REVISED STATUTES SECTIONS 38-501 AND FOLLOWING). CONSISTENT WITH ARIZONA LAW, A BOARD MEMBER MUST MAKE KNOWN A SUBSTANTIAL CONFLICT OF INTEREST AND MUST NOT PARTICIPATE IN ANY FORM OR MANNER IN THE DISPOSITION OF THE MATTER.

12. **CITY OF PHOENIX ETHICS POLICY**. EACH BOARD MEMBER MUST COMPLY WITH THE CITY OF PHOENIX ETHICS POLICY, PHOENIX CITY CODE SECTION 2-52. ACCORDINGLY, A BOARD MEMBER SHOULD MAINTAIN THE UTMOST STANDARDS OF PERSONAL INTEGRITY, TRUTHFULNESS, HONESTY AND FAIRNESS IN CARRYING OUT THEIR PUBLIC DUTIES, AVOID ANY IMPROPRIETIES IN THEIR ROLE AS PUBLIC SERVANTS, AND NEVER USE A BOARD POSITION OR POWER FOR IMPROPER PERSONAL GAIN.

13. **TIE VOTE**. IF THERE IS A TIE VOTE OF THE BOARD ON ANY MOTION PENDING BEFORE IT, THAT MOTION SHALL BE CONSIDERED DEFEATED. AN INITIAL TIE VOTE ON A MOTION RELATED TO AN APPEAL DOES NOT BRING CONSIDERATION OF THE APPEAL TO A CONCLUSION. IF THERE HAS BEEN A TIE VOTE, THE BOARD WILL FIRST CONDUCT A VOTE ON WHETHER THE CITY MET ITS BURDEN OF PROOF THAT CAUSE EXISTS FOR DISCIPLINE. IF THE BOARD CONTINUES TO BE TIED, OR VOTES NO, THEN THE EMPLOYEE PREVAILS ON THE APPEAL. IF THE BOARD VOTES YES, IT WILL THEN VOTE TO DETERMINE THE APPROPRIATE LEVEL OF DISCIPLINE.

14. **BOARD DECISION FINAL**. THE FINDINGS AND DECISION OF THE BOARD SHALL BE FINAL AND SHALL BE CERTIFIED TO THE HIRING AUTHORITY FOR ACTION.

22J RECORD FILED:

FOR APPEALS CONDUCTED AS PUBLIC HEARINGS, THE RECORDING SECRETARY WILL RETAIN AS THE PUBLIC RECORD THE NOTICE OF DISCIPLINE, THE HEARING OFFICER'S REPORT AND RECOMMENDATION, THE EXHIBITS ADMITTED BY THE HEARING OFFICER, ANY MOTIONS FILED DURING THE COURSE OF THE APPEAL, THE AUDIO RECORDINGS OF BOTH THE HEARING AND THE BOARD MEETING WHERE ACTION WAS TAKEN, AND A RECORD OF THE FINAL ACTION OF THE BOARD. FOR APPEALS CONDUCTED

AS PRIVATE HEARINGS, THE RECORDING SECRETARY WILL RETAIN THE ENTIRE RECORD, BUT THE ONLY RECORDS TO BE MADE AVAILABLE TO THE PUBLIC FOR INSPECTION AND COPYING WILL CONSIST OF ONLY THE CONCLUSIONS AND RECOMMENDATION OF THE HEARING OFFICER ADOPTED BY THE BOARD AND A RECORD OF THE FINAL ACTION BY THE BOARD.

22K CALL TO THE PUBLIC:

1. **OPEN MEETING LAW**. BOARD PROCEEDINGS ARE SUBJECT TO THE ARIZONA OPEN MEETING LAW, A.R.S. § 38-431, *ET SEQ.*, ("OPEN MEETING LAW"). FOR BOARD PROCEEDINGS THAT SATISFY THE DEFINITION OF MEETING UNDER THE OPEN MEETING LAW, THE BOARD MAY DISCUSS, CONSIDER, OR TAKE ACTION ONLY THOSE MATTERS PROPERLY POSTED AND LISTED ON AN AGENDA. EACH MEETING AGENDA MAY INCLUDE A CALL TO THE PUBLIC WHERE MEMBERS OF THE PUBLIC MAY PRESENT INFORMATION TO THE BOARD. DURING CALL TO THE PUBLIC, BOARD MEMBERS MAY LISTEN TO THE INFORMATION, BUT MAY NOT DISCUSS OR TAKE ACTION ON THE INFORMATION RECEIVED.

2. **PUBLIC SPEAKERS**. MEMBERS OF THE PUBLIC WHO WISH TO SPEAK DURING CALL TO THE PUBLIC MUST COMPLETE A PUBLIC COMMENT CARD, WHICH WILL BE MADE AVAILABLE AT EACH MEETING. A PUBLIC COMMENT CARD MUST BE SUBMITTED TO THE RECORDING SECRETARY AS SOON AS POSSIBLE, BUT NO LATER THAN BEFORE THE CALL TO THE PUBLIC BEGINS.

3. **GENERAL GUIDELINES FOR ALL SPEAKERS**. THE BOARD ADOPTS THE FOLLOWING GUIDELINES FOR ALL SPEAKERS. THESE GUIDELINES WILL BE AVAILABLE IN PRINT AT EACH BOARD MEETING.

   A. WHEN SPEAKING, A SPEAKER SHOULD FIRST STATE THEIR NAME FOR THE RECORD.

   B. NO PROFANITY OR THREATS WILL BE TOLERATED. EACH SPEAKER SHOULD PRESENT COMMENTS IN A RESPECTFUL AND COURTEOUS MANNER.

   C. EACH SPEAKER WILL BE CALLED IN THE ORDER RECOGNIZED BY THE CHAIRPERSON.

   D. MEMBERS OF THE PUBLIC ATTENDING THE MEETING SHOULD REFRAIN FROM CLAPPING OR OTHERWISE CREATING DISTRACTIONS THAT PREVENT THE BOARD FROM THE ORDERLY CONDUCT OF BUSINESS.

   E. COMMENTS DURING CALL TO THE PUBLIC ARE HEARD AT THE DISCRETION OF THE CHAIRPERSON. A SPEAKER

SHALL RECEIVE ONE OPPORTUNITY TO MAKE COMMENTS TO THE BOARD DURING CALL TO THE PUBLIC.

F. A SPEAKER MAY SPEAK FOR UP TO THREE MINUTES TO MAKE COMMENTS TO THE BOARD DURING THE CALL TO THE PUBLIC. THE NUMBER OF SPEAKERS PERMITTED TO SPEAK AT ANY MEETING WILL BE DETERMINED BY THE CHAIRPERSON AND MAY BE LIMITED BY THE TIME OF DAY AND ANY REMAINING AGENDA ITEMS THAT MUST BE ADDRESSED AT THE MEETING.

G. A SPEAKER MUST ADDRESS THE BOARD AND NOT STAFF OR MEMBERS OF THE PUBLIC.

H. WHEN THE TIME FOR A SPEAKER HAS EXPIRED, THE CHAIRPERSON MAY ASK THE SPEAKER TO CONCLUDE ANY COMMENTS.

22L RULE INTERPRETATION:

IF A DISPUTE ARISES OVER THE INTERPRETATION OF A PERSONNEL RULE, AN AGGRIEVED PARTY SHALL FILE IN WRITING A REQUEST FOR RULE INTERPRETATION BY THE HUMAN RESOURCES DIRECTOR. THIS REQUEST SHALL BE FILED WITHIN FIFTEEN CALENDAR DAYS OF THE DATE THAT THE DISPUTE AROSE.

WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE REQUEST, THE HUMAN RESOURCES DIRECTOR SHALL RESPOND TO THE AGGRIEVED PARTY. IF THE PARTY IS STILL DISSATISFIED WITH THE INTERPRETATION, HE MAY SUBMIT A REQUEST IN WRITING FOR A REVIEW BY THE CIVIL SERVICE BOARD. THIS APPEAL SHALL BE SUBMITTED WITHIN TEN DAYS OF THE RECEIPT OF THE HUMAN RESOURCES DIRECTOR'S REPLY.

THE CIVIL SERVICE BOARD MAY ASSIGN A HEARING OFFICER TO INVESTIGATE THE COMPLAINTS AND THE HEARING OFFICER SHALL SUBMIT FINDINGS TO THE BOARD WITHIN TWO WEEKS OF THE COMPLETION OF THE INVESTIGATION. THE DECISION OF THE BOARD SHALL BE FINAL.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 46

Amendments to Classification Ordinance S-5815 in Accordance with Human Resources Committee 609 Recommendations (Ordinance S-47459)

As part of a classification and compensation study, the following amendments to the Classification Ordinance [S-5815] are recommended in accordance with the recommendation of Human Resources Committee 609, effective July 12, 2021. The amendments also require the City's Pay Ordinance (S-45840) to be updated. Those will be processed under a separate ordinance.

Modify the classification of Police Comm Operator, Job Code 01830, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 328 ($19.28 - $28.30/hourly) to Grade 331 ($22.28 - $32.73/hourly).

Modify the classification assignment of Police Comm Op*Radio/911, Job Code 01832, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 329 ($20.23 - $29.66/hourly) to Grade 332 ($23.33 - $34.31/hourly).

Modify the classification assignment of Police Comm Op*Lead Radio/911, Job Code 01833, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 330 ($21.23 - $31.21/hourly) to Grade 333 ($24.53 - $36.05/hourly).

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Modify the classification of Police Comm Shift Supervisor, Job Code 01800, Salary Plan 001, Benefit Category 007, Labor Unit Code 007, EEO-4 Category: Administrative Support, FLSA Status: Exempt, from Grade 034 ($53,268.80 - $81,057.60/annually) to Grade 036 ($58,905.60 - $59,544.00/annually).

Modify the classification assignment of Police Comm Shift Supv*Lead, Job Code

01801, Salary Plan 001, Benefit Category 007, Labor Unit Code 007, EEO-4 Category: Administrative Support, FLSA Status: Exempt, from Grade 035 ($55,931.20 - $85,176.00/annually) to Grade 037 ($61,859.20 - $94,203.20/annually).

Modify the classification of Emergency Dispatcher, Job Code 01860, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 329 ($20.23 - $29.66/hourly) to Grade 332 ($23.33 - $34.31/hourly).

Modify the classification of Fire Emergency Dispatcher, Job Code 01820, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 329 ($20.23 - $29.66/hourly) to Grade 332 ($23.33 - $34.31/hourly).

Modify the classification assignment of Fire Emergency Dispatcher*Lead, Job Code 01822, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 330 ($21.23 - $31.21/hourly) to Grade 333 ($24.53 - $36.05/hourly).

Modify the classification of Fire Communications Supervisor, Job Code 01850, Salary Plan 001, Benefit Category 007, Labor Unit Code 007, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 032 ($23.11 - $35.26/hourly) to Grade 034 ($25.61 - $38.97/hourly).

Abolish the classification assignment of Fire Comm Supervisor*Telecom, Job Code 01851, Salary Plan 001, Benefit Category 007, Labor Unit Code 007, Grade 033 ($24.39 - $37.12/hourly), EEO-4 Category: Professionals, FLSA Status: Non-Exempt.

Abolish the classification assignment of Communications Dispatcher*Av, Job Code 01811, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, Grade 326 ($17.69 - $25.67/hourly), EEO-4 Category: Service Maintenance, FLSA Status: Non-Exempt.

Abolish the classification assignment of Aviation Supv II*Comm, Job Code 25231, Salary Plan 001, Benefit Category 007, Labor Unit Code 007, Grade 032 ($48,069 - $73,341/annually), EEO-4 Category: Service Maintenance, FLSA Status: Exempt.

Abolish the classification assignment of Emergency Dispatcher*Lead (Assignment), Job Code 01861, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, Grade 330 ($21.23 - $31.21/hourly), EEO-4 Category: Service Maintenance, FLSA Status: Non-Exempt.

Establish the classification of Aviation Dispatcher, Job Code 24100, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, Grade 329 ($20.23 - $29.66/hourly), EEO-4 Category: Service Maintenance, FLSA Status: Non-Exempt.

Establish the classification of Aviation Dispatch Supervisor I, Job Code 24110, Salary Plan 001, Benefit Category 007, Labor Unit Code 007, Grade 031 ($22.09 - $33.52/hourly), EEO-4 Category: Service Maintenance, FLSA Status: Non-Exempt.

Establish the classification of Aviation Dispatch Supervisor II, Job Code 24120, Salary Plan 001, Benefit Category 007, Labor Unit Code 007, Grade 034 ($53,269 - $81,058/annually), EEO-4 Category: Service Maintenance, FLSA Status: Exempt.

Summary

BACKGROUND

Concerns about the high number of vacancies among classifications responsible for public safety dispatch operations prompted a market review of salaries for classifications with these responsibilities. At this same time, the Aviation Department brought forward concerns about its classification and pay structure for the dispatch operations at Sky Harbor Airport.

FINDINGS

A survey of the salaries for journey-level Police Communications Dispatchers for the local agencies of Avondale, Chandler, Gilbert, Glendale, Mesa, Peoria, Scottsdale, Surprise, and Tempe as well as Austin, Houston, Philadelphia, San Antonio, and San Diego nationally revealed the City of Phoenix’s starting salary is the lowest of all the cities in the Valley. In fact, of all the cities surveyed, only San Diego, Austin and Houston reported a lower starting salary.

Agency	Classification title	Starting Hourly Rate
Gilbert	Dispatcher II	$23.76
Tempe	Communications Dispatcher II	$23.27
Mesa	Police Dispatcher	$22.54
Scottsdale	Police Communications Dispatch	$22.23
Avondale	Police Communications Dispatcher	$22.11
Peoria	Communications Specialist	$22.08
Surprise	Police Dispatcher	$22.03
Chandler	Dispatcher	$21.83
Philadelphia	Police Communication Dispatcher (B)	$20.56
Glendale	Police Communications Specialist	$20.54
San Antonio	Police Communications Dispatcher	$20.43

Phoenix	Police Communications Operator*Radio/911	$20.23
San Diego	Dispatcher II	$20.16
Austin	911 Call Taker	$18.25
Houston	Senior 9-1-1 Telecommunicator	$18.00

Currently, the vacancy rate at the entry and journey levels in the Police Department is over 17%. Additionally, when analyzing turnover data from last year for the Police Communications Operator and the Police Communications Operator*Radio/911 positions, 87.5% of those who voluntarily resigned were being paid below the median of the range and had been in their jobs for three years or less.

In reviewing the structure of the Communications Center in Aviation, it currently consists of two Aviation Supervisor II*Communication Center (assignment), six Aviation Supervisor I (no assignment) and 24 Communication Dispatcher*Aviation (assignment). It is notable that the Aviation Supervisor I is the only classification in the Communications Center that is not an assignment position. In addition, the Aviation Supervisor I classification is used in a variety of different contexts within the Aviation Department with no means to delineate and differentiate those within the Communications Center. There is a compression issue between the dispatcher and the first line supervisor, with a median differential of only 4%.

CONCLUSION
The grade changes recommended are necessary to achieve a pay range appropriate to attract and retain staff who will be serving the largest municipal population in the state. The changes to the other grades maintain the appropriate relationship among the various classification levels as well.

The assignment positions in the Aviation Communications Center are very distinct and vary greatly from their base classifications due to the required level of technical knowledge of communications equipment. To mitigate compression, and to recognize the distinction of these classifications, we recommend abolishing the assignment classifications, and creating in their place regular (non-assignment) classifications of Aviation Dispatcher, Aviation Dispatch Supervisor I and Aviation Dispatch Supervisor II. Creating the recommended classifications in Aviation would create consistency within the Aviation dispatch center, as the primary and sole function of each classification would be Aviation Dispatch Center duties. The recommended salary grades would relieve the current compression between the dispatcher and first-line supervisor, moving from a 4% differential to a more appropriate supervisor/employee differential of 11%. Additionally, the midpoint differential between the first- and second-line supervisors (Aviation Dispatch Supervisor I and Aviation Dispatch Supervisor II) would move from 22% to a more reasonable 16%.

In 2020, the Police Communications Bureau received over 2 million calls of which nearly 1.2 million were 911 calls. All calls come in to 911 at Police and are then sent, as appropriate to Fire where their alarm room handled nearly 500,000 calls last year. In Aviation, nearly 141,000 of the roughly 322,000 calls they handled were emergency related. The higher percentage of emergency calls through Police/Fire accounts for the grade differential between the Police/Fire and Aviation classifications. These grade changes would maintain the current grade relativity to the classifications in Aviation, Police, and Fire Emergency Dispatch consistent with the other recommendations made in this report.

Financial Impact
The estimated costs of these actions for a full fiscal year, including benefits, is approximately $608,027. Funding is available in the Police, Fire, and Aviation Departments.

Concurrence/Previous Council Action
This action was reviewed and recommended for approval by Human Resources Committee 609 on February 26, 2021.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 47

Amendments to Pay Ordinance S-45840 in Accordance with Human Resources Committee 609 Recommendations (Ordinance S-47460)

As part of a classification and compensation study, the following amendments to the Pay Ordinance [S-45840] are recommended in accordance with the recommendation of Human Resources Committee 609, effective July 12, 2021. The amendments also require the City's Classification Ordinance [S-5815] to be updated. Those will be processed under a separate ordinance.

Modify the classification of Police Comm Operator, Job Code 01830, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 328 ($19.28 - $28.30/hourly) to Grade 331 ($22.28 - $32.73/hourly).

Modify the classification assignment of Police Comm Op*Radio/911, Job Code 01832, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 329 ($20.23 - $29.66/hourly) to Grade 332 ($23.33 - $34.31/hourly).

Modify the classification assignment of Police Comm Op*Lead Radio/911, Job Code 01833, Salary Plan 006, Benefit Category 003, Labor Unit Code 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt, from Grade 330 ($21.23 - $31.21/hourly) to Grade 333 ($24.53 - $36.05/hourly).

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Financial Impact
The estimated costs of these actions for a full fiscal year, including benefits, is approximately $608,027. Funding is available in the Police, Fire, and Aviation Departments.

Concurrence/Previous Council Action
This action was reviewed and recommended for approval by Human Resources Committee 609 on Feb. 26, 2021.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 48

Multi-City Subregional Operating Group User Charge Rates for Fiscal Year 2022 (Ordinance G-6833)

Request City Council approval to amend Phoenix City Code for the Multi-City Subregional Operating Group User Charges.

Summary

This request amends the Phoenix City Code Chapter 28, Article V, section 28-39 (a) 4, implementing changes to the sewer user charges to the Multi-City Subregional Operating Group (SROG) members effective July 1, 2021 (**Attachment A**).

The City of Phoenix participates with the cities of Glendale, Mesa, Scottsdale, and Tempe in Intergovernmental Agreement 22699 (IGA), for construction, operation and maintenance of the jointly-used 91st Avenue Wastewater Treatment Plant (WWTP). As lead agency, the City of Phoenix is responsible for the planning, budgeting, construction, operation and maintenance of the plant, and for billing member cities. The other members pay for costs of operation and maintenance based on anticipated use of the facility measured by sewage flows and strengths. These costs are recovered from the other members through user charges implemented annually on July 1 of each fiscal year.

The charges, to be effective July 1, 2021, are used as a basis to fairly allocate costs to the member cities for use of the 91st Avenue WWTP for Fiscal Year 2022. The Fiscal Year 2022 estimated costs shown below were included in this year's wastewater financial planning process.

The following SROG user charges and allocation of estimated costs were approved by the SROG Committee on Feb. 10, 2021 (**Attachment B**).

SROG Member	User Charge per 1,000 Gallon	Allocation of Fiscal Year 2022 Estimated Costs
City of Glendale	$1.30780	$3,771,049
City of Mesa	$1.22344	$8,037,970

City of Scottsdale	$1.33436	$4,383,372
City of Tempe	$0.87909	$6,295,405
Subtotal		**$22,487,796**
City of Phoenix	$0.96702	$32,980,271
Total		**$55,468,067**

Concurrence/Previous Council Action

The City Council approved Multi-City Subregional Operating Group User Charge Rates for Fiscal Year 2021 (Ordinance G-6689) on April 15, 2020.

The SROG Committee approved this item on Feb. 10, 2021.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Finance and Water Services departments.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE NO. G- _____

AN ORDINANCE AMENDING CHAPTER 28 OF THE PHOENIX CITY CODE BY AMENDING SECTION 28-39(a)4 PERTAINING TO SEWER USER BILLING RATES TO SUBREGIONAL OPERATING GROUP (SROG) MEMBER CITIES; AND PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2021

_____

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

SECTION 1. That the Phoenix City Code, Chapter 28, entitled “Sewers”, Section 28-39(a)4, is hereby amended as follows:

“4. Multi-City Subregional Operating Group (SROG) Agreement Members.

Member	Sewer User Billing Rate Per Thousand Gallons
City of Glendale	~~$ 1.28058~~ $ 1.30780
City of Mesa	~~$ 1.17477~~ $ 1.22344
City of Scottsdale	~~$ 1.33237~~ $ 1.33436
City of Tempe	~~$ 0.85818~~ $ 0.87909

SECTION 2. The amendments to Chapter 28 of the Phoenix City Code as set forth in this ordinance shall be effective and enforceable July 1, 2021.

PASSED by the Council of the City of Phoenix this 7th day of April, 2021.

_____
M A Y O R

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

DRAFT

Attachment B

February 10, 2021

Mr. Craig Johnson
City of Glendale
7070 W Northern Ave
Glendale, Arizona 85303

RE: ACTIONS OF THE SROG COMMITTEE

Dear Mr. Johnson:

This letter serves to inform you that at their February 10, 2021 meeting, the SROG Committee took the following actions:

Approved the proposed Fiscal Year 2021-22 Operations and Maintenance Budget base request of $55,468,067, which includes a contribution of $5,000,000 to the replacement fund and estimated expenditures of $5,500,000 from that fund; to include the adoption of the recommended five-year CIP Replacement Fund schedule for Fiscal Years 2021-22 through 2025-2026; and that the Operating Fund Balance Reserve be increased by $211,886, in order to maintain the required 12.5% of the Fiscal Year 2021-22 budget. This increase in the Operating Fund Balance Reserve will be billed to the SROG cities on their O&M billing for the month of July 2021.

Approved the SROG User Charge Rates for Fiscal Year 2021-22 as presented.

Approved the Fiscal Year 2021-22 Capital Improvement Projects Cash Flow Estimate for the 91st Avenue WWTP for $45,311,000 as presented.

Accepted the SROG Comprehensive Annual Financial Report for the fiscal year ended June 30, 2020, and Year-End Settlement, as presented for the same fiscal year.

If you have any questions regarding the above action, please do not hesitate to contact me.

Sincerely,

Michelle Barclay
SROG Manager

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 49

Authorization to Grant Electrical Easement to Salt River Project at Papago Sports Complex (Ordinance S-47423)

Request to authorize the City Manager, or his designee, to grant an electrical easement to Salt River Project across City-owned property at Papago Sports Complex, for consideration in the amount of $1.00 and/or other valuable consideration.

Summary

The electrical easement is required by Salt River Project in order to provide service to the newly constructed facility improvements by the San Francisco Giants Baseball Club, LLC at Papago Sports Complex. The easement area consists of approximately 3,145 square feet.

Location

1802 N. 64th St., identified by Maricopa County Assessor parcel number 129-38-001C.
Council District: 6

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 50

Acquisition of Temporary Construction Easement for Water Rehabilitation Project at 7th Street and Roeser Road (Ordinance S-47426)

Request to authorize the City Manager, or his designee, to acquire real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain for a water rehabilitation improvement project at 7th Street and Roeser Road. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
The City is undertaking a project to rehabilitate a 48-inch water transmission main at 7th Street and Roeser Road. Improvements will include installation of new steel lining inside the existing pipeline located within the existing Roeser Road right-of-way. The temporary construction easement is necessary for construction staging purposes to facilitate improvements to the water transmission main pipeline.

The parcel affected by this project and included in this request is identified by Maricopa County Assessor's parcel number 113-48-050A located at 702 E. Roeser Road.

Financial Impact
Funding is available in the Water Services Department Capital Improvement Program budget.

Location
702 E. Roeser Road
Council District: 8

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 51

Acceptance of Easements for Water and Vehicular Non-Access Purposes (Ordinance S-47440)

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

Summary

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

Easement (a)
Applicant: HLSSII Black Canyon, LLC, its successor and assigns.
Purpose: Water
Location: 21427 N. Black Canyon Highway
File: FN 210006
Council District: 1

Easement (b)
Applicant: Katherine Heuerman Trust dated Aug. 9, 2012, its successor and assigns.
Purpose: Vehicular Non-Access
Location: 3902 W. Whitton Ave.
File: FN 210007
Council District: 4

Responsible Department

This item is submitted by the Deputy City Manager Mario Paniagua, and the Planning and Development and Finance departments.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 52

Grant of a Public Utility Easement on City-owned Property for Construction of a Ranger Station at South Mountain Park (Ordinance S-47428)

Request City Council to grant a public utility easement, for consideration of $1.00 and/or other valuable consideration, for electrical facilities and the installation of a new transformer and equipment pad on City-owned property within the Salt River Project service area, and further ordering the ordinance recorded. The public utility easement is required for the construction of South Mountain Park Ranger Station.

Summary

This public utility easement will be more fully described in the legal description ("Easement Premises"), to be recorded with the ordinance and will be granted to all public service corporations, agricultural improvement districts and telecommunication corporations providing utility service (collectively "Grantee") to the property located at 10409 S. Central Ave., in perpetuity so long as Grantee uses the Easement Premises for the purposes herein specified for an indefinite period, 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

10409 S. Central Ave., identified by Maricopa County Assessor parcel number 300-66-001.

Council District: 8

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 53

Acceptance and Dedication of a Deed and Easements for Roadway and Sidewalk Purposes (Ordinance S-47441)

Request for the City Council to accept and dedicate of a deed and easements for roadway and sidewalk purposes; further ordering the ordinance recorded.

Summary

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

Deed (a)
Applicant: Affronti Enterprises, LLC, its successor and assigns.
Purpose: Roadway
Location: 910 E. Roma Ave.
File: FN 210002
Council District: 4

Easement (b)
Applicant: Haidar Al-Bedery, also known as Al-Bedry Haidar, its successor and assigns.
Purpose: Sidewalk
Location: 5550 W. Buckeye Road
File: FN 210005
Council District: 7

Easement (c)
Applicant: Zekelman Property, LLC, its successor and assigns.
Purpose: Sidewalk
Location: 2822 N. 59th Ave.
File: FN 210011
Council District: 7

Responsible Department

This item is submitted by the Deputy City Manager Mario Paniagua and the Planning and Development and Finance departments.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 54

Amend Ordinance for Acquisition of Real Property for Roadway Improvements Along Jomax Road at the 67th Avenue and Pyramid Peak Parkway Intersection (Ordinance S-47438)

Request the City Council amend Ordinance S-47194 to add a parcel to be acquired for roadway improvements at the 67th Avenue and Pyramid Peak Parkway intersection.

Summary
Ordinance S-47194 authorized the acquisition of real property for roadway improvements at the 67th Avenue and Pyramid Peak Parkway intersection. It is necessary to amend the ordinance to add an affected parcel that was not identified in the original ordinance. All other conditions and stipulations previously stated in the above referenced ordinance will remain the same.

The additional parcel affected by acquisition and included in this request is identified by Maricopa County Assessor's parcel number 201-07-130, located at 26621 N. 67th Ave.

Financial Impact
Funding is available in the Street Transportation Department's Capital Improvement Program budget using Arizona Highway User Revenue Funds (HURF).

Location
West Jomax Road at North 67th Avenue and North Pyramid Parkway.
Council District: 1

Concurrence/Previous Council Action
The City Council approved Acquisition of Real Property for Roadway Improvement Along Jomax Road at the 67th Avenue and Pyramid Peak Parkway Intersection (Ordinance S-47194) on Dec. 16, 2020.

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 55

Preformed Thermoplastic Pavement Marking Materials - Requirements Contract - IFB 18-249B (Ordinance S-47429)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Agreement 147995 with Ennis-Flint, Inc., Agreement 147996 with Centerline Supply West, Inc., and Agreement 147994 with Geveko Markings, Inc., for the purchase of preformed thermoplastic pavement marking materials for the Street Transportation Department. Further request the City Manager, or his designee, to allow use of funds previously authorized under S-46432 for Agreement 147994 to also be used for purchases under Agreements 147995 and 147996. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $250,000.

Summary

These contracts provide thermoplastic pavement marking materials in a variety of colors and sizes and are intended to supply commonly used yellow and white thermoplastic paint. The additional funds are needed to complete pavement maintenance projects through the remainder of the contract duration. With the approval of the Accelerated Pavement Maintenance program and additional projects called for under the Transportation T2050 plan, the need for additional contract capacity is significantly greater than originally anticipated. The additional funds are needed to continue with projects already underway.

Contract Term

The contract term is five years from July 1, 2018 to June 30, 2023, and remains unchanged.

Financial Impact

- The initial authorization for Preformed Thermoplastic Pavement Marking Materials agreements were for an expenditure not-to-exceed $341,405.
- Additional expenditures for Agreement 147994 were authorized for $151,500, for a new aggregate expenditure not-to-exceed $492,905.
- This amendment will increase the authorization for the agreements by an additional $250,000, for a new total not-to-exceed agreement value of $742,905.

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

Concurrence/Previous Council Action

The City Council approved:
Preformed Thermoplastic Pavement Marking Materials Agreements 147994-147996 (Ordinance S-44815) on June 20, 2018; and
Preformed Thermoplastic Pavement Marking Materials Agreement 147994 (Ordinance S-46432) - Additional Expenditures on March 18, 2020.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 56

Physical Therapy and Rehabilitation Equipment - EXC 21-092 (Ordinance S-47436)

Request to authorize the City Manager, or his designee, to purchase physical therapy and rehabilitation equipment from Team Marathon Fitness, Inc., dba Marathon Fitness, for the Fire Department. Further request authorization for the City Controller to disburse all funds related to this item. The one-time expenditure will not exceed $125,000.

Summary
This equipment is needed for the Fire Department’s program which provides in-house physical therapy and rehabilitation, by a licensed physical therapist, to firefighters recovering from job-related injuries and surgeries, with emphasis on specific mechanics geared to the firefighter job functions. This unique program was awarded by the Assistance to Firefighters Grant Program and requires the purchase of specific, specialty physical therapy and rehabilitation equipment.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved determination memo which stated the need for expedited purchase in accordance with the timeline of the Federal Emergency Management Agency (FEMA) 2018 Assistance to Firefighters Act Grant Program to purchase physical therapy and rehabilitation equipment.

The Deputy Finance Director recommends the contract with Team Marathon Fitness, Inc., dba Marathon Fitness, be accepted.

Contract Term
The one-time purchase will begin on or about April 7, 2021.

Financial Impact
The aggregate contract value will not exceed $125,000; funds are available in the Fire Department's budget.

Responsible Department
This item is submitted by Assistant City Manager Jeff Barton and the Fire Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 57

Wireless Communication Services, Accessories, and Equipment (Ordinance S-47458)

Request to authorize the City Manager, or his designee, to enter into a Letter of Agreement with AT&T Mobility National Accounts LLC; Sprint Solutions, Inc.; T-Mobile USA, Inc.; and Verizon Wireless to continue to provide wireless communication services, accessories, and equipment for departments citywide in an amount not to exceed $5,137,500. This authorization is needed to continue existing wireless services while the City adopts new State of Arizona cooperative agreements. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

City departments utilize mobile devices, wireless services, equipment and accessories to conduct City business every day. Equipment and services are procured utilizing the State of Arizona cooperative agreements, which offer significant cost savings due to the benefit from national government pricing and volume discounts. This request is for authorization for an interim agreement to allow the City to pay for monthly cellular services and purchase equipment and accessories as needed while the City adopts the new State of Arizona cooperative agreements. These expenses are essential to the City, as devices are used by staff to provide critical services to the public in various locations throughout the valley. Currently, the City pays for services for the following devices: 5,003 cellular phones, 6,127 air cards, 6,244 push to talk radios, 470 tablets, and various other services and equipment.

In addition, this request would allow for an additional two thousand mobile devices for the Phoenix Police Department. Phoenix Police would obtain equipment with FirstNet LTE SIM cards, which provide unlimited voice, data, and text capabilities using compatible smart devices that operate on a nationwide network. The FirstNet network also provides public safety personnel with priority access and emergency preemption for high network reliability and availability.

Contract Term

The term will extend through Dec. 31, 2021. The State of Arizona is scheduled to release the new cooperative agreements in the coming weeks. This request will allow adequate time for the State of Arizona to release the new cooperative agreements and

for the City to enter into linking agreements and obtain Council authorization to adopt them.

Financial Impact

The $5,137,500 request is based on current usage and known additional requirements to cover a nine-month period. Funds are available in various departments' budgets.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Information Technology Services Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 58

Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-47435)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Julia Farnsworth in the amount of $53,602.18 to the Arizona State Retirement System, and further request authorization for the City Controller to disburse funds.

Summary

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System (ASRS) upon approval by the Council. The following former City of Phoenix employee has requested transfer of the balance of their credited service:

Farnsworth, Julia: $53,602.18

Concurrence/Previous Council Action

This item was approved by the COPERS Board at its March 4, 2021 meeting.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Retirement Office.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 59

Banner Employer Solutions, LLC, Vaccine Administration Services (Ordinance S-47464)

Request to authorize the City Manager, or his designee, to enter into a contract with Banner Employer Solutions, LLC, to allow Banner to utilize the City's Employee Driver Training Academy (3535 S. 35th Ave.) to administer COVID-19 vaccinations to City of Phoenix employees and other local businesses. There is no cost or charge related to this contract; it is only for use of the City's site.

Summary

Banner will no longer be operating at the Arizona State Fairgrounds after April 11, 2021. A contract is required to provide Banner with access to utilize the City's Employer Driver Training Academy to continue to administer vaccinations against the COVID-19 virus to employees, contractors, and other local businesses.

Contract Term

The contract term shall begin on or about April 12, 2021 and end on July 31, 2021.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the Human Resources Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 60

Phoenix Public Library Phased Reopening Plan for In-Building Visits

This report provides an overview on Phoenix Public Library service delivery to the community during the coronavirus pandemic and requests City Council authorization to safely reopen libraries in phases as outlined in this report.

Summary

Response to COVID-19

In early March of 2020, as part of the City's response to the Coronavirus pandemic, Phoenix Public Library closed all 17 book drops and library facilities to in-building visits. All library materials checked out at that time had the check-out period extended by 90 days. In addition, the Library Department transitioned service delivery to virtual platforms including: downloading and streaming eBooks, movies, music, recorded and live streaming of library programs through phoenixpubliclibrary.org. Bookdrops were reopened and Curbside Services were launched at 16 Phoenix Public Library locations in May of 2020 (*South Mountain Community Library - 7050 S. 24th St - remains closed as it is part of the South Mountain Community College campus).

To date Phoenix Public Library has hosted nearly 300,000 Curbside pickups, circulating more than 2.5 million physical items; and 19.2 million visits to phoenixpubliclibrary.org with library customers accessing nearly 5.7 million digital items. Curbside Service, which offers both drive-up and walk-up service, is provided 6 days a week, including three evenings and Saturday mornings, as well as 24/7 access to digital materials and streaming online.

Curbside Service includes:

- Kids' Cafe meals at 9 library locations
- Providing "drop in" book bundles for children, adults and families
- Family friendly MACH1 to-go and hand-on STE/AM and craft kits
- Mobile printing pick up
- Free WiFi in library parking lots (7 days a week, 8 a.m. - 9 p.m.)

Phased Reopening of In-Building Visits

As the number of COVID-19 cases in Arizona continue to decline, the Library department began to develop a reopening plan that will increase the number of

libraries and services available to residents based on benchmark indicators and thresholds from Arizona Department of Health Services and Maricopa County. Currently, the city of Phoenix is in Orange/Substantial Spread for the number of total new cases per 100,000 (53.24 as of week of March 7 - 13, 2021). In the Orange/Substantial Spread level, library facilities are proposed to open at 25 percent of the permitted public occupancy level. As trends continue downward and the benchmark statistics reach the Yellow/Moderate Spread level, occupancy will be increased to 50 percent of the permitted public occupancy level. Library facilities will continue to operate at 50 percent occupancy with COVID-19 safety protocols until the level of community spread reaches minimal levels.

The services selected for in-building visits equally reflect the need expressed by the community, and prioritized health and safety measures considered for the visiting public and staff. Hours of operation for library locations transitioning to offering in-building visits six days a week, Monday through Saturday, are as follows:

- 9:30 a.m. - 12:00 p.m.: Curbside Service
- 12:00 - 12:30 p.m.: Breakdown of Curbside Service and readiness efforts for in-building visits
- 12:30 - 5:30 p.m.: In-building visits
- Library locations groupings Two and Three will continue with the current Curbside Service and hours (Mon-Sat: 8 a.m. - 12 p.m. & Tues-Wed-Thurs evenings, 3:30 - 5:30 p.m.) until they transition to offering in-building visits.

Reopening of in-building visits will roll out in three separate library locations groupings. The first group selection is driven primarily by providing geographic coverage throughout Phoenix at larger library locations, and computer & circulation volume. Reopening of in-building visits will be implemented first in Group 1; followed by library locations in Group 2, two weeks later; and finally with Group 3 library locations reopening in-building visits two weeks after the second group of libraries.

<u>Group 1 (Proposed reopening - Monday, April 19th):</u>

- Burton Barr Central Library (1221 N. Central Ave.)
- Agave Library (23550 N. 36th Ave.)
- Cesar Chavez Library (3635 W. Baseline Rd.)
- Cholla Library (10050 Metro Parkway E.)
- Ironwood Library (4333 E. Chandler Blvd.)
- Mesquite Library (4525 E. Paradise Village Parkway N.)
- Palo Verde Library (4402 N. 51st Ave.)
- Desert Broom Library (29710 N. Cave Creek Rd.)

Group 2 (Proposed reopening - Monday, May 3rd):
- Desert Sage (7602 W. Encanto Blvd.)
- Harmon Library (1325 S. 5th Ave.)
- Juniper Library (1825 W. Union Hills Dr.)
- Saguaro Library (2808 N. 46th St.)

Group 3 (Proposed reopening - Monday, May 17th):
- Acacia Library (750 E. Townley Ave.)
- Yucca Library (5648 N. 15th Ave.)
- Century Library (1750 E. Highland Ave.)
- Ocotillo Library (102 W. Southern Ave.)

South Mountain Community Library (7050 S. 24th St.) will be added when the South Mountain Community College Campus is open.

Library Services to be available through Phoenix Public Library
All in-building visits will require a 45-minute appointment. Residents will be able to reserve time slots on phoenixpubliclibrary.org, or through the Library Call Center. Additionally, each location will have a reserved block of time slots in order to accommodate walk-up patrons. In-building visits for Phoenix Public Library customers will provide access to:

- Computer and internet access
- Collection browsing
- Printing, scanning, and copier services
- Library Laptop and WiFi Hotspots lending
- Self-service checkout kiosks
- Signing up for or renewing Phoenix Public Library cards.

Library security will clear each building at the 45-minute mark, allowing 15 minutes of preparation and cleaning for the next reservation block.

Health and Safety Measures
The following COVID-19 safety protocols were reviewed by the City's Public Health Advisors and will be implemented at all Library locations:

- Wearing of face coverings and social distancing throughout each facility required.
- Contact-less infrared temperature screening will be utilized as customers enter

each building.
- Installation of health shields at all staff service desks and customer computer workstations.
- Service desks provide contact-less customer service.
- Signage, similar to the "CDC Facilities Entries Survey" will be prominent advising customers that, "If you have experienced any of the following symptoms in the past 48 hours, please do not enter".
- Social distancing at tables and furniture.
- Daily on-site custodial staff to disinfect frequently touched surfaces and restrooms throughout the day.
- Cleaning of computer workstations will occur between each session utilizing CDC recommended cleaning guidelines.
- Abundant availability of disinfectant wipes, hand sanitizer, and disposable masks for customers and staff.
- Implementation of a temporary bag policy limiting one backpack per person.

The Phoenix Public Library website will be updated to inform all patrons of face mask and social distancing requirements as well as other safety protocols while on-site.

Responsible Department
This item is submitted by Interim Deputy City Manager John Chan, and the Library Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 61

Authorization to Enter into Contracts with Central Arizona Shelter Services and the Human Services Campus (Ordinance S-47463)

Request to authorize the City Manager, or his designee, to enter into contracts with Central Arizona Shelter Services, Inc. for COVID-19 related essential services, facility improvements, operations and homeless support activities; and also with the Human Services Campus for COVID-19 related essential services, operations and/or facility improvements. The term for each contract will begin on or about April 1, 2021 and end on Sept. 30, 2022. The aggregate value of the contracts will not exceed $4 million over the life of the contracts. Further request authorization for the City Controller to disburse all funds related to this item. Funding is one-time monies from a combination of Emergency Solutions Grant and Community Development Block Grant funds. There is no impact to the General Fund.

Summary

On Feb. 3, 2021 City Council approved an increase in the number of shelter beds at the Human Services Campus (HSC) with Ordinance G-6799. Shelter services are provided at the HSC by Central Arizona Shelter Services, Inc. (CASS) for adults ages 18 years and older.

On Feb. 17, 2021 City Council approved a $4 million allocation of funds for HSC and CASS to fund homeless support activities to prevent, prepare for and respond to the COVID-19 pandemic in one of the City's most vulnerable populations and allow those individuals to move into shelters at a much quicker pace. The HSC will use funding to support the needs of the campus partners for essential services, operations and/or facility improvements. CASS will use funding for essential services, facility improvements, operations and homeless support activities. The funding distribution is as follows:

- Human Services Campus: $1.6 million
- CASS: $2.4 million

Contracts will include terms requiring metrics, documentation and timeline for performance.

Procurement Information
Due to the need for an emergency response during the COVID-19 pandemic, the City of Phoenix has obtained all necessary federal waivers to enter into these emergency agreements.

Contract Term
The term of this contract will begin on or about April 1, 2021 and end on Sept. 30, 2022.

Financial Impact
The aggregate contract value will not exceed $4 million over the life of the combined contracts. Funding is one-time monies from Emergency Solutions Grant and Community Development Block Grant funds. There is no impact to the General Fund.

Concurrence/Previous Council Action
On Jan. 21, 2021, the Land Use and Livability Subcommittee recommended City Council approval of broad allocations of ESG-CV2 funds to prevent, prepare for and respond to the COVID-19 pandemic, focusing on individuals and families who are experiencing homelessness or receiving homeless assistance, and to support homelessness prevention activities to mitigate the impacts of COVID-19.

On Feb. 3, 2021 City Council approved the increase of the amount of shelter beds at the Human Services Campus with Ordinance G-6799.

On Feb. 17, 2021 City Council approved a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan with Ordinance S-47330 and directed a $4 million allocation from those funds to go to CASS and the HSC.

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Human Services Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 62

Loan Federal HOME Funds for Pueblo Apartments Affordable Housing Development (Ordinance S-47452)

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development HOME Investment Partnerships Act Program funds with CPLC Broadway and Central LIHTC, LLC, or a City-approved nominee, for the Pueblo Apartments affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Nov. 16, 2020, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities approved by City Council on Nov. 4, 2020. The Community Priorities are:

1. Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations, and that provide appropriate services to assist and sustain these populations; and
2. Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Investment Partnerships Act Program (HOME) Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and two community representatives. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. The evaluation panel scored the proposals as follows:

- Pueblo Apartments (Chicanos Por La Causa, Inc.): 923 points.
- Acacia Heights II (Trinity Housing Development, LLC): 914 points.

- Reserve at Thunderbird - Phase 1 (Glenmark Construction, Inc. and Antares Development & Investing [Mark Breen and Jessica Raymond]): 911 points.
- Rehoboth Place II (Gorman and Company, LLC and Rehoboth Community Development Corporation): 820 points.
- Commons at 9 South (UMOM/Helping Hands Housing Services): 766 points.
- Mustang Villas (YES Housing of Arizona, Inc.): 708 points.

Based on funding availability, all six projects were recommended for funding.

Pueblo Apartments, located at 316 W. Broadway Road, includes the new construction of a 161-unit permanent housing community. Chicanos Por La Causa, Inc. (CPLC), a non-profit developer, through CPLC Broadway and Central LIHTC, LLC, requested $1 million to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with at least 11 units serving households at or below 40 percent AMI. Supportive services will be provided by CPLC and will include financial coaching, resident service coordinator, and homeownership advising and resources. Other proposed funding for this project includes permanent debt financing, Low Income Housing Tax Credit (LIHTC) equity, and Federal Home Loan Bank (FHLB) Affordable Housing Program (AHP) funds.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact

There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2020 HOME funds, and a forward allocation of 2021 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department Capital Improvement Program. Loan execution is anticipated for FY 2021-22 and the loan will be paid to the developer over a two-year period.

Public Outreach

All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location
316 W. Broadway Road
Council District: 7

Concurrence/Previous Council Action
This item was recommended for approval at the Land Use and Livability Subcommittee meeting on March 17, 2021, by a vote of 4-0.

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Housing Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 63

Loan Federal HOME Funds for Acacia Heights II Affordable Housing Development (Ordinance S-47453)

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development HOME Investment Partnerships Act Program funds with Acacia Heights II, LLC, or a City-approved nominee, for the Acacia Heights II affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Nov. 16, 2020, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities approved by City Council on Nov. 4, 2020. The Community Priorities are:

1. Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations, and that provide appropriate services to assist and sustain these populations; and
2. Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Investment Partnerships Act Program (HOME) Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and two community representatives. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. The evaluation panel scored the proposals as follows:

- Pueblo Apartments (Chicanos Por La Causa, Inc.): 923 points.
- Acacia Heights II (Trinity Housing Development, LLC): 914 points.

- Reserve at Thunderbird - Phase 1 (Glenmark Construction, Inc. and Antares Development & Investing [Mark Breen and Jessica Raymond]): 911 points.
- Rehoboth Place II (Gorman and Company, LLC and Rehoboth Community Development Corporation): 820 points.
- Commons at 9 South (UMOM/Helping Hands Housing Services): 766 points.
- Mustang Villas (YES Housing of Arizona, Inc.): 708 points.

Based on funding availability, all six projects were recommended for funding.

Acacia Heights II, located at 4737(proposed) N. 7th Ave., includes the new construction of a 66-unit permanent housing community. Trinity Housing Development, a for-profit developer, through Acacia Heights II, LLC, requested $1 million to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with at least 11 units serving households at or below 40 percent AMI. Supportive services will be provided by Catholic Charities Community Services, Inc. and will include resident services coordinators who will serve in a case management capacity developing service plans with residents, arranging on-site services, and connecting residents to additional service providers as needed. Other proposed funding for this project includes permanent debt financing, Low Income Housing Tax Credit (LIHTC) equity, and a deferred developer fee.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact
There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2020 HOME funds, and a forward allocation of 2021 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department Capital Improvement Program. Loan execution is anticipated for FY 2021-22 and the loan will be paid to the developer over a two-year period.

Public Outreach
All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development.

Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location
4737(proposed) N. 7th Ave.
Council District: 4

Concurrence/Previous Council Action
This item was recommended for approval at the Land Use and Livability Subcommittee meeting on March 17, 2021, by a vote of 4-0.

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Housing Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 64

Loan Federal HOME Funds for Reserve at Thunderbird Phase 1 Affordable Housing Development (Ordinance S-47454)

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development HOME Investment Partnerships Act Program funds with Reserve at Thunderbird LP, or a City-approved nominee, for the Reserve at Thunderbird Phase 1 affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Nov. 16, 2020, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities approved by City Council on Nov. 4, 2020. The Community Priorities are:

1. Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations, and that provide appropriate services to assist and sustain these populations; and
2. Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Investment Partnerships Act Program (HOME) Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and two community representatives. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. The evaluation panel scored the proposals as follows:

- Pueblo Apartments (Chicanos Por La Causa, Inc.): 923 points.
- Acacia Heights II (Trinity Housing Development, LLC): 914 points.

- Reserve at Thunderbird - Phase 1 (Glenmark Construction, Inc. and Antares Development & Investing [Mark Breen and Jessica Raymond]): 911 points.
- Rehoboth Place II (Gorman and Company, LLC and Rehoboth Community Development Corporation): 820 points.
- Commons at 9 South (UMOM/Helping Hands Housing Services): 766 points.
- Mustang Villas (YES Housing of Arizona, Inc.): 708 points.

Based on funding availability, all six projects were recommended for funding.

Reserve at Thunderbird Phase 1, located at 3045 W. Thunderbird Road, includes the new construction of a 108-unit permanent housing community. Glenmark Construction, Inc. and Antares Development & Investing, for-profit developers (Mark Breen and Jessica Raymond), through Reserve at Thunderbird LP, requested $1 million to assist with the development of this project. All units will serve households with incomes at or below 60 percent of the Area Median Income (AMI) with at least 11 units serving households at or below 40 percent AMI. Supportive services will be provided by Greater Phoenix Urban League and other non-profit partners, and will include credit and financial counseling, kids meal programs, and job search/placement assistance. Other proposed funding for this project includes permanent debt financing, Low Income Housing Tax Credit (LIHTC) equity, solar credits, additional gap funding, and a deferred developer fee.

Project awards are contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Financial Impact

There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2020 HOME funds, and a forward allocation of 2021 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department Capital Improvement Program. Loan execution is anticipated for FY 2021-22 and the loan will be paid to the developer over a two-year period.

Public Outreach

All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development.

Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location
3045 W. Thunderbird Road
Council District: 1

Concurrence/Previous Council Action
This item was recommended for approval at the Land Use and Livability Subcommittee meeting on March 17, 2021, by a vote of 4-0.

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Housing Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 65

Loan Federal HOME Funds for Rehoboth Place II Affordable Housing Development (Ordinance S-47455)

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development HOME Investment Partnerships Act Program funds with Rehoboth Place II, LLC, or a City-approved nominee, for the Rehoboth Place II affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Nov. 16, 2020, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities approved by City Council on Nov. 4, 2020. The Community Priorities are:

1. Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations, and that provide appropriate services to assist and sustain these populations; and
2. Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Investment Partnerships Act Program (HOME) Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and two community representatives. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. The evaluation panel scored the proposals as follows:

- Pueblo Apartments (Chicanos Por La Causa, Inc.): 923 points.
- Acacia Heights II (Trinity Housing Development, LLC): 914 points.

- Reserve at Thunderbird - Phase 1 (Glenmark Construction, Inc. and Antares Development & Investing [Mark Breen and Jessica Raymond]): 911 points.
- Rehoboth Place II (Gorman and Company, LLC and Rehoboth Community Development Corporation): 820 points.
- Commons at 9 South (UMOM/Helping Hands Housing Services): 766 points.
- Mustang Villas (YES Housing of Arizona, Inc.): 708 points.

Based on funding availability, all six projects were recommended for funding.

Rehoboth Place II, located at 4625 N. 27th Ave., includes the new construction of a 66-unit permanent housing community. Rehoboth Community Development Corporation (CDC), a non-profit developer, and Gorman and Company, LLC, a for-profit developer, through Rehoboth Place II, LLC, requested $1 million to assist with the development of this project. All units will serve households below 60 percent of the Area Median Income (AMI) with at least 11 units serving households at or below 40 percent AMI. Supportive services will be provided by Rehoboth CDC and will include job placement assistance, income tax assistance, financial coaching and education, and first-time homebuyer and entrepreneur training. Other proposed funding for this project includes permanent debt financing, Low Income Housing Tax Credit (LIHTC) equity, a seller carryback loan, and a deferred developer fee.

Financial Impact
There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2020 HOME funds, and a forward allocation of 2021 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department Capital Improvement Program. Loan execution is anticipated for FY 2021-22 and the loan will be paid to the developer over a two-year period.

Public Outreach
All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location
4625 N. 27th Ave.
Council District: 4

Concurrence/Previous Council Action

This item was recommended for approval at the Land Use and Livability Subcommittee meeting on March 17, 2021, by a vote of 4-0.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 66

Loan Federal HOME Funds for Commons at 9 South Affordable Housing Development (Ordinance S-47456)

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development HOME Investment Partnerships Act Program funds with UMOM Housing 8, LLC, or a City-approved nominee, for the Commons at 9 South affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Nov. 16, 2020, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities approved by City Council on Nov. 4, 2020. The Community Priorities are:

1. Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations, and that provide appropriate services to assist and sustain these populations; and
2. Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Investment Partnerships Act Program (HOME) Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and two community representatives. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. The evaluation panel scored the proposals as follows:

- Pueblo Apartments (Chicanos Por La Causa, Inc.): 923 points.
- Acacia Heights II (Trinity Housing Development, LLC): 914 points.

- Reserve at Thunderbird Phase 1 (Glenmark Construction, Inc. and Antares Development & Investing [Mark Breen and Jessica Raymond]): 911 points.
- Rehoboth Place II (Gorman and Company, LLC and Rehoboth Community Development Corporation): 820 points.
- Commons at 9 South (UMOM/Helping Hands Housing Services): 766 points.
- Mustang Villas (YES Housing of Arizona, Inc.): 708 points.

Based on funding availability, all six projects were recommended for funding.

Commons at 9 South, located at 4048 and 4050 S. 9th St., includes the new construction of a 60-unit permanent housing community. UMOM/Helping Hands Housing Services, a non-profit CHDO, through UMOM Housing 8, LLC, requested $1 million to assist with the development of this project. All units will serve persons with incomes at or below 60 percent of the Area Median Income (AMI) with at least 5 units serving households at or below 40 percent AMI. Supportive services will be provided through Helping Hands Housing Services and its partners and will include assistance with furniture and household goods, food boxes, utility assistance programs, job development, financial management, and homeownership and credit counseling. Other proposed funding for this project includes permanent debt financing and Low Income Housing Tax Credit (LIHTC) equity.

Financial Impact
There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2020 HOME funds, and a forward allocation of 2021 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department Capital Improvement Program. Loan execution is anticipated for FY 2021-22 and the loan will be paid to the developer over a two-year period.

Public Outreach
All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location
4048 and 4050 S. 9th St.
Council District: 8

Concurrence/Previous Council Action

This item was recommended for approval at the Land Use and Livability Subcommittee meeting on March 17, 2021, by a vote of 4-0.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 67

Loan Federal HOME Funds for Mustang Villas Affordable Housing Development (Ordinance S-47457)

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to $1 million in federal U.S. Department of Housing and Urban Development HOME Investment Partnerships Act Program funds with Mustang Villas LLC, or a City-approved nominee, for the Mustang Villas affordable housing development project, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract. There is no impact to the General Fund.

Summary

On Nov. 16, 2020, the Housing Department issued a Call for Interest (CFI) seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing based on the Affordable Housing Community Priorities approved by City Council on Nov. 4, 2020. The Community Priorities are:

1. Acquisition, rehabilitation and/or new construction of properties that focus on homeless or special needs populations, and that provide appropriate services to assist and sustain these populations; and
2. Acquisition, rehabilitation, and/or new construction of properties where the developer qualifies as a Community Housing Development Organization (CHDO) as defined by the HOME Investment Partnerships Act Program (HOME) Program.

Procurement Information

Six proposals were received and reviewed by an evaluation committee comprised of two City staff members and two community representatives. The proposals were evaluated on a 1,000-point scale based on the following criteria: Developer Experience; Project Merits/Approach; Financial Feasibility; and Project Impact. The evaluation panel scored the proposals as follows:

- Pueblo Apartments (Chicanos Por La Causa, Inc.): 923 points.
- Acacia Heights II (Trinity Housing Development, LLC): 914 points.

- Reserve at Thunderbird Phase 1 (Glenmark Construction, Inc. and Antares Development & Investing [Mark Breen and Jessica Raymond]): 911 points.
- Rehoboth Place II (Gorman and Company, LLC and Rehoboth Community Development Corporation): 820 points.
- Commons at 9 South (UMOM/Helping Hands Housing Services): 766 points.
- Mustang Villas (YES Housing of Arizona, Inc.): 708 points.

Based on funding availability, all six projects were recommended for funding.

Mustang Villas, located at the Southwest Corner of 59th Ave. and McDowell Road, includes the new construction of a 60-unit permanent housing community. YES Housing of Arizona, Inc., a non-profit corporation, through Mustang Villas LLC, requested $1 million to assist with the development of this project. All units will serve persons with incomes at or below 60 percent of the Area Median Income (AMI) with at least 10 units serving households at or below 40 percent AMI. YES Housing will provide services including referrals and coordination with local service providers, and employment resources. Other proposed funding for this project includes permanent debt financing and Low Income Housing Tax Credit (LIHTC) equity.

Financial Impact
There is no impact to the General Fund. HOME is a federally-funded program. Funding for this CFI is made available from 2020 HOME funds, and a forward allocation of 2021 HOME funds. Funding commitments for projects with LIHTC equity are reliant upon receiving a LIHTC award from the Arizona Department of Housing. Funding is budgeted in the Housing Department Capital Improvement Program. Loan execution is anticipated for FY 2021-22 and the loan will be paid to the developer over a two-year period.

Public Outreach
All applicants were required to hold at least one community meeting with the surrounding neighborhood to inform them of their proposed housing development. Per the evaluation criteria, applicants that held more than one community meeting were given additional points.

Location
Southwest Corner of 59th Ave. and McDowell Road
Council District: 7

Concurrence/Previous Council Action

This item was recommended for approval at the Land Use and Livability Subcommittee meeting on March 17, 2021, by a vote of 4-0.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 68

Electronic Donation Portal to Support Tree Planting

Request to authorize the City Manager, or his designee, to implement an electronic donation portal to allow donations from the public to fund planting of new trees in City rights-of-way and City-owned properties. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

City Council adopted the Tree and Shade Master Plan (Master Plan) in 2010 as a roadmap to create a healthier, more livable and prosperous 21st-century desert city. In addition to public education programs and urban forest management best practices, the plan included an ambitious goal to double the tree and shade canopy to 25 percent by 2030. Recently, the public and the City are renewing efforts on the Master Plan goals alongside a growing concern about rising temperatures and the urban heat island effect - particularly in neighborhoods with both vulnerable populations and a more limited tree canopy.

City departments have developed creative ways to fund new tree planting projects to meet the 2030 goal, including: actively seeking grant funds; selling carbon offsets; partnering with utilities; and seeking assistance of AmeriCorps VISTAs to work on neighborhood tree planting projects to increase the number of trees planted. Although these efforts have resulted in a sharp increase in the number of trees planted each year, it is far short of what is needed to reach a 25 percent tree canopy. To meet the tree canopy goal, approximately 10,000 new trees need to be planted each year--more than double the current rate.

Formation of the Tree Donation Portal

When staff surveyed the community prior to adoption of the City’s 2050 goals, it identified remarkable public support for the tree canopy goal. Of 1,240 respondents, 92 percent agreed with the statement that "…the 25 percent tree and shade canopy goal is a good idea." Over 50 percent of the respondents indicated that they would be willing to donate to a tree campaign. Given the strong public support, staff explored examples of other city tree donation programs and websites and found several examples including onetreeplanted.org and the National Forest Foundation's tree donation program.

The City of Phoenix has accepted public donations by check for many purposes in the past (including for trees), but the City has not had a donation campaign specifically for trees or with the ability to accept electronic payments for these types of donations. Based on examples from other donation sites, the City has set up a donation webpage (phoenix.gov/plantatree) and worked with the Finance Department and the City's vendor, Chase Bank, to set up, at no cost, a secure electronic payment portal. The new donation portal can accept deposits and track donations into a dedicated fund from which funds can be allocated to specific projects in the following program categories:

a. Tree donations designated for parks or street right-of-way will be transferred to the Parks and Recreation or Street Transportation department budget/cost centers, respectively, and used for specific tree planting projects selected by the Urban Forest Implementation Team (UFIT) prioritizing tree planting in heat-vulnerable neighborhoods and pedestrian corridors. The UFIT is a City staff committee that includes representatives from the Planning and Development, Water Services, Neighborhood Services, Parks and Recreation, and Street Transportation departments, as well as the Offices of Sustainability and Environmental Programs; and
b. Donations designated to neighborhoods will be administered by the Neighborhood Services Department's "Love Your Block" program. Funds will be distributed monthly or quarterly to "Love Your Block" as donations become available. The "Love Your Block" program will manage the funds through a neighborhood grant program in partnership with the Citizen Forester program and the AmeriCorps VISTA program.

The portal allows donors to direct their donations toward any of the program areas listed rather than select specific projects. The website includes a disclaimer indicating the City cannot guarantee when the trees will be planted, but does list recent and upcoming tree planting projects. There is also a comment box on the donation page where users can propose future projects. Individuals and organizations will also be able to apply to "Love Your Block" to receive neighborhood grants as part of the program.

Management of a New Tree Donation Program
Initial management of the program will be led by the Office of Sustainability in partnership with the receiving departments listed above.

Financial Impact
The program will accept electronic donations from individuals and businesses from $5

up to $25,000, specifically for purchase and planting of trees.

Responsible Department

This item is submitted by Deputy City Managers Karen Peters, Mario Paniagua and Inger Erickson, and the Parks and Recreation, Neighborhood Services and Street Transportation departments, and the Office of Sustainability.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 69

Authorization to Sell City-Owned Property Located at 11 W. Cypress St. (Ordinance S-47418)

Request to authorize the City Manager, or his designee, to sell approximately 617 square feet of City-owned property adjacent to 36 W. Holly St. to JAG Development, LLC and Studio Ma, Inc., or its City-approved designee (Developer). Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The City-owned property, identified by assessor parcel number 118-51-109, consists of approximately 1.17 acres of land developed with a parking garage and other improvements serving the City's Family Advocacy Center. The portion of property to be sold for $17,900 is an approximately 4-foot by 165-foot remnant strip of unimproved land along the western property line, the land is not needed for the operations of the Family Advocacy Center developed on the balance of the property; the strip will be assembled with the abutting property to the west for purposes of expanding and securing the residential site. The property will be conveyed by Special Warranty Deed, with the purchase price based on appraised value. The buyer will pay all closing costs, including the cost of the survey.

This property will not be transferred from the City's ownership until the zoning is complete on the property and the two adjacent properties known as 36 and 42 W. Holly Street. In addition, building permits must be ready to issue on the project prior to the sale to Developer.

Financial Impact

The sale of this property will generate a one-time $17,900 sales proceeds to the City. Sale proceeds will be applied towards the 2007 and 2009 bond debt used to purchase the property.

Location

11 W. Cypress St.
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and Interim Deputy City Manager John Chan, and the Human Services and Community and Economic Development departments.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE S-

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SELL APPROXIMATELY 617 SQUARE FEET OF CITY-OWNED PROPERTY ADJACENT TO 36 WEST HOLLY STREET TO JAG DEVELOPMENT, LLC AND STUDIO MA, INC.; AND FURTHER AUTHORIZING THE CITY TREASURER TO ACCEPT ALL FUNDS.

_____

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

SECTION 1. The City Manager or his designee is authorized to sell approximately 617 square feet of City-owned property adjacent to 36 W. Holly Street (Subject Property) to JAG Development, LLC and Studio Ma, Inc., or its City-approved designee (Developer), for the purchase. The Subject Property is part of Assessor Parcel Number 118-51-109, an approximately a 4-foot by 165-foot strip of unimproved land along the western property line. Developer will pay $17,900 for the Subject Property, as well as all closing costs, and the cost of a survey for the Subject Property and the adjacent property. The Subject Property will be conveyed by special warranty deed.

DRAFT

SECTION 2. The City Treasurer is authorized to accept all funds for the purposes of this Ordinance.

PASSED by the Council of the City of Phoenix this 7th day of April, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

BY: _____
_____ TGS

REVIEWED BY:

_____
Ed Zuercher, City Manager

TGS:rb:**LF20-2230**:4/7/21:2224810_1

DRAFT

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 70

GateWay Community College Phoenix Forge Makerspace Parking Agreement (Ordinance S-47427)

Request to authorize the City Manager, or his designee, to enter into a contract with Maricopa County Community College District (MCCCD) on behalf of GateWay Community College to provide parking spaces in the Adams Street Garage located at 310 W. Adams St. in downtown Phoenix.

Summary

GateWay Community College's makerspace, Phoenix Forge, a ONE Maricopa Initiative, serves as a learning environment offering students a location to learn the practical application of coursework, while providing the entrepreneur, hobbyist, inventor, and small business community, with a place to access the tools and equipment needed for idea fabrication and product development. Phoenix Forge is open to the public, MCCCD students, and staff.

Phoenix Forge builds on a nationwide effort to forge meaningful and collaborative relationships between Arts and Science, Technology, Engineering and Math (STEAM). It serves as a cross-disciplinary learning lab for students of the Maricopa Community College system and is available to the public for a nominal membership fee. The makerspace offers an academic model of credit and non-credit courses and short, one-time workshops. This model creates a rich learning environment that supports student success by encouraging critical-thinking, creativity, and innovation.

The Phoenix Forge makerspace facility is located in buildings currently owned by MCCCD at 535 W. Van Buren St. in downtown Phoenix, and consists of 22,500 square feet of workspace, flexible classroom and community engagement/event space.

In preparation of the Phoenix Forge opening, the Phoenix Convention Center Department (PCCD) will provide 100 parking spaces at the City-owned Adams Street Garage located at 310 W. Adams St. Parking will be available to parkers solely in connection with Phoenix Forge by badge access. In lieu of parking revenue, an annual parking maintenance fee of $2,000 will be collected for each year of the five-year term to assist in maintaining the garage. The Community and Economic Development Department has agreed to pay this fee on behalf of Gateway Community College.

Contract Term
The contract will begin on or about April 1, 2021 for a five-year term.

Financial Impact
CEDD will be charged $2,000 annually by PCCD for the parking maintenance fee, not to exceed $10,000 over the life of the five-year term. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Concurrence/Previous Council Action
This item was recommended for approval by the Workforce and Economic Development Subcommittee at the March 24, 2021 meeting by a vote of 2-0.

Location
310 W. Adams St.
Council District: 7

Responsible Department
This item is submitted by Interim Deputy City Manager John Chan, and the Phoenix Convention Center and Community and Economic Development departments.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 71

Three-Year Membership with Arizona Israel Technology Alliance (Ordinance S-47444)

Request to authorize the City Manager, or his designee, to pay membership dues to the Arizona Israel Technology Alliance for May 2021 through April 2023 in the amount of $15,000 annually, for a total amount not to exceed $45,000. Further request authorization for the City Controller to disburse funds related to this item. There is no impact to the General Fund.

Summary

The City entered into its first one-year membership with the Arizona Israel Technology Alliance (AITA) in September 2019. With 22 members, representing the private sector, economic development organizations, municipalities and trade organizations from Arizona and Israel, the AITA focuses on attracting Israeli foreign direct investment (FDI) to Phoenix and Arizona. In addition, the AITA provides support to any Israeli mergers and acquisitions business, and continued expansion of existing Israeli businesses in Phoenix.

Through monthly briefings with Community and Economic Development Department (CEDD) staff, AITA is proving vital to the City's long-term strategic international economic initiatives. AITA, along with its members, has generated a number of warm leads between the City and Israeli Agrifood Tech companies. It is hoped these warm leads will yield agreements as part of CEDD's Agrifood Tech 100 Business Attraction strategy and its broader Food System Entrepreneurship and Innovation Program. Beyond just Agrifood Tech, AITA's program manager in Israel continues to assist in the building of connections with Biotech companies in Israel in support of CEDD's Bioscience Healthcare Strategic Initiative.

AITA connects Phoenix to Israel - a world leader in startups, with more than 2,000 startups in the past decade, focused in areas contributing to Phoenix's international trade strategy of FDI and business attraction in defense and security, autonomous vehicles, biotech, cyber tech and agrifood tech. Since its inception in 2017, AITA has assisted 70 Israeli companies with Arizona projects including business development, hiring personnel and more. AITA also provides webinars to promote business-to-business connections, such as "The Growth of Israeli Companies in Arizona" in

October 2020, attended by more than 100 individuals representing companies in Israel and Arizona (roughly evenly split).

If approved, the City's thee-year membership will be valid through the following years:

- May 2021 - April 2022
- May 2022 - April 2023
- May 2023 - April 2024

Financial Impact
Membership dues are $15,000 annually, not to exceed a total of $45,000 over the course of three years. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Concurrence/Previous Council Action
This item was recommended for approval by the Workforce and Economic Development Subcommittee at the March 24, 2021 meeting by a vote of 3-0.

Responsible Department
This item is submitted by Interim Deputy City Manager John Chan and the Community and Economic Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 72

Amend Intergovernmental Agreement with Maricopa County Community College District for Culinary Support Services Hub Feasibility Study (Ordinance S-47450)

Request to authorize the City Manager, or his designee, to amend the Intergovernmental Agreement with the Maricopa County Community College District for the Center for Entrepreneurial Innovation at GateWay Community College, to extend the term for a feasibility study on a culinary support services hub. There is no expense impact as a result of this action.

Summary

On Feb. 5, 2020, City Council authorized the Community and Economic Development Department (CEDD) to enter into a contract with GateWay Community College (GWCC) to fund a feasibility study on a culinary support services hub. The goal of the feasibility study is to determine the market to support a commercial culinary hub and to prepare a preliminary business plan addressing the potential to convert a vacant property into a culinary incubator center.

In October 2020, the Center for Entrepreneurial Innovation (CEI) at GWCC of the Maricopa County Community College District requested additional time and funding that was needed to support an extension of services under the existing Intergovernmental Agreement (IGA) to include the coordination of project partners to create the business and collaboration agreements necessary to complete the study. The request for additional funding and a term extension to Dec. 31, 2020 was approved by City Council on Nov. 4, 2020. The term of the IGA has since expired, and an extension is requested to complete the study.

The City, in partnership with CEI, seeks to complete a feasibility study for the adaptive reuse of vacant commercial property into a culinary support services hub for K-12 and community college education, business incubation, workforce development and training purposes. This study aligns with CEDD's action plan to cultivate entrepreneurship and emerging enterprise ecosystems by supporting incubator and accelerator space, mentoring and business planning to promote and facilitate business ownership, in addition to assisting in retaining and expanding food-related businesses in support of the City’s 2050 Local Food System Sustainability Goal.

Contract Term
If approved, the term of the IGA, City Contract No. 153040, will be extended from Dec. 31, 2020 to March 31, 2022.

Financial Impact
There is no expense impact as a result of this action.

Concurrence/Previous Council Action
On Feb. 5, 2020, City Council authorized $35,000 in payment authority to fund a feasibility study on a culinary support services hub through Ordinance S-46357. On Nov. 4, 2020, City Council authorized an amendment to the IGA via Ordinance S-47058 for $10,000 in additional funding and an extension of the term.

Location
Council District: 5

Responsible Department
This item is submitted by Interim Deputy City Manager John Chan and the Community and Economic Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 73

Amendment to Financial Advisory Services Contract with Rounds Consulting Group Inc. to Add Downtown Absorption Rate Study (Ordinance S-47462)

Request to authorize the City Manager, or his designee, to extend and allow additional expenditures of up to $15,000 under City Contract No. 149681 with Rounds Consulting Group Inc. for a Downtown Residential and Commercial Absorption Rate study for the Community and Economic Development Department. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

At present, there are approximately 3,767 new residential units under construction and another approximately 2,811 units in the pipeline with some form of approval in downtown Phoenix. For comparison, between 1996 and today, a total of 6,747 new residential units were completed in the same general area. This unprecedented growth cycle is the result of the collaborative work led by the Phoenix City Council to redevelop downtown into the economic, educational and entertainment center of the region. To better understand the market’s ability to absorb the new construction, a Residential and Commercial Absorption Rate study is needed. Community and Economic Development Department staff will work with Rounds Consulting Group Inc. to gather and analyze available data to provide a report on the Downtown market to the City's Workforce and Economic Development Subcommittee.

Financial Impact

The City's total estimated expenditure for this project will not exceed $15,000. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Concurrence/Previous Council Action

The City's Workforce and Economic Development Subcommittee provided direction for staff to move forward with the study at its Feb. 24, 2021 meeting.

Ordinance S-45562 for Affordable Housing Financial Advisory Services was approved by Council on April 17, 2019. Contract No. 149681 began on June 1, 2019 with a five-year term ending on May 31, 2024.

Location
Council Districts: 4, 7 & 8

Responsible Department
This item is submitted by Interim Deputy City Manager John Chan and the Community and Economic Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 74

Request to Apply for and Accept 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant (Ordinance S-47448)

Request to retroactively authorize the City Manager, or his designee, to apply for, and accept, if awarded, up to $7,255,358 from federal fiscal year (FFY) 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program funds through the Federal Emergency Management Agency (FEMA). Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. If not approved, the grant, if awarded, would be turned down.

Summary

The purpose of the SAFER Grant Program is to increase the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards. The grant application will request $7,255,358 to hire 22 firefighter positions lost through attrition (retirements and resignations). These positions will be used to increase service coverage area and improve emergency response times. Funding will be distributed over a three-year period with no cost match required. If awarded, federal funding will be up to $7,255,358, over the period of performance.

Contract Term

The performance period of this grant, if awarded, is three years. The anticipated start date is on or around Aug. 24, 2021, with an anticipated end date on or around Aug. 24, 2024.

Financial Impact

If awarded, the Fire Department will receive up to $7,255,358 in grant funding for 22 firefighter positions. No match will be required from the City.

Concurrence/Previous Council Action

The grant application period opened on Feb. 8, 2021 and closed on March 12, 2021. The timeline did not give the Fire Department an opportunity to present this item to the Public Safety and Justice Subcommittee.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Fire Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 75

Amend Contract with Maricopa County Department of Public Health to Provide Seasonal Influenza and Other Vaccines (Ordinance S-47461)

Request to authorize the City Manager, or his designee, to execute an amendment to City Contract No. 153292 to accept additional funds in the amount of $50,000 from the Maricopa County Department of Public Health (MCDPH) to continue to provide seasonal influenza and other vaccines. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

City Contract No. 153292, in the original amount of $50,000, was approved by the City Council on Oct. 7, 2020 to provide seasonal influenza and other vaccines. MCDPH will provide an additional $50,000 for the first renewal period of July 1, 2021 through March 31, 2022.

The Phoenix Fire Department (PFD) has a long history of providing immunizations at community locations, schools, community centers and other non-medical facilities, to children and adults. The PFD has successfully immunized many Maricopa County residents in partnership with MCDPH through previous agreements.

The City has partnered with MCDPH, to provide seasonal influenza vaccines (as well as other types of vaccines if needed) to individuals six months of age and older. The intent of this agreement is to increase access to vaccines thereby decreasing the overall spread of viruses.

Contract Term

The initial term of the agreement is Nov. 2, 2020 through June 30, 2021 with four additional one-year periods, not to exceed a total extended term of five years.

Financial Impact

MCDPH will reimburse the PFD for the vaccinations on a per unit cost basis up to $100,000 over a five-year period.

Concurrence/Previous Council Action

City Contract No. 153292 was approved by the City Council on Oct. 7, 2020.

Responsible Department

This item is submitted by Assistant City Manager Jeff Barton and the Fire Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 76

Airport Financial Advisory Services (Ordinance S-47439)

Request to authorize the City Manager, or his designee, to enter into an agreement with Frasca & Associates, LLC, to provide financial advisory services to the Aviation Department in an amount not to exceed $1.8 million for a five-year aggregate contract term. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The contract provides financial and business consulting services to the Aviation Department, including long-term financial planning and Capital Improvement Program review, bond issuance, bond-rating agency advice, and other financial-related assistance such as revenue and expenditure forecasts; rates, charges and leases review; Passenger Facility Charges and Customer Facility Charges support; and annual report support. These consulting services are crucial to the Aviation Department's ability to issue bonds, provide for the capital improvement program, maintain the airport's credit, and pursue its business objectives.

Procurement Information

Three firms from the current City of Phoenix Financial Advisory Services Qualified Vendors List were selected for further evaluation. Each firm offers infrastructure finance experience with various specialties, including airports. The proposals from the selected qualified vendors were evaluated by a three-member evaluation panel for their qualifications to perform financial advisory services for the Aviation Department.

Selected Firm
Rank 1: Frasca & Associates, LLC

Additional Qualified Vendors
Rank 2: FirstSouthwest, a Division of Hilltop Securities Inc.
Rank 3: Montegue DeRose and Associates, LLC

Frasca & Associates, LLC was selected based on the firm's extensive experience with large hub airports, Passenger Facility Charges, and Customer Facility Charges.

Contract Term
The term of the contract is five years and will begin on or about May 1, 2021. The contract will not contain an option to extend the term.

Financial Impact
The contract value will not exceed $1.8 million for the five-year aggregate contract term. Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
- The Phoenix Aviation Advisory Board recommended this item for approval on Feb. 18, 2021 by a vote of 6-0.
- The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on March 3, 2021, by a vote of 4-0.

Location
Phoenix Sky Harbor International Airport - 3400 E. Sky Harbor Blvd.
Council District: 8

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 77

Intergovernmental Agreement with City of Avondale for Processing Recyclable Materials (Ordinance S-47425)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with the City of Avondale to accept and process recyclable materials collected in the City of Avondale and delivered to the City of Phoenix's North Gateway and 27th Avenue Material Recovery Facilities (MRFs). Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The City of Avondale offers recycling services to its residents and has delivered these recyclables to the City of Phoenix since 2016. The City of Avondale would like to continue this arrangement. The City of Phoenix can continue to accept these materials with some change of terms to address changing market conditions resulting in lower commodity prices and increased processing costs from contamination in the recyclables. This Intergovernmental Agreement (IGA) will authorize the City of Phoenix to charge a processing fee to the City of Avondale for recycling tonnage processed at the two City MRFs, which is designed to ensure all costs associated with processing recyclables are recovered. The terms of this IGA include:

- In a market with low recycling commodity prices, the City of Phoenix will charge a processing fee to the City of Avondale, and no revenue share to the City of Avondale will be available; and
- In a market with high recycling commodity prices, the City of Avondale will pay a processing fee and will receive 50 percent of the net revenue share and the City of Phoenix will receive the remaining 50 percent.

Annually, the City of Avondale will deliver up to 6,000 tons of recyclable materials to City of Phoenix facilities.

Contract Term

The one-year term of this IGA will begin on or about July 1, 2021 and conclude on or about June 30, 2022. Provisions of the IGA include four, one-year options to extend the agreement.

Financial Impact

Over the life of the agreement, the City of Avondale's 50 percent of the revenue share is not expected to exceed $150,000. Funding for the revenue share payments to City of Avondale is available in the Public Works Department's budget.

Location

North Gateway Material Recovery Facility - 30205 N. Black Canyon Highway
27th Avenue Material Recovery Facility - 3060 S. 27th Ave.
Council Districts: 2 and 7

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 78

One-time Purchase of Asphalt Distributor (Ordinance S-47430)

Request to authorize the City Manager, or his designee, to enter into an agreement with Musgrove Enterprises, LLC dba SealMaster Arizona for the purchase of one asphalt distributor. Further request to authorize the City Controller to disburse all funds related to this item. The total agreement will not exceed $24,300.

Summary
The Public Works Department is responsible for the purchase, repair and maintenance of equipment in the City's fleet. Public Works is seeking to purchase one asphalt distributor for the Street Transportation Department. This equipment is used to seal and coat asphalt roads and parking lots to increase the surface life while improving the appearance by protecting against water damage, ultraviolet rays and oxidation.

Procurement Information
The selection was made using a Request for Quote (RFQ) procurement process in accordance with Administrative Regulation 3.10.

The RFQ was sent to 49 vendors. The Public Works Department received one quote from SealMaster Arizona for $21,682.05 (excluding applicable tax).

Contract Term
This item is a one-time purchase.

Financial Impact
This is a one-time expenditure in the amount of $24,300. Funding is available in the Street Transportation Department's budget.

Responsible Department
This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Street Transportation and Public Works departments.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 79

One-time Purchase of Boat Trailer (Ordinance S-47431)

Request to authorize the City Manager, or his designee, to enter into an agreement with Technology International, Inc. for purchase of one boat trailer. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an aggregate amount of $10,400.

Summary
The Public Works Department is responsible for the purchase, maintenance and repair of the City's fleet, which includes passenger vehicles, off-road equipment and trailers used to transport other equipment. Public Works is seeking to purchase one boat trailer for the Parks and Recreation Department to transport a metal boat to and from urban lakes. The original boat trailer was purchased in 1982 and has reached the end of its useful life. The boat is used to complete water surface clean-up at the City's public parks.

Procurement Information
A Request for Quote was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received one bid from the recommended vendor at the below cost:

Technology International, Inc.: $9,374 (excluding tax)

Contract Term
This item will be for the one-time purchase of a boat trailer that will begin upon Council approval on April 7, 2021.

Financial Impact
This item will have a one-time expenditure of $10,400. Funding is available in the Parks and Recreation Department's budget.

Responsible Department
This item is submitted by Deputy City Managers Inger Erickson and Karen Peters, and the Parks and Recreation and Public Works departments.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 80

One-Time Purchase of Four Traffic Attenuators (Ordinance S-47437)

Request to authorize the City Manager, or his designee, to enter into an agreement with RoadSafe Traffic Systems, Inc. for the purchase of four traffic attenuators. Further request to authorize the City Controller to disburse all funds related to this item. The contract will have a one-time expenditure in the amount of $133,821.68.

Summary
The Public Works Department is seeking to purchase four TL3 Scorpion trailer-mounted traffic attenuators for the Street Transportation Department. The Scorpion TL3 trailer attenuator is designed to provide a crash barrier between the towing vehicle and oncoming traffic and will be used during roadway striping operations. There is an immediate need for the attenuators to maintain employee safety, create time efficiencies and save money with repairing vehicle damages.

Procurement Information
Invitation for Bid (IFB) 21-FSD-027 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received three bids, with low bid being determined by the cost of each attenuator. RoadSafe Traffic Systems, Inc. was deemed the lowest responsive and responsible bidder and is being recommended for award.

RoadSafe Traffic Systems, Inc.: $26,137.67
Statewide Safety Systems: $27,293
Striping Service and Supply, Inc.: $29,305

Contract Term
This item will be for a one-time purchase of four attenuators, and the contract shall begin on or about April 7, 2021.

Financial Impact
The agreement will have a one-time expenditure of $133,821.68. Funding is available in the Street Transportation Department's budget.

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Street Transportation and Public Works departments.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 81

Environmental Protection Agency Grant for Clean Fuel Funding Assistance Program Fiscal Year 2021 (Ordinance S-47445)

This report requests the City Council to authorize the City Manager, or his designee, to retroactively apply for; accept; enter into an agreement; and disburse a U.S. Environmental Protection Agency (EPA) grant, under the Clean Diesel Funding Assistance Program Fiscal Year 2021. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Solid Waste refuse fleet includes some older diesel vehicles with emissions that exceed those achieved by the most current emission control technologies. Emissions from diesel engines contribute to production of ground level ozone, a pollutant for which Maricopa County region is not currently meeting federal health standards. The intent of the Diesel Emissions Reduction Act (DERA) grant program is to provide grant funding to help subsidize vehicle costs to replace higher polluting diesel emission engines with cleaner operating units to reduce harmful emissions. Solid Waste is seeking to replace up to 11 refuse trucks with alternative fuel powered units. Reducing vehicle emissions from the municipal fleet will demonstrate the City's commitment to lead by example toward the 2050 sustainability goal of clean air.

EPA Region 9 will administer the Federal DERA Grant Program. If awarded, funding will be provided to purchase new ultra-low NOx fleet vehicles to replace old, higher polluting fleet vehicles with 2022 models or newer.

Staff anticipates obtaining grant funding for up to 45 percent of the new vehicle cost for replacement. The Public Works Department has been awarded over $2 million of grant monies under the same DERA grant program the last two fiscal years.

The application to EPA Region 9 was due March 16, 2021. The granting agency anticipates notifying applicants on or about July 1, 2021 with an expected project completion date of September 2023.

Contract Term

Up to two years beginning on or about July 1, 2021.

Financial Impact

The federal amount requested for this proposal is $1,815,000. If grant funds are awarded in full, the City would need to match up to $3,030,000. Funding is available in the Public Works Department's Solid Waste vehicle replacement fund.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 82

Recycling Partnership Grant Opportunity for Improved Recycling and Programs for Fiscal Year 2021 (Ordinance S-47449)

Request to authorize the City Manager, or his designee, to retroactively apply for, accept, and enter into an agreement, and disburse grants from The Recycling Partnership through its Polypropylene Recycling Request for Proposal Program to support the purchase of a new polypropylene optical sorter at the North Gateway Material Recovery Facility. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The City match for grant funds will not exceed $100,000.

Summary

Plastics continue to be a growing component of the national solid waste stream and new recycling markets have developed for certain types of plastics. Polypropylene, commonly known as #5 plastic, is used to make yogurt containers, some drink containers, and to-go containers. Investment in optical sorting technology will increase capture of polypropylene allowing the City to increase diversion of this material from the landfill, access the market for polypropylene, and further efforts to build a circular economy and achieve zero waste by 2050.

The Recycling Partnership is a national non-profit organization that works with local governments, national brands and industry leaders to improve recycling programs. The Recycling Partnership's polypropylene grant aims to improve and increase sortation and capture of polypropylene in recycling programs.

Through the Polypropylene Request for Proposal, the Public Works Department is seeking grant funds up to $450,000 to increase polypropylene capture via improved optical sortation. If awarded, funding will support the purchase of a new polypropylene optical sorter at the North Gateway Material Recovery Facility to replace a nine-year-old system that has limited capture abilities when considering size and capture of polypropylene. Replacement of the system was not critical in the recent North Gateway Material Recovery Facility Upgrade; however, staff would like to leverage use of grant funds to replace the equipment and increase the capture rate of polypropylene to meet changes in the market. The first deadline to be considered for full funding is March 31, 2021.

Financial Impact
The amount requested for this proposal is $450,000. If grant funds are awarded in full, Phoenix would need to match up to $100,000 in funding. Funding for the Phoenix cost share is available in the Public Works Department's Capital Improvement Program budget. Other costs may be incurred by the department to support critical system needs that arise during the project period (electrical, fire systems, etc.), which will be funded by Public Works.

Location
North Gateway Material Recovery Facility - 30205 N. Black Canyon Highway
Council District: 2

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 83

Original Equipment Manufacturer Scorpion Parts and Services Contract - Amendment (Ordinance S-47451)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 151182, with BTE Body Company, Inc. to provide additional funding to the agreement for purchase of Scorpion refuse truck parts for the Public Works Department. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an additional aggregate amount of $2,571,999.

Summary

This agreement with BTE Body Company, Inc., is used to provide Original Equipment Manufacturer (OEM) parts for the Scorpion refuse truck fleet. These parts allow in-house technicians to perform maintenance repairs needed to put the fleet back in service for solid waste collections. BTE Body Company, Inc. is the sole Arizona dealer where these OEM parts can be obtained.

Financial Impact

The initial authorization for OEM Scorpion Parts and Services was for an expenditure not to exceed $1.35 million. This amendment will increase the authorization for the agreement by an additional $2,571,999, for a new total not-to-exceed amount of $3,921,999. Funding is available in the Public Works Department's budget.

Concurrence/Previous Council Action

The City Council approved Original Equipment Manufacturer Scorpion Parts and Services Agreement 151182 (Ordinance S-46009) on Sept. 18, 2019.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 84

35th Avenue and Camelback Road Relief Sewer - Engineering Services - WS90500303 (Ordinance S-47420)

Request to authorize the City Manager, or his designee, to enter into an agreement with Project Engineering Consultants, Ltd., to provide Engineering Services to perform an alignment study, to design and prepare construction drawings, and perform construction administration and inspection services for the 35th Avenue and Camelback Road Relief Sewer 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. The fee for services will not exceed $339,637.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this relief sewer project is to perform an alignment study and to design the relief sewer generally along Camelback Road from 35th to 29th Avenues This project is part of the Sanitary Sewer Relief Program. The intent of this ongoing program is to review and manage the capacity of Phoenix's wastewater collection system to avoid sanitary sewer overflows.

Project Engineering Consultants, Ltd.’s services include, but are not limited to: conduct an alignment study, sewer capacity analysis, data collection and field survey; perform geotechnical investigations; provide public information services; prepare design and construction documents; cost estimates; bid phase assistance; construction

administration and inspection, and other work as required for a complete project.

This Agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

Procurement Information
The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Six firms submitted proposals and are listed below:

Selected Firm
Rank 1: Project Engineering Consultants, Ltd.

Additional Proposers
Rank 2: Carollo Engineers, Inc.
Rank 3: Stantec Consulting Services, Inc.
Rank 4: Garver, LLC
Rank 5: Strand Associates, Inc.
Rank 6: Primatech, LLC

Contract Term
The term of the agreement is one year 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 Project Engineering Consultants, Ltd. will not exceed $339,637, including all subconsultant and reimbursable costs.

Funding is available in the Water Services 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
Planned activities during design include: Initial Project Design Phase Notice, possible meetings with adjacent properties, project hotline and development of a

communication plan that will transition into the construction phase.

Location
Between 29th and 35th Avenues in the area south of Camelback Road
Council Districts: 4 and 5

Responsible Department
This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 85

FY2019 Federal Tap HAWK Installation - Design-Bid-Build Services - ST89330184 (Ordinance S-47421)

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 FY2019 Federal Tap HAWK (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 $1,127,585.

Summary

The purpose of this project is to provide safe and Americans with Disabilities Act (ADA) -compliant pedestrian crossings at various locations throughout the city. AJP Electric, Inc.'s services include, but are not limited to, construction of new ADA-compliant curb ramps, new HAWK beacons, and associated signing and markings and other work to complete the project.

This Agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Three bids were received on Dec. 29, 2020, 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: $923,762.37
AJP Electric, Inc.: $1,127,585.00
C S Construction, Inc.: $1,169,942.00

Bidders who were deemed non-responsive are listed below, in alphabetical order:
B&F Contracting, Inc.

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 reason for the variance from the Opinion of Probable Cost to the lowest, responsive, responsible bid is the construction industry is flooded with abundance of available work; the amount of available work in the Phoenix Metro area exceeds the current labor forces; and most traffic signal contractors have full workloads; therefore, costs have increased and bids are higher. Material costs, particularly concrete and steel, have increased significantly over the past year. Updated traffic signal details for new poles and arms were unique to the City of Phoenix; therefore, no past data was available for cost comparison.

Contract Term
The term of the agreement is 120 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 $1,127,585, including all subcontractor and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal REgulation (CFR) 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
- Maryvale Parkway and Glenrosa Avenue
- Behrend Road and 35th Avenue
- Van Buren and 30th streets
- Yale and 32nd streets

Council Districts: 1, 5 and 8

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 86

Northwest Water and Wastewater Master Plan - Construction Manager at Risk Preconstruction and Construction Services - WS85500455 and WS90500307 (Ordinance S-47422)

Request to authorize the City Manager, or his designee, to enter into separate agreements with four contractors listed below to provide Construction Manager at Risk (CMAR) Preconstruction and Construction Services for the Northwest Water and Wastewater Master Plan project. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $146.86 million.

Summary

The purpose of this project is to construct new water and wastewater infrastructure for potential growth in the area of Phoenix north of the Central Arizona Project canal, south of Carefree Highway, west of I-17 to the City of Phoenix city limits. The City anticipates the work may be done in multiple phases depending on development progress. Phase One includes four packages advertised and awarded separately. Phase One water and wastewater infrastructure includes a Pressure Reducing Valve (PRV) station, water transmission mains, booster pump station, lift station, force mains, and large diameter gravity sewer mains. Phase One work was divided into four packages as follows:

- Package One: PRV Station at 51st Avenue and Carefree Highway; 51st Avenue Corridor (gravity sewer and 54-inch water transmission main); 16-inch water main along Carefree Highway from 51st Avenue to North Valley Parkway; 6B-B1 upgrade from 15 Million Gallons per Day (MGD) to 25 MGD.
- Package Two: 12 MGD Lift Station Northeast of Loop 303 and 51st Avenue.
- Package Three: Water and Wastewater mains north of Loop 303 Corridor and Sonoran Desert Drive to North Valley Parkway, including a 36-inch water transmission main, three 24- to 36-inch sewer force mains, and one gravity sewer main west of I-17.
- Package Four: 60-inch Gravity Main in North Valley Parkway or alternative route to Lift Station 66.

Garney Companies, Inc. (Garney), Felix Construction Company (Felix), Sundt

Construction, Inc. (Sundt), and McCarthy Building Companies, Inc. (McCarthy) will all begin in agency support roles for CMAR Preconstruction Services. The contractors will assume the risk of delivering the projects through Guaranteed Maximum Price (GMP) agreements. A Small Business Enterprise goal will be established for this project during preconstruction services and reviewed prior to the start of construction.

Garney, Felix, Sundt, and McCarthy will then transition to preparation of GMP proposals for the Construction Services provided under the agreements, and participate with the City's Small Business Enterprise (SBE) program. The contractors will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. The contractors will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. The contractors may also compete to self-perform limited amounts of work.

The Contractors' services for both preconstruction and construction services include but are not limited to: design and constructability reviews; providing cost estimates and developing cost models; procuring long-lead items; preparing a GMP proposal; and constructing the first phase water and wastewater infrastructures.

These agreements are essential to the health, safety and welfare of the public and critical operations for the City.

Procurement Information

The selections were made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. A total of 13 firms submitted proposals for the four packages and are listed in **Attachment A**.

Contract Term

The term of each agreement is three 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 values for:

- Garney, Inc. will not exceed $33 million;
- Felix Construction Company will not exceed $22 million;

- Sundt Construction, Inc. will not exceed $66 million; and
- McCarthy Building Companies, Inc. will not exceed $25.86 million.

All agreement values include all subcontractor and reimbursable costs.

Funding is available in the Water Services 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.

Concurrence/Previous Council Action

The City Council approved:

- Engineering Services Agreements 153380 and 153381 (Ordinance S-47069) on Nov. 18, 2020.

Location

North of the Central Arizona Project, south of Carefree Highway, west of I-17, and east of the City's west limits.
Council District: 1

Responsible Department

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.

ATTACHMENT A

Selected Firm Package 1
Rank 1: Garney Companies, Inc.

Additional Proposers
Rank 2: PCL Construction, Inc.
Rank 3: McCarthy Building Companies, Inc.
Rank 4: Sundt Construction, Inc.
Rank 5: Archer Western Construction, LLC
Rank 6: Achen-Gardner Construction, LLC
Rank 7: MGC Contractors, Inc.
Rank 8: Felix Construction Company
Rank 9: Ames Construction
Rank 10: T & T Construction, Inc.

Selected Firm Package 2
Felix Construction Company

Additional Proposers
Rank 1: McCarthy Building Companies,Inc. (Selected Package 4)
Rank 2: Felix Construction Company (Selected for Package 2)
Rank 3: PCL Construction, Inc.
Rank 4: MGC Contractors, Inc.
Rank 5: Sundt Construction, Inc.
Rank 6: Achen-Gardner Construction, LLC
Rank 7: Archer Western Construction, LLC
Rank 8: Hunter Contracting Co.
Rank 9: T & T Construction, Inc.
Rank 10: Ames Construction

Selected Firm Package 3
Rank 1: Sundt Construction, Inc.

Additional Proposers
Rank 2: Achen-Gardner Construction, LLC
Rank 3: B & F Contracting, Inc.
Rank 4: Haydon Building Corp.
Rank 5: Ames Construction

Selected Firm Package 4
Rank 1: McCarthy Building Companies, Inc.

Additional Proposers
Rank 2: Achen-Gardner Construction, LLC
Rank 3: Sundt Construction, Inc.
Rank 4: B & F Contracting, Inc.
Rank 5: Haydon Building Corp.
Rank 6: Ames Construction

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 87

Salt River Project Construction Services Agreement for Relief Sewer Project at Van Buren and 52nd Streets - WS90500295 (Ordinance S-47442)

Request to authorize the City Manager, or his designee, to enter into a construction services agreement with Salt River Project for relocation of facilities occurring outside of City right-of-way for City of Phoenix project WS90500295 Relief Sewer Project Van Buren and 52nd streets. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. Additionally request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $15,854.

Summary
The City is constructing a relief sewer line at Van Buren and 52nd Streets, which is directly impacting an existing electrical service located outside City right-of-way, which serves an apartment complex. This construction services agreement represents the cost for Salt River Project's relocation of the existing electrical service that will be relocated to a new location outside of City right-of-way.

Contract Term
The term of the agreement will begin on or about April 7, 2021, and will expire when the project is completed and accepted.

Financial Impact
Funding in the amount of $15,854 is available in the Water Services Department's Capital Improvement Program budget.

Location
Van Buren and 52nd streets
Council District: 6

Responsible Department
This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Street Transportation and Water Services departments.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 88

Salt River Project Construction License for Traffic Signal Installation at 12th Street and Osborn Road (Ordinance S-47443)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project to perform required maintenance work on the existing traffic signal installation at 12th Street and Osborn Road. Further request the City Council to grant an exception, pursuant to Phoenix City Code 42-20, to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18.

Summary
The purpose of this license is to allow the City to install two traffic signal conduit crossings and one conduit installation that will be parallel to existing Salt River Project irrigation facilities, in order to replace damaged conduit.

Contract Term
The term of the Construction License is one year, effective when the City begins construction, expected to be on or about April 7, 2021.

Financial Impact
There is no financial impact for this license.

Location
12th Street and Osborn Road
Council District: 4

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 89

91st Avenue Wastewater Treatment Plant Electrical, Instrumentation and Control Systems Inspection and Testing - Engineering Services - WS901000092 (Ordinance S-47447)

Request to authorize the City Manager, or his designee, to enter into an agreement with Wilson Engineers, LLC (Wilson), to provide Engineering Services that include design support, construction inspections, and commissioning testing for multiple projects associated with the 91st Avenue Wastewater Treatment Plant Electrical, Instrumentation and Control Systems Inspection and Testing 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. The fee for services will not exceed $5 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to assist with projects at the facility to improve the functionality, efficiency, and maintenance of the electrical, instrumentation and control systems. The City has developed electrical, instrumentation and control standards for the entire Water Services Department which are used to provide consistency throughout the Department. One of Wilson's objectives will be to assist the City in ensuring adherence to these standards on all projects during the design, construction, calibration, testing and commissioning of the electrical, instrumentation and control systems. Wilson will provide operations and maintenance support when City staff are replacing existing equipment or installing new equipment. Additionally, Wilson will

provide Arc Flash Hazard Analysis services by providing support to update and maintain Arc Flash modeling and documentation for compliance with National Fire Protection Agency (NFPA) requirements.

Wilson's services include, but are not limited to: Design support services consisting of technical support and consultations relative to installation techniques and procedures, ensuring adherence to the City standards, and ensuring adherence to applicable electrical codes. Wilson will attend design meetings and demonstrations, support research of existing conditions, conduct design reviews, and support facility-wide understanding of the Water Services Department's standards for electrical, instrumentation and control systems. In addition, Wilson may be required to support City staff in updating and maintaining the Water Services Department's standards as necessary.

Construction support services consist of reviewing equipment submittals, conducting reviews on the equipment installation, providing field observations reports, participating in factory testing, reviewing the completeness of required equipment testing documentation and witnessing the instrumentation calibrations and loop checks.

Commissioning support services consist of providing assistance on computer control strategy checkout, tuning of control loops, and performing loop tests, troubleshooting for the computer control system programmers, maintaining designated instruments through final acceptance, educating the plant staff on the systems, supporting the maintenance staff on developing maintenance procedures for designated equipment and reviewing the accuracy of the as-built documentation for electrical drawings and the process and instrumentation diagrams.

Wilson will be required to provide Arc Flash Hazardous Testing services using a professional electrical engineer. The Arc Flash Hazardous Testing will include as-building existing single line diagrams, conducting load calculations for motor control centers, switchgear and power panels and having the knowledge to conduct a power system study. The selected firm will be required to access energized equipment and provide all arc flash safety personal protective gear that meets the requirements of NFPA.

The 91st Avenue Wastewater Treatment Plant is owned by the Sub-Regional Operating Group (SROG) and operated by the City of Phoenix.

This agreement is essential to the health, safety, and welfare of the public and critical for operations for the City.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Five firms submitted proposals and are listed below.

Selected Firm
Rank 1: Wilson Engineers, LLC

Additional Proposers
Rank 2: Black & Veatch Corporation
Rank 3: Quantum Engineering, Inc.
Rank 4: Affiliated Engineers, Inc.
Rank 5: M3 Engineering and Technology Corporation

Contract Term

The term of the agreement is for 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 Wilson's contract will not exceed $5 million, including all subconsultant and reimbursable costs. Funding is available in the Water Services 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.

Concurrence/Previous Council Action

The SROG Advisors authorized this project on Feb. 18, 2021.

Location

91st Avenue Wastewater Treatment Plant
Council District: 7

Responsible Department

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 90

Purchase Supply of Water/Wastewater Disinfectant - Amendment (Ordinance S-47419)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 144726 with DPC Enterprises, Inc. to provide additional funding for the agreement. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures for goods included in this amendment will not exceed $553,000.

Summary

The purpose of this amendment is to continue to provide the Water Services Department (WSD), Water Production and Wastewater Treatment plants with supply of water/wastewater disinfectant. Due to the increase in the cost of water/wastewater disinfectant which took effect on April 1, 2019, an increase in water production output since the agreement was originally executed on April 1, 2017, and a decrease of the region's raw water quality, it is necessary to add funds to continue to purchase the disinfectant. Without a supply of disinfectant for the Water and Wastewater Treatment plants, WSD would lack the ability to disinfect drinking water and treat wastewater discharge to state and federal regulatory standards.

Contract Term

The agreement’s term will remain unchanged, ending on March 31, 2022.

Financial Impact

The initial agreement for the Water/Wastewater Disinfectant Contract was authorized for an expenditure not-to-exceed $4.3 million. This amendment will increase the authorization for agreement’s cost by an additional $553,000, for a new total not-to-exceed agreement value $4,853,000.

Funding is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved Water/Wastewater Disinfectant Agreement 144726 (Ordinance S-43355) on March 22, 2017.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 91

Machine Shop and Related Services (Ordinance S-47424)

Request to authorize the City Manager, or his designee, to enter into an agreement with Device Development, LLC to provide machine shop and related services for the Water Services Department. 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. The total agreement value will not exceed $1.42 million.

Summary
Disassembly and assembly services are needed to keep motors, generators, pumps, stub shaft, auger, bearing housing, gear boxes and other mechanical devices operational by performing repairs and replacement of parts, when needed, at Wastewater Treatment Plants, Water Treatment Plants and other locations.

Procurement Information
The selection was made using an Invitation for Bids procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

One bid was received and was deemed responsive. The Procurement Officer solicited quotes from several companies to compare hourly rates and the bid received was deemed fair and reasonable.

Selected Bidder
Device Development, LLC

Contract Term
The term of the agreement is six years and will begin on or about July 1, 2021.

Financial Impact
The agreement value for Device Development, LLC will not exceed a total value of $1.42 million. Funding is available in the Water Services Department's Operating budget.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 92

Intergovernmental Agreement for Delivery, Treatment, and Wheeling of Avondale Colorado Water through City of Phoenix Infrastructure to an Avondale Interconnect - Amendment (Ordinance S-47432)

Request authorization for the City Manager, or his designee, to execute an amendment to Intergovernmental Agreement 148411 between the City of Phoenix and the City of Avondale for treatment and delivery of the City of Avondale's Colorado River Water through the City of Phoenix's water distribution system to an interconnection with the City of Avondale's water distribution system to account for water losses in the treatment and wheeling process.

Summary

On Sept. 11, 2018, the City of Phoenix (Phoenix) executed an Intergovernmental Agreement (IGA) with the City of Avondale (Avondale) to treat and deliver Avondale's Colorado River Water through Phoenix's existing water infrastructure and distribution system for delivery to an interconnect constructed by Avondale. Phoenix now proposes to amend the IGA to account for water losses in the treatment and wheeling process to Avondale from Phoenix. The parties will assume a five percent loss occurring in treatment and transportation of Avondale's water to the interconnect. This loss will count toward the amount of water that the City of Phoenix delivers to the City of Avondale (i.e. Phoenix will add this loss to Avondale's meter reading at the point of delivery).

This amendment is necessary to provide for accurate accounting and water loss between the City of Phoenix and the City of Avondale.

Concurrence/Previous Council Action

The City Council approved Delivery, Treatment, and Wheeling of Avondale Colorado Water to Avondale through City of Phoenix Infrastructure IGA 148411 (Ordinance S-44009) on Nov. 1, 2017.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 93

Intergovernmental Agreement for Storage, Recovery, and Exchange of Colorado River Water Between the Cities of Phoenix and Avondale - Amendment (Ordinance S-47433)

Request to authorize the City Manager, or his designee, to execute an amendment to Intergovernmental Agreement 148412 between the City of Phoenix and the City of Avondale for storage, recovery, and exchange of Colorado River water to expand the agreement to permit the storage and exchange of New Conservation Space water from the Salt River.

Summary

On Nov. 1, 2017, the City of Phoenix (Phoenix) executed an Intergovernmental Agreement (IGA) with the City of Avondale (Avondale) in which Avondale agreed to allow Phoenix to store some of its Colorado River water in Avondale's underground storage facility for later recovery and exchange during times of shortage. Phoenix would like to expand the IGA to permit storage and exchange of New Conservation Space (NCS) water from the Salt River that is captured in the storage capacity created by Modified Roosevelt Dam. Unlike Salt River Project water, NCS water can be used anywhere in the City or stored underground to earn long-term storage credits. While Phoenix continues to pursue a water resource management strategy of storing Colorado River water available today for use during future shortages, authorizing the storage of NCS water in this agreement creates additional water resource management options. During times of shortage, Phoenix can recover those credits (pump water) from Avondale's wells and exchange the pumped water with an equal amount of Avondale's Colorado River water delivered to Phoenix through the Central Arizona Project aqueduct.

Concurrence/Previous Council Action

The City Council approved Storage, Recovery, and Exchange of Colorado River Water Between the Cities of Phoenix and Avondale IGA 148412 (Ordinance S-44010) on Nov. 1, 2017.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 94

Perkin Elmer Laboratory Services Agreement - Request for Award (Ordinance S-47434)

Request to authorize the City Manager, or his designee, to enter into an agreement with Perkin Elmer Health Sciences, Inc. to provide equipment maintenance services for the purpose of maintaining proper functionality of Perkin Elmer equipment for water sampling. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $143,748.

Summary

The purpose of this agreement is to provide maintenance, repair services, parts and consumables for Perkin Elmer Health Sciences, Inc. laboratory instruments.

This direct selection is necessary because of the requirement to provide service by an authorized Perkin Elmer service team and maintaining the equipment with only Perkin Elmer Health Sciences, Inc. factory new or refurbished repair parts.

Perkin Elmer's services include but are not limited to: repair; replacement parts; labor; telephone support; mechanical inspection; calibration; cleaning and any associated services required to maintain equipment to its original standards on a monthly and bi-annual service cadence over the term of the agreement.

Procurement Information

An exception to the procurement process was determined to select the contractor as set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there exists a specific warranty requirement to use only authorized service technicians and Perkin Elmer Health Sciences, Inc. factory new or refurbished repair parts which makes a competitive selection process impracticable, unnecessary, or contrary to the public interest.

Contract Term

The agreement will begin on or about July 1, 2021 for a five-year aggregate term.

Financial Impact

The agreement value for Perkin Elmer Health Sciences, Inc. expenditures will be $143,748.

Funding is available in the Water Services Department's Operating budget.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 95

Final Plat - Windsor Soleil - PLAT 190078 - 312 W. Windsor Ave.

Plat: 190078
Project: 18-1610
Name of Plat: Windsor Soleil
Owner(s): Urban Windsor, LLC
Engineer(s): XCL Engineering, LLC
Request: A 20 Lot Residential Subdivision Plat
Reviewed by Staff: March 9, 2021
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
Located at 312 W. Windsor Ave.
Council District: 4

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 96

Final Plat - Park7 On Windsor - PLAT 200612 - Southwest Corner of 7th Street and Windsor Avenue

Plat: 200612
Project: 18-1748
Name of Plat: Park7 On Windsor
Owner(s): Park7 Windsor, LLLP
Engineer(s): Shane R. Barnett, RLS
Request: A 24 Lot Residential Plat
Reviewed by Staff: Feb. 5, 2021
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 ABND 210006.

Location
Generally located at the southwest corner of 7th Street and Windsor Avenue.
Council District: 4

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 97

Final Plat - Park McDowell - PLAT 200613 - 2200 N. 95th Ave.

Plat: 200613
Project: 99-8024
Name of Plat: Park McDowell
Owner(s): Terralane at Park McDowell, LLC
Engineer(s): Bowman Consulting
Request: A 1 Lot Commercial Plat
Reviewed by Staff: March 4, 2021
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
2200 N. 95th Ave.
Council District: 5

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 98

Final Plat - Hayden Views Amended - PLAT 200546 - 7040 N. 23rd St.

Plat: 200546
Project: 19-93
Name of Plat: Hayden Views Amended
Owner(s): 7 Views, LLC, Chadwic Gifford
Engineer(s): Robert J. Blake, RLS
Request: A 7 Lot Residential Subdivision Plat
Reviewed by Staff: March 11, 2021
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 ABND 190048. The sequence of recording to be followed is that the resolution of abandonment is recorded first, then the plat is recorded second.

Location
Generally located at 7040 N. 23rd St.
Council District: 6

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 99

Final Plat - Majestic 55 - PLAT 200572 - North of Lower Buckeye Road and East of 55th Avenue

Plat: 200572
Project: 19-2029
Name of Plat: Majestic 55
Owner(s): Majestic 55th Avenue Partners, LLC
Engineer(s): Hunter Engineering
Request: A 1 Lot Commercial Plat
Reviewed by Staff: March 4, 2021
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 Lower Buckeye road and east of 55th Avenue.
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 100

Final Plat - Sunset Place Phase 2 - PLAT 200595 - 850 feet West of 67th Avenue and South of Broadway Road

Plat: 200595
Project: 18-2042
Name of Plat: Sunset Place Phase 2
Owner(s): Meritage Homes of Arizona, Inc.
Engineer(s): Robert A. Johnston, RLS
Request: A 140 Lot Subdivision Plat
Reviewed by Staff: March 5, 2021
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 850 feet west of 67th Avenue and south of Broadway Road
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 101

Final Plat - Liberty 1A - PLAT 200562 - Northeast Corner of 27th and Southern Avenues

Plat: 200562
Project: 17-430
Name of Plat: Liberty 1A
Owner(s): Lennar Arizona, Inc. and KB Home Phoenix, Inc.
Engineer(s): Thomas E. Granillo, RLS
Request: A 112 Lot Residential Plat
Reviewed by Staff: Jan. 20, 2021
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 the resolutions of abandonment for ABND V170053A and ABND 200524. The sequence of recording to be followed is that the resolutions are recorded first, then the plat is recorded second.

Location

Generally located at the northeast corner of 27th and Southern Avenues
Council District: 8

Responsible Department

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

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 102

Abandonment of Easement - ABND 210001- 112 W. Camelback Road (Resolution 21908)

Abandonment: ABND 210001
Project: 19-2547
Applicant(s): EMC Management, LLC; Nicholas Maxwell
Request: The south drainage easement and the northeast temporary drainage easement of parcel APN 102-59-017.
Date of Decision/Hearing: Jan. 28, 2021

Location
112 W. Camelback Road
Council District: 5

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

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 103

Abandonment of Easement - V190048A - West of 23rd Street, between Glenn Drive and Lincoln Way (Resolution 21911)

Abandonment: V190048A
Project: 02-1501
Applicant: Porchlight Homes
Request: To abandon 23rd Street, the 8-foot public utility easement and 10-foot drainage easement in Hayden Views Estates as recorded in Book 659, page 08 MCR.
Date of Decision/Hearing: Aug.15, 2019

Summary
The resolution of the abandonment and PLAT 200546 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 resolution is recorded first, then the plat is recorded second.

Location
West of 23rd Street, between Glenn Drive and Lincoln Way
Council District: 6

Financial Impact
A consideration fee was also collected as part of this abandonment in the amount of $1,627.20.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 104

Abandonment of Easement - ABND 200555 - 2620 S. 12th Place (Resolution 21907)

Abandonment: ABND 200555
Project: 04-4082
Applicant: Kim Schroeder
Request: To abandon the following drainage easements on Lot 3:1 (6.42 - foot drainage easement recorded Document No. 20200812006; and 2) 20 feet drainage easement per book 1007 page 44.
Date of Decision/Hearing: Dec. 7, 2020

Location
2620 S. 12th Place
Council District: 8

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

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 105

Abandonment of Right-of-Way - ABND 210006 - Southwest Corner 7th Street and Windsor Avenue (Resolution 21909)

Abandonment: ABND 210006
Project: 18-1748
Applicant: Stuart Rayburn, RCC Design Group
Request: To abandon the southern 2-feet of the existing 27-foot right-of-way on Windsor Avenue. The 2-foot abandoned right-of-way will be retained as a sidewalk easement.
Date of Decision/Hearing: March 1, 2021

Summary
The resolution of the abandonment and PLAT 200612 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 resolution is recorded first, then the plat is recorded second.

Location
Southwest corner 7th Street and Windsor Avenue
Council District: 4

Financial Impact
A consideration fee of $2,700 was paid as a part of this abandonment.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 106

Abandonment of Right-of-Way - ABND 200560 - East of Randolph Road and West of 15th Street (Resolution 21910)

Abandonment: ABND 200560
Project:94-0002212
Applicant: Thomas S. Maroun
Request: To abandon 14-foot alleyway, bounded by properties addressed 1426, 1422 E. Pinchot Ave., 3021, 3027, 3031 N. Randolph Road, and 3026, 3030 N. 15th St.
Date of Decision/Hearing: Jan. 14, 2021

Location
East of Randolph Road and West of 15th Street
Council District:4

Financial Impact
Pursuant to Phoenix City Code Art. 5, sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

A consideration fee was also collected as part of this abandonment in the amount of $782.00.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 107

Abandonment of Right-of-Way - ABND V170053A - Northeast Corner of 27th and Southern Avenues (Resolution 21906)

Abandonment: V170053A
Project: 17-430
Applicants: Sean B. Lake/Valerie Claussen; Pew and Lake PLC
Request: To abandon all public right-of-way and public easements dedicated in the plat "Liberty," Book 944, Page 39, Maricopa County Recorder. Except any right-of-way and adjacent public utility easements dedicated for Southern Avenue, Roeser Road, and 27th and 23rd Avenues.
Date of Hearing: Oct. 31, 2017

Summary
The resolution of the abandonment and the subdivision plat Final Plat For "Liberty 1A," PLAT 200562, 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 resolution is recorded first, then the plat is recorded second.

Location
Northeast corner of 27th and Southern Avenues
Council District: 8

Financial Impact
Pursuant to Phoenix City Code Art. 5, sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 108

Amend City Code - Official Supplementary Zoning Map 1211 (Ordinance G-6829)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1211. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-156-99-1 and the entitlements are fully vested.

Summary

To rezone a parcel located 1,400 feet north of Happy Valley Road and east of 47th Avenue.
Application No.: Z-156-99-1
Zoning: R1-18
Owner: Multiple
Acreage: 30.44

Location

On 1,400 feet north of Happy Valley Road and east of 47th Avenue
Address: Multiple
Council District: 1

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY ADOPTING OFFICIAL SUPPLEMENTARY ZONING MAP 1211

_____

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is hereby amended by adopting Official Supplementary Zoning Map 1211 signed by the Mayor and City Clerk, which is accompanies and is annexed to this ordinance and declared a part hereof.

PASSED by the Council of the City of Phoenix this 7th day of April 2021.

_____
M A Y O R

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

DRAFT

_____ City Attorney

REVIEWED BY:

_____ City Manager

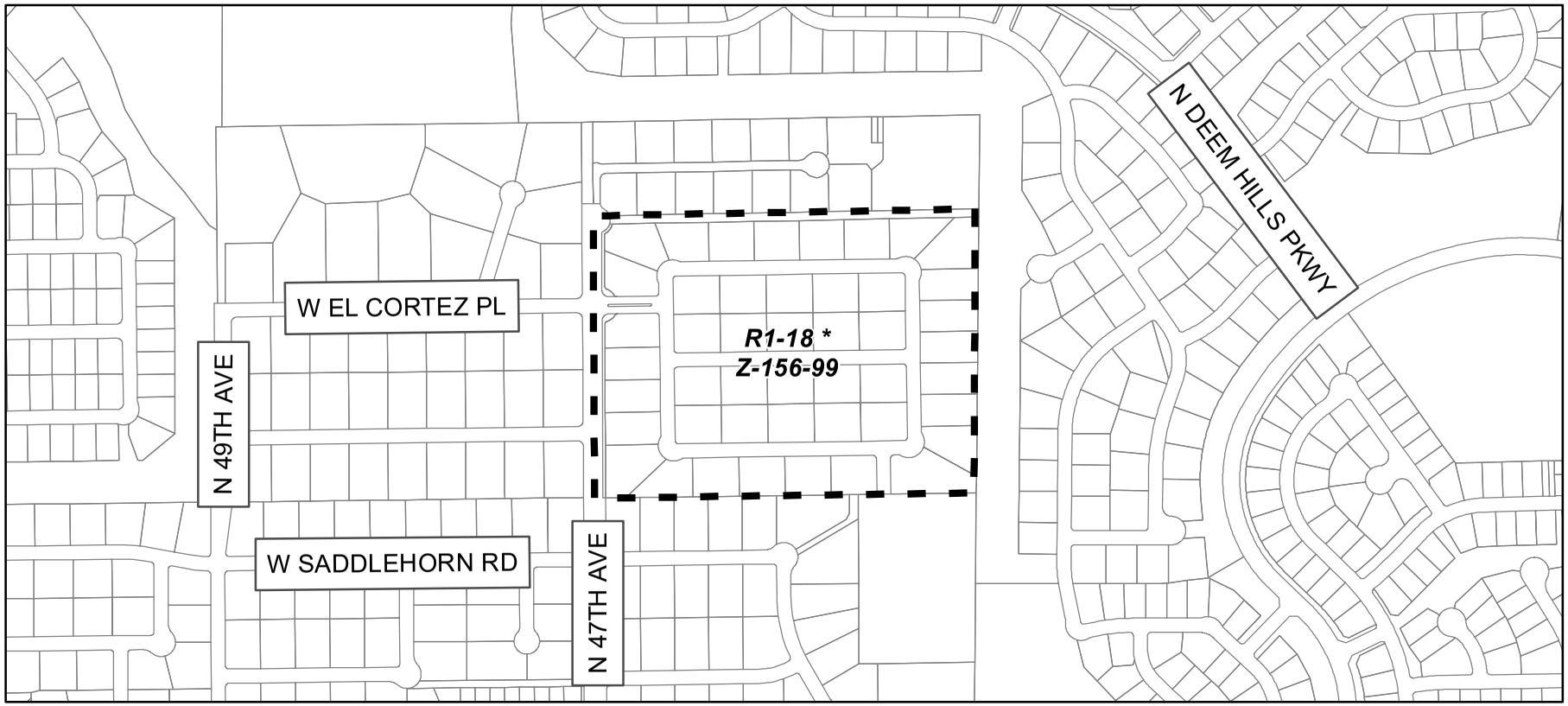
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OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1211

Sheet 1 of 1

ORDINANCE NO. _____ AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 7th day of April 2021.



Z-156-99

Drawn by: KS

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

ZONING SUBJECT TO STIPULATIONS: *

AREA INVOLVED BOUNDED THUS: ▬ ▬ ▬ ▬ ▮

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 109

REQUEST TO WITHDRAW (SEE ATTACHED MEMO) Amend City Code - Ordinance Adoption - Rezoning Application Z-41-20-3 (Honor Health Outpatient Medical Center - Shea PUD) - Approximately 400 Feet West of the Northwest Corner of 54th Street and Shea Boulevard (Ordinance G-6832)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-41-20-3 (Honor Health Outpatient Medical Center - Shea PUD) and rezone the site from C-O (Approved PAD-2 SP) (Commercial Office, Approved Planned Area Development, Special Permit) and PAD-2 (Approved PAD-2 SP) (Planned Area Development, Approved Planned Area Development, Special Permit) to PUD (Planned Unit Development) to allow a hospital and commercial uses.

Summary

Current Zoning: C-O (Approved PAD-2 SP) (0.12 acres) and PAD-2 (Approved PAD-2 SP) (3.07 acres)
Proposed Zoning: PUD (3.19 acres)
Acreage: 3.19 acres
Proposed Use: Hospital and commercial uses

Owner: 5316 East Shea Boulevard, LLC
Applicant: Wendy Riddell, Berry Riddell , LLC
Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard the case on Nov. 2, 2020 for information only. The Paradise Valley Village Planning Committee heard the case on Feb. 1, 2021 and recommended approval, per the staff recommendation, with two additional stipulations, by a vote of 10-4-2.
PC Action: The Planning Commission heard the case on March 4, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation, with an additional stipulation, by a vote of 6-3.

Location

Approximately 400 feet west of the northwest corner of 54th Street and Shea

Boulevard
Council District: 3
Parcel Addresses: 5320 E. Shea Blvd.

Responsible Department

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

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: March 26, 2021

From: Alan Stephenson
Planning and Development Director

Subject: WITHDRAWAL OF ITEM 110 ON THE APRIL 7, 2021 FORMAL AGENDA – Z-41-20-3 (HONOR HEALTH OUTPATIENT MEDICAL CENTER – SHEA PUD) (G-) – APPROXIMATELY 400 FEET WEST OF THE NORTHWEST CORNER OF 54TH STREET AND SHEA BOULEVARD

Item 110, rezoning application Z-41-20-3, is a request to rezone 3.19 acres located approximately 400 feet west of the northwest corner of 54th Street and Shea Boulevard from C-O (Approved PAD-2 SP) and PAD-2 (Approved PAD-2 SP) to PUD for a Planned Unit Development to allow a hospital and other commercial uses.

The applicant has requested to continue this item to April 21, 2021, at the request of Councilwoman Stark, in order to allow the rezoning request to be heard as a public hearing item. Staff recommends this case be withdrawn to be advertised as a public hearing item at the April 21, 2021 City Council formal meeting.

Approved: _____
Mario Paniagua, Deputy City Manager

Enclosure: Continuance request from the applicant

BERRY | RIDDELL LLC

6750 E. Camelback Rd., #100
Scottsdale, AZ 85251
Office: 480-385-2727
www.berryriddell.com

wr@berryriddell.com
Dir: 480-682-3902

March 24, 2021

Via Email, to:

City of Phoenix
Mayor and Councilmembers
c/o Alan Stephenson
Planning & Development Director
200 W Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: HonorHealth Outpatient Medical Center - Shea / Z-41-20

Dear Mayor and Councilmembers:

We respectfully request a continuance of zoning case number Z-41-20, to the April 21st City Council agenda, at the request of Councilwoman Stark and on behalf of the attorney representing several of the neighbors to allow this matter to be heard as a public hearing.

Your attention to this matter is greatly appreciated. If you have any questions, please do not hesitate to reach out to me directly.

Very truly yours,

Wendy Riddell

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-41-20-3) FROM C-O (APPROVED PAD-2 SP) (COMMERCIAL OFFICE, APPROVED PLANNED AREA DEVELOPMENT, SPECIAL PERMIT) AND PAD-2 (APPROVED PAD-2 SP) (PLANNED AREA DEVELOPMENT, APPROVED PLANNED AREA DEVELOPMENT, SPECIAL PERMIT) TO PUD (PLANNED UNIT DEVELOPMENT).

_____

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

SECTION 1. The zoning of a 3.19 acre site located approximately 400 feet west of the northwest corner of 54th Street and Shea Boulevard in a portion of Section 20, Township 3 North, Range 4 East, as described more specifically in Exhibit “A”, is hereby changed from 0.12-acres of “C-O (Approved PAD-2 SP)” (Commercial Office, Approved Planned Area Development, Special Permit) and 3.07 acres of “PAD-2 (Approved PAD-2 SP)” (Planned Area Development, Approved Planned Area Development, Special Permit) to “PUD” (Planned Unit Development).

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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. An updated Development Narrative for the HonorHealth Outpatient Medical Center - Shea PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped January 6, 2021, as modified by the following stipulations:

    a. Front Cover: Remove “HEARING DRAFT” and revise submittal date information on bottom of the cover page as follows:
    1st Submittal: July 29, 2020
    2nd Submittal: October 14, 2020
    Hearing Draft: January 6, 2021
    City Council adopted: TBD

    b. Add parking standards to the comparative development standards table.

    c. Add standards for the detached sidewalk in the Development Standards table as depicted on the landscape plan.

    d. Provide a dimensioned landscape plan depicting distance between sidewalk and back of curb at a 5-foot minimum, sidewalk widths at a minimum of 5 feet wide and landscape setbacks. Include caliper sizes of trees, number of shrubs under each tree, groundcover percentages in a table format on the plan.

2. 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.

DRAFT

3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.

4. 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.

5. The developer shall construct a traffic signal at the intersection of Shea Boulevard and 54th Street, as approved by the Street Transportation Department.

6. The operator of this facility shall not contract with Emergency Medical Services (“EMS”) to bring patients to the facility by ambulance with lights and sirens (Code 3).

7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of April 2021.

_____
MAYOR

ATTEST:

DRAFT

_____City Clerk

APPROVED AS TO FORM:

_____City Attorney

REVIEWED BY:

_____City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-41-20-3

LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER SECTION 20, TOWNSHIP 3 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CITY OF PHOENIX BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 20, FROM WHICH A CITY OF PHOENIX BRASS CAP IN HANDHOLE MARKING THE SOUTHEAST CORNER BEARS SOUTH 89 DEGREES 51 MINUTES 17 SECONDS EAST, A DISTANCE OF 2638.35 FEET;

THENCE SOUTH 89 DEGREES 51 MINUTES 17 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, A DISTANCE OF 498.89 FEET TO THE **POINT OF BEGINNING;**

THENCE NORTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, A DISTANCE OF 60.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF LOT SPLIT “MOUNTAINSIDE FITNESS” RECORDED IN BOOK 1483, PAGE 7, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 00 DEGREES 08 MINUTES 21 SECONDS EAST, A DISTANCE OF 40.11 FEET;

THENCE SOUTH 89 DEGREES 51 MINUTES 17 SECONDS EAST, A DISTANCE OF 94.31 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, A DISTANCE OF 65.25 FEET;

THENCE NORTH 89 DEGREES 51 MINUTES 17 SECONDS WEST, A DISTANCE OF 45.24 FEET;

THENCE NORTH 00 DEGREES 14 MINUTES 02 SECONDS EAST, A DISTANCE OF 294.64 FEET;

THENCE SOUTH 89 DEGREES 51 MINUTES 17 SECONDS EAST, A DISTANCE OF 267.48 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 343.28 FEET;

THENCE SOUTH 89 DEGREES 51 MINUTES 17 SECONDS EAST, A DISTANCE OF 107.50 FEET;

DRAFT

THENCE SOUTH 00 DEGREES 03 MINUTES 36 SECONDS EAST, A DISTANCE OF 56.72 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF LOT SPLIT "MOUNTAINSIDE FITNESS" RECORDED IN BOOK 1483, PAGE 7, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, A DISTANCE OF 60.00 FEET;

THENCE NORTH 89 DEGREES 51 MINUTES 17 SECONDS WEST, ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 425.57 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 137,958 SQUARE FEET OR 3.167 ACRES, MORE OR LESS.

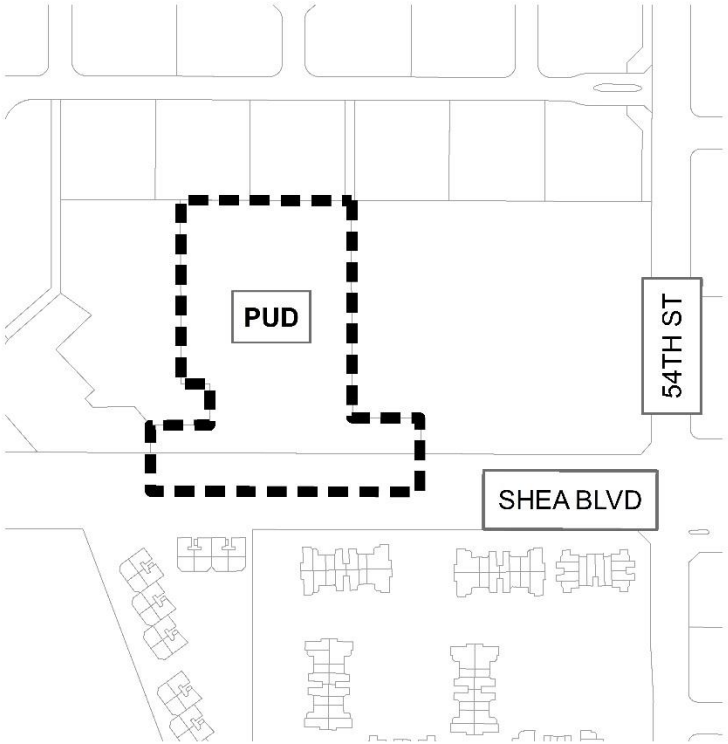
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ORDINANCE LOCATION MAP

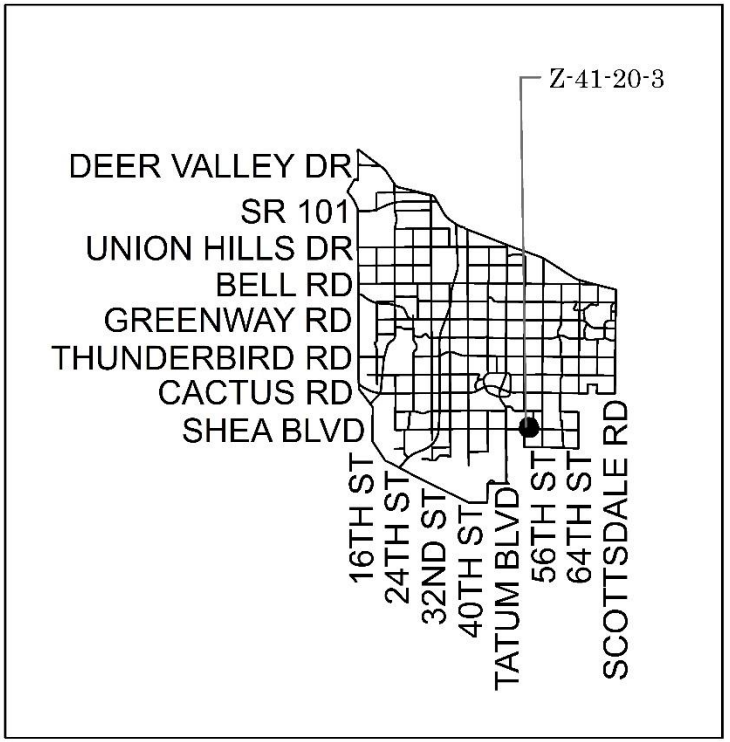
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-41-20-3
Zoning Overlay: N/A
Planning Village: Paradise Valley



0 115 230 460 Feet



NOT TO SCALE

N

Drawn Date: 3/11/2021

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City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 110

Amend City Code - Ordinance Adoption - Rezoning Application Z-64-20-4 - Approximately 490 Feet West of the Northwest Corner of 11th Avenue and Indian School Road (Ordinance G-6830)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-64-20-4 and rezone the site from R-5 (Multifamily Residence District) to C-2 (Intermediate Commercial District) for a music recording studio.

Summary

Current Zoning: R-5 (Multifamily Residence District)
Proposed Zoning: C-2 (Intermediate Commercial District)
Acreage: 0.64 acres
Proposed Use: Music recording studio

Owner: Randy and Laura Smith
Applicant: Randy and Laura Smith
Representative: Tom Galvin, Rose Law Group

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on March 1, 2021 and recommended approval, per the staff recommendation with a deleted stipulation, by a vote of 12-0.
PC Action: The Planning Commission heard this case on March 4, 2021 and recommended approval, per the Encanto Village Planning Committee recommendation with an additional stipulation, by a vote of 9-0.

Location

Approximately 490 feet west of the northwest corner of 11th Avenue and Indian School Road
Council District: 4
Parcel Addresses: 1142 W. Indian School Road

Responsible Department

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

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-64-20-4) FROM R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

_____

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

SECTION 1. The zoning of a 0.64 acre site located approximately 490 feet west of the northwest corner of 11th Avenue and Indian School Road, in a portion of Section 19 Township 2 North and Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “R-5” (Multifamily Residence District) to “C-2” (Intermediate Commercial District).

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,

DRAFT

violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. Upon any subsequent phase or phases of development that modify the cumulative floor area by more than 15 percent from that depicted on the site plan date stamped November 24, 2020, the sidewalk shall be detached from the back of curb by a landscape area of at least 5-feet in width which shall be improved to the below standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

    a. Large canopy, single-trunk shade trees shall be placed 25 feet on center or in equivalent groupings. All required trees shall be a minimum 3-inch caliper.

    b. At tree maturity, the trees shall shade the sidewalk to a minimum 75 percent

    c. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.

2. The developer shall dedicate a 10-foot sidewalk easement along the north side of Indian School Road, as approved by Planning and Development.

3. The south building setback along Indian School Road shall be planted with drought tolerant, minimum 3-inch caliper shade trees, placed 20 feet on center or in equivalent groupings and located to shade the public sidewalk, as approved by the Planning and Development Department.

4. A minimum landscape setback of 10 feet shall be required along the north property line and shall be planted with drought tolerant, minimum 2-inch caliper shade trees, placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.

5. All rooftop equipment, including existing equipment, shall be screened in accordance with the provisions of Section 507 Tab A of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.

6. The developer shall provide a minimum of two Inverted-U bicycle racks located in close proximity to the primary building entrances and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.

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7. 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.

8. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

9. 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.

10. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of April 2021.

_____
MAYOR

ATTEST:

_____City Clerk

DRAFT

APPROVED AS TO FORM:

_____City Attorney

REVIEWED BY:

_____City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-64-20-4

A portion of Section 19 Township 2 North and Range 3 East; more specifically,

Lot 13, Del Monte North Plat 2, a subdivision recorded in Book 78 of Maps, page 2, records of Maricopa County, Arizona; EXCEPT that portion of said Lot 13 lying North of the following described line:

Beginning at a point on the East line of said Lot 13 which is South 00 degrees 23 minutes 43 seconds West 124 feet from the Northeast corner of said Lot 13;

Thence North 89 degrees 18 minutes 07 seconds West to the point on the intersection with the West line of said Lot 13 and the terminus of this line; and

EXCEPT the South 10 feet thereof.

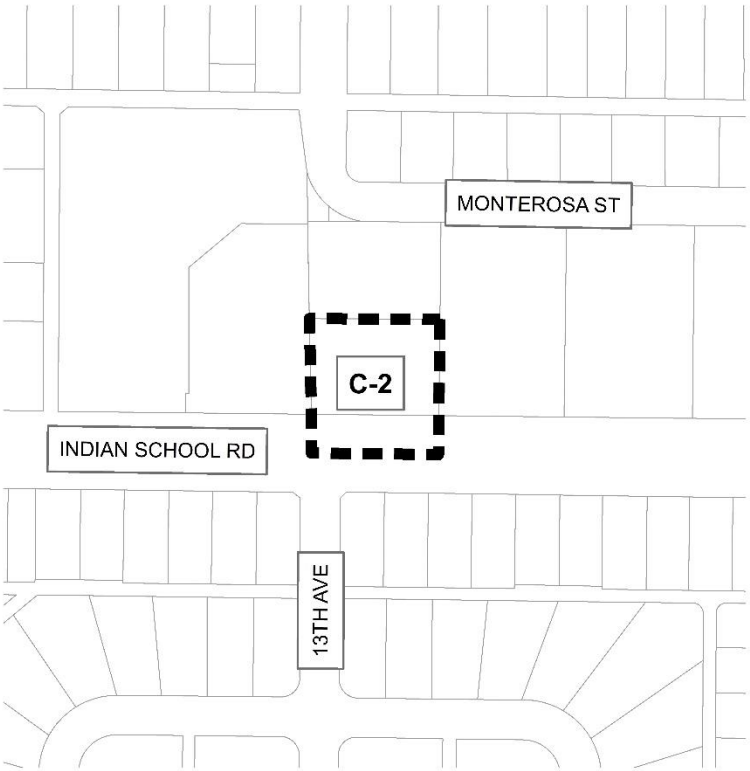
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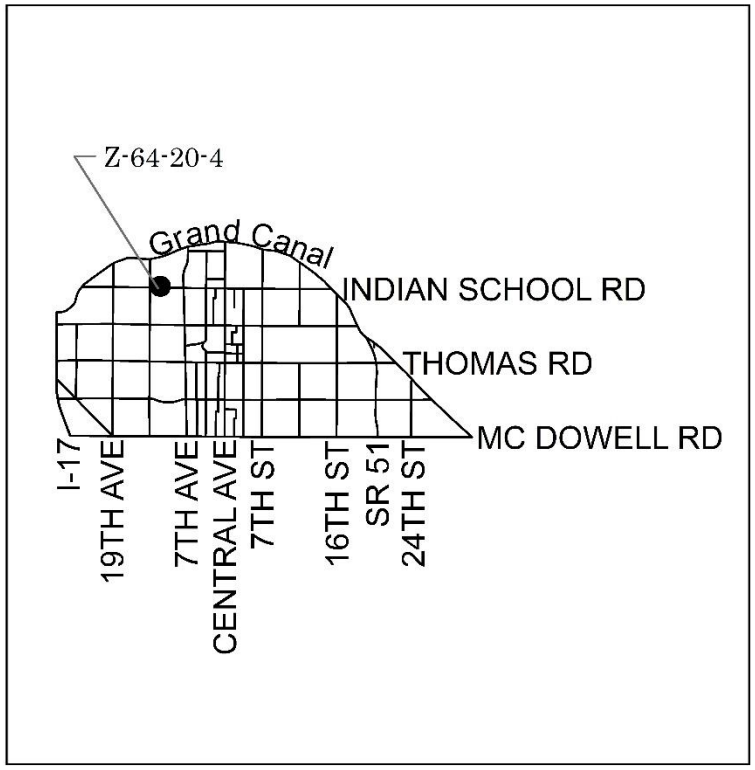
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-64-20-4
Zoning Overlay: N/A
Planning Village: Encanto





NOT TO SCALE

N

Drawn Date: 3/11/2021

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2021 Ord\4-7-21\Z-64-20-4.mxd

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 111

Amend City Code - Ordinance Adoption - Rezoning Application Z-55-20-7 - Approximately 200 Feet North of the Northwest Corner of 9th Avenue and Minton Street (Ordinance G-6831)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-55-20-7 and rezone the site from S-1 (Ranch or Farm Residence District) to R1-8 (Single-Family Residence District) to allow single-family residential.

Summary

Current Zoning: S-1
Proposed Zoning: R1-8
Acreage: 1.32
Proposed Use: Single-family residential

Owner: Jose Gustavo Ruiz and Maria Pina
Applicant: Jose Gustavo Ruiz and Maria Pina
Representative: Manuel A. Inurriaga, M&M Civil Engineering

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this case on Feb. 9, 2021 and recommended approval, per the staff recommendation, by a vote of 15-0.
PC Action: The Planning Commission heard this case on Mar. 4, 2021 and recommended approval, per the South Mountain Village Planning Committee recommendation with an additional stipulation, by a vote of 9-0.

Location

Approximately 200 feet north of the northwest corner of 9th Avenue and Minton Street
Council District: 7
Parcel Addresses: 7110 S. 9th Ave.

Responsible Department

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

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-55-20-7) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT).

_____

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

SECTION 1. The zoning of a 1.32-acre property located approximately 200 feet north of the northwest corner of 9th Avenue and Minton Street in a portion of Section 31, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "R1-8" (Single-Family Residence District).

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,

DRAFT

violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. Where residential homes contain front-loaded garages or carports, these elements shall be setback a minimum of 10 feet from the front face of the home along the adjacent public street, as approved by the Planning and Development Department.

2. Residential homes shall include a porch facing the adjacent public street, at a minimum of 60 square feet in area and at a depth of at least 6 feet and enclosed on each side with fencing, as approved by the Planning and Development Department.

3. The developer shall complete the cul-de-sac bulb on Carter Road with curb, gutter, sidewalk and associated right-of-way or sidewalk easement, as approved by the Planning and Development Department.

4. 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.

5. The developer shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and contents of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.

6. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.

7. 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.

8. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural uses. The form and content of such documents shall be reviewed and approved by the City Attorney.

9. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the

DRAFT

Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of April, 2021.

_____
MAYOR

ATTEST:

_____City Clerk

APPROVED AS TO FORM:

_____City Attorney

REVIEWED BY:

_____City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-55-20-7

A PORTION OF FARM UNIT "R" OR LOT 5 OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5;

THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST, A DISTANCE OF 180.00 FEET ALONG THE WEST LINE OF LOT 5;

THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 495.95 FEET ALONG THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN DOCKET 3524, PAGE 16, AND EASTERLY AND WESTERLY EXTENSIONS THEREOF TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 32 MINUTES 50 SECONDS EAST, A DISTANCE OF 139.00 FEET TO THE WEST RIGHT OF WAY LINE OF 9TH AVENUE AS DESCRIBED IN DOCKET 7885, PAGE 380, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 00 DEGREES 02 MINUTES 40 SECONDS EAST, A DISTANCE OF 346.66 FEET ALONG THE SAID RIGHT OF WAY TO THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN DOCKET 5987, PAGE 242, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS WEST, A DISTANCE OF 139.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL;

THENCE SOUTH 00 DEGREES 02 MINUTES 40 SECONDS EAST, A DISTANCE OF 346.30 FEET TO THE TRUE POINT OF BEGINNING.

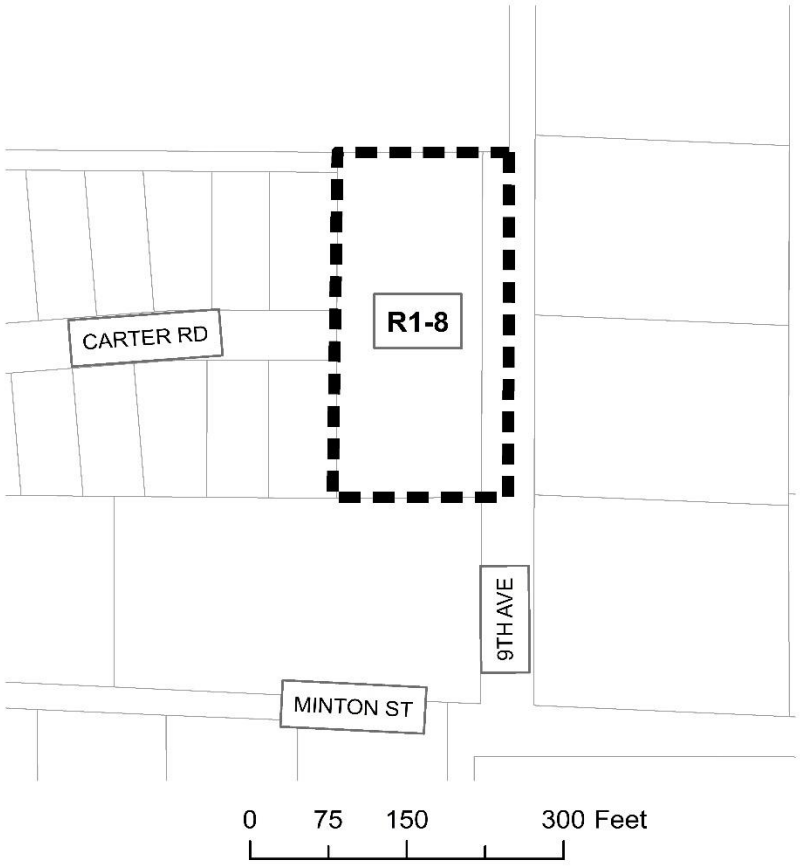
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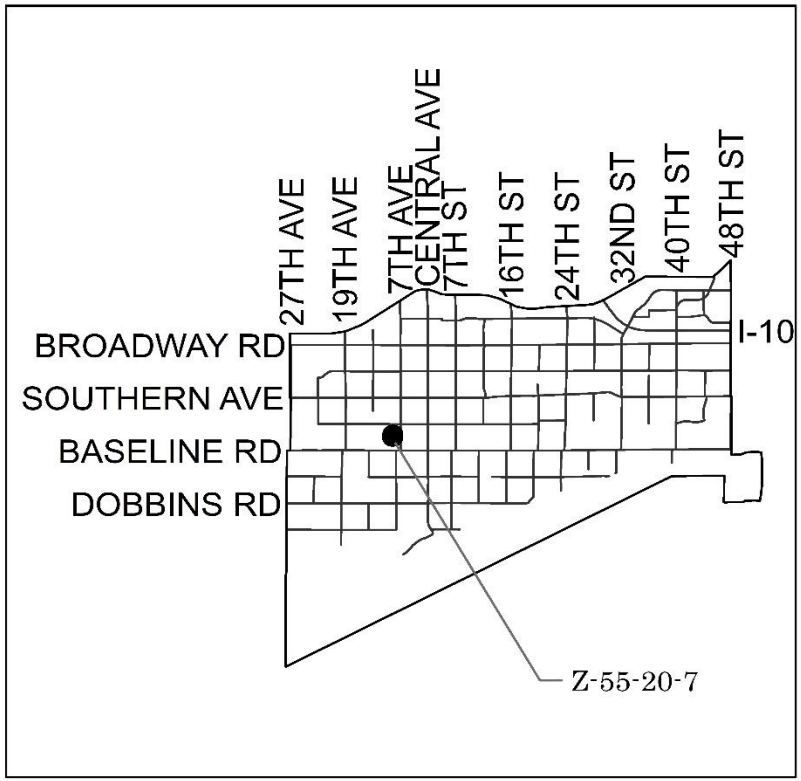
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-55-20-7
Zoning Overlay: N/A
Planning Village: South Mountain





NOT TO SCALE

N

Drawn Date: 3/11/2021

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City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 112

Amend City Code - Ordinance Adoption - Rezoning Application Z-40-20-7 - Northeast Corner of 79th Avenue and Encanto Boulevard (Ordinance G-6828)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-40-20-7 and rezone the site from C-2 and RSC to PUD to allow multifamily residential and a senior living community.

Summary

Current Zoning: C-2 (17.32 acres) and RSC (10.01 acres)
Proposed Zoning: PUD
Acreage: 27.33
Proposed Use: Multifamily residential and senior living community

Owner: Westpen Associates, LLC
Applicant: Jeff Huggett, Dominium, Inc.
Representative: Susan Demmitt, Gammage & Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Maryvale Village Planning Committee heard this case for information only on Sep. 9, 2020.
VPC Action: The Maryvale Village Planning Committee heard this case on Feb. 10, 2021 and recommended approval, per the staff recommendation with modified stipulations, by a vote of 9-1.
PC Action: The Planning Commission heard this case on Mar. 4, 2021 and recommended approval, per the Maryvale Village Planning Committee recommendation with an additional stipulation, by a vote of 9-0.

Location

Northeast corner of 79th Avenue and Encanto Boulevard
Council District: 7
Parcel Addresses: 7800 W. Encanto Blvd.

Responsible Department

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

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-40-20-7) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) AND RSC (REGIONAL SHOPPING CENTER DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

_____

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

SECTION 1. The zoning of a 27.33 acre site located at the northeast corner of 79th Avenue and Encanto Boulevard in a portion of Section 35, Township 2 North, Range 1 East, as described more specifically in Exhibit “A,” is hereby changed from 17.32 acres of “C-2” (Intermediate Commercial District) and 10.01 acres of “RSC” (Regional Shopping Center District) to “PUD” (Planned Unit Development).

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,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the 79th Avenue and Encanto Boulevard PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped January 11, 2021, as modified by the following stipulations:

    a. Front cover: Revise the date information on the cover page to the following:

        2nd Submittal: November 17, 2020
        Hearing Draft: January 11, 2021
        City Council Adopted: [Add Adoption Date]

    b. Page 22, Lot Standards, Maximum Density: Modify to 26 du/a.

    c. Page 25, Frontage Standards, Fence Standards: Modify to include "Primary Frontage and Secondary Frontage: 72 inches maximum height exclusive of column caps and a maximum of 36 inches of solid fence unless screening above grade utilities or trash enclosures. Columns caps to be no more than two feet wide."

2. The developer shall dedicate a minimum of 50 feet of right-of-way and a minimum 18-foot-wide public sidewalk easement along the east side of 79th Avenue, as approved by the Planning and Development Department.

3. The developer shall dedicate a minimum of 50 feet of right-of-way and a minimum 2-foot-wide public sidewalk easement along the north side of Encanto Boulevard consistent with the Maryvale Village Core Plan, as approved by the Planning and Development Department.

4. The developer shall construct a minimum 2-foot-wide landscape strip from the existing face of curb with an adjacent at-grade, concrete, minimum 6-foot wide active transportation path, and an adjacent minimum 6-foot-wide landscape strip behind the active transportation path, along the north side of Encanto Boulevard, consistent with the Maryvale Village Core Plan, as approved by the Street Transportation Department.

5. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation

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Department to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department.

6. 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.

7. 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.

8. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of April, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

DRAFT

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:_____
_____

Pml

REVIEWED BY:

_____
Ed Zuercher, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

PL:tml:LF21-0313:4-7-2021:2245553v1

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-40-20-7

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING FOR A TIE AT THE NORTH QUARTER CORNER OF SAID SECTION 35, THE NORTHEAST CORNER BEARS NORTH 89 DEGREES 56 MINUTES 36 SECONDS EAST, A DISTANCE OF 2598.21 FEET;

THENCE SOUTH 01 DEGREES 48 MINUTES 08 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 1007.93 FEET;

THENCE SOUTH 88 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 35.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88 DEGREES 11 MINUTES 52 SECONDS EAST, 255.00 FEET;

THENCE SOUTH 01 DEGREES 48 MINUTES 08 SECONDS WEST, A DISTANCE OF 147.99 FEET TO A POINT OF CURVATURE LEFT;

THENCE ALONG SAID CURVE LEFT HAVING A RADIUS OF 274.50 FEET, A CENTRAL ANGLE OF 51 DEGREES 30 MINUTES 56 SECONDS, AN ARC DISTANCE OF 246.81 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 49 DEGREES 42 MINUTES 47 SECONDS EAST, 254.71 FEET;

THENCE SOUTH 35 DEGREES 13 MINUTES 22 SECONDS WEST, 331.94 FEET;

THENCE SOUTH 52 DEGREES 18 MINUTES 46 SECONDS EAST, 588.03 FEET;

THENCE NORTH 40 DEGREES 17 MINUTES 13 SECONDS EAST, 303.97 FEET;

THENCE SOUTH 49 DEGREES 42 MINUTES 47 SECONDS EAST, A DISTANCE OF 157.08 FEET TO A POINT OF CURVATURE LEFT;

THENCE ALONG SAID CURVE LEFT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 09 DEGREES 26 MINUTES 53 SECONDS, AN ARC DISTANCE OF 49.47 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG SAID CURVE RIGHT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 59 DEGREES 09 MINUTES 18 SECONDS, AN ARC DISTANCE OF 20.65 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, A DISTANCE OF 482.51 FEET TO A POINT OF CURVATURE RIGHT, SAID POINT BEING ON THE

DRAFT

NORTH RIGHT OF WAY LINE OF ENCANTO BLVD AS RECORDED IN INSTRUMENT NO. 87-023218, M.C.R.;

THENCE ALONG SAID NORTH RIGHT OF WAY LINE, ON SAID CURVE RIGHT, HAVING A RADIUS OF 34.42 FEET, A CENTRAL ANGLE OF 54 DEGREES 26 MINUTES 15 SECONDS, AN ARC DISTANCE OF 32.70 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, 577.30 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIAL BEARING OF NORTH 42 DEGREES 30 MINUTES 32 SECONDS EAST, LYING ON THE NORTH RIGHT OF WAY LINE AS RECORDED IN INSTRUMENT NO, 87 023218 M.C.R.;

THENCE ALONG SAID NORTH RIGHT OF WAY ON SAID CURVE RIGHT HAVING A RADIUS OF 24.42 FEET, A CENTRAL ANGLE OF 47 DEGREES 29 MINUTES 06 SECONDS, AN ARC DISTANCE OF 20.24 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 41.16 FEET TO A POINT ON A CURVE RIGHT HAVING A RADIAL BEARING OF SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST;

THENCE ALONG SAID NORTH RIGHT OF WAY LINE ON SAID CURVE RIGHT HAVING A RADIUS OF 24.42 FEET, A CENTRAL ANGLE OF 47 DEGREES 29 MINUTES 06 SECONDS AN ARC DISTANCE OF 20.24 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, 562.16 FEET;

THENCE NORTH 44 DEGREES 06 MINUTES 07 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 29.23 FEET TO A POINT ON THE EAST LINE OF THE WEST 35.00 FEET OF SAID NORTHEAST QUARTER OF SECTION 35;

THENCE NORTH 01 DEGREES 48 MINUTES 08 SECONDS EAST ALONG SAID EAST LINE, 1,575.35 FEET TO THE TRUE POINT OF BEGINNING.

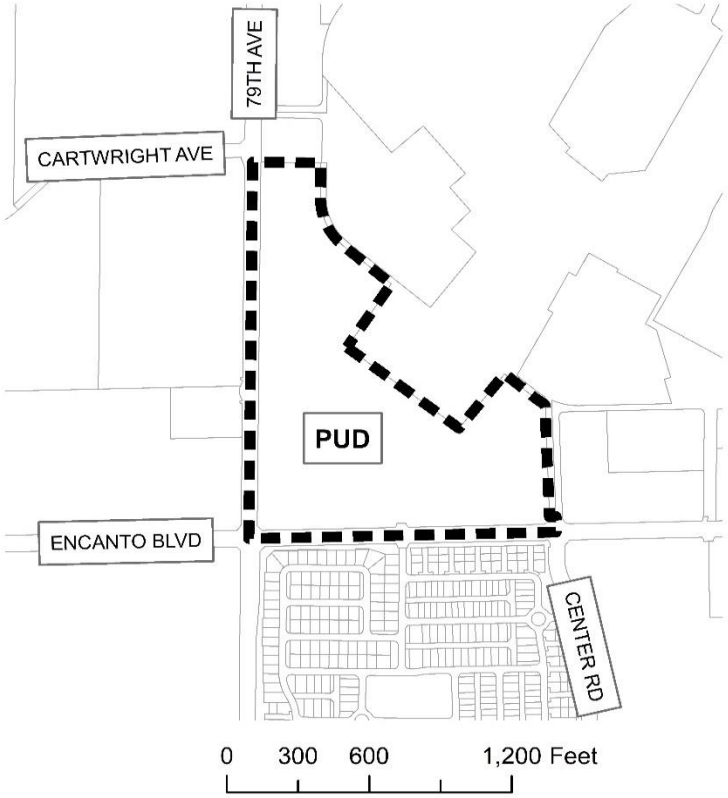
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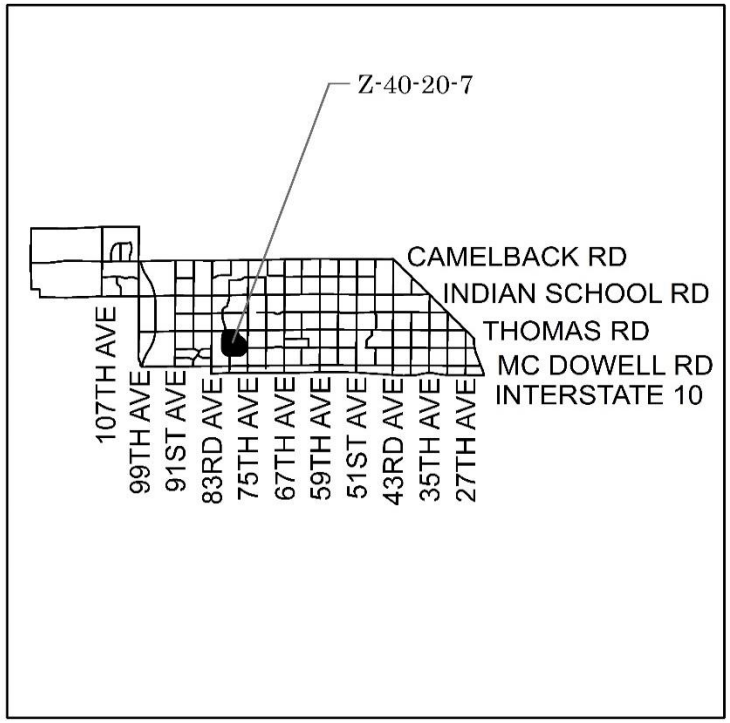
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-40-20-7
Zoning Overlay: N/A
Planning Village: Maryvale





NOT TO SCALE

N

Drawn Date: 3/11/2021

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City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 113

Public Hearing and Resolution Adoption - General Plan Amendment GPA-AL-NM-1-19-4-5 (19 North TOD Policy Plan) - Area generally bounded by Dunlap Avenue on the North, 15th Avenue on the East, Montebello Avenue on the South, and 23rd Avenue on the West (Resolution 21912)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to adopt a resolution approving the 19North Transit Oriented Development Policy Plan.

Summary

Application: General Plan Amendment GPA-AL-NM-1-19-4-5

Owner: Various
Applicant: City of Phoenix
Representative: City of Phoenix

Staff Recommendation: Approval.
VPC Info: The Alhambra Village Planning Committee heard this case for information only on Dec. 15, 2020 and the North Mountain Village Planning Committee heard this case for information only on Dec. 16, 2020.
VPC Action: The North Mountain Village Planning Committee heard this case on Feb. 17, 2021 and recommended approval, per staff recommendation, by a vote of 14-0.
VPC Action: The Alhambra Village Planning Committee heard this case on Feb. 23, 2021 and recommended approval, per staff recommendation, by a vote of 10-4.
PC Action: The Planning Commission heard this case on Mar. 4, 2021 and recommended approval per the Alhambra and North Mountain Village Planning Committee recommendations, by a vote of 9-0.

Location

Area generally bounded by Dunlap Avenue on the north, 15th Avenue on the east, Montebello Avenue on the south, and 23rd Avenue on the west.
Council Districts: 4 and 5
Parcel Addresses: Several

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED RESOLUTION

RESOLUTION _____

A RESOLUTION ADOPTING THE 19NORTH TRANSIT ORIENTED DEVEOPMENT POLICY PLAN, APPLICATION GPA-AL-NM-1-19-4-5.

_____

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

SECTION 1. That the 19North Transit Oriented Development Policy Plan as set forth by Application GPA-AL-NM-1-19-4-5 and as shown in Exhibit 1 be approved and adopted.

PASSED by the Council of the City of Phoenix this 7th day of April 2021.

_____
M A Y O R

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

DRAFT

_____ Acting City Attorney

REVIEWED BY:

_____ City Manager

PL:amt:____v1 (CM __) (Item _) 4/7/21

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19NORTH

TRANSIT ORIENTED DEVELOPMENT POLICY PLAN

DRAFT February 10, 2021







ACKNOWLEDGEMENTS

ADOPTED BY CITY COUNCIL

_____, 2021
Kate Gallego, Mayor

CITY COUNCIL

Thelda Williams, Vice Mayor, District 1
Jim Waring, District 2
Debra Stark, District 3
Laura Pastor, District 4
Betty Guardado, District 5
Sal DiCiccio, District 6
Michael Nowakowski, District 7
Carlos Garcia, District 8

PREPARED BY:

City of Phoenix, Planning and Development Department

CITY STAFF

Ed Zuercher, City Manager
Milton Dohoney Jr., Assistant City Manager

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Alan Stephenson, Director
Sandra Hoffman, Assistant Director
Joshua Bednarek, Deputy Planning Director
Samantha Keating, Principal Planner
Nick Klimek, AICP, Planner II* Village Planner
Maja Brkovic, Planner II* Village Planner (former)
Joél Carrasco, Planner III
Kristi Trisko, Planner III (former)

Community and Economic Development
Christine Mackay, Director
Nathan Wright, Deputy Director
Jeff Stapleton
Karla Scott
Kedrick Ellison

Housing
Cindy Stotler, Director
Sheree Bouchee

Light Rail Administration
Markus Coleman, Light Rail Administrator
Carla Kahn
Winsome Benjamin

Neighborhood Services
Spencer Self, Director
Lisa Huggins-Hubbard

Arts and Culture
Mitch Menchaca, Executive Director
Ed Lebow
Kati Ballares

Street Transportation
Kini Knudson, Director
Matthew Wilson, Deputy Director
Chris Kowalsky
Brian Fellows
Mailen Pankiewicz
Maja Brkovic
Marielle Brown

SPECIAL THANKS TO:
Shannon McBride, Executive Director, 19North
Victoria Toris, Planning Intern (former)
Julia Loewen, Planning Intern (former)
SmithGroup

INTRODUCTION: EXECUTIVE SUMMARY

Executive Summary

The 19North Transit Oriented Development (TOD) District Policy Plan is a community-driven plan intended to provide guidance for redevelopment along the northernmost segment of the existing light rail line in the area between Montebello Avenue (south), Dunlap Avenue (north), 23rd Avenue (west), and 15th Avenue (east).

The plan was developed over a 3-year period which included community and stakeholder engagement to gather information related to community vision and needs for the high capacity transit corridor. Building upon previous work to create walkable communities with opportunities for all in Downtown as well as the five ReinventPHX districts, 19North is the sixth TOD District Policy Plan to be developed by the City of Phoenix.

During the numerous workshops, the community-identified assets, goals, redevelopment opportunity areas, preferred investments, and actions that can later be taken by community leaders, municipal leaders and other stakeholders to help achieve the community's vision. During each workshop the community expressed their desires for a walkable corridor that emphasized safety, shade, a well-connected multimodal network, local businesses, diversity of housing types, community-serving public gathering areas, and creating a sense of place.

Staff evaluated the community feedback, desired outcomes and current conditions. From this, urban principles and strategies, vetted by the community, were identified and categorized as a means to achieve the overall vision. Furthermore, the community assessed quantifiable conditions along the corridor and established desired conditions that can be evaluated in the future to track changes anticipated by the community. This plan also serves as a policy document to guide future development decisions and shall be used when considering zoning changes to implement the identified community vision.

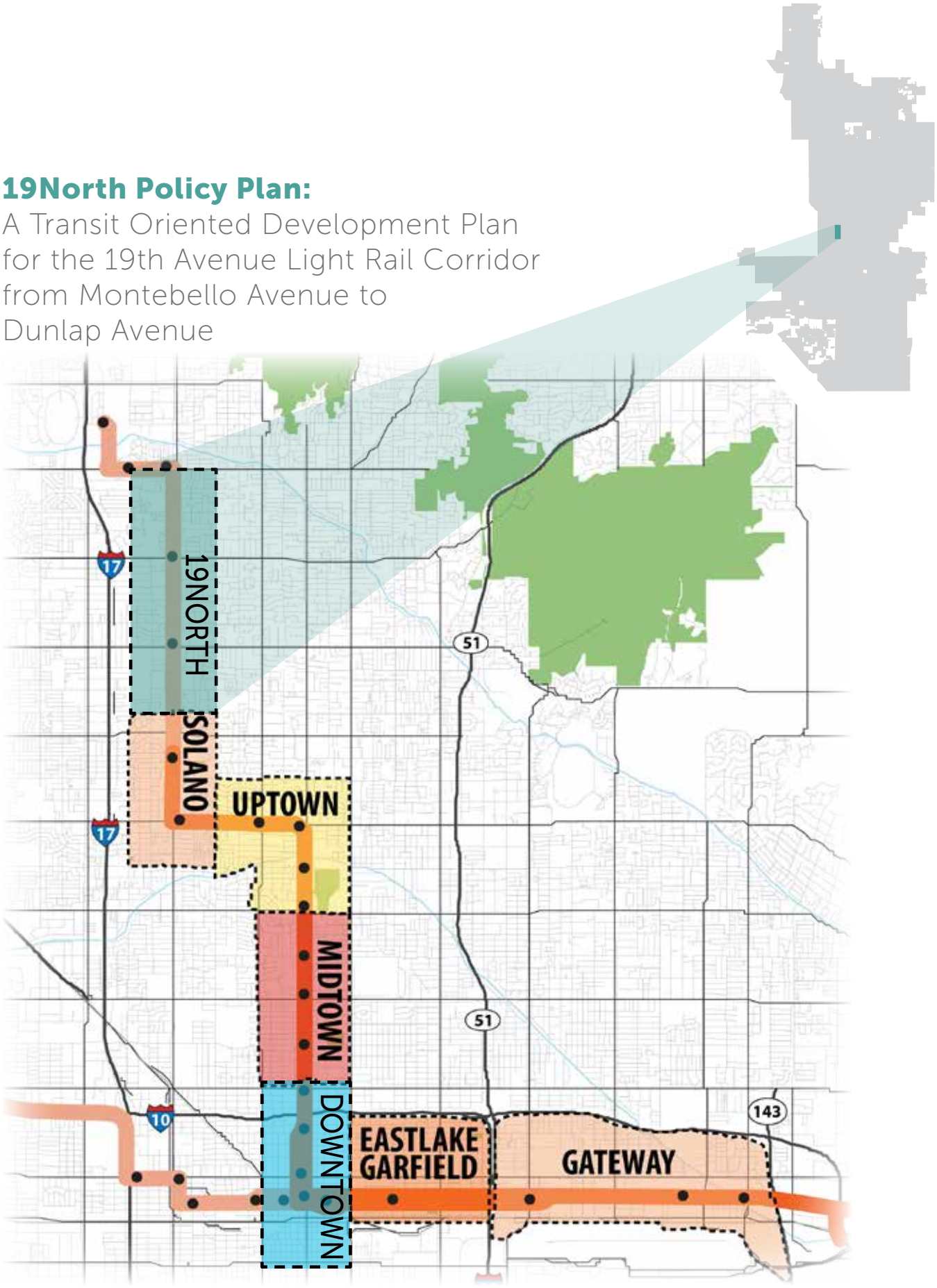
Plan Organization

The plan provides an evaluation of the current conditions in the corridor, a vision for the future and a guide to achieving the vision. The plan is organized into the following four parts:

- **Introduction** – Describes foundational policy to support the community vision and change towards a more walkable urban form along this corridor. This section also provides a summary of public participation and a brief history of the project area.
- **Today** – Provides an overview of community-identified assets and current conditions broken up into six planning elements (Land Use, Housing, Economic Development, Health, Mobility and Green Systems).
- **Tomorrow** – Establishes the community vision based on feedback provided at the community workshops. Furthermore, this section of the plan identifies community priority areas for retrofit and redevelopment, and prioritizes investments in the vicinity of each priority area.
- **How We Get There** – Introduces four urban principles and and supporting strategies that promote TOD design. In addition, strategies are linked to quantifiable measures that contribute to rpromote the goals of the six planning elements and help implement the community's vision.

19North Policy Plan:

A Transit Oriented Development Plan for the 19th Avenue Light Rail Corridor from Montebello Avenue to Dunlap Avenue




fervor-records.com


VALLEY METRO
VALLEY METRO
VALLEY METRO



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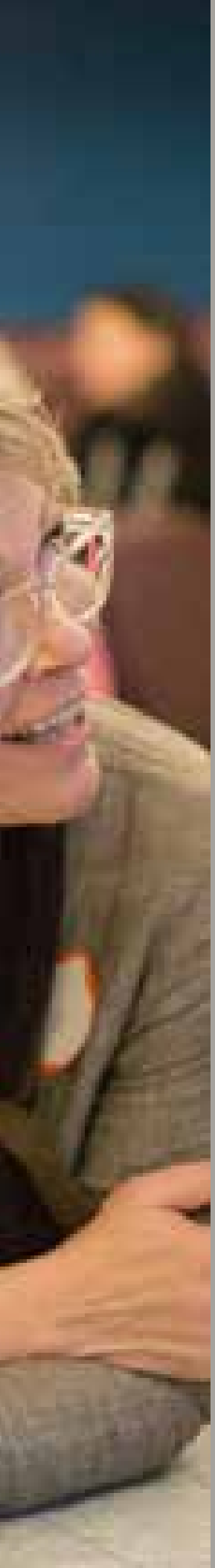
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PART I

INTRODUCTION

The community and the City of Phoenix partnered with a goal of strengthening the community through transit oriented development.

This plan articulates the community's vision for the future, based on current conditions and aspirations, and identifies a path forward through investment, partnerships, and policies.

FOUNDATIONAL POLICY: **CITYWIDE POLICY**

PlanPHX: The Phoenix General Plan

The Phoenix General Plan, was adopted by the voters in 2015 after an extensive public engagement process. As a result of thousands of ideas from more than 150 meetings, a new vision and framework was built around the promise of creating a "Connected Oasis." This promise serves as the foundation for Phoenix's future and the guiding principle in the General Plan Update. The Phoenix General Plan provides an umbrella vision for the future of Phoenix as a whole; under the visionary General Plan, other city policies provide functional guidance and direction toward achieving its vision on specific topic areas.

Three Community Benefits

The Vision of the Connected Oasis aims to ultimately enhance the quality of life for all city of Phoenix residents. It is framed by residents' enhanced levels of prosperity, improved health and a thriving natural environment (Prosperity, Health, and the Environment). These three categories create a framework from which the plan provides a balanced and equitable approach towards making Phoenix an even better place to call home. Simply stated, Prosperity, Health and the Environment are the three Community Benefits that the General Plan strives to integrate into the future of our city.

Five Core Benefits

The PlanPHX Leadership Committee and staff identified Five Core Values that will help achieve the Vision and embed the Community Benefits into our city. This effort begins and ends with the residents of Phoenix. These Core Values provide the framework for the policy portion of the plan and serve as the new principles for growth and development in the city. Each of the Core Values addresses Phoenix's many assets. By building on and ultimately expanding these assets, Phoenix employs an asset based approach to community development. This approach enhances Phoenix residents' connectivity to the benefits that all of these assets provide, and further enhances Phoenix's unique character and identity.





Housing Phoenix

In recognition of a shortfall of 163,000 housing units (affordable and market rate), the Phoenix City Council established a target to create and preserve 50,000 housing units by 2030 and transit oriented development is inherently most sustainable.

Tree and Shade Master Plan

Phoenix's urban forest is as much city infrastructure as roads, stormwater retention basins,and water lines. The goal is to achieve an average 25% canopy coverage in Phoenix.

Complete Streets Design Guidelines

Through complete streets, Phoenix will be a healthier place to live. Phoenix's transportation network has been designed almost exclusively for the vehicle. This principle strives to return balance to the transportation network for users of all modes of transportation resulting in a safer city.

Comprehensive Bicycle Master Plan

Phoenix will be a safe transportation and recreation option for users of all skill levels with well connected infrastructure connecting people and places to make bicycling a preferred option for daily transportation.

INTRODUCING: THE POLICY PLAN

Background: Transit Oriented Development in Phoenix

DEFINING TOD

Transit Oriented Development (TOD) is broadly defined as compact, pedestrian-scaled, mixed-use development strategically located within a short walk of high capacity transit. TOD provides opportunities for residential, business, and recreation spaces within walking distance of public transit such as the light rail line. This proximity reduces commute times and the loss of productivity associated with traffic. The intent is to make walking, bicycling and using transit convenient, safe and enjoyable for daily life.

In 2008, the largest light rail construction project in the nation's history was completed in Phoenix. This major achievement was the result of a partnership between local and federal agencies, strong civic leadership, and visionary urban planning that began decades earlier. The infrastructure, however, was designed to not only to add high quality transportation options, but to also lay a foundation for reinventing the neighborhoods surrounding it and creating new urban living choices in a city planned almost entirely for the automobile.

A collaborative partnership and initiative between the City of Phoenix, the U.S. Department of Housing and Urban Development, and numerous other organizations resulted in the creation of five district policy plans along the first phase of the light rail; like these predecessors, the 19North TOD Policy Plan articulates the community's vision and aligns it with holistic strategies for making that vision a reality.

About: 19North

19North is situated along the 19th Avenue light rail corridor and encompasses an area from Montebello Avenue at the south, Dunlap Avenue at the north, from 15th Avenue on the east to 23rd Avenue to the west. This document serves as a policy plan to guide transit oriented and neighborhood-focused enhancements and reinvestments along the northernmost segment of the Phoenix light rail.

This policy plan was initiated by the community stakeholders, driven by the residents, and will be implemented through a collaboration between the City, stakeholders, and the 19North community. The framework for the 19North Plan was established with the adoption of the *Transit Oriented Development Strategic Policy Framework*, adopted in 2013 and amended in 2016 and 2018.

The Transit Oriented Development Strategic Policy Framework articulates a new model of community development along the City's high capacity transit corridors.

The ReinventPHX District Policy Plans were the first district-specific plans developed along the light rail corridor. These plans set the framework generally applied to the 19North Policy Plan.

The 19North Policy Plan is an extension of the policy framework and a collaborative effort between the City of Phoenix and the community to bring transit oriented development practices to the 19North Planning Areas. Local planning efforts began after the adoption of the ReinventPHX district policy plans.


REINVENTPHX
Transit Oriented Development Strategic Policy Framework
2018
City of Phoenix
GATEWAY
EASTLAKE-GARFIELD
MIDTOWN
MELROSE
UPTOWN
SOLANO
TOD POLICY PLAN
19NORTH
POLICY PLAN
TRANSIT ORIENTED DEVELOPMENT
STRATEGIC POLICY FRAMEWORK
REINVENT PHX
POLICY PLANS

STRATEGIC POLICY FRAMEWORK: PLACE TYPES



Phoenix has a long history of guiding density to identified urban centers. The urban village model in the 1980's divided the Phoenix into 15 urban villages with each having its own "village core." The *Transit Oriented Development Strategic Policy Framework* ("*Strategic Policy Framework*") refined this model for high capacity transit corridors by prescribing a Place Type for each station area along light rail.

The plan expands upon this framework to articulate the vision and appropriate scale for development throughout the 19North Planning Area.

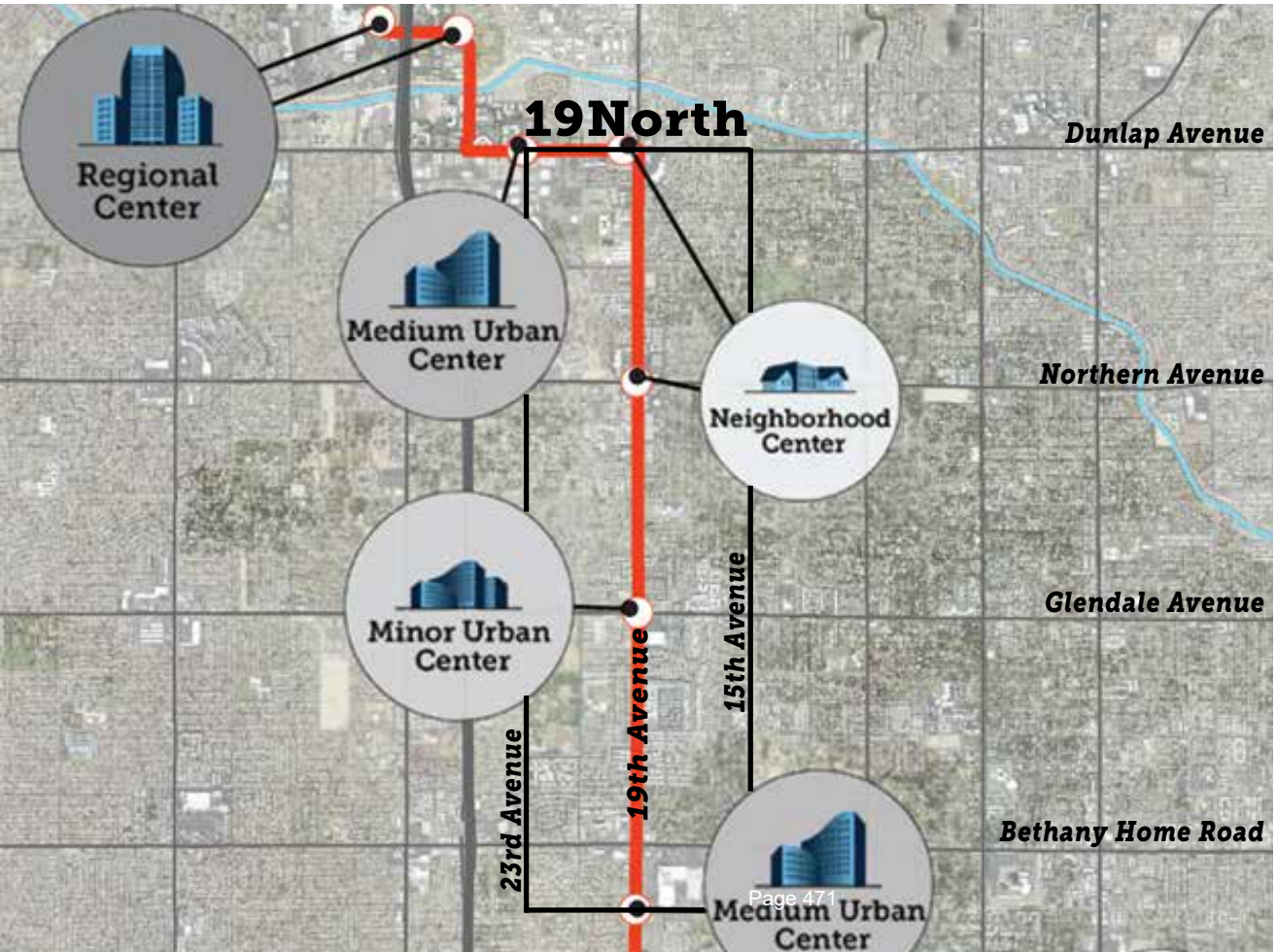
- The Urban Village Model places the 19North Planning Area between two primary urban cores (Christown Spectrum Mall, the Alhambra Village Core; and Metrocenter, the North Mountain Village Core).
- The *Strategic Policy Framework* identifies two Neighborhood Centers and two Medium Urban Center within the 19North Planning Area. The Montebello Place Type was addressed in the Solano ReinventPHX Plan.



Translating Place types

Place Types are used along the light rail as a guide for scale and intensity including the implementation of the City's Walkable Urban Code (WU Code). Rezoning to WU Code is one tool to achieve the community's vision for transit and people oriented development.











Neighborhood Center Place Type

19th Avenue and Dunlap Avenue
19th Avenue and Northern Avenue

Land Use Mix: primarily residential; neighborhood serving retail; limited employment.

Housing: apartment; town / row house; live / work units; 2 or 3 unit products; and single unit products.

Commercial: low-rise office; under 40,000 square feet single tenant retail footprint (incentive: 50,000 square feet)

Transit Node: neighborhood destination; less regional accessibility





Intensity: low intensity; 2-4 stories (incentive: 5 stories)

Potential Walkable Urban Transects:

- T5:2 - T5:3 (Within 1/4 mile of light rail)*
- T4:2 - T4:3 (Beyond 1/4 mile of light rail)*

**Case by case, context specific*





Minor Urban Center Place Type

19th Avenue and Glendale Avenue

Land Use Mix: balance of commercial and residential; retail destination; entertainment destination; some employment

Housing: mid-rise; apartment; townhouse; row house; live / work space





Commercial: low rise office; under 40,000 square feet single tenant retail (incentive: 60,000 square feet)

Transit Node: sub-regional destination; medium regional accessibility

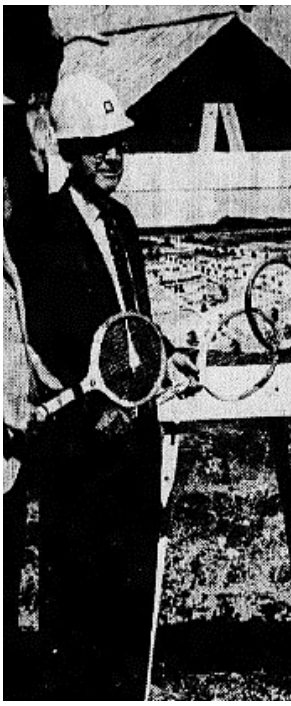
Intensity: medium to low intensity; 2-5 stories (incentive: 7 stories)

Potential Walkable Urban Transect

- T5:2 - T5:5 (Within 1/4 mile of light rail)
- T4:2 - T4:3 (Beyond 1/4 mile of light rail)*

**Case by case, context specific*

19NORTH: **HISTORY AND HERITAGE**

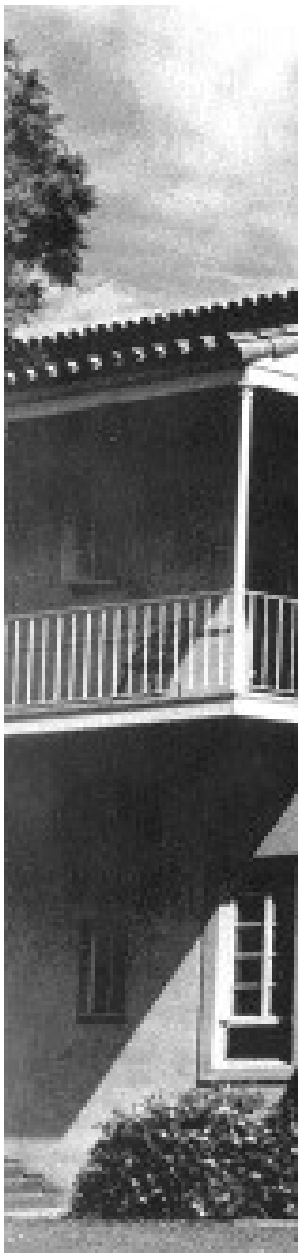


Introduction:

Lying in Central Phoenix, 19North is focused along 19th Avenue between Montebello Avenue to the south and Dunlap Avenue to the north. The area was annexed into the City of Phoenix during the late 1950s when the majority of the properties were rural agricultural land with an abundance of citrus groves along 19th Avenue. Maricopa County Historical Aerials indicate that there were single-family homes to the west of 19th Avenue as early as 1949. Following World War II, more and more suburbs began to emerge as the population of Phoenix continued to grow; significant housing districts around 19th Avenue followed thereafter. Eventually, the citrus fields turned into residential subdivisions and commercial areas.

Growing Neighborhoods: Hoffmantown

In 1951, located at the corner of 19th Avenue and Bethany Home Road, Hoffmantown 2 became an extension of the earlier neighborhood, Hoffmantown, and expanded on its aspects of curved and angled streets. The lots in this neighborhood varied but were well known for its transition from Early Ranch style to Classical Ranch style homes within a subdivision. Shortly after, in 1954 Westwood Heights followed on 19th Avenue and Myrtle Avenue. This neighborhood was directed toward middle to higher-end market and was meant for growing families. A 10-acre exclusion from this subdivision became Orangewood Elementary School, which made Westwood Heights a desirable place to live. Orangewood School followed shortly after the Westwood Heights development. The school officially opened in the late 1950s and has since been remodeled in 1998. Washington High School, also located near 19th Avenue opened in 1955 thus laying emphasis on the importance of uprising neighborhoods surrounding education.



Washington Park: Open Space for the People

In 1957, the City of Phoenix acquired a 40-acre piece of land with the use of bonds immediately south of Washington High School. The majority of this site became open green space for Washington Park. Included in the area, Washington Park today consists of the Phoenix Tennis Center, a PetSmart Dog Park, an Activity Center and a public pool. The 16-court tennis center was designed by Architect Gabor Lorant. The tennis courts broke ground in 1968 when the Mayor at the time, Mayor Milton H. Graham, threw out the first ball.

After being removed from the plans many times, the community felt that the courts and park would not be complete without a clubhouse. The Adult Clubhouse Center was able to open in 1969. This center includes multipurpose rooms used for a variety of activities such as dancing classes, crafts, games, potluck lunches, square dancing in the evenings and much more. This 15,000-square foot center drew in a variety of people 18 years of age and older; today the center is open for all ages.



Mayor Graham during the opening ceremony of the Tennis Courts.

The Good Shepherd Home:
School for Girls

One of the first major developments was The Good Shepherd Home that stood alone among the irrigated citrus groves. The Good Shepherd School for Girls opened in 1939 and was a popular boarding school for unwed young mothers designed by Lescher and Mahoney. Teenage girls between the ages of 12 and 17 years old were referred to the school by the State of Arizona, juvenile courts, city or county agencies, or parents. The Good Shepherd Home for Girls closed in 1981 when the state's philosophy on how to deal with troubled juveniles began to change.

The convent-chapel was determined to be eligible for the City of Phoenix Register of Historic Places. The buildings in the area were good examples of Spanish Colonial Revival architecture, with the convent-chapel being a significant and appealing architectural landmark. The exterior of the building has been well preserved but the inside has been modified.

The Good Shepherd Building - Convent Chapel

PLANNING PROCESS: 3 KEY STEPS

Assessment, Visioning, and How We Get There

The planning process was structured in three phases - 1) Assessment, 2) Visioning and 3) How We Get There - and public engagement was integrated into each of these phases.

- The Assessment phase entailed a data-driven analysis of the current conditions within the District using information derived from resident workshops and existing plans and databases.
- The Visioning process included surveys and facilitated community conversations that helped describe a desirable future using narratives and illustrations.
- The How We Get There phase applies a best practices across multiple disciplines to build upon existing strengths, reduce and overcome liabilities, and catalyze progress toward the vision.

Six Planning Element: Perspectives of Analysis

A complete plan must be built from a comprehensive analysis of existing conditions. This plan applies a six-lens perspective to explore the built, market, and social factors present in the district. The analysis utilizes objective data sources - such as the U.S. Census Bureau, the City of Phoenix, Valley Metro, Arizona State University - that can be easily replicated to measure change over time. The Planning Elements are interrelated and segue as a foundation upon the remainder of the plan, including the Vision and How We Get There sections.



The **Land Use Element** focuses on the spatial pattern of urban development, including intensity, design, building form, and unique place-making characteristics.



The **Health Element** focuses on aspects of the environment that impact public health, such as the availability of healthy food, public recreation amenities, and safe places to walk and bicycle.



The **Housing Element** focuses on the affordability, quality and diversity of residential living options.



The **Mobility Element** focuses on the movement of people and goods, including the availability of quality multi-modal transportation options.



The **Economic Development Element** focuses on the financial prosperity of businesses and residents, including the access to jobs, training and educational opportunities.



The **Green Systems Element** focuses on the design of buildings and infrastructure to improve resource efficiency and environmental protection.

PLANNING PROCESS: 3 KEY STPPS

1 ASSESSMENT

SIX PLANNING ELEMENTS

- Land Use
- Economic Development
- Mobility
- Housing
- Health
- Green Systems









2 VISIONING

VISION THEMES

- Safe, Affordable, and Vibrant
- Walkable and Bikeable
- Employment, Education, and Training
- Outdoor Life and Commerce

MEASURABLE OUTCOMES

SIX PLANNING ELEMENTS

- Land Use
- Economic Development
- Mobility
- Housing
- Health
- Green Systems

TOWARDS ACHIEVING MEASURABLE PROGRESS

TOWARDS ACHIEVING THE VISION

3 HOW WE GET THERE

URBAN PRINCIPLES

- Infill Development
- People-Oriented Streetscape
- People-Oriented Site Design
- Placemaking Fundamentals

IMPLEMENTATION STRATEGIES

5 YEAR ACTION PLAN

PLANNING PROCESS: **PUBLIC ENGAGEMENT**

Phase 1: January, 2018 (Understanding 19North Today)

The beginning of the planning process introduced the concept of transit oriented development. Participants provided input through a variety of methods including comment cards, facilitated discussions, and interactive exercises. The dialogue helped determine how the plan would evaluate existing conditions.

Phase 2: April, 2018 (Identifying Areas for Change)

The second phase of the project sought to identify change areas. In a workshop format, participants identified the areas they felt should be redeveloped, retrofitted for vitality and walkability, and the areas that should be preserved or stabilized.

Phase 3: Throughout, 2019 (Evaluating 19North Today)

The third phase of the project was an objective analysis of existing conditions through the lens of six planning elements: 1) land use; 2) housing; 3) economic development; 4) health; 5) mobility; and 6) green systems. The metrics used to evaluate existing conditions are carried forward throughout the plan to later set goals and evaluate progress.

Phase 4: April, 2019 (Guiding Investment and Change)

The fourth phase of the project sought to engage constituents in the type of investment and change they envision throughout the corridor. At a workshop, participants were invited to identify the type of investments they would like to see and at what location in the study area, all based on the six planning elements.

Phase 5: August, 2019 (Validating the Vision)

The fifth phase of the project included the development of a vision for the future of the corridor and for the vicinity of each transit station in 19North. A workshop was held to share the draft plan, to validate and refine ideas, and to engage participants and stakeholders in the implementation process. At this workshop, attendees reviewed content regarding the Today section, the Vision section, and contributed their ideas to the How We Get There section including how they can best help to implement the plan.

1



2



3



4



5

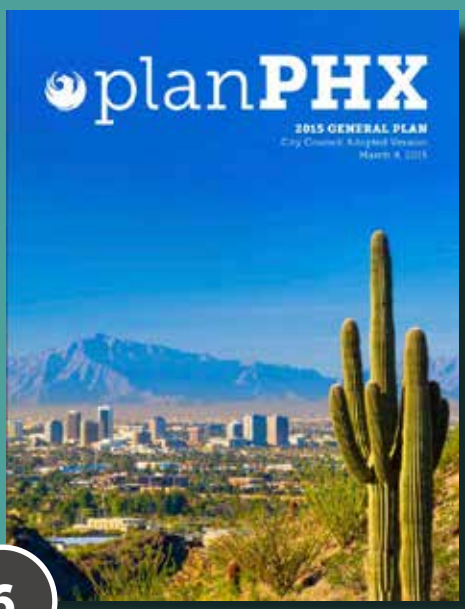


COMMUNITY ENGAGEMENT
POLICY DEVELOPMENT

Phase 6: Spring 2021 (Formal Adoption)

The sixth phase of the project included the formal process of adopting the 19North Policy Plan into the Phoenix General Plan. This phase included presentations to the North Mountain and Alhambra Village Planning Committees, the Phoenix Planning Commission, and the Phoenix City Council.

ADOPT INTO THE PHOENIX GENERAL PLAN



6





PART II

TODAY

The policy plan is built upon an assessment of existing conditions, organized by planning elements.

By understanding the current state of affairs, we can best understand how to shape the future.

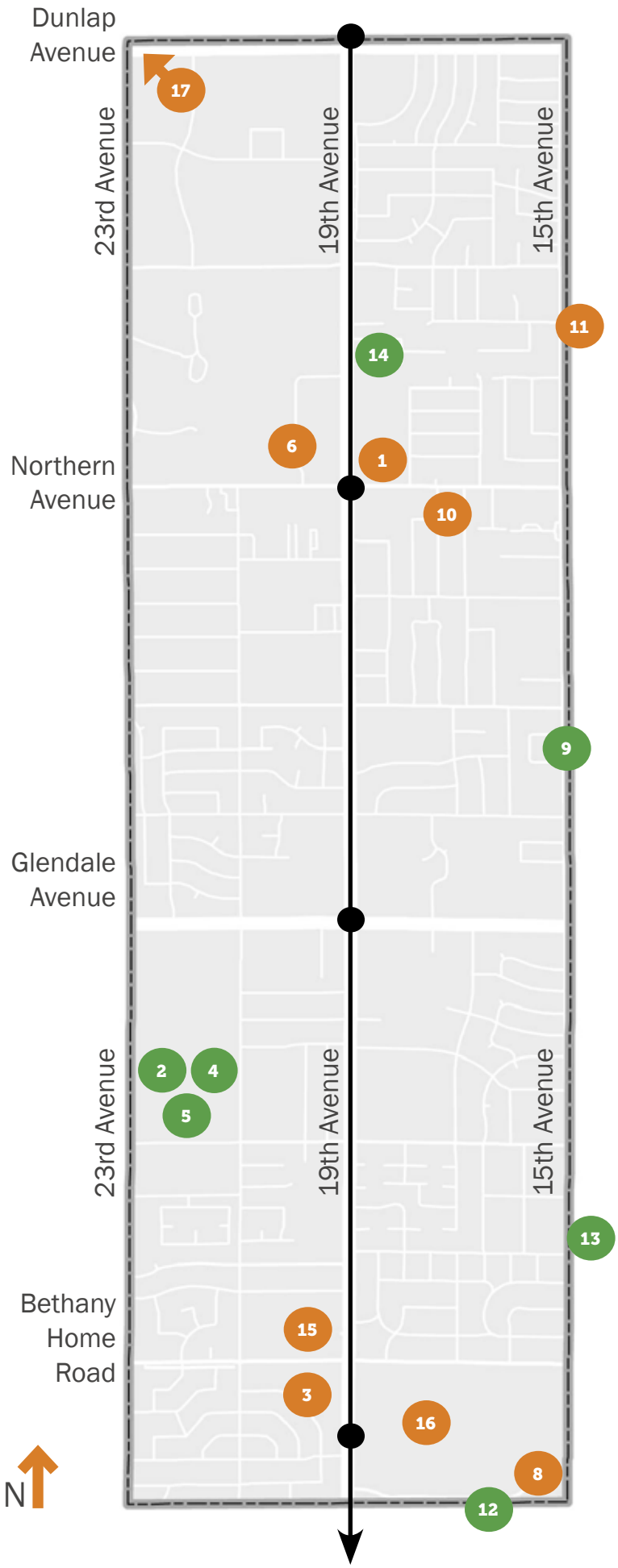
19NORTH: ASSETS

Current Condition Analysis: Assets

Assets are strengths that currently exist within a district, such as employment districts, schools, historic buildings, community organizations, initiatives, and institutions.

By using the assets identified by the community, the process can highlight those elements which embody the character of 19North Planning Area. In turn, this becomes a list of items to preserve, improve, support, or build upon. Likewise, policies to implement a long range vision should be designed to harness the advantages created from a community's unique assets.

1. Good Shepherd Building
2. Washington Park
3. Bowlero Christown Mall
4. Dog Park - PetSmart Dog Park
5. Tennis Center - Phoenix Tennis Center
6. Washington High School
7. Bookmans Phoenix Entertainment Exchange
8. Library - Yucca Library
9. 15th Avenue Equestrian Trail
10. Rio Salado Community College
11. Butler Park (Royal Palm Park)
12. Solano Park
13. Palo Verde Golf Course
14. 19North Community Garden
15. Abrazo Central Campus
16. Alhambra Village Core (Christown Spectrum Mall)
17. North Mountain Village Core (Metrocenter Mall)



Locational Opportunity

The 19North corridor is uniquely situated between the North Mountain Village Core (which encompasses Metrocenter Mall) and the Alhambra Village Core (which encompasses Christown Spectrum Mall). Both areas are positioned for high-quality, walkable, urban, mixed-use development.

In addition to being bookended by two Village Cores, 19North also encompasses areas that have been previously studied. The northeast portion of the corridor borders the Royal Palm Special Planning District area, whereas the southern portion of the corridor was included in the Solano TOD Policy Plan. The vision and goals from these previous efforts have been carefully reviewed during this Plan's development in order to ensure that the plans are complimentary.

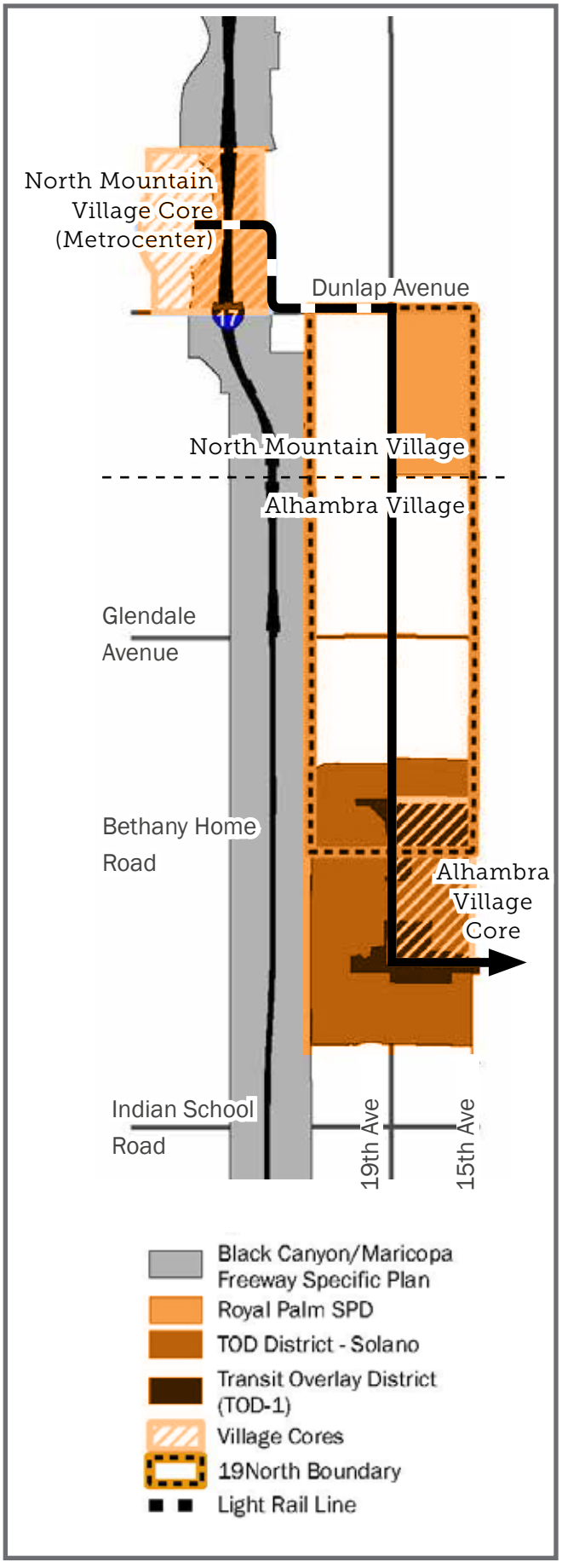
The larger corridor, from the Alhambra Village Core on the south to the North Mountain Village Core to the northwest presents a valuable opportunity to ensure residents and businesses in 19North are provided with a variety of services, shopping, entertainment, restaurants, and daily amenities, all accessibe via the light rail.

Royal Palm Neighborhood Special Planning District Plan

Adopted in 1999, the Royal Palm Neighborhood Special Planning District Plan reviews land use, traffic circulation, community character and security within the Royal Palm area. Goals and objectives detailed in the plan serve to guide residents and the city in achieving desired accomplishments reflective of the community's values.

Solano TOD Policy Plan

The Solano TOD Policy Plan, completed as part of the Reinvent PHX project in 2015, provides a blueprint for fully achieving the transformative potential of light rail in a sustainable manner. The plan contains three chapters - Today, Tomorrow and How We Get There - to analyze the existing conditions of the corridor, describe the vision for the future and detail strategies to achieve the vision.



LAND USE ELEMENT

Current Conditions

BY THE NUMBERS



83%
land zoned for residential uses

56.9% single-family
25.8% multifamily

14 acres
of vacant land



15%
of the area is eligible for Walkable Urban Code Zoning

All data represents a singular point-in-time and is limited by its collection methods. The data used is from the U.S. Census Bureau (2019 ACS) and / or the City of Phoenix. The 2019 ACS utilizes methodologically sound sampling methods. Data reports are included in the appendix.

Character

The 19North Planning Area is home to a mix of single-family residential, multifamily, suburban commercial, and major medical facilities. The Royal Palm Neighborhood, located in the northeast section of the planning area, is characterized by large, flood-irrigated residential lots. Historic assets include the Good Sheperd Building and Washington Park. In terms of employment character, 19North is home to the Abrazo Central Hospital, the Core Institute, and other major employers.

Planning and Zoning Policy

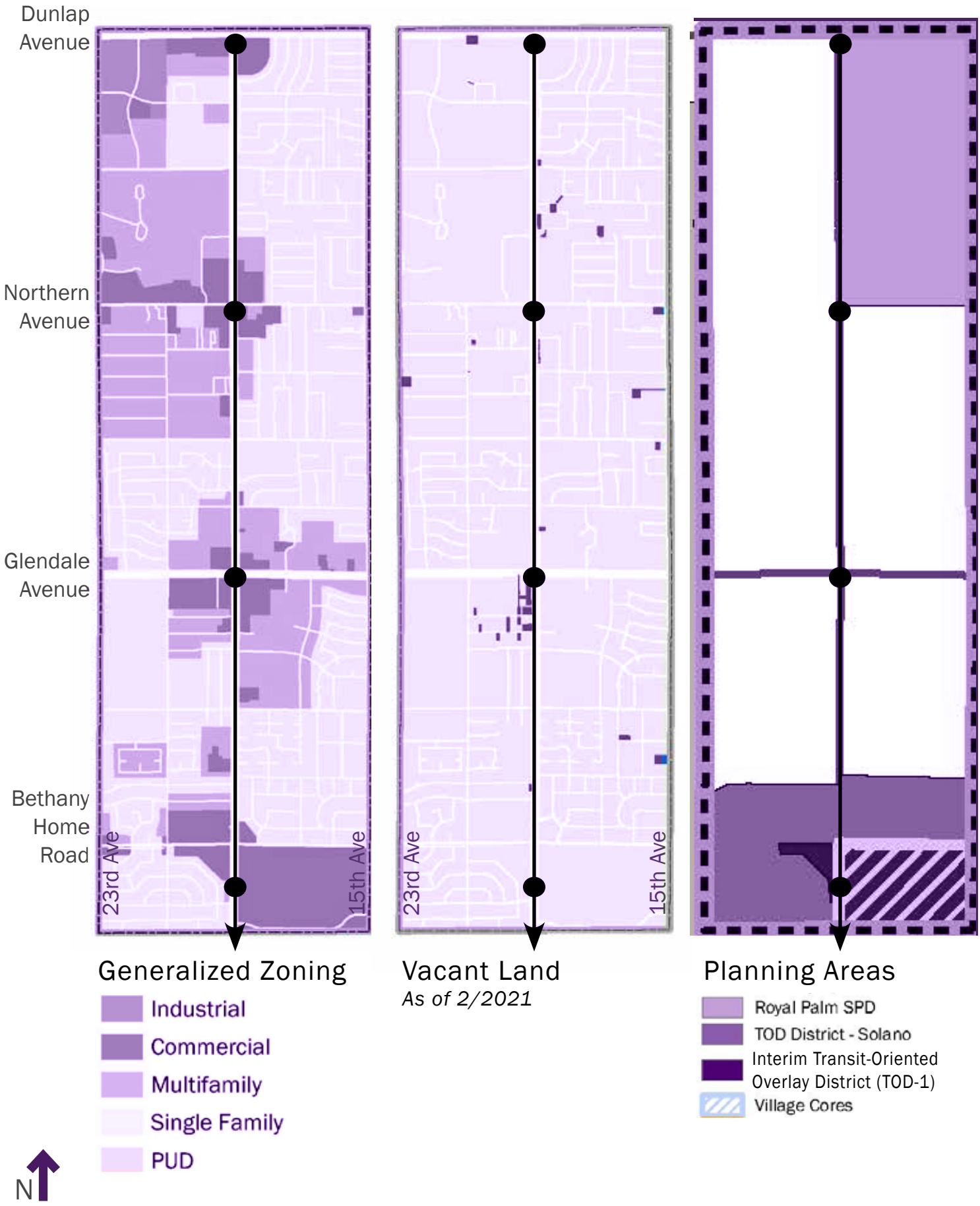
A small area at the southern edge of the 19North Planning Area was also located in the ReinventPHX Solano District Policy Plan; this area has access to the Walkable Urban Code and some parcels are further regulated under the Interim Transit-Oriented Zoning Overlay District 1 (TOD-1), The remainder of the district is governed through traditional zoning.

The 19North Planning Area includes the Royal Palm Special Planning District Overlay which is designed to preserve and protect the historic Royal Palm Neighborhood. Additionally, the 19North Planning Area is adjacent to the Maricopa / Black Canyon Freeway Specific Plan Area; a policy plan focused on balancing economic development with impact mitigation.

Regionally, the 19North Planning Area is split between the Alhambra and North Mountain Village and is situated between their respective Village Cores, Christown Sprectrum Mall and Metrocenter Mall respectively.

Vacant Land

There is a limited amount of vacant and undeveloped land within the 19North Planning Area. The majority of vacant land is comprised of small remnant parcels along 19th Avenue. Since the writing of this report, several large vacant parcels redeveloped including one at the northeast corner of 19th Avenue and Bethany Home Road and the western half of the former El Caro Golf Course north of Northern Avenue.


Dunlap Avenue
Northern Avenue
Glendale Avenue
Bethany Home Road
23rd Ave
15th Ave
23rd Ave
15th Ave
Generalized Zoning
Industrial
Commercial
Multifamily
Single Family
PUD
Vacant Land
As of 2/2021
Planning Areas
Royal Palm SPD
TOD District - Solano
Interim Transit-Oriented Overlay District (TOD-1)
Village Cores
N

HOUSING ELEMENT

Current Conditions

BY THE NUMBERS

13,287
occupied housing units

1,200
residents living in group quarters such as assisted living, dormitories

housing types

38.5% single-family
18.4% multifamily (2-9 units per bldg)
42.2% multifamily (10+ units per bldg)

All data represents a singular point-in-time and is limited by its collection methods. The data used is from the U.S. Census Bureau (2019 ACS) and / or the City of Phoenix. The 2019 ACS utilizes methodologically sound sampling methods. Data reports are included in the appendix.

Housing Types

The 19North Planning Area includes a mix of single-family homes and multifamily facilities which vary in size from duplexes to large complexes. Many of the single-family homes are in long-established neighborhoods throughout the planning area. In addition to traditional housing developments, the corridor also contains large senior living facilities which allow residents to age in place. While much of the housing is well-maintained, there are single-family and multifamily units that have fallen into poor condition. Reinvestment is evident in single-family and multifamily developments over the past few years.

Housing Mix

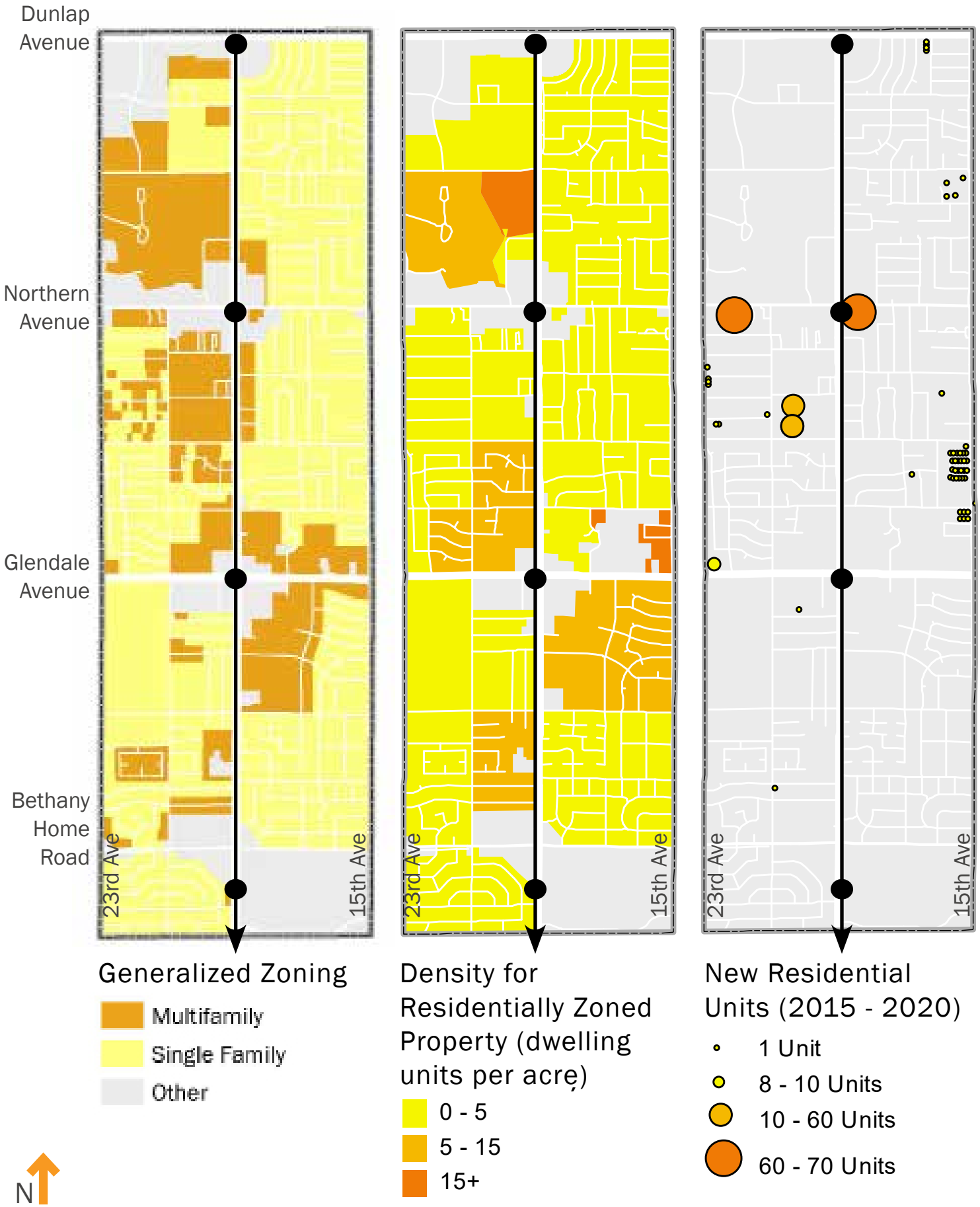
The 19North Planning Area is home to a large number of medium-to-large multifamily complexes (those with 10 or more units per building) which comprise 62% of all multifamily housing units in addition to 27% of small multifamily complexes (those with between 2 and 9 units per building). Many of the larger complexes are near 19th Avenue, where residents can take advantage of the proximity to the light rail to travel to and from work or school. In recent years, the planning area has seen growth in both traditional single-family units as well as multifamily units in location throughout the planning area..

Housing Vacancy

The 19North Planning Area has a slightly higher level of housing vacancy compared to the City of Phoenix as a whole, however vacancy rates have been trending downward. While the vacancy rate is slightly higher in 19North than the city as a whole, some of the vacancy can be attributed to the percent of renter occupied units which tend to have a higher vacancy rate.

Housing Affordability

The district struggles with several housing affordability challenges. The median home value in 19North is higher than that of the city-wide value; however, the median household income is significantly lower. There are other high-cost burdens for 19North residents such as driving commutes. While many use public transportation, 36% of employees residing in the district travel more than 10 miles, each way, to work.


Dunlap Avenue
Northern Avenue
Glendale Avenue
Bethany Home Road
23rd Ave
15th Ave
Generalized Zoning
Multifamily
Single Family
Other
Density for Residentially Zoned Property (dwelling units per acre)
0 - 5
5 - 15
15+
New Residential Units (2015 - 2020)
1 Unit
8 - 10 Units
10 - 60 Units
60 - 70 Units
N

ECONOMIC DEVELOPMENT ELEMENT

BY THE NUMBERS

14,991 jobs
32,725 residents



3,090 jobs in key industries



32% residents have a post-secondary degrees

3 qualified opportunity zones

All data represents a singular point-in-time and is limited by its collection methods. The data used is from the U.S. Census Bureau (2019 ACS) and / or the City of Phoenix. The 2019 ACS utilizes methodologically sound sampling methods. Data reports are included in the appendix.

Current Conditions

Jobs and Workforce

Approximately 15,000 members of the laborforce call 19North home and more than 15,600 individuals are employed within the district, however, there is little overlap between these groups who both live and work within the study area. The presence of the light rail and Interstate 17 make rapid transportation to and through 19North extremely efficient, with specific regard to employment centers.

Major Employers

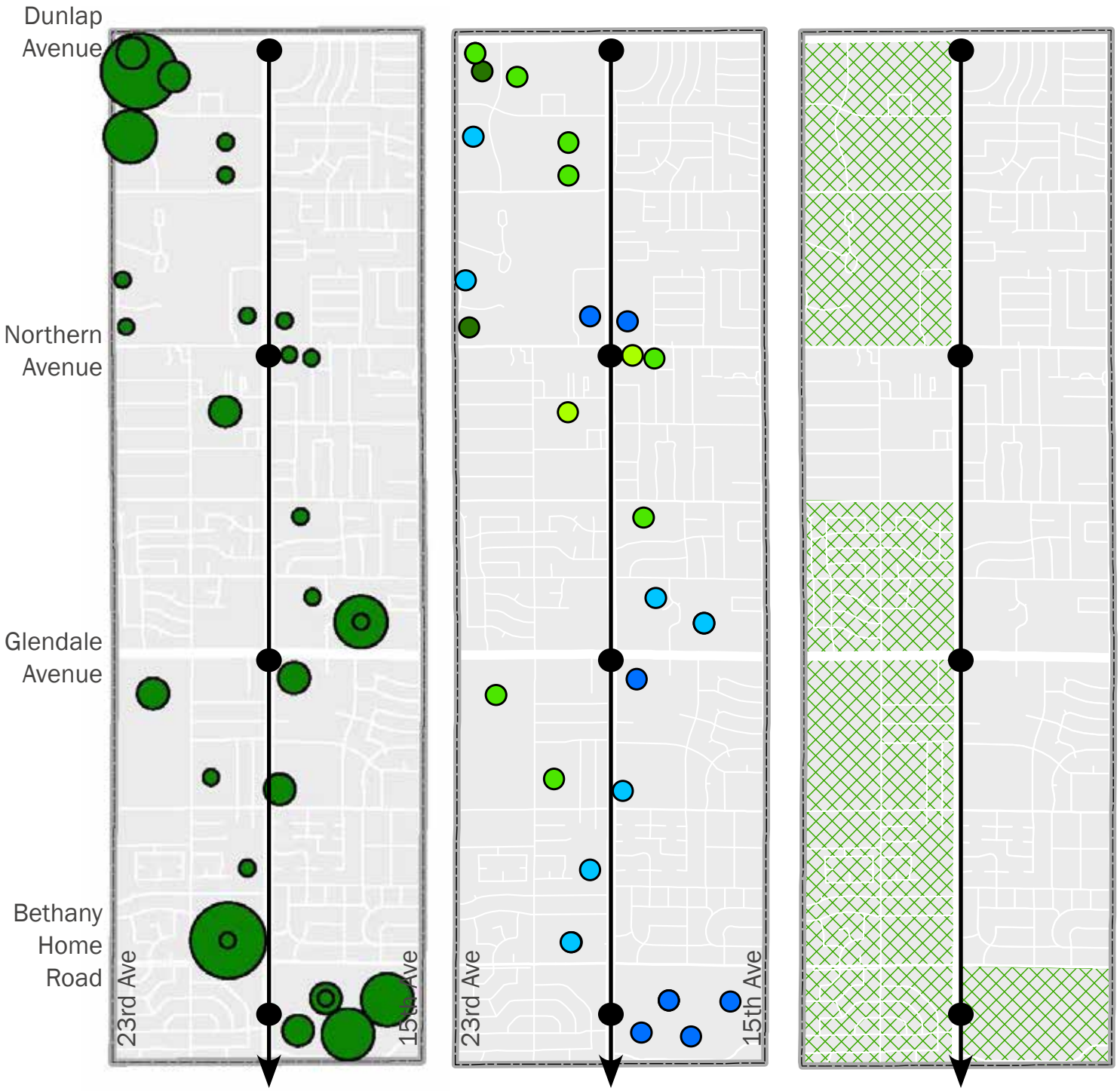
Many of the major employers operate in the field of health care with individuals employed in a variety of occupations. Numerous assets position the district for job growth in these industries, including Abrazo Health Care Center Central Campus and the Core Institute Specialty Hospital. The most common occupations are management, business, science and the arts (29.4%), followed by sales and office (24.6%), and service (25.1%).

Education

The 19North Planning Area is home to many educational facilities including nine K-12 schools, Devry University, Chamberlain University College of Nursing, one public library, and a variety of trade programs.

Opportunity Zones

West of 19th Avenue are three of the City's 42 federally qualified Opportunity Zones exist in 19North. Opportunity Zones allow for increased investment in targeted areas by allowing tax benefits for investors who, in turn, provide postivie economic and social impacts within the community.


Dunlap Avenue
Northern Avenue
Glendale Avenue
Bethany Home Road
23rd Ave
15th Ave
23rd Ave
15th Ave
Employees by Site
50 - 100
101 - 200
201 - 500
501 - 750
N
Business Industry
Business and Finance
Education
Government and Social Services
Health Care
Retail and Entertainment
Opportunity Zones

HEALTH ELEMENT

Current Conditions

BY THE NUMBERS



35%
of areas are within a 1/4 mile walk of a park



24%
of areas are within a 1/4 mile walk of a grocer



11 pedestrian or bicyclist fatalties

40 serious injuries (33 pedestrians and 8 bicyclists) *2013 - 2017

All data represents a singular point-in-time and is limited by its collection methods. The data used is from the U.S. Census Bureau (2019 ACS) and / or the City of Phoenix. The 2019 ACS utilizes methodologically sound sampling methods. Data reports are included in the appendix.

Access to Food

The 19North Planning Area is home to seven full service grocery stores which all participate in the Women Infant Children (WIC) program to provide food assistance for low income residents. Approximately 24% of the district is within a 5-minute walk of their nearest grocery store; walking distance is especially important because 20 percent of district households do not own a vehicle. This information is from the 2017 American Community Survey.

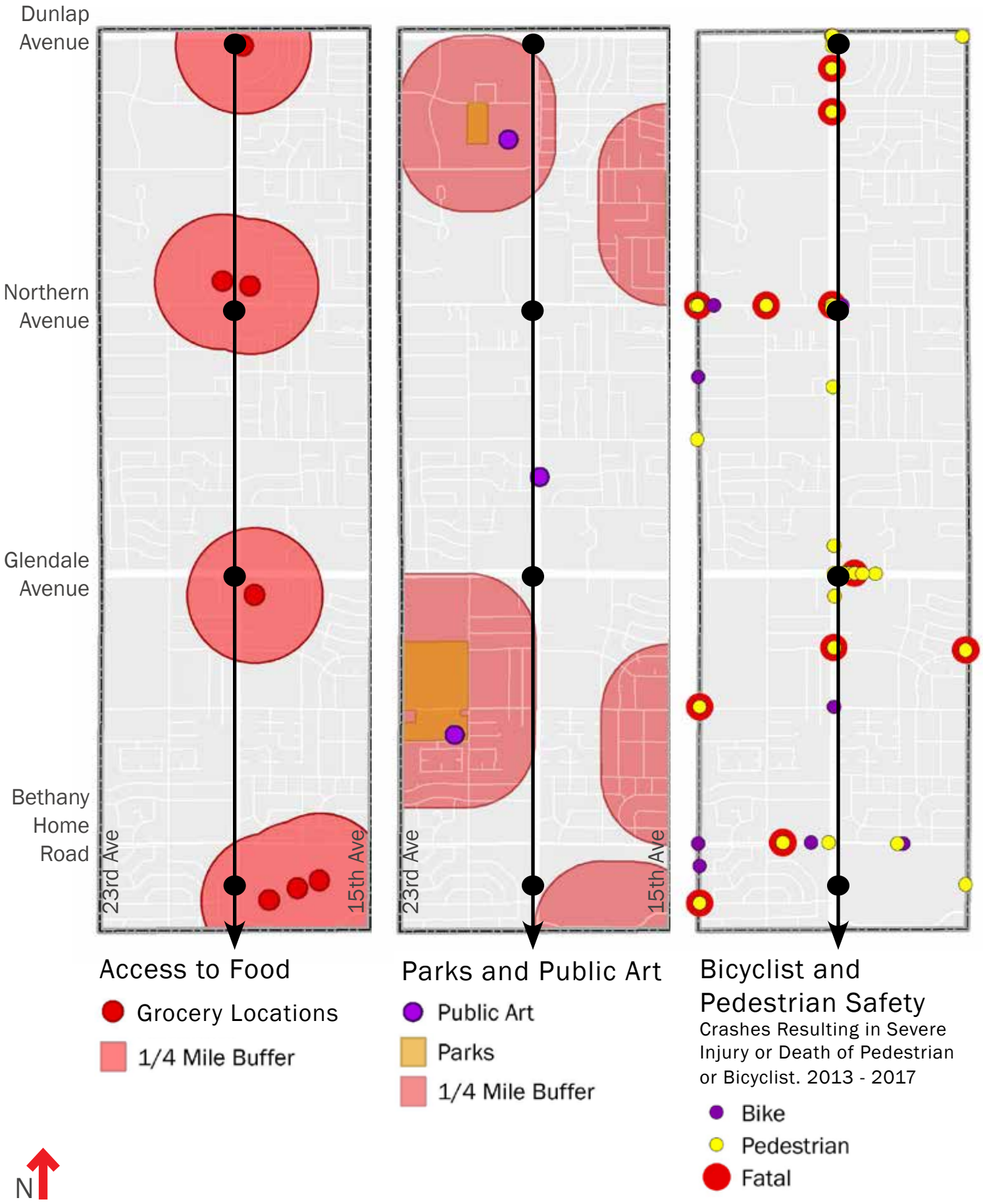
Access to Recreation Areas

The 19North Planning Area contains two public parks - Alicia Park at Alice and 19th Avenue and Washington Park at 21st Avenue and Maryland Avenue. These parks contain a variety of amenities ranging from passive picnic areas to the expansive and historic tennis facility at Washington Park. Just outside of the 19North corridor lies Royal Palm Park (at 15th Avenue and Butler Road) and Solano Park (immediately south of Christown Spectrum Mall). Approximately 35% of the total area is within a 5-minute walk of a nearby park or recreational amenity

Transportation

Regionally, residents of the 19North Planning Area have access to light rail, bus routes and bike lanes, which link residents to downtown Phoenix and destinations located along the light rail corridor.

The evolution of development preferences led to a system more comfortable to navigate by car than on foot. Consequently, between 2013 and 2017 there have been 40 serious injuries or fatalities resulting from car-pedestrian and bike-pedestrian crashes. Many of these crashes occurred less than 1/4 mile from a signaled intersection.


Dunlap Avenue
Northern Avenue
Glendale Avenue
Bethany Home Road
23rd Ave
15th Ave
Access to Food
Grocery Locations
1/4 Mile Buffer
23rd Ave
15th Ave
Parks and Public Art
Public Art
Parks
1/4 Mile Buffer
Bicyclist and Pedestrian Safety
Crashes Resulting in Severe Injury or Death of Pedestrian or Bicyclist. 2013 - 2017
Bike
Pedestrian
Fatal
N

MOBILITY ELEMENT

Current Conditions

BY THE NUMBERS



10%
of residents walk, bicycle, or take transit to work; another 12% carpool

43%
of households have only one car; another 21% have no car



7,072
daily light rail boardings (average)



2,628 at Dunlap
1,077 at Northern
1,353 at Glendale
2,012 at Montebello

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Pedestrian Mobility

"Everyone has different preferences when it comes to transportation, but at one time or another everyone is a pedestrian." - National Highway Traffic Safety Administration

The 19North Planning Area is comprised mostly of suburban scale and auto-oriented shopping centers, malls, and drive-throughs; while each of these typically does serve people on foot, they are characterized by vast parking lots, speed optimized drive-aisles, and distance between destinations which are barriers to pedestrians.

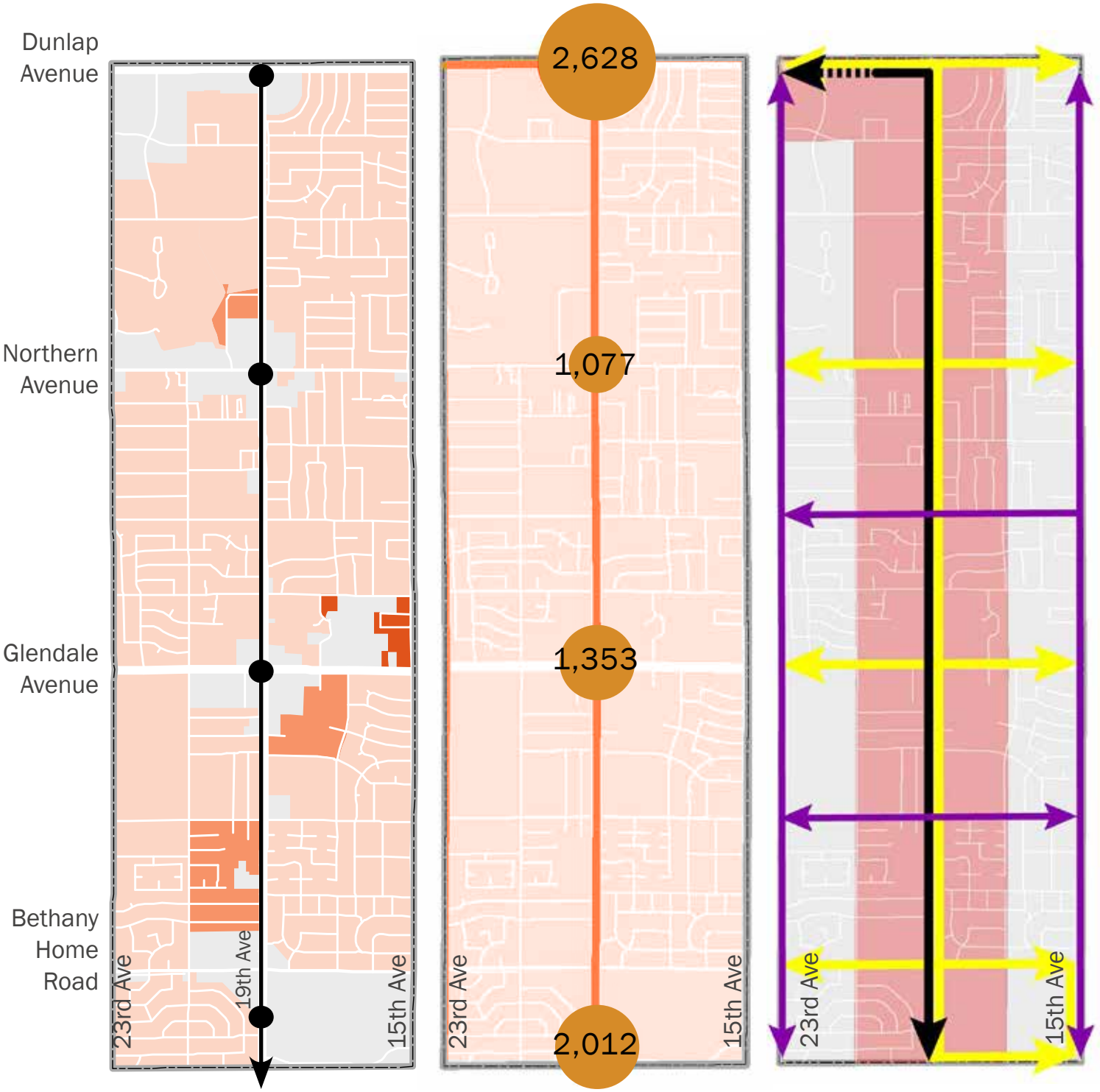
While designed for automobile owners, 21 percent of households do not own a car, 43 percent of households own only one vehicle. Additionally 10 percent of residents walk, ride, or take transit to work. Pedestrian Mobility is important to transit oriented development because all transit riders are also pedestrians.

Bicycle Mobility

Bicycle rates continue to rise in Phoenix as more residents move into the urban core. It is an affordable and healthy mode of transportation which is made viable by the climate, designated routes, and transit which can extend a trip many miles. There are six miles of bicycle lanes in the Planning Area including along 15th Avenue and 23rd Avenue with 19th Avenue being designated as a shared lane facility. A significant share of residents and households use alternative transportation as their primary mode.

Transit Mobility

The 19North Planning Area is well-served by transit including light rail and several bus routes. The light rail sees approximately 7,000 boardings across the four light rail stations each day. Currently, planning is underway for a connection to Metrocenter Mall, the North Mountain Village Core. This planned light-rail extension will allow the area to become even more connected to the assests in the larger area.



Percent Households with No Vehicle

- 0% - 25%
- 25% - 75%
- 75% +

Average Daily Light Rail Boardings

Transit and Bikeway Routes

- Bikeways
- Bus Line
- Light Rail Line
- NW Phase II Light Rail
- 1/4 Mile Rail Buffer

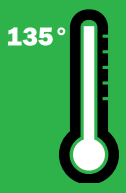
N

BY THE NUMBERS



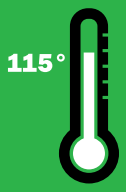
12%
of total area are public streets. An additional 7% are surface parking lots

More than 8%



of surface temperatures exceed 135 degrees in summer

Only 1%



of surface temperatures are below 115 degrees in summer

All data represents a singular point-in-time and is limited by its collection methods. The data used is from the U.S. Census Bureau (2019 ACS) and / or the City of Phoenix. The 2019 ACS utilizes methodologically sound sampling methods. Data reports are included in the appendix.

GREEN SYSTEMS ELEMENT

Current Conditions

Heat

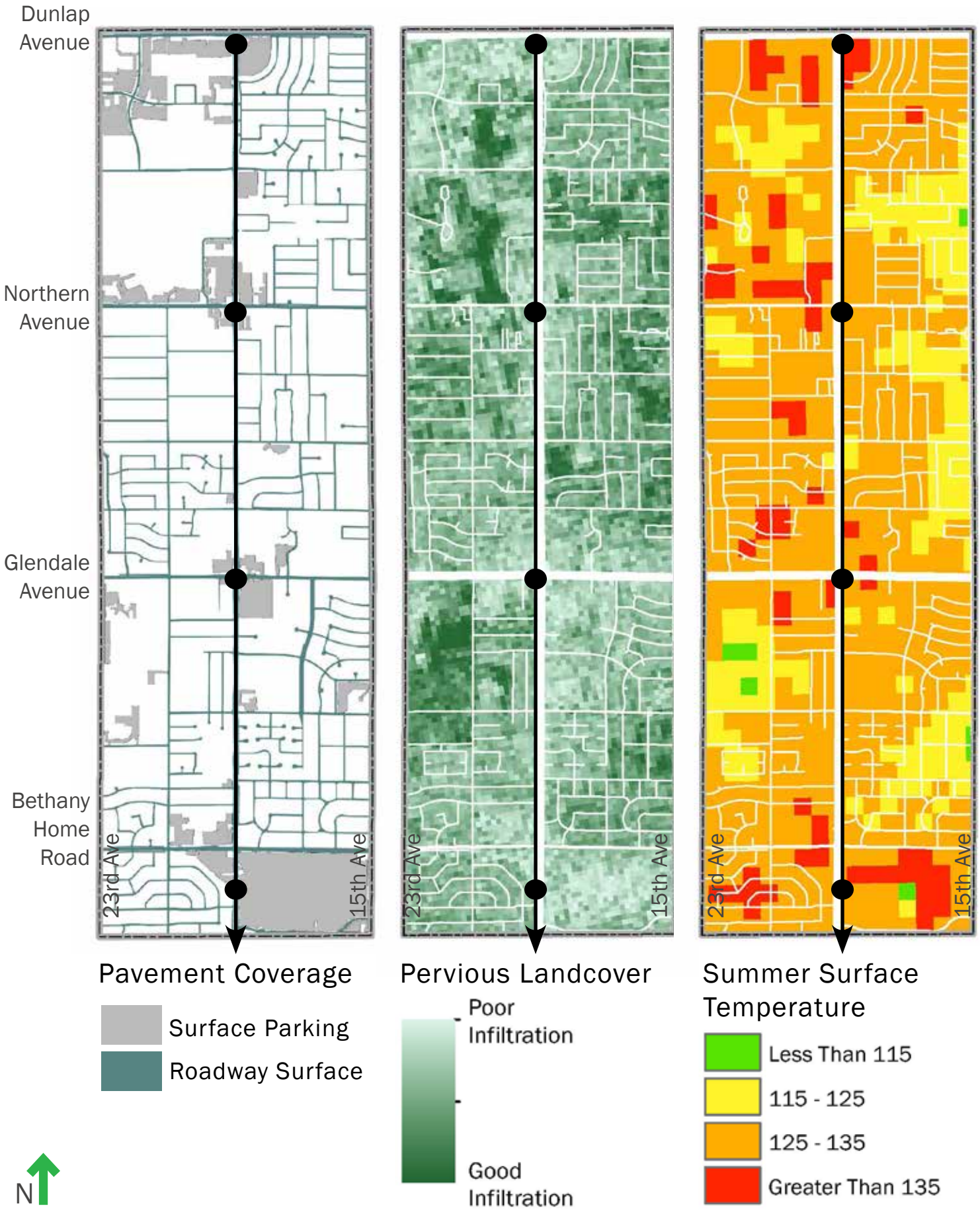
As with the rest of Phoenix, it is hot in 19North and the heat can produce related illnesses. Some areas are hotter than others because features such as vast parking lots and wide streets which absorb and radiate heat. Green systems, such as trees and vegetative ground cover, can reduce surface temperatures and, when used in aggregate, these measures can positively impact the urban heat island effect. The threshold for human health is 115 degrees Fahrenheit and less than 1.1% of the district has a summer surface temperate at or below this threshold; the most pressing are the 8.8% of the district experiencing temperatures in excess of 135 degrees Fahrenheit. The urban heat island is continuing to worsen with further development in the region which makes the importance of mitigation factors an essential consideration for continued development.

Surface Parking Lots

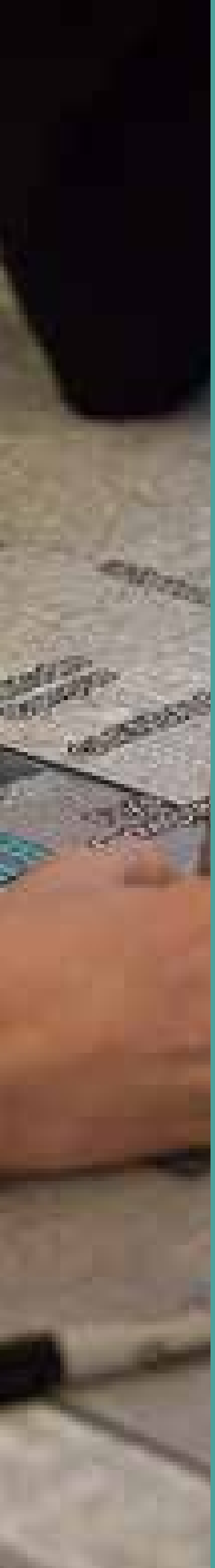
Impervious surfaces contribute to the overall heat of the district, the retention of heat through the night, and the rapid discharge of much needed rainfall events. Approximately 7.34% of the total study area is comprised of surface parking lots, which are partially or mostly empty for much of the day. Approximately 12% of the total study area is comprised of street surfaces, which often contain an excess amount of pavement to accommodate on-street parking, which anecdotally, is rarely in full use.

Impervious Ground Cover

In addition to the heat generated and retained by pavement areas, the sheer amount of pavement also contributes to a significant amount of temporary ponding in roadways and parking areas. Thanks to decades of on-site retention which have mitigated the street flooding problems of the 1960's, it may be possible to reallocate private stormwater basins to be managed by green streets and joint use neighborhood parks/retention, with an approach that views rainwater as a resource rather than a waste product.


Dunlap Avenue
Northern Avenue
Glendale Avenue
Bethany Home Road
23rd Ave
15th Ave
Pavement Coverage
Surface Parking
Roadway Surface
Pervious Landcover
Poor Infiltration
Good Infiltration
Summer Surface Temperature
Less Than 115
115 - 125
125 - 135
Greater Than 135
N



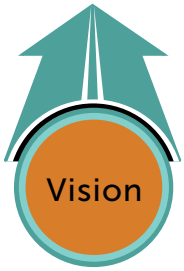


PART III

TOMORROW

Through an analysis of current conditions and the goals of the community, the vision for the district emerged.

A series of public presentations and interactive workshops allowed each participant to provide input towards a shared community vision, themes, and community-identified investments.



19NORTH IN 2040: VISION

The vision is a story of life in 19North circa 2040. Through transit oriented development and thoughtful placemaking, it is a story of how 19North can position itself as a walkable, vibrant, and prosperous corridor. Many residents, business owners, property owners, and other stakeholders contributed to the spirit and content of this vision through multiple workshops and forums.

Community Vision: 19North in 2040

In 2040, 19North is a vibrant and culturally diverse district that is truly unique by design. Through creative and transit oriented redevelopment, grassroots community building, and participatory placemaking, 19North has become a model for district revitalization throughout the region.

Preserved single-family homes, renewed and revitalized multifamily housing, and new pedestrian-friendly development near light rail stations provide quality housing and transportation for people of all ages and incomes.

Mixed-use buildings have attracted new residents, high quality affordable housing, jobs and job training opportunities, additional neighborhood services, entertainment, and retail offerings. Together, investment in the people, places, and institutions has allowed 19North to flourish as a neighborhood and destination.





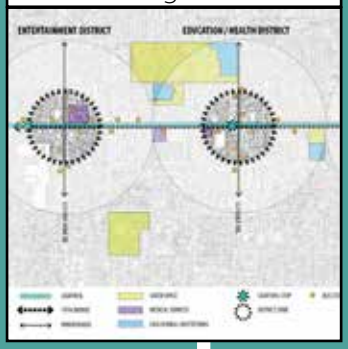


Crafting the Vision

nt of
ditions



Smith Group Visioning Exercise



Community Speaks: Vision Phrases



Mapping Change Areas



Community Prioritized Investments



Refinement:

19North Vision

Community Prioritized Investments:

Participants at the third workshop identified the types of investments they felt were most appropriate at different locations in the corridor.



Community Speaks: Vision Phrases

Participants at the first workshop were asked to select the top ten phrases that best describe their vision for the future of 19North. From the 35 phrases provided, the ten most popular were:

Safety *(8.90%);* ***Walkable*** *(6.75%);* ***Community*** *(5.21%);* ***Clean*** *(5.21%);* ***Restaurants*** *(4.91%);* ***Sense of Place*** *(4.60%)* ***Revitalization*** *(4.60%);* ***Neighborhoods*** *(4.60%);* ***Pride*** *(4.60%);* ***Outdoor Dining*** *(4.60%).*



19NORTH IN 2040: VISION THEMES

Safe, Affordable, and Vibrant

People from all backgrounds live and thrive in 19North. Mixed use buildings, revitalized institutions, and public amenities unite the corridor into a series of distinct neighborhoods where its residents live, work, and play. Mixed-use centers along the light rail transition transition gracefully with distance into traditional detached neighborhoods. Newly walkable streets and shaded sidewalks welcome residents into casual conversation and community with their neighbors. A focus on safety, comfort, and visual interest underpin the built environment which places all residents are within a comfortable walk or bike ride to light rail that puts employment, recreation, and social gatherings within reach

Walkable and Bikeable

People of all ages and abilities feel safe and comfortable walking or riding a bike for transportation or recreation. New and improved pathways provide safe, comfortable, and convenient access points to the 19th Avenue corridor. New projects including retrofits have placed the comfort of walkers and bicyclists at the forefront and are now welcoming to people of all ages, including families. Continuous sidewalks and bike facilities, in concert with wayfinding signage, seamlessly residents and visitors to safely navigate the area. Since many residents work in the district or along the regional light rail system, safe and comfortable bike and walking routes have led to significant increases in local employment and light rail ridership and a decrease in automobile dependence.

Employment, Education, and Training

Investment in education and job training has built a creative, highly skilled, and diverse workforce. Education and employment readiness begins early in a child's life and the unified "cradle to career" model offered by local schools, Arizona State University, and Maricopa Community Colleges. These programs continue to produce a workforce with exceptional skills, an eye toward innovation, and a spirit for entrepreneurship.

Outdoor Life and Commerce

The plazas of 19th Avenue - a series of vibrant and connected districts - are alive with the sights and sounds of outdoor dining, live music, and gatherings, both formal and informal. New mixed use centers and long-standing businesses have embraced the idea of pedestrian oriented commerce. The built environment is seamlessly unified under a cohensive brand that underpins both the public and private realms through a landscape palette, art, and other features. Together, these elements has made 19North a destination.






Togetherness
Neighborhood
Community





COMMUNITY-IDENTIFIED: **CHANGE AREAS**

Sub-Area Visions: Light Rail Station Areas

In February of 2018, workshop participants were asked to help identify "Change Areas" throughout the 19North Planning Area and to sort the district into three categories based on the type of change they would envision (categories and definitions below). This effort, combined with additional data such as vacant land, produced the "Community Identified Change Area Maps" to the right.

These change area maps depict the general appetite for where the community would like to see development occur versus the areas that should be stabilized and strengthened. Proposed redevelopment is generally shown on vacant properties, in locations where redevelopment is likely to occur based on future market trends, or in areas where parking areas may be reallocated for land development based on the proximity to the light rail.

It is important to note that even during the creation of the plan since the above referenced workshop, many of the areas identified for redevelopment have fulfilled that vision or made steps toward securing zoning entitlement to enable redevelopment.

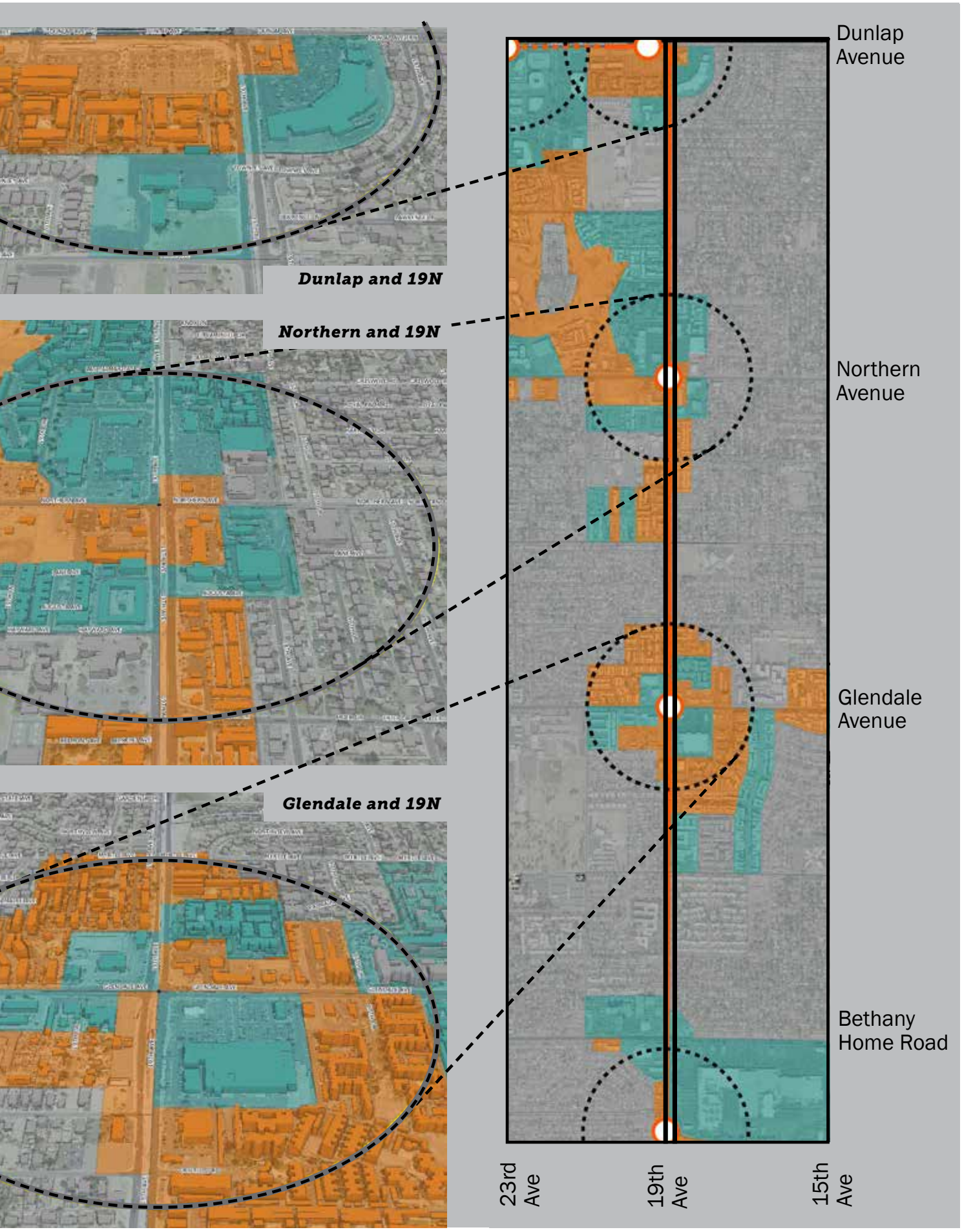
Preserve / Stabilize:
Those areas that would stay as they currently exist, such as single-family residential neighborhoods with an established density (dwelling units per acre) or restoration of existing buildings.

Retrofit:
Those areas that would benefit from additional landscaping within the right-of-way or parking lot, adaptive reuse of structures or adding new buildings to vacantproperties or parking lots at the same scale as surrounding neighborhoods.

Redevelop:
Those areas that may may completely redevelop including a change in the scale and intensity of the land use.

COMMUNITY-IDENTIFIED CHANGE AREAS:




Dunlap and 19N
Northern and 19N
Glendale and 19N
Dunlap Avenue
Northern Avenue
Glendale Avenue
Bethany Home Road
23rd Ave
19th Ave
15th Ave

Vision

PRIORITY AREA: 19TH & GLENDALE

Community Vision: 19th Avenue and Glendale Avenue in 2040

In 2040, 19th Avenue and Glendale Avenue is a walkable urban center. It is a place where parking lots and aging multifamily complexes have become active with projects designed for experiential shopping and gathering; one such example is the development of the Fry's Marketplace parking lot for new development in a way that positioned the front facade of the grocery along a newly created main street, alive with residents and patrons who now call the area home.

Through high quality site design and thoughtful development and redevelopment, people now view 19th Avenue and Glendale Avenue as a place to live, work, and play. It is a place people want to live near and even visit for shopping, entertainment, and leisure.

As an anchor to the surrounding neighborhoods, new streets provide convenient access into the heart of the mainstreet and to the light rail station. New infill development of mixed-use projects ranging from two-to-four stories transition gracefully from the station areas into the lower density neighborhoods at the periphery of the mainstreet.



19th Ave and Glendale Ave
Conceptual Infill Development



Community-Identified Change Areas: Stakeholder generated map of prospective change areas

As depicted on the below map, stakeholders identified the multifamily apartment complexes surrounding the transit node as requiring the highest level of intervention. While most of this area is identified as a redevelopment opportunity, it is likely that many of the complexes could be repositioned through reinvestment and site retrofits such as the addition of paseos to break up large, single-use developments.

Community-Identified Change Areas: 19th Avenue and Glendale Avenue





Conceptual Redevelopment Rendering

Community Prioritized Investment Types: Participants identified the following for this target area.

Walkable Urban Neighborhood

Dense residential areas where streets and buildings are designed to prioritize pedestrians and bicyclists. Characteristics include: **landscape-buffered sidewalks**, small block sizes, **low rise housing**, quality transit services and **small commercial retail establishments at key intersections**.



Paseos (Shaded Pedestrian Walkways)

A pedestrian-only walkway, that provides open space, building access and enhanced pedestrian circulation for neighborhoods. Paseos can provide connections through long blocks where options for constructing new streets are difficult or cost prohibitive.



Public Art

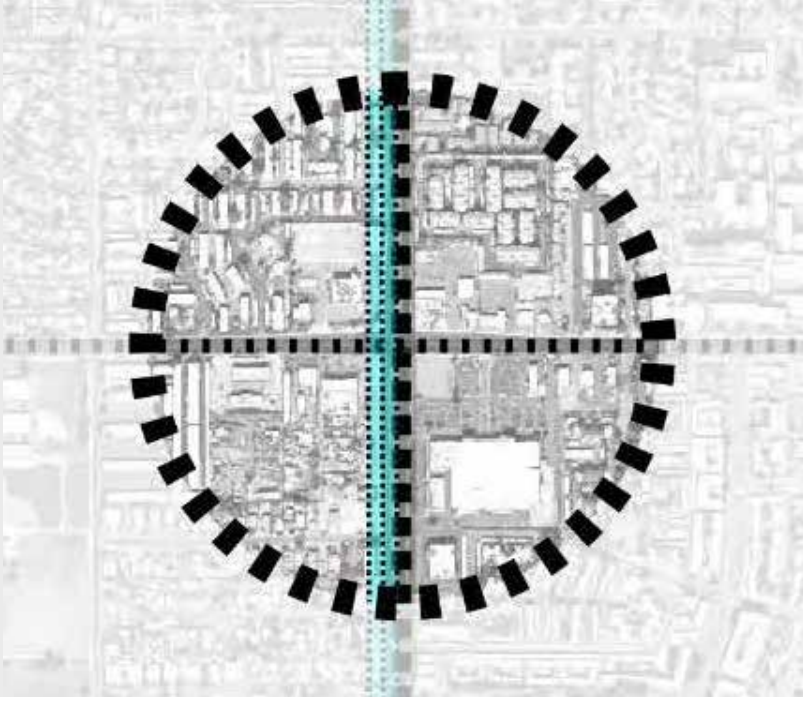
Artwork intended to be experienced by the general public and visible from streets, parks and other public spaces. Examples include **murals, sculptures, creative enhancements** to bridges, transit stations, civic spaces, canals and other infrastructure.



SmithGroup Visioning:

The architectural firm SmithGroup provided pro-bono analysis to the visioning phase of the 19North planning efforts. The analysis included considerations of existing conditions, transportation connectivity, and thematic conditions that may be leveraged for placemaking.

The study noted the prevalence of educational and healthcare institutions and provided a series of inspirational images for how placemaking efforts can reposition the built-environment for greater vitality. Below is a sample of the inspirational images for this priority area. A full Analysis can be within the Appendix of this document.















Images and Diagrams Courtesy of the Smith Group









Vision

PRIORITY AREAS: 19TH & NORTHERN

Community Vision: 19th Avenue and Northern Avenue in 2040

In 2040, 19th Avenue and Northern Avenue has become the anchor for the surrounding neighborhoods and their revitalization processes and now functions as the town center for the surrounding neighborhoods - a place of convenience, of community, and of neighborhood identity.

While the core of the intersection has undergone a notable amount of reinvestment from anchor mixed-use projects including the revitalization of the Good Sheperd Building, the most significant change has come from the adjacent neighborhoods. Now with an identity and brand to build upon, residents have reinvested in their homes and a new neighborhood has emerged on the former El Caro Golf Course. The reinvestment, redevelopment, and retrofit actions in the core have reinforced the quality of the surrounding neighborhood.





Community-Identified Change Areas: Stakeholder generated map of prospective change areas

As depicted on the below map, stakeholders identified small areas of the immediate corridor as redevelopment opportunities with the remainder being identified for retrofit enhancements. Many of the areas identified for retrofit enhancements include auto-oriented shopping centers which could be repositioned with amenities and density; as well as multifamily complexes which could benefit from reinvestment and addition of amenities such as paseos.

The largest area identified for redevelopment is the former El Caro Golf Course located northwest of the intersection which has sat vacant and deteriorated for a decade. Walkable urban redevelopment was strongly expressed through the 19North public engagement efforts.

Community-Identified Change Areas: 19th Avenue and Northern Avenue





Conceptual Redevelopment Rendering

Community Prioritized Investment Types: Participants identified the following for this target area.

Walkable Urban Neighborhood

Dense residential areas where streets and buildings are designed to prioritize pedestrians and bicyclists. Characteristics include: **landscape-buffered sidewalks**, small block sizes, **low rise housing**, quality transit services and small commercial retail establishments at key intersections.



Active Frontages

A development feature which orients the business activity to pedestrian and vehicular traffic. Examples include window displays, **building entrances from the sidewalk**, and **outdoor dining.**



Community Gathering Place

An outdoor space that can be support a variety of activities. From informal gatherings and small concerts to as a farmers market or cultural festival, these spaces can range in size and design but should be designed to facilitate social interactions.

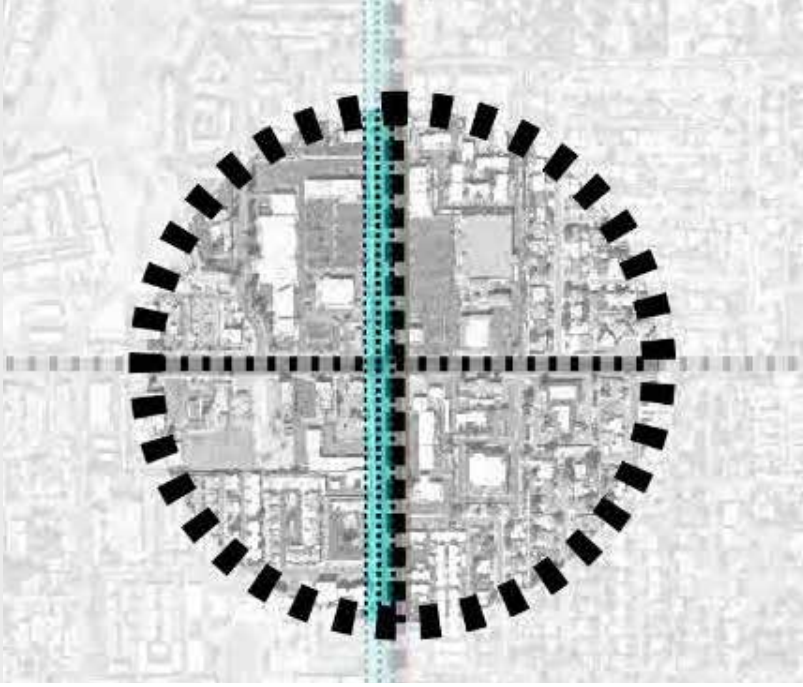


SmithGroup Visioning:

The visioning efforts identified the 19th Avenue and Northern Avenue as a Community District, citing the prevalence of established and emerging residential neighborhoods.

Further, the visioning efforts included a series of inspirational images for how placemaking efforts can reposition the built-environment for greater vitality.

Below is a sample of the inspirational images for this priority area. A full Analysis can be within the Appendix of this document. Examples of inspirational images include pocket-parks, paseos, outdoor dining, and outdoor recreation amenities.



















Images and Diagrams Courtesy of the Smith Group

Vision

PRIORITY AREAS: 19TH & DUNLAP

Community Vision: 19th Avenue and Dunlap Avenue in 2040

In 2040, 19th Avenue and Dunlap Avenue has branded itself as a gateway district from the north - a gateway to the light rail, to 19North, and to new opportunities for its residents. This serves as the headwaters of the 19North streetscape, wayfinding, and pedestrian/ bicycle improvements which are carried forward through the corridor.

It remains a major transit center but also the center of community and commercial life for nearby residents - from 19th Avenue and Dunlap, residents can walk to their favorite local shops, can work in the neighborhood if they so choose, and can access the full extent of the light rail corridor within walking distance.

While the light rail has been extended to the newly revitalized Metrocenter which offers a new realm of services, jobs, and opportunities for residents, 19North thrives independently based on its identity and the community developed and strengthened throughout the revitalization process; it all begins at 19th Avenue and Dunlap Avenue.



Community-Identified Change Areas: Stakeholder generated map of prospective change areas

As depicted on the below map, stakeholders identified this area with a balanced mix of preservation (the single-family homes at the periphery of the station), retrofit enhancements for the nearby commercial centers in the vicinity of the station, and redevelopment for the areas immediately adjacent to the station.

The El Rancho Market shopping center at the southeast corner of the intersection is identified as a retrofit opportunity; this auto-oriented complex includes vast parking areas which may be prime for redevelopment along 19th Avenue and retrofit enhancements such as pedestrian connectivity and paseos.

The multifamily complex immediately south of the transit station overlooks a park and ride lot but is detached from the lot by a block wall. While identified as redevelopment, the multifamily complex may benefit from the redevelopment of the parking lot through additional density and the inclusion of amenities such as pedestrian paseos and common open space to connect, rather than divide adjacent land uses.

Preserve
Retrofit
Redevelop

Community-Identified Change Areas:
19th Avenue and Dunlap Avenue





Conceptual Redevelopment Rendering

Community Prioritized Investment Types: Participants identified the following for this target area.

Housing Revitalization

Improvements to existing residential buildings that improve quality, health, accessibility, safety and efficiency. Air filtration systems, weatherization, HVAC replacement, window shading, solar panels, slab repair, and historic façade restoration are examples of Housing Revitalization.



Green Pedestrian Realm

A feature that **integrates trees and plants along pedestrian paths** and in patios, parking lots, and parks. This cools the environment, increases human comfort, and reduces the urban heat island by lowering surface and air temperatures.



Community Gathering Place

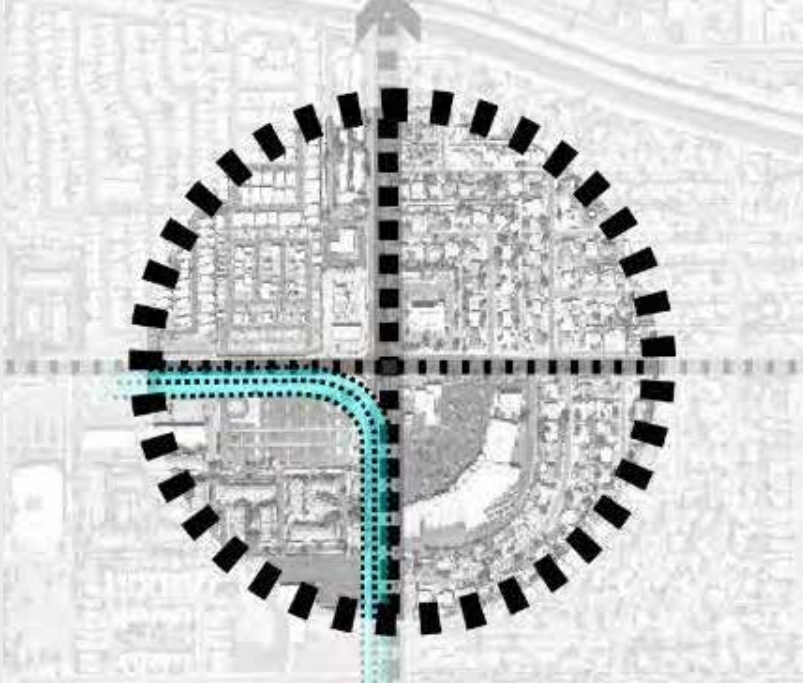
An outdoor space that can be support a variety of activities. From informal gatherings and small concerts to as a farmers market or cultural festival, these spaces can range in size and design but should be designed to facilitate social interactions.



SmithGroup Visioning:

The visioning efforts identified the 19th Avenue and Dunlap Avenue as a Gateway District, citing the importance of its location at the terminous of the light rail and the presence of a major park and ride facility.

The visioning efforts included a series of inspirational images for how placemaking efforts can reposition the built-environment for greater vitality. Below is a sample of the inspirational images for this priority area. A full Analysis can be within the Appendix of this document. Examples of inspirational images include art installations to denote the entrance to a distinct place, to provide visual interest, and to create a shaded place for individuals to enjoy.

















Images and Diagrams Courtesy of the Smith Group





PART IV

HOW WE GET THERE

The effectiveness of a planning process should be evaluated by how well it is implemented and by whom.

The 19North Policy Plan has been developed through an engagement process which included city leaders and departments, community organizations, business owners, and members of the general public. This section outlines the many small actions necessary to accomplish the community's vision for 19North.

HOW WE GET THERE: ACHIEVING THE VISION

Organized for Success

The 19North Vision is feasible but also bold and ambitious. Implementing the plan will require focused, efficient, and organized execution that spans multiple decades. This plan is designed to facilitate collaboration, align policies, and coordinate action across a multi-sector coalition of public, private, and non-profit investors. This section is organized to pull the many elements of the plan together, to articulate the measurable outcomes that would quantify success, and the strategies that can make the vision a reality.

1. Community Vision *(Tomorrow, Part III)*

2. Vision Themes *(Tomorrow, Part III)*

3. Measurable Outcomes

Thirty-two (32) measurable outcomes provide an objective analysis of what the community would consider success towards achieving the vision themes and ultimately the overall Community Vision. Individually, each measurable outcome is accompanied by measurable targets to create progress toward the community's vision through the lens of existing conditions outlined in the Today section. As the ultimate goal of this planning document is measurable progress, the Measurable Outcomes are introduced out-of-this-order and woven into the Urban Principles and Implementation Strategies.

4. Urban Principles

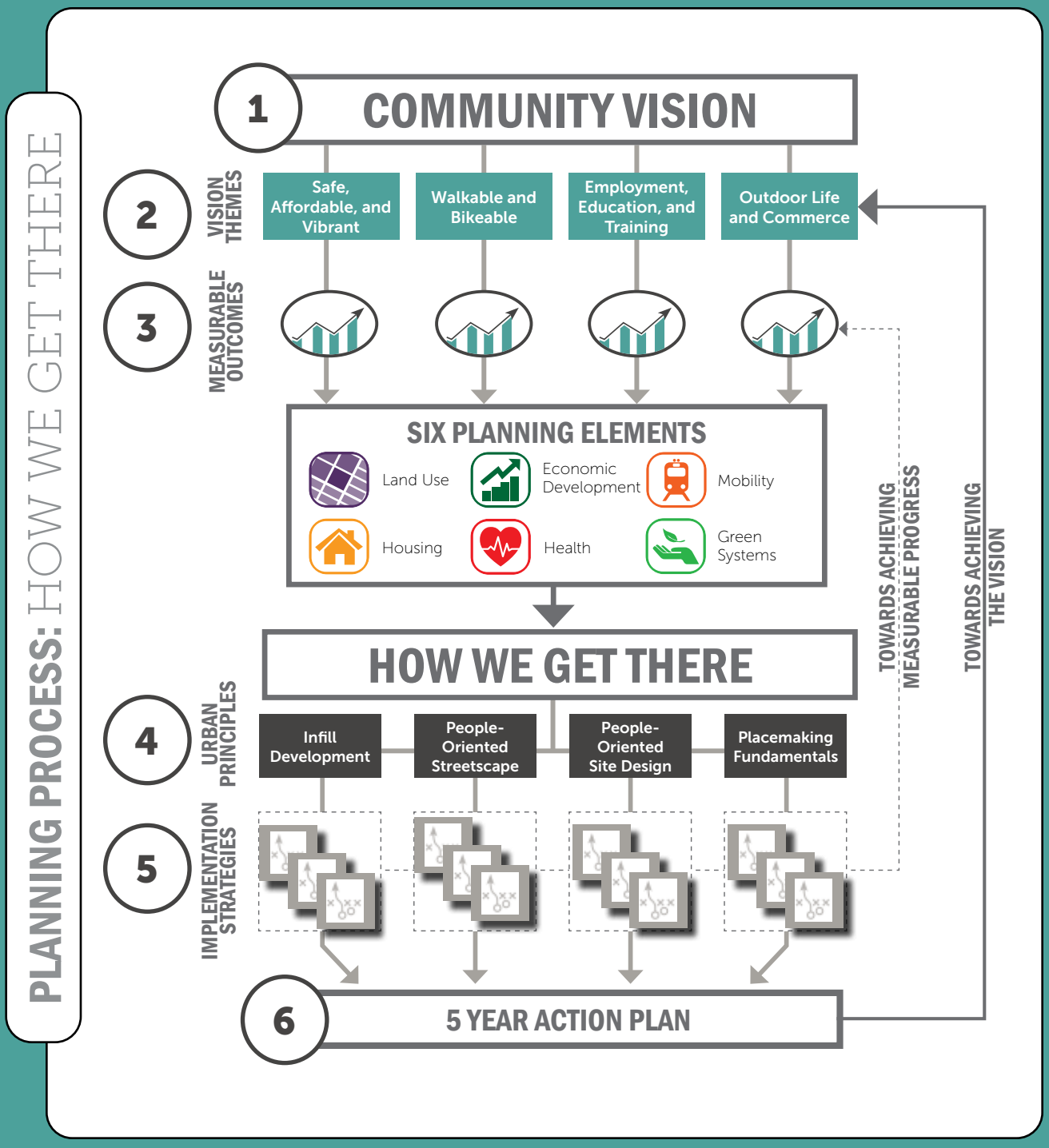
Introduced here, Urban Principles are a series of lenses through which we can focus on the operational characteristics of revitalization and reinvestment. The four urban principles - **1) Infill Development**; **2) People-Oriented Streetscape**; **3) People-Oriented Site Design**; and **4) Placemaking Fundamentals** - are a framework to explore the strategies that can be implemented to achieve the long range community vision.

5. Implementation Strategies

Whereas the Urban Principles are primarily an organizational structure in the plan, in them reside 14 strategies designed to make measurable progress toward the implementation of the community's vision. These strategies range from big ideas and capital projects to small activities that individual neighborhoods can achieve.

6. The Five Year Action Plan

A long range plan is best implemented in small pieces. The five-year action plan articulates a series of activities, partnerships, and steps towards achieving the vision. Action items are aligned to vision themes, measurable outcomes and ultimately the six planning element framework. When accomplished, actions help "jump start" the larger implementation strategies.


PLANNING PROCESS: HOW WE GET THERE
1
COMMUNITY VISION
2
VISION THEMES
Safe, Affordable, and Vibrant
Walkable and Bikeable
Employment, Education, and Training
Outdoor Life and Commerce
3
MEASURABLE OUTCOMES
SIX PLANNING ELEMENTS
Land Use
Economic Development
Mobility
Housing
Health
Green Systems
HOW WE GET THERE
4
URBAN PRINCIPLES
Infill Development
People-Oriented Streetscape
People-Oriented Site Design
Placemaking Fundamentals
5
IMPLEMENTATION STRATEGIES
6
5 YEAR ACTION PLAN
TOWARDS ACHIEVING MEASURABLE PROGRESS
TOWARDS ACHIEVING THE VISION

HOW WE GET THERE: **MEASURABLE OUTCOMES**

The purpose of a plan is to guide action toward a goal. The Vision for the Future is the goal for 19North. The themes reflect the values of the community and the components of the vision, whereas the measurable outcomes serve as a target toward achieving the vision for 2040.



For the purpose of organization, the measurable outcomes are sorted first by the theme to which they most closely relate and second by the planning element introduced in the Today section.

Periodic updates and analyses of the indicators could be done by the City, community partners, universities, research institutions, and urban policy organizations in collaboration with the City.









Measurable Outcome (20 year time horizon)		Current State	2040 Target	Land Use	Housing	Economic Dev.	Health	Mobility	Green Systems
Theme: Safe, Affordable, and Vibrant									
1.	Decrease vacant land (acres)	14	7	●		●			
2.	Decrease surface parking (percent of total area)	7.3	5	●		●			
3.	Increase area eligible for the Walkable Urban Code (percent)	15	100	●	●	●	●	●	●
4.	Decrease housing vacancy rate (percent)	12	9		●	●			
5.	Increase new rental units affordable to median income households (percent of new)	-	30		●	●			
6.	Increase the new ownership units affordable to median income households (percent of new)	-	30						
7.	Decrease house burdened renters (more than 30% of household income on gross rent)	52.2	30		●				
8.	Decrease house burdened owners (more than 30% of household income on mortgage)	-	-		●	●			
9.	Increase properties listed on the Phoenix Register of Historic Places (number)	1	6	●		●			
10.	Add bike lanes to public streets, not including shared lane markings (miles)	6	10	●			●	●	●
Theme: Walkable, Bikeable, and Transit Oriented									
11.	Increase projects utilizing the Walkable Urban Code (percent of new)	0	80	●	●	●	●	●	●
12.	Increase average "Walkscore" (at arterials and 19th Ave, at collectors and 19th Ave)	75, 54	90	●		●	●	●	
13.	Increase average "Bikescore" (at arterials and 19th Ave, at collectors and 19th Ave)	61, 60	75	●		●	●	●	
14.	Increase percent of residents who walk, bicycle, use transit, and carpool to work	13	50	●			●	●	
15.	Increase average daily light rail boardings	7,000	14,000	●			●	●	
16.	Increase miles of collector streets with parking	0	3					●	
17.	Decrease the average annual number of vehicle miles traveled (VMT) per household (miles)	9,200	7,000				●	●	
18	Decrease pedestrian and bicycle Injuries and fatalities over a 5 year period (number)	41	0				●	●	
19.	Increase the percent of households within 1/4 mile walk to public recreation facilities or public open space areas (percent)	18	25	●	●		●	●	
20.	Increase the percent of households within 1/4 mile walk to a grocery store (percent)	17	25		●		●		
21.	Increase the number of intersections per square mile to promote walkability	123	130					●	
22.	Increase the percent households without a vehicle	20	30	●				●	
Theme: Employment, Education and Training									
23.	Increase the number of jobs	15,600	18,000			●			
24	Increase the number of jobs in key industries	3,000	5,000			●			
25.	Increase the percent residents with a post-secondary degree	21	40			●	●		
26.	Decrease the unemployment rate (percent)	-	6			●			
Theme: Outdoor Life and Commerce									
27.	Increase the number of properties on the Phoenix Historic Property Register	1	4	●		●			
28	Increase the number of public art installations	3	6		●	●	●		
29.	Increase the number of public open spaces	2	2	●	●	●			
30.	Increase the percent of total area with surface temperature under 105 degrees	1	10				●	●	●
31.	Decrease the percent of total area with surface temperatures over 130 degrees	8	5				●	●	●
32.	Decrease the percent of impervious groundcover (surface parking lots and roadway surfaces)	19	15	●			●		●

URBAN PRINCIPLE: INFILL DEVELOPMENT

Infill development is the transformation of vacant and underutilized land into productive community resources, either for urban development or as a new amenity for the community. Transforming these lots can eliminate blight, introduce vibrant economic and pedestrian amenities, increase safety, and make an area more comfortable for bicyclists, pedestrians, and entrepreneurs.

- ☑ Safe, Affordable, and Vibrant
- ☑ Walkable and Bikeable
- ☑ Employment, Education, and Training
- ☑ Outdoor Life and Commerce

The measurable outcomes directly aligned with, and achievable by, this urban principle and its strategies.

Measurable Outcome (20 year time horizon)		Urban Principle: Infill Development	People-Oriented Streetscape	People-Oriented Site Design	Placemaking Fundaments
Theme: Safe, Affordable, and Vibrant					
1.	Decrease vacant land (acres)	●		●	
2.	Decrease surface parking (percent of total area)	●		●	
3.	Increase area eligible for the Walkable Urban Code (percent)	●			
4.	Decrease housing vacancy rate (percent)	●			
5.	Increase new rental units affordable to median income households	●			
6.	Increase the new ownership units affordable to median income households	●			
7.	Decrease house burdened renters (more than 30% of household income on rent)	●			
8.	Decrease house burdened owners (more than 30% of household income on mortgage)	●			
Theme: Walkable, Bikeable, and Transit Oriented					
11.	Increase projects utilizing the Walkable Urban Code (percent of new)	●		●	
12.	Increase average “Walkscore” (at arterials and 19th Ave, at collectors and 19th Ave)	●	●	●	●
13.	Increase average “Bikescore” (at arterials and 19th Ave, at collectors and 19th Ave)	●	●	●	●
14.	Increase percent of residents who walk, bicycle, use transit, and carpool to work	●	●	●	
15.	Increase average daily light rail boardings	●	●	●	
17.	Decrease the average annual number of vehicle miles traveled (VMT) per household	●		●	
19.	Increase the percent of households within 1/4 mile of public recreation or open space	●			
20.	Increase the percent of households within 1/4 mile of a grocery store	●			
22.	Increase the percent households without a vehicle	●		●	
Theme: Employment, Education and Training					
23.	Increase the number of jobs	●	●	●	●
24	Increase the number of jobs in key industries	●	●	●	●
Theme: Outdoor Life and Commerce					
27.	Increase the number of properties on the Phoenix Historic Property Register	●			●
28	Increase the number of public art installations	●	●	●	●
29.	Increase the number of public open spaces	●	●	●	

Strategy 1: Expand the Walkable Urban Code to all of 19North and Apply to Future Projects



1.a. Encourage mixed-use projects within 1/2 mile of light rail:

Projects that include a mix of land uses - most often residential, employment, and service or retail amenities - provide "eye's on the street" at all times of day, contribute to a sense of security and vibrancy, and add both amenities and an additional economic viability.

Measurable Outcomes: 1, 2, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 17



1.b. Require pedestrian oriented frontages:

Pedestrian Oriented Frontages may include storefront windows, roll-up shop doors, residential patios, or public open spaces. These features make the streets and sidewalks come alive with activity, commerce, and a sense of ownership. Conversely, development should prohibit blank walls or parking areas between the building and the curb which disrupts pedestrian circulation, comfort, and visual interest.

Measurable Outcomes: 11, 12, 13, 15, 17, 28, 29



1.c. Integrate public open spaces into projects:

Infill development projects are an opportunity to create public open spaces from previously auto-dominated sites; by integrating public open spaces into redevelopment, the corridor can gain visual interest, destinations, and become more desirable as a place to live, work, and play.

Measurable Outcomes: 11, 12, 13, 14, 15, 19, 28, 29

INFILL DEVELOPMENT

Strategy 2: Promote adaptive reuse of underutilized land and buildings



2.a. Encourage adaptive reuse of underutilized buildings

Much of the land in the planning area has already been developed over the history of the corridor. Ingrained in these buildings is the collective history of the area; the conversion of these old buildings, sometimes even those often overlooked, can created beloved community assets. The City of Phoenix Office of Customer Advocacy assists with the adaptive reuse projects and has an exceptional inventory of meaningful projects.

Measurable Outcomes: 12, 13, 14, 20, 22, 23, 24





2.b. Repurpose and redevelop surplus parking areas

Often parking areas are the most inefficient resources in urban corridors. By leveraging high capacity transit to reducing parking demand, reconfiguring parking lots for greater efficiency, and utilizing shared parking models, surplus parking areas can be repurposed for development, pedestrians, or amenities. Improvements to former parking lots should include additional pedestrian amenities, outdoor commerce, active frontages, and ample shade.

Measurable Outcomes: 2, 12, 13, 15, 20



2.c. Retrofit existing development with intensity and pedestrian-oriented features

When commercial and multifamily property owners choose to reinvest in their properties, it is a great opportunity to integrate additional pedestrian features and additional intensity. Examples may include: shaded pedestrian routes between the sidewalk and entries, new entryways oriented to the sidewalk. A central feature walkable districts is the concentration of complementary uses; existing uses should be preserved and new uses added when practical.

Measurable Outcomes: 2, 5, 6, 14, 15, 17, 22, 28, 29

Strategy 3: Utilize the Place Types from the Strategic Policy Framework

The City's *Transit Oriented Development Strategic Policy Framework* provides guidance on the appropriate scale and intensity of development within walking distance of all light rail stations through the use of "Place Types."
Measurable Outcomes: 1, 2, 3, 5, 6, 11, 12, 13, 19, 20, 22

Scale and Intensity

Commercial / Mixed-use	Residential
4 - 5 Story Configuration 	**+3 Story Multifamily** 
2 - 4 Story Configuration 	**2 Story Multifamily** 
2 Story Configuration 	**Single-Family** 

URBAN PRINCIPLE: PEOPLE-ORIENTED STREETSCAPE

A street environment includes: 1) the transportation realm (the light rail and vehicular lanes) to move people; 2) the pedestrian realm including the sidewalks, crosswalks, and patios to allow people to walk, gather, and patronize businesses; and 3) the business interface (access to commerce) which functions as the front door for commerce.. These elements must achieve balance to operate effectively for all users.

- ☑ **Safe, Affordable, and Vibrant**
- ☑ **Walkable and Bikeable**
- ☑ **Employment, Education, and Training**
- ☑ **Outdoor Life and Commerce**

The measurable outcomes directly aligned with, and achievable by, this urban principle and its strategies.

	Measurable Outcome (20 year time horizon)	Urban Principle: Infill Development	People-Oriented Streetscape	People-Oriented Site Design	Placemaking Fundaments
Theme: Safe, Affordable, and Vibrant					
10.	Add bike lanes to public streets, not including shared lane markings (miles)		●		●
Theme: Walkable, Bikeable, and Transit Oriented					
12.	Increase average “Walkscore” (at arterials and 19th Ave, at collectors and 19th Ave)	●	●	●	●
13.	Increase average “Bikescore” (at arterials and 19th Ave, at collectors and 19th Ave)	●	●	●	●
14.	Increase percent of residents who walk, bicycle, use transit, and carpool to work	●	●	●	
15.	Increase average daily light rail boardings	●	●	●	
16.	Increase miles of collector streets with parking		●	●	
17.	Decrease the average annual number of vehicle miles traveled (VMT) per household		●		●
18	Decrease pedestrian and bicycle Injuries and fatalities over a 5 year period (number)		●	●	
Theme: Employment, Education and Training					
23.	Increase the number of jobs	●	●	●	●
24	Increase the number of jobs in key industries	●	●	●	●
Theme: Outdoor Life and Commerce					
28	Increase the number of public art installations	●	●	●	
29.	Increase the number of public open spaces	●	●	●	
32.	Decrease the percent of impervious groundcover (surface parking lots and roadway surfaces)		●	●	

Strategy 1: Promote pedestrian plazas and open spaces at key locations



1.a. Encourage sidewalk-oriented cafes:
Sidewalk cafes encourage pedestrian activity, improve safety and comfort, and invigorate the economic and social vitality of the street. Sidewalk cafes can be achieved on wide (or widened) sidewalks, in shared plazas, as parklets as described below, or in setback areas. Sidewalk cafes promote pedestrian traffic and safety by reducing traffic speeds, incorporating pedestrian lighting with bollards, planters with plants and on-street parking. *Measurable Outcomes: 12, 13, 14, 15*



1.b. Implement "parklets" to add pedestrian and economic vitality:
A "parklet" is a small open space that is often as an extension of the sidewalk using space formerly occupied by on-street parking or travel lanes. A parklet adds pedestrian and economic vitality to an area once dominated by vehicular traffic to change the feel of the street. Parklets may include greenery, shade, seating, bicycle parking, art, and interactive features. Parklets can be provided as a temporary intervention or as a permanent installation. *Measurable Outcomes: 12, 13, 28, 29*



1.c. Provide paseos through developments and to destinations:
Paseos are shaded pedestrian streets with gathering spaces, intimate art and sculptural elements, and human scale lighting lined with active uses and business entries. A paseo, when designed well, can become a destination in and of itself while also serving to physically connect destinations within a larger area. *Measurable Outcomes: 14, 15, 18, 23, 24, 32*

PEOPLE-ORIENTED STREETSCAPE

Strategy 2: Design streets for all user groups including pedestrians and bicyclists



2.a. Require detached and shaded sidewalks:
Shaded and detached sidewalks are safer, more comfortable, and more frequently used. Sidewalks should be wide enough to promote pedestrian activity (at least 6 feet wide), landscape areas should be large enough to support shade trees for the long term (at least 6 feet wide), and the sidewalk area should be shaded to at least 75%. In areas where utility conflicts preclude trees, sidewalks should be detached and alternatives explored to provide shade.
Measurable Outcomes: 12, 13, 14, 15, 16



2.b. Require conveniently located bicycle infrastructure and outward facing building entries:
Bicycle parking and bicycle fix-it stations promote multi-modal transportation and extends the viability of transit by providing an extended "last mile" solution. Residential and employee parking should be provided secure bicycle parking facilities and guest. This strategy focuses on situating bicycle parking as an extension of the streetscape in, or adjacent to, the public right of way to ensure they are convenient and highly visible.
Measurable Outcomes: 10, 12, 13, 14, 18, 23



2.c. Create a clear boundary between the vehicular and pedestrian realms:
Physical barriers such as low hedges, a landscaped area, or artistic treatment should buffer the sidewalk from vehicular traffic. By buffering the pedestrian realm, the sidewalks can become a safe and comfortable place to walk and enjoy; in some cases, it may be appropriate to buffer the pedestrian zone with vehicular parking. Once the pedestrian realm is safe and comfortable, it can be programmed with pedestrian lighting, cafes, art, and other items to activate the space.
Measurable Outcomes: 12, 13, 14, 15, 18

Strategy 3: Utilize street design for placemaking and as a catalyst for district enhancement



3.a. Implement decorative and high visibility crosswalks :

Painted crosswalks can contribute to enhanced safety for pedestrians, create a sense of place, and promote activation of nearby public space and economic development. Enhanced crosswalks can be provided as a temporary intervention or as a permanent installation

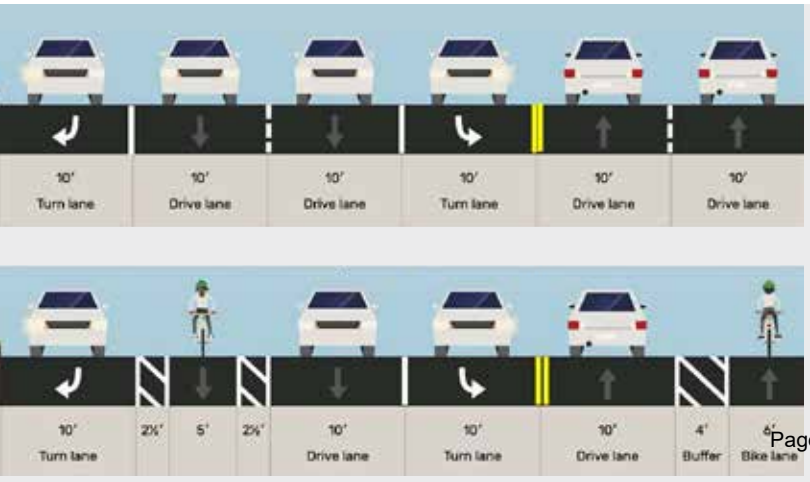
Measurable Outcomes: 12, 13, 14, 18



3.b. Implement protected and context appropriate bicycle facilities :

The National Association of City Transportation Officials *Urban Bikeway Design Guide* contains a hierarchy of bicycle facilities and their appropriateness for street environments. Protected bike lanes offer barriers from vehicular traffic such as raised curbs, flexible lane delineators, or landscape areas. Protected bike lanes provide a dedicated space for bicyclists and further separate the sidewalk from high-speed vehicular traffic.

Measurable Outcomes: 10, 13, 14, 18



3.c. Explore and encourage roadway reconfigurations

Support reconfigured roadways to lower vehicular speeds, to allocate space for alternative road users, and to decrease pedestrian crossing distances. The Solano ReinventPHX Plan contains street sections that, for consistency between the planning areas, should be considered for capital projects. These factors should be prioritized for transit streets to improve pedestrian safety and comfort.

Measurable Outcomes: 10, 12, 13, 14, 16, 18

URBAN PRINCIPLE: PEOPLE-ORIENTED SITE DESIGN

A segment of virtually every trip is completed as a pedestrian; whether by train, by bus, or when a driver arrives at their destination and exits their car door, everyone becomes a pedestrian daily. As such, both sites and streets should be designed with pedestrian infrastructure at the forefront.

- ☑ Safe, Affordable, and Vibrant
- ☑ Walkable and Bikeable
- ☑ Employment, Education, and Training
- ☑ Outdoor Life and Commerce

The measurable outcomes directly aligned with, and achievable by, this urban principle and its strategies.

Measurable Outcome (20 year time horizon)		Urban Principle: Infill Development	Urban Principle: People-Oriented Streetscape	Urban Principle: People-Oriented Site Design	Urban Principle: Placemaking Fundaments
Theme: Safe, Affordable, and Vibrant					
1.	Decrease vacant land (acres)	●		●	
2.	Decrease surface parking (percent of total area)	●		●	
Theme: Walkable, Bikeable, and Transit Oriented					
11.	Increase projects utilizing the Walkable Urban Code (percent of new)	●		●	
12.	Increase average “Walkscore” (at arterials and 19th Ave, at collectors and 19th Ave)	●		●	●
13.	Increase average “Bikescore” (at arterials and 19th Ave, at collectors and 19th Ave)	●		●	●
14.	Increase percent of residents who walk, bicycle, use transit, and carpool to work	●		●	
15.	Increase average daily light rail boardings	●		●	
17.	Decrease the average annual number of vehicle miles traveled (VMT) per household	●		●	
18	Decrease pedestrian and bicycle Injuries and fatalities over a 5 year period (number)			●	
22.	Increase the percent households without a vehicle	●		●	
Theme: Employment, Education and Training					
23.	Increase the number of jobs	●		●	●
24	Increase the number of jobs in key industries	●		●	●
Theme: Outdoor Life and Commerce					
28	Increase the number of public art installations	●	●	●	●
29.	Increase the number of public open spaces	●	●	●	
30.	Increase the percent of total area with surface temperature under 105 degrees			●	
31.	Decrease the percent of total area with surface temperatures over 130 degrees			●	
32.	Decrease the percent of impervious groundcover (surface parking lots and roadway surfaces)		●	●	

Strategy 1: Retrofit and redevelop surplus land for pedestrian-oriented development





1.a. Require shaded and separated paseos through Sites :

Comfortable and clearly delineated pedestrian ways encourage patrons to walk from place to place within a development. When retrofitting or developing a property, pedestrian ways should be shaded to 75% and be separated from vehicular circulation areas with broad landscape areas. Where a path must cross a drive aisle, the path should be raised or delineated by a material or color change.

Measurable Outcomes: 2, 11, 12, 13, 14, 15, 17, 18, 22, 30, 31, 32



1.b. Redevelop underutilized parking lots and encourage shared parking configurations :

Much of the land in our city is occupied by large single-user parking areas which sit underutilized much of the time. With high-capacity transit, smart parking policies, and emerging technologies, this surplus land can be adapted and redeveloped. A shared parking model leverages the fact that often parking demand occurs at different times for different users. New parking structures or parking areas should be screened from the street and sidewalk by liner buildings to avoid blank walls along the pedestrian realm.

Measurable Outcomes: 1, 2, 12, 13, 15, 17, 23, 24, 28, 29, 30, 31, 32



1.c. Require dual purpose traffic calming :

Traditional traffic calming devices focus primarily on slowing vehicular traffic. Dual purpose devices such as speed tables, bulb-outs, and chicanes both slow traffic and increase pedestrian safety but making them more visible and decreasing the pedestrian crossing distance. Dual purpose traffic calming can be implemented in both public street environments and private site development.

Measurable Outcomes: 23, 24, 25, 26

PEOPLE-ORIENTED SITE DESIGN

Strategy 2: Require pedestrian and bicycle facilities in new and retrofit projects



2.a. Require convenient bicycle facilities in all development :

In the same way that a driver has come to expect a parking space at both their origin and destination, developments in 19North shall include facilities to serve the growing demand (current and latent) for individuals who utilize a bicycle for even a portion of their daily transportation. Facilities include bicycle parking (long and short term), showers, and repair facilities. These amenities can also be an opportunity to brand the community and activate street frontages.

Measurable Outcomes: 11, 13, 14, 17, 18, 22, 23



2.b. Require building entries be oriented to public sidewalks and paseos :

Buildings are nearly always designed to greet people for how they are expected to arrive and for many years this meant orienting the entrance to the parking lot. In the new model of transit oriented development, it means designing for patrons on-foot. Therefore, buildings should be designed to face the public sidewalk, paseos, and any public open spaces and plazas. By creating lively pedestrian pathways, it is then possible to create "park-once" districts with multiple complementary ventures.

Measurable Outcomes: 11, 12, 13, 14, 18, 30, 31, 32



2.c. Design sites for safety, security, and vitality :

Site design should focus on how individuals will experience the space. This strategy asks that sites be designed to answers the following questions: 1) do the common areas clearly belong to someone; 2) are the intended uses of the space clearly defined; and 3) does the physical design match the intended use? An example analysis for a pedestrian pathway follows: is visible from end-to-end, is it illuminated, and is it visible and directly accessible from adjacent dwellings?

Measurable Outcomes: 1, 2, 14, 17, 18, 22, 29

Strategy 3: Design for and encourage the creation of "park-once" (or walk-up) districts



3.a. Encourage the creation of "park-once" (or walk-up) districts

Virtually all trips include a pedestrian component. By orienting buildings to safe and comfortable pedestrian ways, it becomes possible (and attractive) for a patron to visit multiple businesses without short vehicle trips; further, by clustering businesses together and near both transit and a strong pedestrian environment, the land use is inherently walkable and transit oriented. Additionally, integrated wayfinding signage can direct pedestrian visitors to local landmarks and amenities on foot.

Measurable Outcomes: 11, 12, 13, 14, 15, 17, 22, 23, 24



3.b. Promote "pedestrian-first" restaurant models and discourage auto-oriented design

Restaurants, coffee shops, and other retailers play an important role in transit oriented and community development; they provide amenities, a comfortable and neutral "third place" between home and work, and often contribute a certain vitality to the area. Development along arterial and collector streets should apply a "pedestrian-first" model in which dine-in facililies (including patios) comprise the majority of the site visible from the street.

Measurable Outcomes: 11, 12, 13, 14, 15, 17, 18, 22



3.c. Reduce the number of driveways along 19th Avenue

Frequent driveways interrupt the pedestrian environment and make the area uncomfortable and often unsafe. By reducing the total number of driveways along 19th Avenue, orienting business entrances to the sidewalk, and promoting a mix of complementary uses, the area will be more viable for walking.

Measurable Outcomes: 12, 13, 14, 18

URBAN PRINCIPLE: PLACEMAKING FUNDAMENTALS

Much of revitalization is achieved through policy guidance and advocacy for high quality features (examples: shaded sidewalks, active frontages, and pedestrian pathways), however, many of the things that make a place truly remarkable are the small details and the community relationships formed.

- ☑ **Safe, Affordable, and Vibrant**
- ☑ **Walkable and Bikeable**
- ☑ **Employment, Education, and Training**
- ☑ **Outdoor Life and Commerce**

The measurable outcomes directly aligned with, and achievable by, this urban principle and its strategies.

Measurable Outcome (20 year time horizon)		Planning Element: Infill Development	People-Oriented Streetscape	People-Oriented Site Design	Placemaking Fundaments
Theme: Safe, Affordable, and Vibrant					
9.	Increase properties listed on the Phoenix Register of Historic Places (number)				●
10.	Add bike lanes to public streets, not including shared lane markings (miles)		●		●
Theme: Walkable, Bikeable, and Transit Oriented					
12.	Increase “Walkscore” (Average of arterials at 19th Avenue, average of collectors at 19th Avenue)	●	●	●	●
13.	Increase “Bikescore” (Average of arterials at 19th Avenue, average of collectors at 19th Avenue)	●	●	●	●
16.	Increase miles of collector streets with parking		●		●
21.	Increase the number of intersections per square mile to promote walkability				●
Theme: Employment, Education and Training					
23.	Increase the number of jobs	●	●	●	●
24	Increase the number of jobs in key industries	●	●	●	●
25.	Increase the percent residents with a post-secondary degree				●
26.	Decrease the unemployment rate (percent)				●
Theme: Outdoor Life and Commerce					
27.	Increase the number of properties on the Phoenix Historic Property Register	●			●
28	Increase the number of public art installations	●	●	●	●

Strategy 1: Establish and advance district branding



1.a. Support the inclusion of district branding into public and private improvements.

19North has made significant progress in branding the area through the use of its logo, the installation of banners, and the creation of the community garden which advances the citrus theme. Additional opportunities include incorporating elements of the brand into bike racks, sidewalk insets, murals, enhanced crosswalks, and in wayfinding signage to local landmarks and amenities.

Measurable Outcomes: 12, 13, 28



1.b. Establish character area development standards for 19North:

An element of the Walkable Urban Code is the inclusion of character area design standards for each of the policy plan area; as an extension of these plan areas, 19North has the opportunity to establish additional design standards. The consistent application of character treatments over time will reinforce the feel that 19North wants to achieve. Based on public input, conceptual character guidelines are contained in the appendix.

Measurable Outcomes: 10, 12, 13, 16, 21



1.c. Promote a landscape palette that symbolizes the context of the area :

An specific landscape palette, implemented over time, can help articulate the history of the area and create continuity among developments resulting in an easily achieved sense of place (example: Central Avenue, Palm Lane, or South 32nd Street). A landscape palette for 19North should be diverse, representative of the area, be a native species, and function to shade the pedestrian realm.

Measurable Outcomes: 12, 13

PLACEMAKING FUNDAMENTALS

Strategy 2: Encourage public and private art



2.a. Encourage art that reflects the community and its aspirations

Art should be representative of the community and be scaled appropriately with respect to the associated project. Public facing art can be archived in many ways such as but not limited to: murals, landscaping, sculptures, street furniture, or infrastructure such as bridges. The Arts and Culture Department and Valley Metro can be used as resources to find resources for art development including those aligned with larger capital projects.

Measurable Outcome: 28



2.b. Use art to create a sense of community

When used effectively, art is placemaking, economic development, and a reflection of identity and values. The installation must be tailored to its context, thoughtful to its desired audience, and complemented by the urban design and land use decisions surrounding it. Projects should create visual interest and excitement while facilitating social connections, historic awareness, economic development, and capacity building.

Measurable Outcomes: 12, 13, 28



2.c. Use participatory art to create vibrant spaces and engaged communities

Under the guidance of a professional artist, participatory art is a way of pulling together members of the community to create a piece of collaborative art. Participatory art can be permanent or temporary, on public or private land, and be large or small, but it should always seek to truly make its participants into community stakeholders.

M*easurable Outcomes: 10, 16, 28*

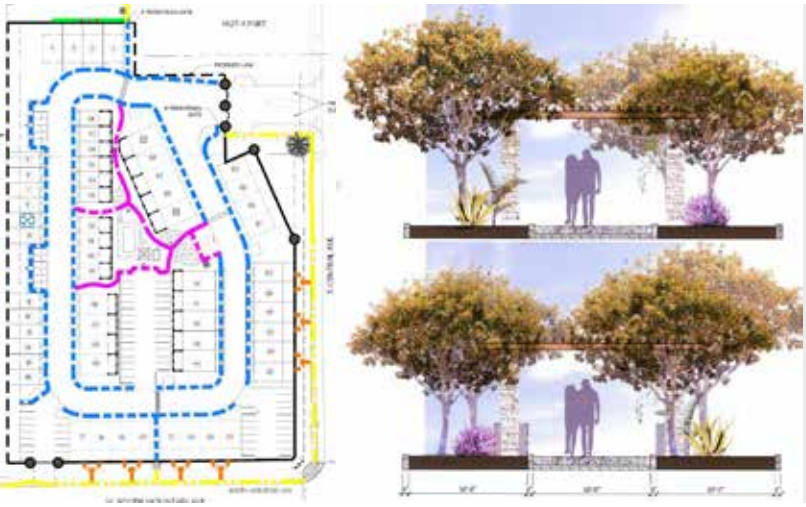
Strategy 3: Promote walkable design



3.a. Promote small development blocks and paths through large developments :

Previous developments have resulted in superblocks that catered to the automobile and not pedestrians. New developments should create small blocks and break up buildings. These can be achieved by providing enhanced pedestrian connections, pedestrian only thoroughfares that can connect along an entire block. Existing developments can be retrofitted with paseos to allow a resident or pedestrian to navigate through a development on foot.

Measurable Outcomes: 12, 13, 16, 21



3.b. Encourage of pedestrian circulation plans in private developments :

In much the same way that developments are critically reviewed for flow, circulation, and potential conflicts, developments should be evaluated through the same lens, but for the people on foot. A pedestrian circulation plan should depict convenient and direct pathways between destinations, minimize vehicular conflicts, and include features - such as art, shade, and intentional vistas - to promote walking as a site amenity.

Measurable Outcomes: 12, 13



3.c. Use pilot projects to demonstrate opportunities for walkability and placemaking :

The power of a plan comes from the willingness of individuals to come together to make their community a more livable place. Demonstration projects allow constituents to come together to test ideas in a temporary or reversable manner. Example projects include sidewalk oriented cafes, plazas, art installations, traffic calming, and wayfinding signage to local landmarks and amenities.

Measurable Outcomes: 10, 12, 13, 16, 21

PLACEMAKING FUNDAMENTALS

Strategy 4: Develop and implement a atrategy for business recruitment and retention



4.a. Partner with the Community and Economic Development Department to promote 19North :

The Community and Economic Development promotes and facilitates economic development activities throughout the City of Phoenix. The department, in partnership with 19North could promote the vision for a transit oriented destination district to local developers, investors, and businesses owners. 19North is identified as a retail corridor and this partnership may be expanded to focus more urban and destination based prospects into the corridor.

Measurable Outcomes: 23, 24, 26



4.b. Leverage opportunity zone designations for responsible reinvestment :

The federal program is designed to offer tax advantages for reinvestment in designated Opportunity Zones. A condition of the program is the existence of a plan for the type of development desired. This recommendation is the creation of a sub-area plan for priority redevelopment areas which articulates a further desire for walkable and transit oriented development that is tailored to the requirements of the Opportunity Zone program.

Measurable Outcomes: 9, 23, 24, 27



4.c. Explore the creation of job training opportunities and facilities :

The district contains multiple schools, colleges, local businesses, and a public library; any of these could be home to a job training program to develop skill proficiency for jobs in key industries. By building a skilled workforce, it is possible to decrease local unemployment and increase the ability to attract new employers to the area.

Measurable Outcomes: 23, 24, 25, 26

Strategy 5: Enhance educational opportunities and workforce development



5.a. Partner with local schools to provide community engagement activities :
Local schools are a tremendous community partner and these schools have already been engaged in the revitalization of 19North. Further engagement should be tailored to engage individuals, especially the youth, in the leadership of their neighborhoods; these individuals are literally the next generation and community engagement should be tailored to prepare them for their future responsibilities to their community.
Measurable Outcomes: 23, 24, 25, 26



5.b. Partner with local schools to develop job training opportunities :
The local schools have been a strong partner in 19North for many years. By continuing to foster this partnership, 19North can become an extension of the classroom and a place for students to practice, learn, and return upon the completion of their education.
Measurable Outcomes: 23, 24, 25, 26



5.c. Promote the expansion and reinvestment of local colleges, trade schools, and internships :
Higher education and real-world experience forge skill proficiency in desired fields and connections with employers. By building a skilled and connected workforce, it is possible to decrease local unemployment and increase the ability to attract new employers to the area.
Measurable Outcomes: 23, 24, 25, 26

HOW WE GET THERE: **ACTION PLAN**

Existing Capacity and **the stage for success**

The not-for-profit "19North" was established to strengthen the area that would only later become universally known as "19North."

Unlike other areas that convene a leadership committee around a planning effort, the planning effort in 19North convened around its existing multi-agency and multi-discliplinary entity - the 19North Community Alliance is comprised of neighborhood leaders, business leaders, the city council offices, community-oriented non-profits, and multiple city departments.

Before the formal planning effort even began, this organization was preaching the vision of safety, security, and vitality and had already achieved major successes. These early efforts established their credibility and built their capacity that can now be pointed toward the vision of this policy



The multi-agency leadership team already driving implementation

Planning and Implementation: **early achievements**

Like many neighborhood groups, early efforts focuse on the most evident problems facing the district - vacant lots and blighted properties; however, the positive vision of the 19North Community Alliance quickly asked the question of these properties, "how can we make these something special for the community?"

This simple question, applied broadly and in a manner of focused on collaboration:

- encouraged many multifamily complexes to make reinvestments,
- promoted community-oriented redevelopment of key properties including affordable housing,
- led to the creation of a first-class community garden and its own governing board,
- and led to the completion of branding efforts including murals and enhanced bus stops.



Promoting Reinvestment



Action Plan **2021 - 2026**

The Action Plan outlines tasks designed to jump-start the implementation of the vision. Each Action item is assigned to partner category - Government, Community or Business - that is most suited to lead the task. Success will be based on these partnerships and effective collaboration as the vision cannot be achieved solely by one constituent group. To facilitate progress, the type of implementation tool used for each action step is indicated and includes Codes, Financing, Knowledge, Plans, Operations and Partnerships, which are further detailed below. The Action Plan should be reviewed regularly and updated often to create

Implementation : **Partners and Tools**

Government Partners include local, state, and federal agencies.

Business Partners include banks, real estate developers, and private companies, ranging from large corporations to small mom n' pop shops.

Community Partners include not-for-profits, foundations, schools, neighborhood associations, and individual residents.

Code Tools are regulations, such as zoning, that can encourage or discourage different patterns and forms of urban development

Financing Tools refer to grants, loans, bonds, taxes, and government funding programs.

Knowledge Tools means capacity building forums, professional training, and seminars to promote technical understanding.

Plan Tools include engineering studies, best practices research, redevelopment areas, market analyses and other similar documents.

Operations Tools are management practices such as inter-departmental coordination, decision making transparency and approaches to service delivery.

Partnership Tools are mutually beneficial agreements between two or more parties such as joint use agreements, development agreements or corporate sponsorships.



Enhancing Infrastructure



Creating Community Spaces





Five Year Action Plan:

The first steps to implementing the community vision, organized by vision theme, lead agency, and time horizon.

	Action Items (5 year time horizon)	Tool	Lead: Government	Lead: Business	Lead: Community	Time Required: Ongoing	Time Required: Short Term	Time Required: Mid Term	Time Required: Long Term
Theme: Walkable, Bikeable, and Transit Oriented									
1.	Create a fact sheet about the Complete Street Concept for property owners on 19th Avenue	Knowledge	●				●		
2.	Provide transit passes for sale at employers and service establishments along 19th Avenue	Operations		●			●		
3.	Complete or pilot a minimum of three active transportation improvement projects in alignment with the community vision and to provide safe convenient connections to and from existing light rail stations	Plan	●					●	
4.	Pursue partnership for clustering of mobility enhancements around transit stations such as secure bike parking and wayfinding to community identified assets	Plan	●						●
5.	Complete an active transportation analysis through the Street Transportation Department's T2050 Mobiility Improvements Program	Plan	●					●	
6.	Identify opportunities to coordinate with Neighborhood Services Department in aligning the Consolidated Plan with the Vision and Strategies contained in the 19North Policy Plan	Partnership			●		●		
7.	Coordinate Transportation Programs, particularly the City of Phoenix Capital Improvement Program, with the Vision and Strategies in the 19North Policy Plan	Operations			●			●	
8.	Support increased public transit usage through a marketing campaign distributed via small businesses, apartment communities, large employers, educational institutions, and neighborhood associations.	Operations			●	●			
9.	Pursue grant and funding for a corridor wide infrastructure needs assessment to analyze impacts and trade-offs of a complete street concept for 19th Avenue and a District Parking program for 19North	Finance	●			●			
10.	Support transit oriented redevelopment of the Christown Spectrum Mall (the Alhambra Village Core) in a manner generally consistent with that envisioned by the Solano Policy Plan	Plan			●	●			
11.	Support transit oriented redevelopment of the Metrocenter Mall (the North Mountain Village Core)	Plan			●	●			
12.	Develop and implement a system of wayfinding signage to direct visitors to local landmarks and amenities such as Washington Park	Plan			●		●		

Five Year Action Plan:

The first steps to implementing the community vision, organized by vision theme, lead agency, and time horizon.

	Action Items *(cont.)* (5 year time horizon)	Tool	Lead: Government	Lead: Business	Lead: Community	Time Required: Ongoing	Time Required: Short Term	Time Required: Mid Term	Time Required: Long Term
Theme: Employment, Education and Training									
13.	Sponsor an Adopt a Street program for segments of 19th Avenue	Partnership		●			●		
14.	Create marketing materials for development sites	Knowledge	●				●		
15.	Write a federal grant for economic development assistance to encourage healthcare job growth	Finance	●					●	
16.	Write a grant for enhanced school enrichment activities and community improvement projects at schools within 19North corridor	Finance			●			●	
17.	Hold a capacity building forum on Community Development Corporations and identify a lead non-profit within the planning area	Knowledge		●				●	
18.	Pursue partnerships to provide elementary students with free access to educational destinations	Partnership	●				●		
Theme: Outdoor Life and Commerce									
19.	Hold a community tree planting event in walking corridors to light rail stations	Partnership			●		●		
20.	Research utility spacing standards to identify the potential to improve the ability to plant shade trees that will grow to full size	Knowledge	●				●		
21.	Hold a professional training forum on financing methods for Green Infrastructure, including the Water Infrastructure Financing Authority	Knowledge	●				●		
22.	Write a Green Infrastructure grant to promote the conversion of surplus parking areas	Finance	●					●	
23.	Identify city owned properties appropriate to develop and rezone to the Walkable Urban Code	Partnership	●					●	
24.	Rehabilitate one commercial façade with Community Development Block Grant storefront funds or other source.	Finance	●					●	
Theme: Safe, Affordable, and Vibrant									
25.	Hold three neighborhood events, such as cleanups and celebrations	Partnership			●	●			
26.	Complete three beautification projects such as murals, colorful branding, and tree plantings	Partnership			●	●			
27.	Hold a property owner workshop to educate on sites and neighborhoods potentially eligible for the Phoenix Register of Historic	Knowledge	●				●		
28.	Hold a workshop to educate on the Walkable Urban Code, why it is important, and how it is used	Knowledge	●				●		
29.	Identify code violations and issue notices to property owners	Operations	●			●			
30.	Complete three housing rehabilitation projects in each of the one-mile station areas along 19th Avenue	Partnership			●		●		
31.	Position a new or retrofit project as a demonstration of walkable urban housing that can serve as an example for the development community	Partnership	●	●	●			●	
32.	Develop a mixed-use housing demonstration project	Partnership	●	●	●			●	
33.	Support the creation of a mixed income housing demonstration project	Partnership	●	●	●			●	





APPENDIX



A1: ANATOMY OF A PASEO


Natural surveillance
Pedestrian scale lighting
Shaded for beauty and comfort
Activated by amenities

19North

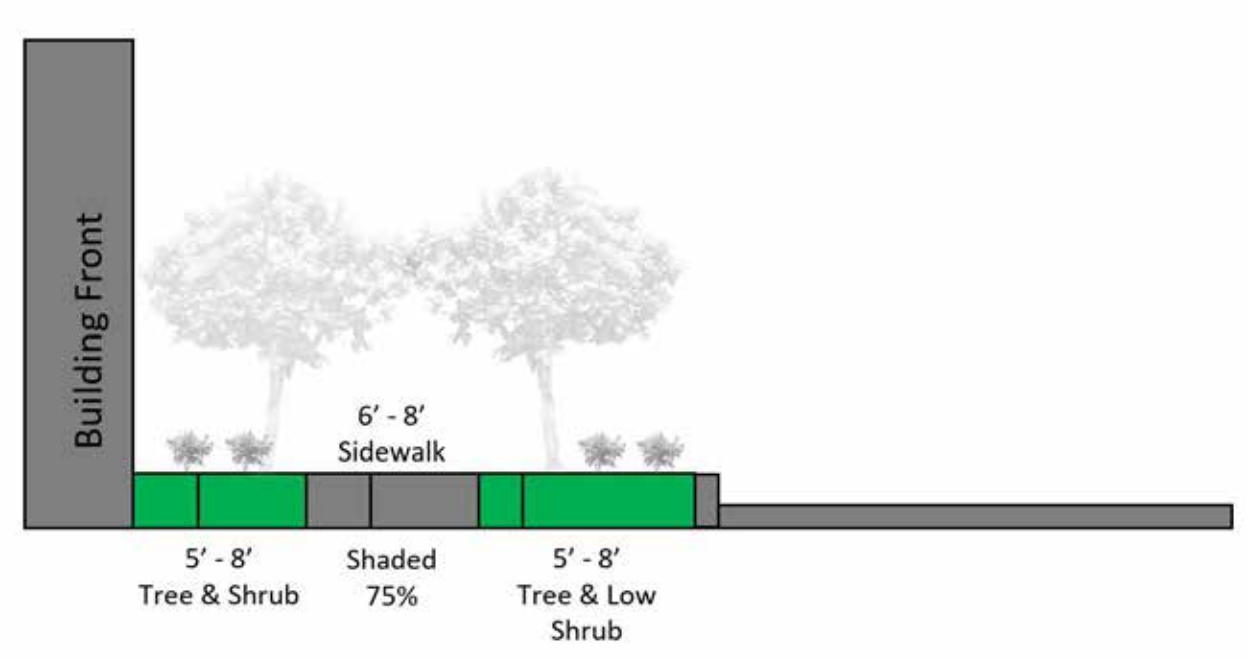
Draft Character Area Development Standards

1. **Establish character area development standards for 19North:**
   An element of the Walkable Urban Code is the inclusion of character area design standards for each policy plan area; as an extension of these plan areas, 19North has the opportunity to articulate regulatory streetscape design standards. The consistent application of character treatments will reinforce the feel that 19North wants to achieve. Based on public input through this process, preliminary findings propose:

   a broad setback from 19th Avenue with pedestrian ways shaded to 75% (8-10' landscaped area planted with trees and shrubs, 6-8' sidewalk, and 5-8' landscaped area planted with shrubs and trees).

   a build-to line on 19th Avenue to support consistent redevelopment that addresses the shaded public sidewalk.

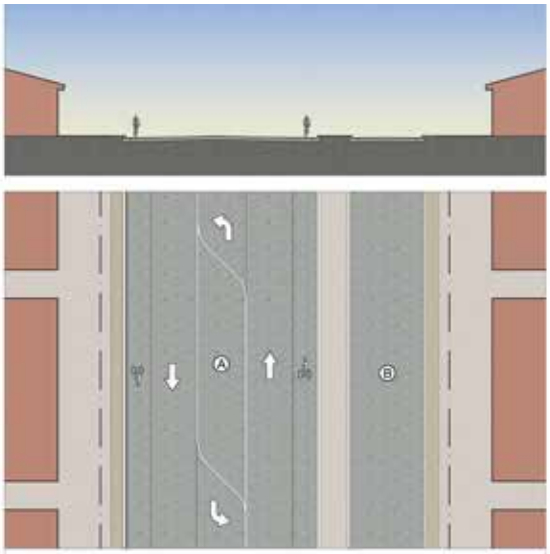
   a landscape palette for private trees that may pay homage to the historic citrus groves and public trees including large canopy shade trees.



A2: DRAFT CHARACTER AREA STANDARDS

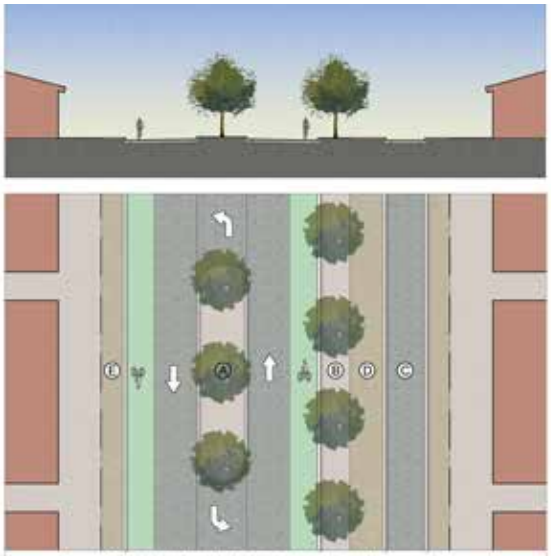
ReinventPHX Solano Plan: Conceptual Reconfiguration of 15th Avenue

Current Condition



A. Existing 1x1 with turn lane and bike lanes each side
B. Slip lane

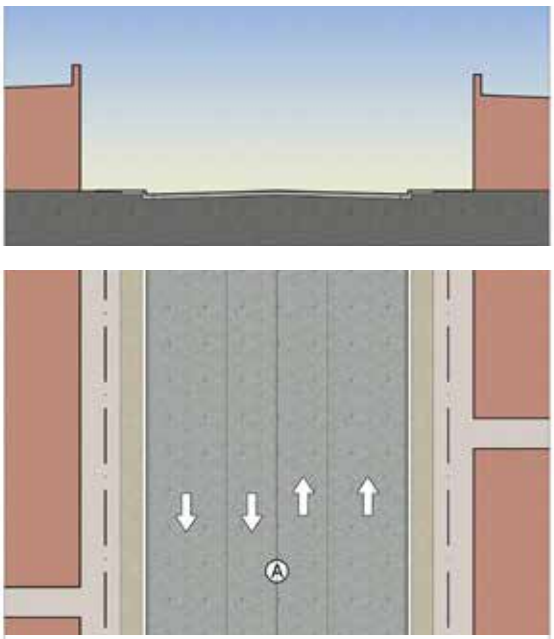
Concepual



A. Landscaped median (reduce pervious surfaces)
B. Add shade trees to existing median
C. Convert 2-way slip lane to one-way slip lane
D. Add sidewalk
E. Provide min. 5' sidewalk, 8' recommended within 2 blocks of light rail corridor.

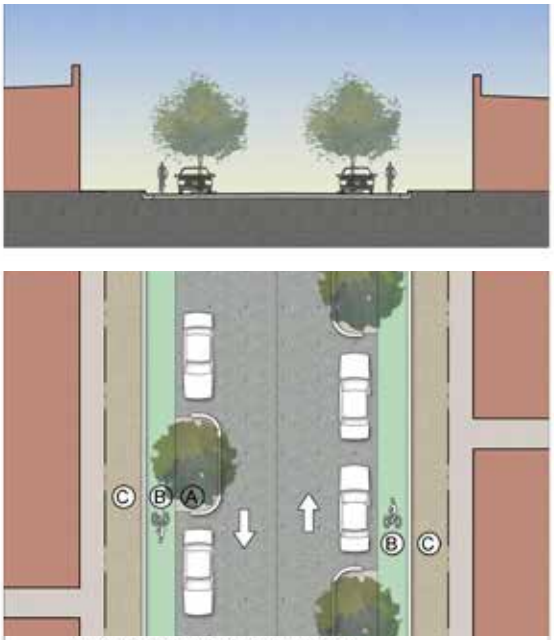
ReinventPHX Solano Plan: Conceptual Reconfiguration for Collector Streets

Current Condition



A. Existing 2x2

Concepual



A. Add tree pockets ith parallel parking
B. Bike lane
C. Expand sidewalk to min. 8' at major intersections and transit stops

A3: WALKABLE URBAN CROSS SECTIONS, SOLANO PLAN

Included by reference.
Available as a separate attachment (68 pages)

A4: VISIONING DOCUMENT, SMITH GROUP

19 NORTH
RETAIL CORRIDOR

19 North is an emerging, multigenerational community who pride themselves on their place-based community development where every business thrives, every student succeeds and every neighborhood is safe.







10 Minute Drive

26% of residents are under the age of 18

The average age of residents is **37**

The average household income is **$66,270**

2019 Population: 238,642

2024 Projection: 250,637





A5: RETAIL CORRIDOR MARKETING ANALYSIS

Conceptual: 19th Avenue and Glendale Avenue



Conceptual: 19th Avenue and Glendale Avenue



A6: ADDITIONAL CORRIDOR RENDERINGS

Conceptual: 19th Avenue and Glendale Avenue



Conceptual: 19th Avenue and Glendale Avenue



Conceptual: 19th Avenue and Glendale Avenue



Conceptual: 19th Avenue and Northern Avenue



Conceptual: 19th Avenue and Northern Avenue



Conceptual: 19th Avenue and Northern Avenue



Conceptual: 19th Avenue and Northern Avenue



Conceptual: 19th Avenue and Dunlap Avenue



Conceptual: 19th Avenue and Dunlap Avenue

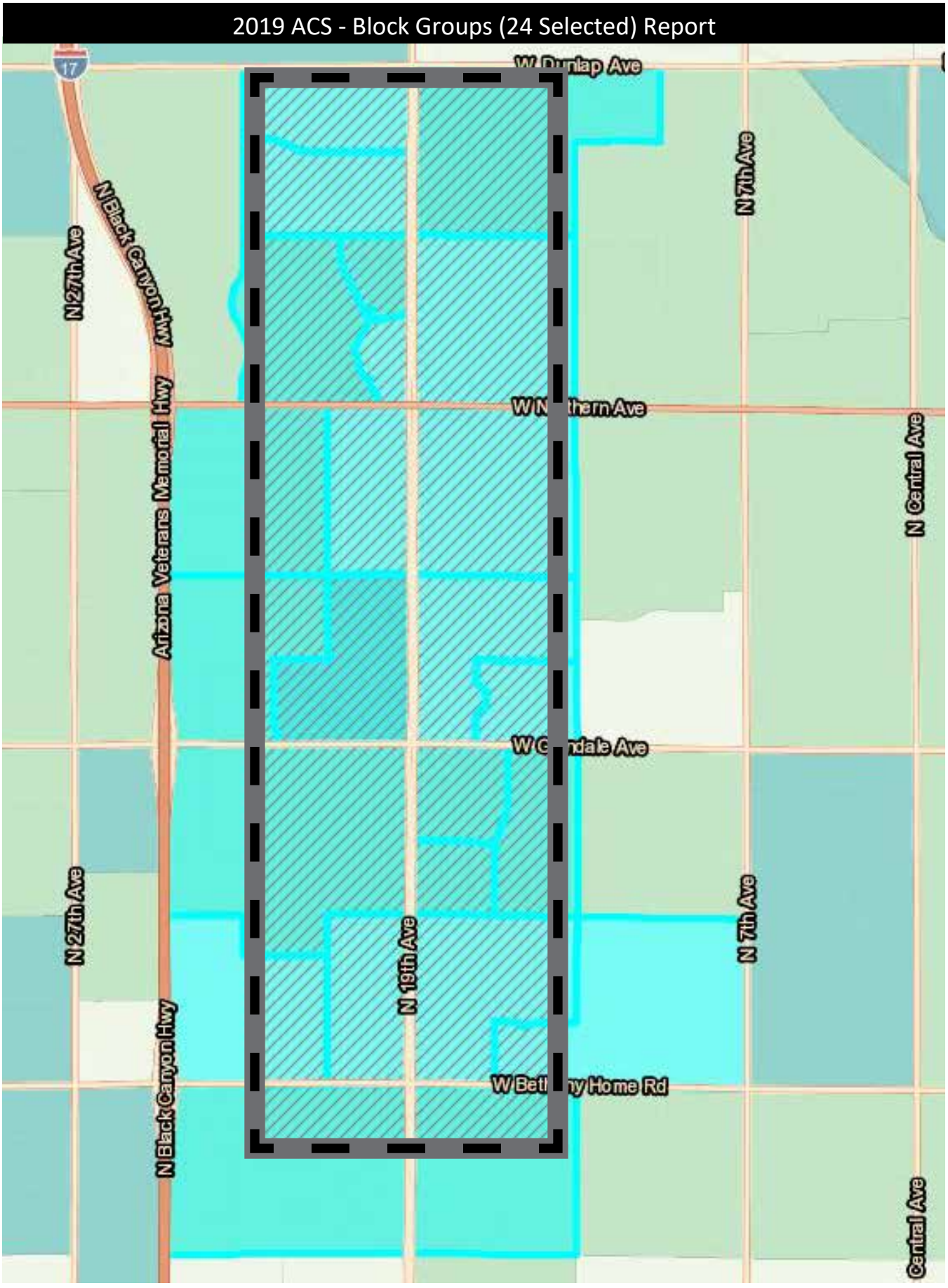


Conceptual: 19th Avenue and Dunlap Avenue



Conceptual: 19th Avenue and Dunlap Avenue




2019 ACS - Block Groups (24 Selected) Report
17
W Dunlap Ave
N 7th Ave
N 27th Ave
N Black Canyon Hwy
Arizona Veterans Memorial Hwy
W Northern Ave
N Central Ave
W Glendale Ave
N 19th Ave
W Bethany Home Rd
Central Ave

2019 ACS - Block Groups (24 Selected) Report		
Topic	**Estimate**	**Percent**
Gender and Age		
Total Population	***32,725***	**-**
Gender		
Male	15,500	-
Female	17,225	-
Age		
Median Age	-	-
Under 5 years	2,738	-
5 to 9 years	2,460	-
10 to 14 years	1,692	-
15 to 19 years	1,521	-
20 to 24 years	2,427	-
25 to 34 years	5,723	-
35 to 44 years	4,455	-
45 to 54 years	3,988	-
55 to 59 years	1,450	-
60 to 64 years	1,567	-
65 to 74 years	2,325	-
75 to 84 years	1,421	-
85 years and over	958	-
Race and Ethnicity		
Total Population	***32,725***	**-**
Hispanic	10,769	-
Non-Hispanic		
White, Non-Hispanic	13,264	-
Black, Non-Hispanic	4,666	-
Native American, Non-Hispanic	1,739	-
Asian, Non-Hispanic	1,017	-
Pacific Islander, Non-Hispanic	40	-
Other, Non-Hispanic	220	-
Two or More, Non-Hispanic	1,010	-
Minority	19,461	-
Educational Attainment		
Population 25 years and over	***21,887***	**-**
Less than 9th Grade	1,195	-
9th to 12th Grade, No Diploma	1,981	-
High School Graduate (includes equivalency)	6,287	-
Some College, No Degree	5,387	-
Associate Degree	2,120	-
Bachelor's Degree	3,149	-
Graduate or Professional Degree	1,768	-

2019 ACS - Block Groups (24 Selected) Report		
Ability to Speak English		
Population 5 years and over	***29,987***	***-***
Speak Only English	20,435	-
Speak Other Languages	9,552	-
Speak English ''very well''	6,182	-
Persons with Limited English Proficiency (LEP)	3,370	-
Speak English ''well''	1,643	-
Speak English ''not well''	1,175	-
Speak English ''not at all''	552	-
Veterans Status		
Civilian Population 18 years and over	***24,884***	***-***
Civilian veterans	1,641	-
Veterans by Gender		
Male	1,439	-
Female	202	-
Veterans by Age		
18 to 34 years	178	-
35 to 54 years	539	-
55 to 64 years	207	-
65 to 74 years	254	-
75 years and over	463	-
Households		
Total Households	***13,287***	***-***
Average Household Size	-	-
Family Households (Families)	6,980	-
Married-couple family	3,684	-
Female Householder, no spouse present	2,459	-
with own children under 18 years	1,381	-
Nonfamily Households	6,307	-
Householder living alone	5,108	-
Household Income (in 2019 inflation-adjusted dollars)		
Total Households	***13,287***	***-***
Median Household Income (dollars)	-	-
Less than $10,000	1,342	-
$10,000 to $14,999	835	-
$15,000 to $24,999	1,880	-
$25,000 to $34,999	1,770	-
$35,000 to 49,999	2,117	-
$50,000 to $74,999	2,144	-
$75,000 to $99,999	1,122	-
$100,000 to $149,999	1,140	-
$150,000 to $199,999	429	-
$200,000 or more	508	-

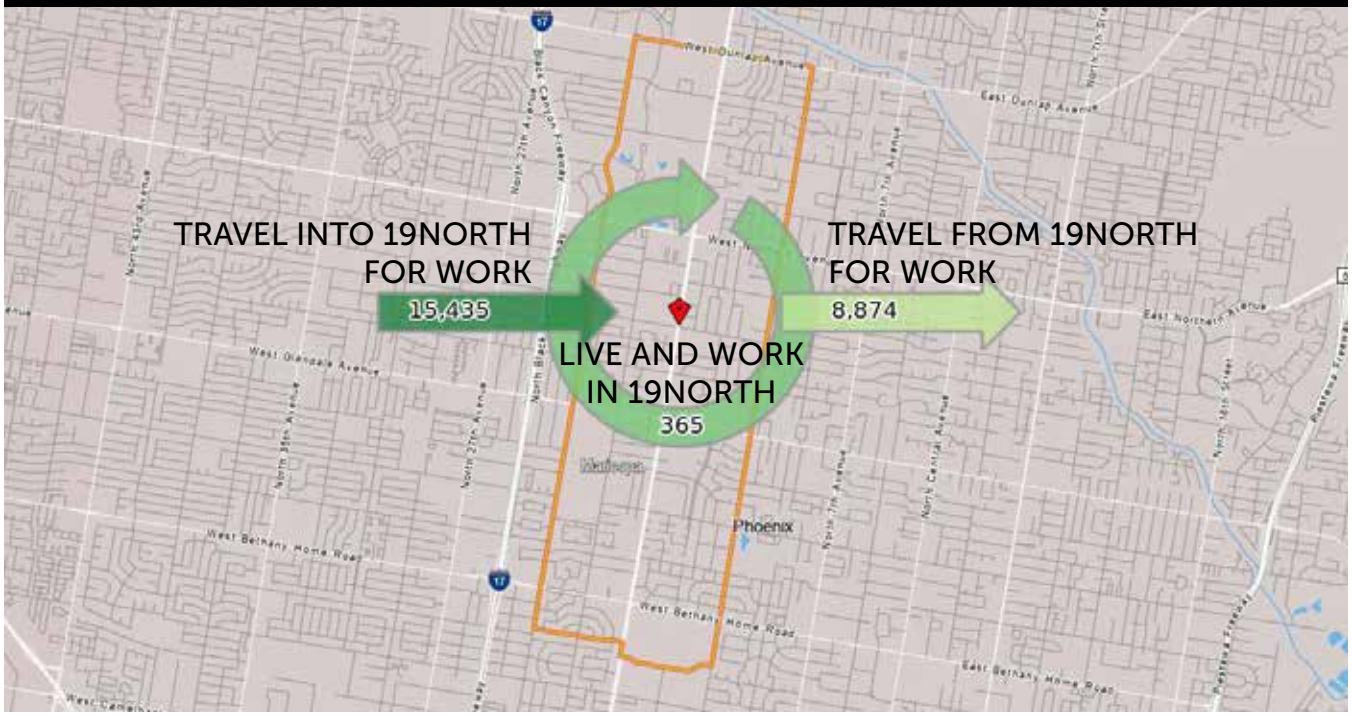
2019 ACS - Block Groups (24 Selected) Report		
Poverty Status in the Past 12 Months		
Persons for whom poverty status is determined	***32,512***	**-**
Persons with income below poverty level	7,814	-
Persons with income below 150% of poverty level	12,032	-
Persons with income below 200% of poverty level	15,728	-
Poverty Status for Families in the Past 12 Months		
Total Families	***6,980***	**-**
Families with income below poverty level	1,437	-
Married-couple family	398	-
with related children under 18 years	246	-
Female householder, no spouse present	918	-
with related children under 18 years	834	-
Male householder, no spouse present	121	-
with related children under 18 years	102	-
Employment Status		
Civilian Labor Force, 16 Years and Over	***16,417***	**-**
Employed	14,991	-
Unemployed	1,426	-
Commuting to Work		
Workers 16 years and over	***14,894***	**-**
Car or Truck - drive alone	10,215	-
Car or Truck - carpool	1,786	-
Public Transportation	1,419	-
Bicycle	168	-
Walked	238	-
Other means (taxicab, motorcycle, etc.)	427	-
Work at home	641	-

2019 ACS - Block Groups (24 Selected) Report		
Occupation		
Civilian employed population 16 years and over	***14,991***	**-**
Management, business, science, and arts occupati	4,406	-
Management, business, and financial occupatior	1,708	-
Management occupations	1,100	-
Business and financial operations occupations	608	-
Computer, engineering, and science occupations	740	-
Computer and mathematical occupations	402	-
Architecture and engineering occupations	233	-
Life, physical, and social science occupations	105	-
Education, legal, community service, arts, and m	1,469	-
Community and social service occupations	269	-
Legal occupations	105	-
Education, training, and library occupations	708	-
Arts, design, entertainment, sports, and media	387	-
Healthcare practitioners and technical occupatio	489	-
Health diagnosing and treating practitioners ar	332	-
Health technologists and technicians	157	-
Service occupations	3,766	-
Healthcare support occupations	889	-
Protective service occupations	564	-
Firefighting and prevention, and other protecti	391	-
Law enforcement workers including supervisor	173	-
Food preparation and serving related occupatior	1,024	-
Building and grounds cleaning and maintenance	835	-
Personal care and service occupations	454	-
Sales and office occupations	3,682	-
Sales and related occupations	1,424	-
Office and administrative support occupations	2,258	-
Natural resources, construction, and maintenance	1,196	-
Farming, fishing, and forestry occupations	30	-
Construction and extraction occupations	774	-
Installation, maintenance, and repair occupation	392	-
Production, transportation, and material moving c	1,941	-
Production occupations	726	-
Transportation occupations	513	-
Material moving occupations	702	-

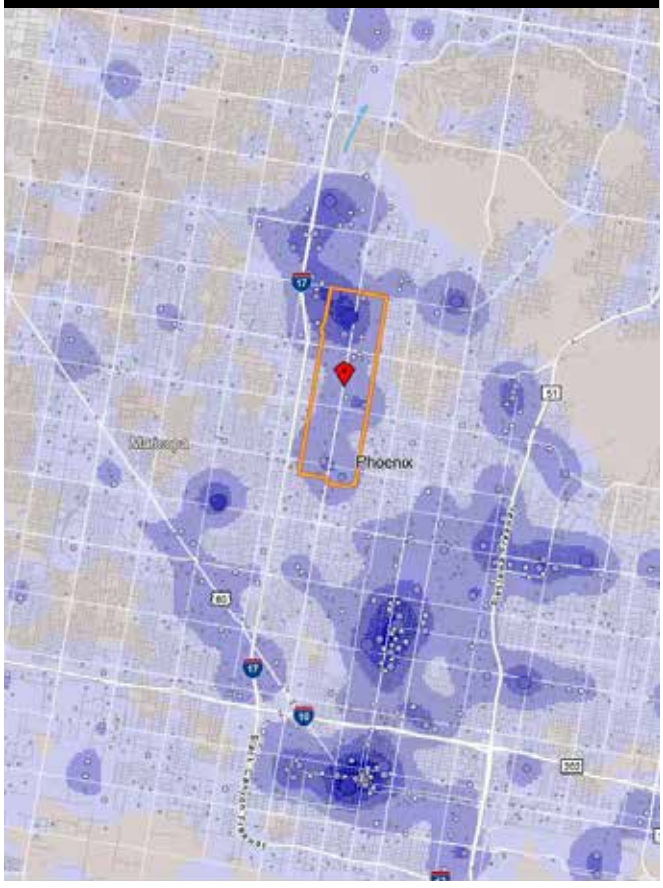
2019 ACS - Block Groups (24 Selected) Report		
Housing		
Total Housing Units	***14,834***	**-**
Occupancy and Tenure		
Occupied Housing Units	13,287	-
Average Household Size	-	-
Owner Occupied Housing Units	4,412	-
Average Household size of Owner Occupied Hc	-	-
Median Value (dollars)	-	-
Renter Occupied Housing Units	8,875	-
Average Household size of Renter Occupied Hc	-	-
Median Rent (dollars)	-	-
Vacant Housing Units	1,547	-
For seasonal, recreational, or occasional use	58	-
All other vacant	1,489	-
Units in Structure		
1, detached	4,706	-
1, attached	1,010	-
2 to 9	2,732	-
10 or more	6,266	-
Mobile Home	92	-
Boat, RV, van, etc.	28	-
Vehicles Available		
Occupied Housing Units	13,287	-
No vehicle available	2,798	-
1 vehicle available	5,672	-
2 vehicles available	3,482	-
3 or more vehicles available	1,335	-
Area		
Total Area in Acres	2,769.3	-
Total Area in Square Miles	4.3	-
Source: United States Census Bureau, American Community Survey 2015-2019		

Source: U.S. Census Bureau, 2015-2019 American Community Survey (ACS) 5-Year Estimates. ACS data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate is represented through the use of a margin of error (MOE). In addition to sampling variability, the ACS estimates are subject to nonsampling error. The MOE and effect of nonsampling error is not represented in these tables. Supporting documentation on subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website (www.census.gov/acs) in the Data and Documentation section. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website (www.census.gov/acs) in the Methodology

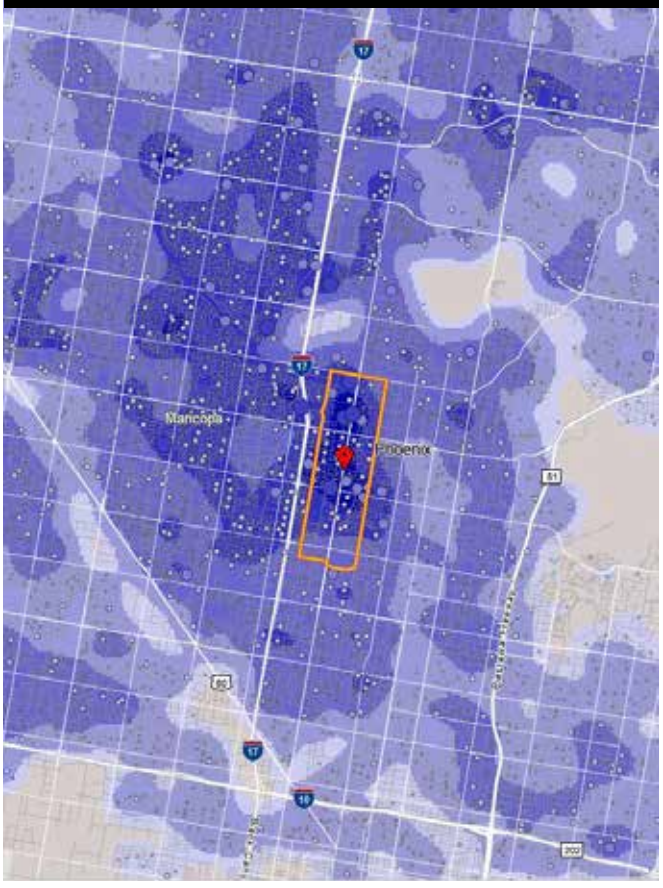
U.S. CENSUS BUREAU, 2015 ACS INFLOW / OUTFLOW ANALYSIS



U.S. CENSUS BUREAU, 2015 ACS DISTANCE AND DIRECTION ANALYSIS - 19NORTH RESIDENTS, WORK LOCATION



U.S. CENSUS BUREAU, 2015 ACS DISTANCE AND DIRECTION ANALYSIS - 19NORTH EMPLOYEES, HOME LOCATION



Attachment C

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

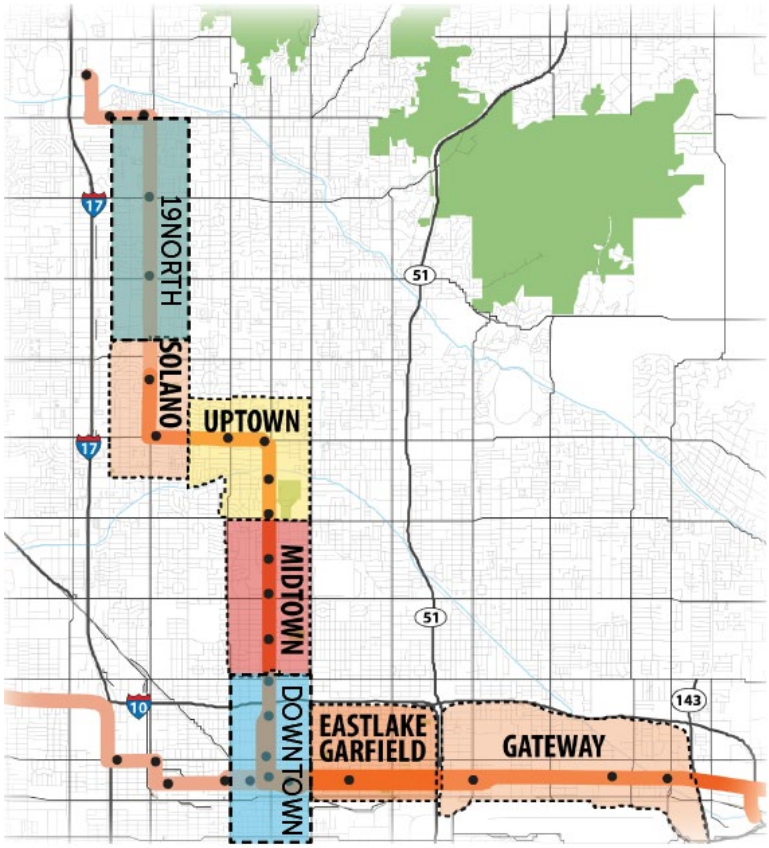
GENERAL PLAN AMENDMENT
STAFF ANALYSIS

Application:	GPA-AL-NM-1-19-4-5
Applicant:	City of Phoenix Planning Commission
Location:	Area generally bounded by Dunlap Avenue on the north, 15th Avenue on the east, Montebello Avenue on the south, and 23rd Avenue on the west.
Approximate Acres:	2,054 +/-
Requested Change:	To establish the 19North TOD Policy Plan
Reason for Requested Change:	To provide a district plan with policies for land use decisions and investments in the 19North Transit Oriented Development area to ensure a walkable community adjacent to light rail along 19th Avenue.
Village Planning Committee Dates:	North Mountain – February 17, 2021 Alhambra – February 23, 2021
Staff Recommendation:	Approval

SUMMARY

The purpose of this request is to establish the 19North Transit Oriented Development (TOD) Policy Plan. The plan is a result of a collaborative effort between city staff and community residents, businesses and schools that articulates a future vision for the area that seeks to ensure a walkable community near the light rail along 19th Avenue.

The 19North district is an approximately 2,054-acre area generally bounded by Dunlap Avenue on the north, 15th Avenue on the east, Montebello Avenue on the south, and 23rd Avenue on the west. Building upon the previous work to create walkable communities for all residents in Downtown as well as the five ReinventPHX districts (Solano, Uptown, Midtown, Eastlake Garfield and Gateway), 19North will serve as the sixth TOD district policy plan developed by the City of Phoenix. The 19North district is located at the northernmost segment of the exiting light rail line, as shown on the map to the right.



Map of TOD districts, Source: City of Phoenix Planning and Development Department

BACKGROUND

The original 14-mile light rail line received federal funding in 2012 to develop the five ReinventPHX policy plans, including the Solano TOD Policy Plan. Because the majority of the 19North area was served by the Northwest Extension Phase I, it was not included in that planning effort. Approval of the TOD Strategic Policy Framework in 2013 established Place Types for the planned station areas for the Northwest Extension, thereby providing guidance on scale and intensity for the corridor.

The 19North area is uniquely situated between the North Mountain Village Core, which encompasses the former Metrocenter Mall, and the Alhambra Village Core, which encompasses Christown Spectrum Mall. The corridor also contains segments that are within the existing planned areas of the Royal Palm Special Planning District and Solano TOD District that provided valuable insight on the community's desired vision, goals and values.

Seeing a void without additional policy to help guide development along with the increased infrastructure investment in the corridor, local community leaders convened a

multidisciplinary and multiagency leadership team to start to conceptualize a vision for the future of the area. Utilizing the established leadership team and building upon the locational opportunity of the corridor, the Planning and Development Department embarked on a planning process in 2018 to develop a TOD policy plan for the 19North district.

Between January 2018 and August 2019, a series of workshops were held with city staff and the community to understand the existing state of the corridor, categorizing future change areas, identification of desired investments and refinement of the vision developed with the community's input.

PLAN STRUCTURE

Borrowing from the framework established with the ReinventPHX TOD policy plans, 19North is comprised of an introduction and three substantive sections – *Today*, *Tomorrow*, and *How We Get There*.

Introduction

The introduction section provides a brief history of the planning corridor and details existing adopted policy that influences the remainder of the plan.

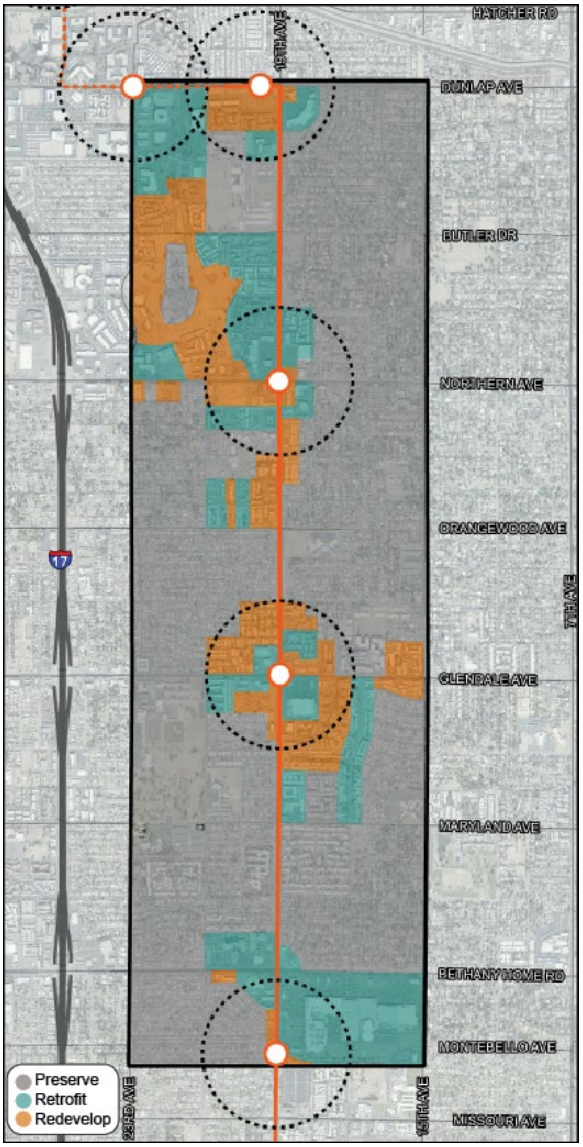
Today

This section contains an overview of community-identified assets along and adjacent to the 19North corridor. The *Today* section also provides a current state assessment of the planning area through six different planning elements: land use, housing, economic development, health, mobility, and green systems.

Tomorrow

The *Tomorrow* section outlines the vision of the community in 2040. Based on input received during the public workshops, four vision themes were developed: a safe, affordable and vibrant community; a community that is walkable and bikeable; a focus on employment, education and training; and finally, a community that has ample opportunities for outdoor life and commerce. This vision is further defined for each of the three priority areas located at the intersections of 19th Avenue and Glendale Avenue, Dunlap Avenue and Northern Avenue.

The *Tomorrow* section also contains a community-identified change area map, depicted on the right, intended to help guide future development within the planning area. Along with the adopted place types established in the TOD Strategic Policy Framework, this map will help city staff and the community evaluate future rezoning requests within the corridor. The map depicts areas to preserve, where the scale and intensity should remain the same; areas of retrofit, where small incremental changes would be embraced; and areas slated for redevelopment, where the community indicated they would be amenable with a change in current scale or intensity.



Change Area Map, Source: Draft 19North TOD Policy Plan

How We Get There

The *How We Get There* section serves as the implementation guide for the plan. Measurable outcomes, designed to demonstrate success toward achieving the vision, are introduced and organized by the vision themes introduced in the *Tomorrow* section of the plan. The measurable outcomes are further categorized between four urban principles – infill development, people-oriented streetscape, people-oriented site design, and placemaking fundamentals. The urban principles each contain several implementation strategies that can be applied to new development or projects within the corridor.

The *How We Get There* section also includes a five-year action plan that articulates a series of activities, partnerships and steps toward achieving the vision. Noting the established 19North Community Alliance leadership team as well as early achievements already accomplished by the community, several of the action plan items are underway and will serve as catalyst to completion of additional actions.

HOW THE PLAN WILL BE USED

The 19North TOD Policy Plan represents a vision for the planning area that will used by both city staff and the community. First and foremost, the plan embodies a community-supported vision for the corridor which will aid in supporting investment and reinvestment that is consistent with the goals and objectives outlined in the plan.

Similarly, city staff will utilize the plan as a policy guide for redevelopment projects seeking rezoning approval. Additionally, the implementation section of the plan identifies priority actions and investments that will provide valuable information that can help inform future decisions made by residents, business owners and government entities.

PUBLIC PARTICIPATION

Planning activities hosted by the Planning and Development Department that contributed to the content of the plan took place in 2018 and 2019 in collaboration with the 19North community leadership team. Additional opportunities for public input were completed in 2020 and early 2021 once a formal draft plan was developed. The following are a summary of those activities:

Understanding 19North Today (January 2018) – Public meeting that introduced the concept of transit oriented development. Participants provided input on the existing state of the corridor through comment cards, facilitated discussions and interactive exercises.

Identifying Areas for Change (April 2018) – Community workshop where participants identified areas of change and associated scale. Input received contributed to the plan's Priority Area Map.

Guiding Investments and Change (April 2019) – Guided discussions and interactive exercises designed to engage community input regarding the type and location of investments and change by station area. Results of the exercises provided the framework for the individual priority area visions detailed in the *Tomorrow* section of the plan.

Validating the Vision (August 2019) – Interactive public meeting to share portions of the draft plan, validate and refine big ideas, and engage stakeholders in the implementation process. Feedback on implementation strategies directly influenced the final action plan included in the plan.

Draft Plan Posted (December 2020) – In preparation for the VPC informational sessions, a draft copy of the plan was posted on the city's website. The draft was distributed to VPC members as well as 19North's list of interested parties.

Village Planning Committee and Planning Commission Informational Sessions (December 2020 and January 2021) – An overview of the plan was presented as an informational item at the Alhambra and North Mountain Village Planning Committee meetings as well as the Planning Commission.

Community Meetings to Review Draft Plan (January 2021) – Hosted by the 19North Community Alliance, two meetings were held to review the draft plan and provide an opportunity for stakeholders to provide additional input. Attendees included residents,

business owners, developers and city staff.
As a result of comments received during the meetings in late 2020 and early 2021, updates were made to the draft plan that include updating existing conditions data with 2019 American Community Survey information, minor additions to vision strategies, and refinement of several do list items.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of GPA-AL-NM-1-19-4-5 as the 19North Transit Oriented Development Policy Plan will help guide land use and investment decisions within the 19North corridor.

Writer
Samantha Keating
February 11, 2021

Exhibits
Exhibit A: 19North Transit Oriented Development Policy Plan

Alhambra
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
GPA-AL-NM-1-19-4-5

Date of VPC Meeting	December 15, 2020
Request	**INFORMATION ONLY: A** General Plan Amendment to adopt the 19North Transit Oriented Development Policy Plan
Location	Montebello Avenue to Dunlap Avenue; 15th Avenue to 23rd Avenue

VPC DISCUSSION:

Two speaker cards were received from individuals in support of the item and wishing to speak.

STAFF PRESENTATION

Klimek, staff, provided an overview of the purpose and planning process behind the 19North Transit Oriented Development Policy Plan. Transit Oriented Development (TOD) is a type of growth which utilizes land use and design decisions to position transit as a convenient and affordable lifestyle amenity to strengthen the nearby neighborhoods.

The original 14 miles of light rail in Phoenix received federal funding through the Department of Housing and Urban Development to create area plans for the adjacent neighborhoods. However, 19North was served by light rail through a subsequent phase of construction and therefore did not receive funding for any land use planning; to fill this policy gap along 19th Avenue from Montebello to Dunlap and from 15th Avenue to 23rd Avenue, Planning Department staff developed this policy plan in-house over the course of 3 years and a series of public workshops.

The purpose of TOD is to leverage the potential of light rail to move people and to strengthen neighborhoods and for 19North, the plan fills a policy gap and complements the long-established growth policy of Village Cores by connecting the North Mountain Village Core (Metrocenter Mall) and the Alhambra Village Core (Christown Spectrum).

The vision for 19North emerged from a community led process where leaders convened a large group of stakeholders to establish a positive vision that embraces the

investment and opportunity that light rail presents. Following these efforts, city staff began the formal planning process to establish the policy plan through a robust public engagement process and in close collaboration with community leaders, multiple agencies, and city departments.

The plan is designed to be used: as a policy guide for entitlement cases by a variety of stakeholders and decision makers ranging from city staff and elected / appointed officials to neighborhood residents; as a method of prioritizing and aligning actions in the efficient pursuit of the community's vision; and to support investment and reinvestment by articulating the vision as an expectation.

Klimek, staff, then provided an overview of the policy plan, its structure, and where it can be found for further review.

The plan builds upon the foundation of the Phoenix General Plan and other city-wide policy documents, borrows its structure from the ReinventPHX TOD Policy Plans that preceded it, and formalizes the recommendations of the TOD Strategic Policy Framework which established high level policy guidance for the full light rail system, both built and planned. By paying homage to foundational policy plans, the 19North Plan embraces the investment of time given by staff, consultants, and most importantly, the people of Phoenix who participated in these efforts. The direct tributes to these foundational plans include the organization of the document into four sections, the "six planning elements" as a means of examining conditions within the study area, the use of "measurable outcomes" as a means of quantifying and measuring success, and a "five year action plan" to break the vision into strategic and manageable pieces.

The plan contains:

- the foundational policy the plan is built upon;
- an assessment of existing conditions and community identified assets;
- a district wide vision for 19North in 2040 which is then divided into four vision themes;
- a vision for each of the three light rail station areas including community prioritized investments, the areas the community identified as being more palatable for change, and a series of aspirational images and renderings;
- a series of four urban principles for TOD (infill development, people oriented streetscape, people oriented site design, and placemaking fundamentals) which are used to organize 40 implementation strategies; and
- a five year action plan used to identify the many small steps that can be used to incrementally achieve the big vision.

At this time, staff is seeking community input through presentations to the North Mountain and Alhambra Village Planning Committees and through two upcoming public meetings. The plan will then return to the Village Planning Committees for recommendation before proceeding to the Planning Commission for a recommendation, and City Council for action.

QUESTIONS FROM THE COMMITTEE

Chair McCabe thanked staff for developing the plan and sharing it with the committee.

PUBLIC COMMENTS

Shannon McBride introduced herself as the Executive Director of 19North and shared that she is thankful for so many people including staff, member Fitzgerald, and the many stakeholders who contributed their time, energy and ideas to the plan. The policy plan has been a collaboration, a process, and a journey and that she is very proud of the collective vision that was created together. She concluded by expressing her support for the policy plan. **Chair McCabe** thanked McBride for her tremendous leadership and for all that her community has been able to accomplish; these efforts and the planning effort are incredible and an example for others in the city.

Sarah and Ian Curtis introduced themselves and expressed their appreciation for all of the work that has gone into this planning effort, the incredible work on the policy plan, and the pro-active thinking that has gone into this document. They stated that they are excited to see this plan be formally adopted so the community can continue implementing its ideas and collaborate with investors through this formalized vision. This plan sets the stage for continued collaboration with investors toward the stated vision and this collaboration and progress makes 19North an exciting place to live and energizes community members to get more involved.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION

Fitzgerald echoed the comments about everything said about McBride and the accomplishments made in 19North. She explained that upon meeting McBride they had the same vision for the area but Shannon's vision included all of the small steps between now and the goal and this has produced incredible partnerships, accomplishments, and the plan reflects this philosophy. **McBride** thanked Fitzgerald, the other speakers, and staff from the Planning and Development on making this plan a reality which has truly been a collaboration.

McCabe stated that the community coming together and really discussing what they would like to see is what makes these policy documents so much more impactful and useful for all constituents. He concluded by thanking all of the contributors and expressed excitement over continued progress in 19North, especially once the pandemic is in the rear-view.

Village Planning Committee Meeting Summary
GPA-AL-NM-1-19-4-5

Date of VPC Meeting	December 16, 2020
Request	**INFORMATION ONLY:** A General Plan Amendment to adopt the 19North Transit Oriented Development Policy Plan
Location	Montebello Avenue to Dunlap Avenue; 15th Avenue to 23rd Avenue

VPC DISCUSSION:

Three speaker cards were received from individuals in support of the item and wishing to speak.

Klimek, staff, provided an overview of the purpose and planning process behind the 19North Transit Oriented Development Policy Plan. Transit Oriented Development (TOD) is a type of growth which utilizes land use and design decisions to position transit as a convenient and affordable lifestyle amenity to strengthen the nearby neighborhoods.

The original 14 miles of light rail in Phoenix received federal funding through the Department of Housing and Urban Development to create area plans for the adjacent neighborhoods. However, 19North was served by light rail through a subsequent phase of construction and therefore did not receive funding for any land use planning; to fill this policy gap along 19th Avenue from Montebello to Dunlap and from 15th Avenue to 23rd Avenue, Planning Department staff developed this policy plan in-house over the course of 3 years and a series of public workshops.

The purpose of TOD is to leverage the potential of light rail to move people and to strengthen neighborhoods and for 19North, the plan fills a policy gap and complements the long-established growth policy of Village Cores by connecting the North Mountain Village Core (Metrocenter Mall) and the Alhambra Village Core (Christown Spectrum).

The vision for 19North emerged from a community led process where leaders convened a large group of stakeholders to establish a positive vision that embraces the investment and opportunity that light rail presents. Following these efforts, city staff began the formal planning process to establish the policy plan through a robust public

engagement process and in close collaboration with community leaders, multiple agencies, and city departments.

The plan is designed to be used: as a policy guide for entitlement cases by a variety of stakeholders and decision makers ranging from city staff and elected / appointed officials to neighborhood residents; as a method of prioritizing and aligning actions in the efficient pursuit of the community's vision; and to support investment and reinvestment by articulating the vision as an expectation.

Klimek, staff, then provided an overview of the policy plan, its structure, and where it can be found for further review.

The plan builds upon the foundation of the Phoenix General Plan and other city-wide policy documents, borrows its structure from the ReinventPHX TOD Policy Plans that preceded it, and formalizes the recommendations of the TOD Strategic Policy Framework which established high level policy guidance for the full light rail system, both built and planned. By paying homage to foundational policy plans, the 19North Plan embraces the investment of time given by staff, consultants, and most importantly, the people of Phoenix who participated in these efforts. The direct tributes to these foundational plans include the organization of the document into four sections, the "six planning elements" as a means of examining conditions within the study area, the use of "measurable outcomes" as a means of quantifying and measuring success, and a "five year action plan" to break the vision into strategic and manageable pieces.

The plan contains:

- the foundational policy the plan is built upon;
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- a five year action plan used to identify the many small steps that can be used to incrementally achieve the big vision.

At this time, staff is seeking community input through presentations to the North Mountain and Alhambra Village Planning Committees and through two upcoming public meetings. The plan will then return to the Village Planning Committees for recommendation before proceeding to the Planning Commission for a recommendation, and City Council for action.

QUESTIONS FROM THE COMMITTEE

Chair Carrell asked McBride what the committee can do to support the planning efforts at this time? **McBride** responded that this has been the culmination of years of work and that this is a time to celebrate, to get the word out, and to raise awareness for this accomplishment in the community. She added that there are an additional two public

meetings where the plan will be shared virtually, and she asked staff to share the meeting invitations.

Jaramillo expressed his support for the plan and the work done by staff and members of the community. He asked if there is a way to make this plan regulatory, noting that in other areas of the city, these plans are often neglected by developers.

> **Klimek** responded that the plan is not regulatory in the traditional sense. To implement the vision and recommendations, it often comes down to whether members of the community, staff, and elected and appointed officials understand and can stand firm behind the plan.
>
> In 19North, the community leadership and its organization offer the greatest strength in communicating the vision. The leadership team has been successful in making developers and investors feel like they are part of the community as a foundation for their collaboration. Additionally, the strong neighborhood leadership allows staff to seamlessly connect developers and investors with the 19North organization. By adding an adopted policy plan, the community has effectively spoken to share its vision and expectations.

Argiro thanked McBride for her service and city staff for producing this plan which will offer tremendous value to the community served. He then stated that he has been looking for opportunities for his chamber to connect more directly with businesses in 19North and that he believes this is a great opportunity. He asked staff to share the location of the draft policy plan and the invitations for the upcoming meetings.

Matthews echoed the positive comments about McBride and the policy plan developed by staff. He added to the question by Jaramillo an element of Arizona Land Use Law restricts the ability of municipalities to amend zoning to add restrictions that could negatively impact property values. With few exceptions, plans have shifted to policy recommendations rather than regulatory amendments and overlays.

Viedmark applauded the work completed by Shannon, the 19North organization, and by staff in developing this plan.

PUBLIC COMMENTS

Rod Bailey introduced himself as the Senior Vice President of the Beatitudes Campus and as a founding member of 19North. He expressed gratitude to the leadership exhibited by Shannon McBride and the types of accomplishments the 19North organization has been able to achieve. The organization has pulled together a dynamic and extensive collaboration of many stakeholders including residents, business owners, and many others to create a sustainable vision for the community. The collaboration in 19North produced great results through hard work, positivity, and good intentions - the adoption of this policy plan brings their planning to the next level by formalizing the vision and intentions.

Ben Graff introduced himself as a Land Use Attorney with Quarles and Brady but stated that he is not speaking on behalf of a client but is instead here to share his experience working on development projects in 19North and to share the value he sees in this type of policy plan. He stated that when he has clients interested in a project in

19North, that the community will be open to the discussion and collaboration that produces great projects. From a zoning perspective, a policy plan like this offers transparency and predictability by setting the expectations of what a project should incorporate and what it is expected to achieve. The policy plan offers a clear and concise vision and strategy for what the community is looking for in its built environment.

Bree Bohlke introduced herself as a member of the 19North Board and shared that she is a renter and a transit rider. The walkability of 19North was one of the main reasons she moved to 19North and that this plan was thoughtfully developed with input from the community and will make the area more walkable and vibrant. She added that the plan and its vision does a nice job of including renters as members of the community because renters do care about their neighborhoods.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION.

McBride stated that she is full of gratitude for the kind words and support from members of the committee, the staff from the Planning and Development Department for creating this plan, the many partners who contributed throughout the planning process, and for those who came out this evening to support the plan. She stated that this is a community changing moment where this plan will formalize the community's vision and ensure the positive momentum in 19North remain sustainable into the future.

Alauria expressed her support for McBride, the 19North community, and the policy plan. As a leader of theHUB (Hatcher Urban Businesses), this organization is a neighbor to 19North and has been learning from 19North on grassroots organizing and policy planning.

Alhambra
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
GPA-AL-NM-1-19-4-5

Date of VPC Meeting	February 23, 2021
Request	A General Plan Amendment to adopt the 19North Transit Oriented Development Policy Plan
Location	Montebello Avenue to Dunlap Avenue; 15th Avenue to 23rd Avenue
VPC Recommendation	Approve per staff recommendation
VPC Vote	10-4-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

No speaker cards were received for this item

STAFF PRESENTATION
Klimek, staff, provided an overview of the 19North Transit Oriented Development Plan, its purpose, the process of its development, and recent presentations to both the Alhambra and North Mountain VPCs for information, and the Planning Commission for information. At this time, staff is recommended approval of the plan which will then be presented to the Planning Commission for a recommendation, before ultimately requiring action by the City Council to adopt the plan as a General Plan Amendment.

QUESTIONS FROM THE COMMITTEE
Bryck expressed support for the project. He noted that he was involved in the Midtown TOD Plan and stated that the action plans contained in these plans should be regularly updated as originally planned. **Klimek** responded that one of the steering committees had been reconvened for this purpose.

DeGraffenreid noted the presence of affordable housing as a recommendation and asked whether the creation of high-paying jobs is as important. **Klimek** responded that the plan includes recommendations to house current residents, future residents, and to create high-paying jobs in the area.

Vice Chair Williams asked about attendance at the public meetings, the locations of

the public meeting, and how the “change area maps” were developed. Klimek responded that each of the meetings was attended by approximately 50 – 150 individuals, that each of the meetings was held in the corridor, and that attendees developed those maps at the one workshop and that the draft maps were validated and refined at later meetings. **Vice Chair Williams** asked how the individual change areas were identified objectively. **Klimek** responded that this is not a regulatory element of the plan where owners would receive benefit or penalty for not abiding by the change area maps. Participants applied their own perspectives on the areas they felt would be most palatable to change based on their knowledge of the corridor, its property, and how they felt those could be adapted through reinvestment.

Adams requested studies on the impact of light rail on businesses and crime. Klimek responded that he did not have such studies available at the moment. **Fitzgerald** noted that crime is way up related to transient populations including drug dealing and violent crime and that the community is keeping the Police Department busy.

PUBLIC COMMENTS
None.

STAFF RESPONSE
None.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

Bryck noted that he supports the plan but wants to make sure this plan, and others, continue to be updated and remain relevant.

Vice Chair Williams stated that he does not feel community engagement was enough and therefore cannot support the request.

MOTION:
McCabe motioned to approve the request per staff recommendation. **Fitzgerald** seconded the motion.

VOTE: 10-4-0, motion passes, with: Bryck, Fitzgerald, Harris, Jones, Keyser, Krietor, LeBlanc, McCabe, Sanchez, and Chairman Sore in favor; with Adams, DeGraffenreid, Smith, and Vice Chair Williams in dissent; and none in abstention.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None

North Mountain
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
GPA-AL-NM-1-19-4-5
(Revised March 3, 2021)

Date of VPC Meeting	February 17, 2021
Request	A General Plan Amendment to adopt the 19North Transit Oriented Development Policy Plan
Location	Montebello Avenue to Dunlap Avenue; 15th Avenue to 23rd Avenue
VPC Recommendation	Approve per staff recommendation
VPC Vote	14-0-0

VPC DISCUSSION:

No speaker cards were received for this item

At this time Magallanez departed the meeting and Larson arrived bringing the quorum to 14 members (11 being required for a quorum).

STAFF PRESENTATION
Klimek, staff, provided an overview of the 19North Transit Oriented Development Plan, its purpose, the process of its development, and recent presentations to both the Alhambra and North Mountain VPCs for information, and the Planning Commission for information. At this time, staff is recommended approval of the plan which will then be presented to the Planning Commission for a recommendation, before ultimately requiring action by the City Council to adopt the plan as a General Plan Amendment.

QUESTIONS FROM THE COMMITTEE
None.

PUBLIC COMMENTS
None.

STAFF RESPONSE
None.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

Matthews stated that if the committee chooses to make a recommendation to approve, that McBride be allowed to make the motion.

McBride stated that she is very excited for the collaboration and that she is assembling a community advisory board that will represent the demographics of the area and help build new leaders.

O'Hara, Whitney, Perez, and others offered their support for the plan and congratulations to McBride for the accomplishment.

MOTION:
McBride enthusiastically motioned to approve the request per staff recommendation. **Ford** seconded the motion.

VOTE: 14-0-0, motion passes, with: Argiro, Barraza, Larson, McBride, O'Hara, O'Connor, Perez, Whitney, Ford, Sommacampagna, Herrera, Matthews, Vice Chair Jaramillo, and Chair Krentz in favor; and with none in dissent or abstention.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Attachment F

REPORT OF PLANNING COMMISSION ACTION
March 4, 2021

ITEM NO: 4	
	DISTRICT NO.: 4 and 5
SUBJECT:	
Application #:	GPA-AL-NM-1-19-4-5
Location:	Area generally bounded by Dunlap Avenue on the north, 15th Avenue on the east, Montebello Avenue on the south, and 23rd Avenue on the west
Acreage:	Approximately 2,054
Proposal:	General Plan Amendment to create the 19North TOD District Policy Plan
Applicant:	City of Phoenix, Planning Commission
Owner:	City of Phoenix, Planning Commission
Representative:	City of Phoenix, Planning Commission

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:
Alhambra 12/15/2020 Information only.
Alhambra 2/23/2021 Approval. Vote: 10-4.
North Mountain 12/16/2020 Information only.
North Mountain 2/17/2021 Approval. Vote: 14-0.

Planning Commission Recommendation: Approval, per the North Mountain and Alhambra Village Planning Committee recommendations.

Motion Discussion: N/A

Motion details: Commissioner McCabe made a MOTION to approve GPA-AL-NM-1-19-4-5, per the North Mountain and Alhambra Village Planning Committee recommendations.

Maker: McCabe
Second: Howard
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. The 19North Transit Oriented Development Policy Plan will help guide land use and investment decisions within the 19North corridor.

2. The plan is a result of a collaborative effort between city staff and community residents, businesses and schools that articulates a future vision for the area

that seeks to ensure a walkable community near the light rail along 19th Avenue.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 114

(CONTINUED FROM MARCH 3 AND 17, 2021) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-56-20-4 - Southeast Corner of 3rd Avenue and Coolidge Street (Ordinance G-6818)

Request to hold a public hearing on a proposal to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-56-20-4 and rezone the site from R-3 (Multifamily Residence District) and R-5 (Multifamily Residence District) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5 District, Transit Uptown Character Area) for multifamily residential.

Summary

Current Zoning: R-3 (Multifamily Residence District) (0.18-acres) and R-5 (Multifamily Residence District) (3.11 acres)
Proposed Zoning: WU Code T5:5 UT (Walkable Urban Code, Transect 5:5 District, Transit Uptown Character Area)
Acreage: 3.29 acres
Proposed Use: Multifamily residential

Owner: Donor Network of Arizona
Applicant: Trinsic Residential Group, Todd Gosselink
Representative: Withey Morris, PLC, Jason Morris

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee heard this case on Jan. 26, 2021 and recommended approval, per the staff recommendation, by a vote of 15-1.
PC Action: The Planning Commission heard this case on Feb. 4, 2021 and recommended approval, per the Alhambra Village Planning Committee recommendation with an additional stipulation, by a vote of 7-1.
The Planning Commission recommendation was appealed on Feb. 10, 2021 and a petition for a 3/4 vote was submitted on Feb. 11, 2021. **A 3/4 vote is required.**

Location

Southeast corner of 3rd Avenue and Coolidge Street
Council District: 4
Parcel Addresses: 201 W. Coolidge St.

Responsible Department

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

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: March 16, 2021

From: Alan Stephenson
Planning and Development Director

Subject: CONTINUANCE OF ITEM 104 ON THE MARCH 17, 2021 - FORMAL AGENDA – PUBLIC HEARING/FORMAL ACTION OF Z-56-20-4

Item 104, on the March 17, 2021 Formal Agenda, is a request to approve Rezoning Application Z-56-20-4 located at the southeast corner of 3rd Avenue and Coolidge Street, from R-3 and R-5 (Multifamily Residence Districts) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5 District, Transit Uptown Character Area) for multifamily residential.

This request is to continue the item to April 7, 2021 to allow for the applicant to address additional community concerns.

Approved: _____
Mario Paniagua, Deputy City Manager

Attachment: Exhibit A- Applicant request for continuance

Exhibit A

From: Jason Morris <Jason@witheymorris.com>
Sent: Tuesday, March 16, 2021 9:16 AM
To: Alan Stephenson <alan.stephenson@phoenix.gov>
Subject: Z-56-20-4

Alan,

Please consider this correspondence as the applicant's request for a continuance to the April 7th, 2021 Phoenix City Council hearing. We look forward to bringing the project forward at that time. Thank you.

Jason Barclay Morris
Withey Morris, PLLC

This e-mail, and any attachment(s), is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this e-mail or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this e-mail in error, please destroy the original message and all copies.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: March 2, 2021

From: Alan Stephenson
Planning and Development Director

Subject: CHANGE ITEM 67 ON THE MARCH 3, 2021 - FORMAL AGENDA – PUBLIC HEARING/FORMAL ACTION OF Z-56-20-4

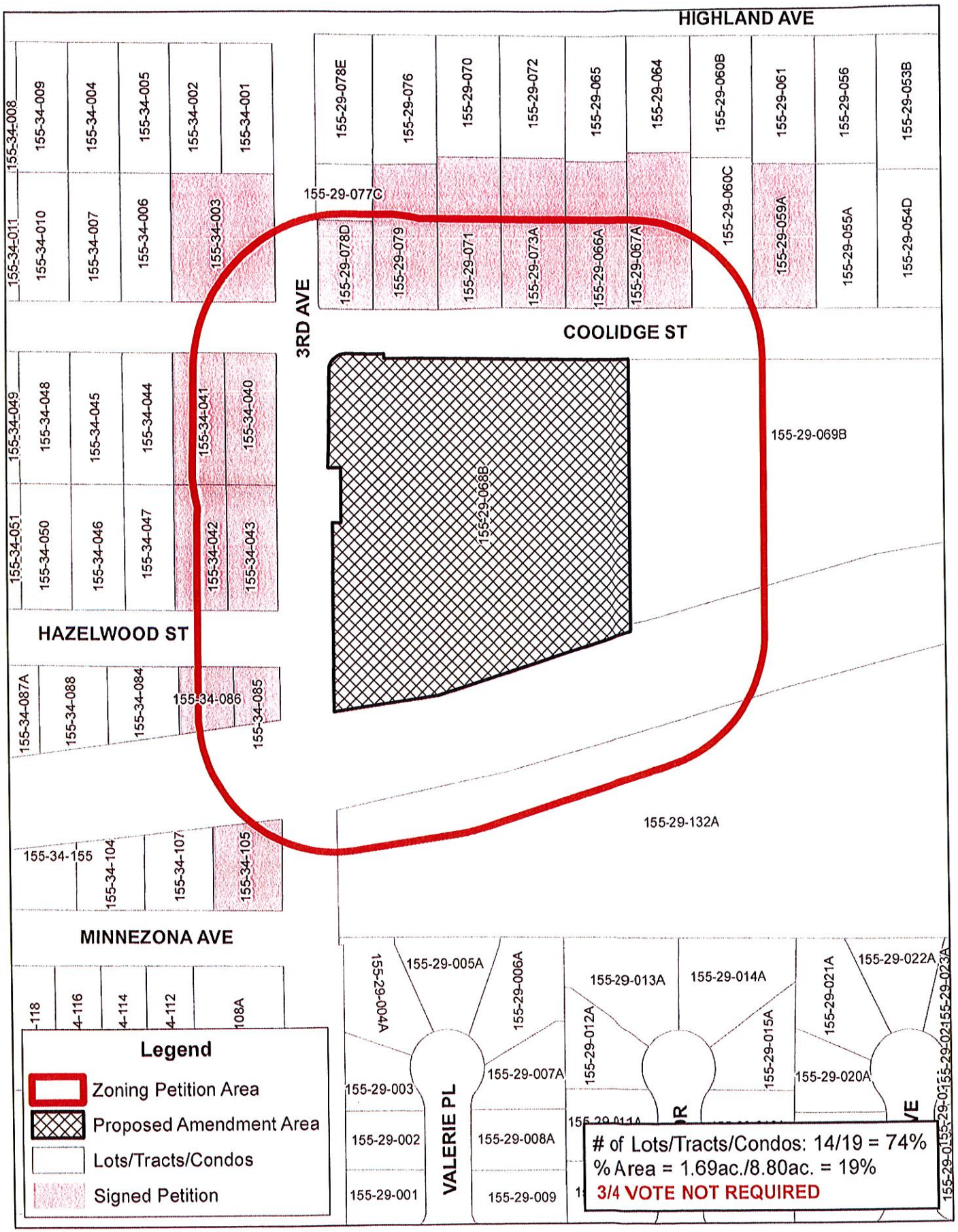
Item 67, on the March 3, 2021 Formal Agenda, is a request to approve Rezoning Application Z-56-20-4 located at the southeast corner of 3rd Avenue and Coolidge Street, from R-3 and R-5 (Multifamily Residence Districts) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5 District, Transit Uptown Character Area) for multifamily residential.

The Alhambra Village Planning Committee recommended approval, per the staff recommendation, by a 15-1 vote. The Planning Commission recommended approval, per the Alhambra Village Planning Committee recommendation with an additional stipulation, by a 7-1 vote. The Planning Commission recommendation was appealed on February 10, 2021 and a petition for a three-quarter vote was submitted on February 11, 2021. Per the documents submitted by the neighbors a three-quarter vote was required. However, the applicant disputed one of the signatures from the property manager of an adjacent multifamily residential development to the east of the subject site (GG Icon, LLC). The applicant obtained a revised notarized letter from the property manager indicating that he did not have legal authority to sign for the property owner. The applicant also provided the ownership incorporation documents indicating who is the owner of this property asset. Once staff verified this information with the Law Department a revised petition map was generated (attached) and now a three-quarter vote is not required.

This memo requests to change Item 67 from requiring a three-quarter vote from City Council to not requiring the three-quarter vote based on documentation described above.

Approved: Mario Paniagua
Mario Paniagua, Deputy City Manager

Enclosures: Revised Petition Map
Notarized letter from representative of GG Icon, LLC



Petition Verification Map
for Z-56-20-4

Map prepared by City of Phoenix, Planning and Development Services Dept. 2/26/2021

Rcvd. 2/25/2021

Mark Daniels
Goodman Real Estate
8400 Normandale Lake Blvd., Suite 920
Bloomington, MN 55438

Racelle Escolar, AICP
Planner III
City of Phoenix Planning and Development Department
Planning Division
200 W. Washington Street, 3rd Floor
Phoenix, AZ 85003

RE: Request for Three-Quarter Vote Appeal – Z-56-20-4

Dear Ms. Escolar,

On February 11, 2021, I signed the petition attached to the Request for Three-Quarter Vote Appeal for Rezoning Case No. Z-56-20-4 (the "Petition") on behalf of GG Icon, LLC, owner of the property located at 77 W. Coolidge Street in Phoenix, AZ, 85013, also known as The Icon on Central Apartments (the "Property"). I am writing to inform you that I was not authorized to sign the Petition on behalf of the ownership of the Property, and the ownership of the Property does not support the Petition.

Sincerely,

Mark Daniels
Investment Portfolio Manager
Goodman Real Estate

SHIRLEY A. MOEN
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-56-20-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) AND R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO WU CODE T5:5 UT (WALKABLE URBAN CODE, TRANSECT 5:5 DISTRICT, TRANSIT UPTOWN CHARACTER AREA).

_____

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

SECTION 1. The zoning of a 3.29-acre property located at the southeast corner of 3rd Avenue and Coolidge Street, in a portion of Section 20, Township 2 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from 0.18-acres of “R-3” (Multifamily Residence District) and 3.11 acres of “R-5” (Multifamily Residence District) to “WU Code T5:5 UT” (Walkable Urban Code, Transect 5:5 District, 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”.

DRAFT

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 south facing mass of the building(s) oriented to the Grand Canal shall incorporate Walkable Urban Code Frontage Types described in Section 1305 for a minimum 40 percent of the building face(s), as approved by the Planning and Development Department. For the purpose applying the above provisions, the above shall be treated as a Secondary Frontage with regard to glazing.

2. The south facing mass of the building(s) oriented to the Grand Canal shall contain architectural embellishments, design detailing, and / or space programming to activate and provide visual access onto the canal, as approved by the Planning and Development Department. Examples of appropriate enhancements may include textural changes, offsets, recesses, variation in window size and location, overhang canopies, balconies with a depth greater of than 3 feet, and amenities such as gathering spaces.

3. Between the southern mass of the building and the south property line (the Grand Canal right-of-way), the developer shall plant minimum 3-inch caliper, large canopy shade trees, at a minimum frequency of 25 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department.

4. The provisions of Section 1310.A.2. of the Phoenix Zoning Ordinance shall apply to require shaded open space of which a minimum 50 percent shall be situated adjacent to the south property line (the Grand Canal right-of-way), as approved or modified by the Planning and Development Department.

5. No solid perimeter wall greater than 36 inches in height shall be oriented to and located within 30 feet of the south property line (the Grand Canal right-of-way), as approved by the Planning and Development Department.

6. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.

7. The developer shall provide a minimum of two direct and accessible pedestrian connections from the amenity areas located south of the building mass to the shared use path along the Grand Canal Trail, as approved by the Planning and Development Department.

DRAFT

8. The developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.

   a. A bicycle repair station (fix-it station) along the southern edge of the site, visible, and accessible from the public sidewalk and / or the Grand Canal Trail. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while adjusting the bike.

   b. All required bicycle parking for multifamily use, per Section 1307.H.6.d. of the Phoenix Zoning Ordinance, shall be secured parking.

   c. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance.

9. 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.

10. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1740 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department:

    a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3); this includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

    b. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.

    c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.

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11. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

12. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.

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.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of March 2021.

_____
MAYOR

ATTEST:

_____City Clerk

APPROVED AS TO FORM:

DRAFT

_____City Attorney

REVIEWED BY:

_____City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-56-20-4

A PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CALCULATED CENTER CORNER OF SAID SECTION 20, BEING THE INTERSECTION OF CENTRAL AVENUE AND CAMPBELL AVENUE AS REFERENCED IN THE MONUMENT CORNER TIES FOR LINE SECTION 2 CENTRAL PHOENIX LIGHT RAIL TRANSIT PROJECT, IN DOCUMENT 2009-0003295, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 31 MINUTES 20 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 1,318.52 FEET TO A CITY OF PHOENIX BRASS CAP FLUSH “RLS 39131” MARKING THE CENTERLINE OF 3RD AVENUE AND CAMPBELL AVENUE;

THENCE NORTH 00 DEGREES 06 MINUTES 20 SECONDS WEST, ALONG THE CENTERLINE OF SAID 3RD AVENUE, A DISTANCE OF 564.11 FEET TO THE POINT OF **BEGINNING**;

THENCE CONTINUING NORTH 00 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 416.71 FEET TO THE CENTERLINE OF 3RD AVENUE AND COOLIDGE STREET, BEING SOUTH

1.69 FEET AND 3.40 FEET OF TWO CITY OF PHOENIX BRASS CAPS;

THENCE SOUTH 89 DEGREES 27 MINUTES 41 SECONDS EAST, ALONG THE CENTERLINE OF SAID COOLIDGE STREET A DISTANCE OF 358.31 FEET, BEING 966.10 FEET WEST OF THE INTERSECTION OF CENTRAL AVENUE AND COOLIDGE STREET;

THENCE SOUTH 00 DEGREES 15 MINUTES 25 SECONDS WEST, A DISTANCE OF 348.85, FEET DEPARTING SAID COOLIDGE STREET, ALONG THE EAST LINE OF PARCEL 1 OF THAT SPECIAL WARRANTY DEED RECORDED IN 2001-0882094, AND THE SOUTHERLY PROLONGATION THEREOF, TO A POINT 25 FEET SOUTHERLY OF THE SOUTHERLY LINE OF SAID PARCEL 1, MEASURED AT 90 DEGREES;

THENCE ALONG A 25 FOOT SOUTHERLY OFFSET OF THE SOUTH LINES FOR LOTS 15, 17 AND 19 OF ‘SUBURBAN ACRES’ AS RECORDED IN BOOK 13, PAGE 22 RECORDS OF MARICOPA COUNTY, ARIZONA, SOUTH 72 DEGREES 19 MINUTES 53 SECONDS WEST, DISTANCE OF 65.89 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY OFFSET, SOUTH 74 DEGREES 12 MINUTES 10 SECONDS WEST, A DISTANCE OF 147.10 FEET;

DRAFT

THENCE CONTINUING ALONG SAID SOUTHERLY OFFSET, SOUTH 78 DEGREES 50 MINUTES 02 SECONDS WEST, A DISTANCE OF 123.95 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 40 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF **BEGINNING**.

SAID PARCEL CONTAINS 142,789 SQUARE FEET OR 3.278 ACRES, MORE OR LESS.

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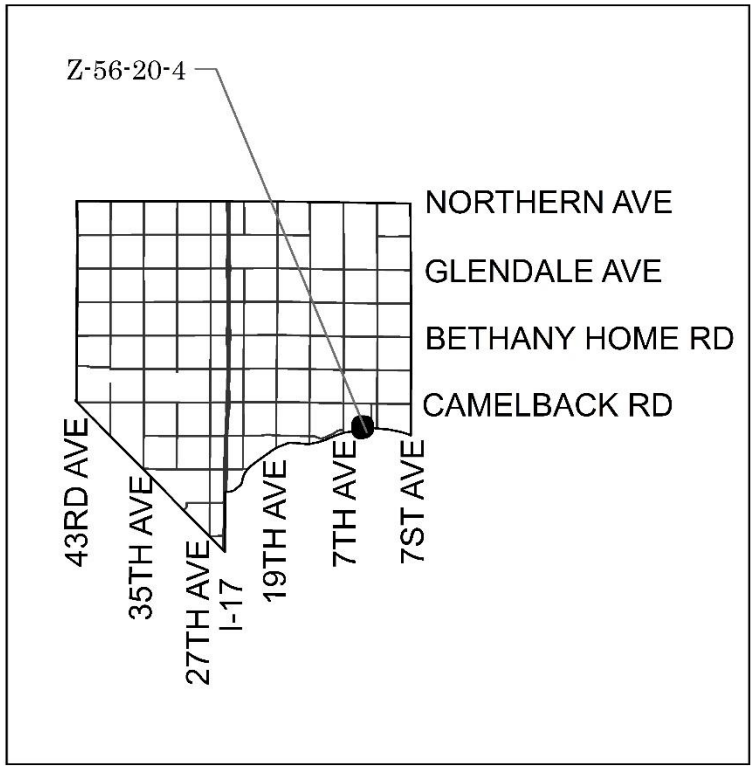
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-56-20-4
Zoning Overlay: N/A
Planning Alhambra





NOT TO SCALE

N

Drawn Date: 2/4/2021

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2021 Ord\3-3-21\Z-56-20-4.mxd

Attachment B

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-56-20-4
January 20, 2021

Alhambra Village Planning Committee Meeting Date:	January 26, 2021
Planning Commission Hearing Date:	February 4, 2021
Request From:	R-3 (Multifamily Residence District) (0.18 acres) and R-5 (Multifamily Residence District) (3.11 acres)
Request To:	WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Uptown Character Area) (3.29 acres)
Proposed Use:	Multifamily Residential
Location:	Southeast corner of 3rd Avenue and Coolidge Street
Owner:	Donor Network of Arizona
Applicant:	Trinsic Residential Group, Todd Gosselink
Representative:	Withey Morris PLC, Jason Morris
Staff Recommendation:	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Residential 15+ Dwelling Units Per Acre	
Street Map Classification	3rd Avenue	Local Street	Varies from 30 to 40 foot east half street
	Coolidge Street	Local Street	Varies from 25 to 30 foot south half street

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 development, as proposed, will create new housing opportunities in the area and within close proximity to a light rail station, the educational facilities, and the North Central Avenue Employment Center, especially via the Grand Canal Multiuse Trail.

CONNECT PEOPLE AND PLACES CORE VALUE; COMPLETE STREETS; 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 development, as required by provisions of the Walkable Urban Code, will situate buildings to frame the street environment with vehicle parking lots situated at the interior of the site and to allow for the creation of a comfortable pedestrian environment along the public streets. Further, the development, as stipulated, will screen parking from the Grand Canal and its multiuse trail.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREE AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.
The development, as stipulated, will create an attractive streetscape with detached and shaded sidewalks. The shade incorporated into the development along its frontages will reduce the urban heat island effect and increase thermal comfort which will make the area more walkable, bikeable, and sustainable.

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.
The development, as stipulated, includes bicycle parking and bicycle facilities as a central component of the project to facilitate bicycling as a way of life. Features include secure bicycle parking for residents, convenient racks for guests, and a bicycle repair station situated as a public amenity; together, these features will complement the Grand Canal and its multiuse trail.

CONNECT PEOPLE AND PLACES CORE VALUE; CANALS AND TRAILS; LAND USE PRINCIPLES: Plan, design, and develop pedestrian linkages between parks, open spaces, village cores, neighborhood shopping centers, neighborhood schools, and neighboring municipalities.
The subject site is immediately adjacent to the Grand Canal which recently was improved through the Canalscape Project and provides regional connectivity, direct connections to Phoenix Central High School, the Phoenix Coding Academy, Xavier College Preparatory, Brophy College Preparatory, Steele Indian School Park, and access to Central Avenue and the rail. The development, as stipulated, will add vitality to this section of the Grand Canal and its multiuse trail as a community asset.

Applicable Plans, Overlays, and Initiatives
Transit Oriented Development Strategic Policy Framework: Background Item No. 5.
Uptown Transit Oriented Development Policy Plan: Background Item No. 6.
Tree and Shade Master Plan: Background Item No. 9.
Complete Streets Guidelines: Background Item No. 10.
Comprehensive Bicycle Master Plan: Background Item No. 11.
Housing Phoenix: Background Item No. 12.
Reimagine Phoenix: Background Item No. 13.

Surrounding Land Uses and Zoning		
	Land Use	**Zoning**
On Site	Office	R-3 and R-5
East	Multifamily	R-5
North (across Coolidge Street	Various residential	R-3 and R-5
South (across the Grand Canal)	Multifamily	R-4
West	Single-family residential	R-3

Walkable Urban Code Transect 5:5 UT		
Standards	**Requirements**	**Provisions on the Proposed Site Plan**
Gross Acreage	No minimum	3.29
Total Number of Units	No maximum	218 units
Density	No maximum	66.26
Building Height	56 foot maximum	56 feet (Met)
Parking Structure Height	Cannot exceed building height	58 feet (Not Met*)
Streetscape Standards (Section 1312.E)		
Minor Collector and Local Streets	Minimum sidewalk width: 5 feet Minimum landscape width: 5 feet (if no public utility conflict)	5 feet (Met) 5 feet (Met)
Main Building Setbacks		
Primary Frontage (Coolidge Street)	12 foot maximum	Varies but less than 12 feet (Met)
Secondary Frontage (3rd Avenue)	10 foot maximum	10 feet (Met)
Non Street (South and East)	0 foot minimum	15 feet and 10 feet respectively (Met)
Parking Setbacks		
Primary Frontage	30 foot minimum or behind building	Behind building (Met)
Secondary Frontage	20 foot minimum with a 10 foot landscape setback measured from the street right of way	Behind building (Met)
Rear (West)	0 foot minimum	Behind building (Met)
Lot Requirements		
Lot Coverage	80 percent maximum	73 percent (Met
Primary Building Frontage	70 percent minimum	94 percent (Met)
Secondary Building Frontage	50 percent minimum	83 percent (Met)

Walkable Urban Code Transect 5:6 UT *(Cont.)*		
Standards	**Requirements**	**Provisions on the Proposed Site Plan**
Frontage Types Allowed		
Primary Frontage (Coolidge Street)	All frontages or alternative frontages as per Section 1305.B.1.c	Storefront and Stoop / Doorwell, Met)
Secondary Frontage (3rd Avenue)	All frontages or alternative frontages as per Section 1305.B.1.c	Stoop / Doorwell, Met)
Entry Requirements	Common Entry: minimum one per 50 feet of primary building frontage and one per 80 feet of secondary frontage. Other frontages as per Table 1305.1	Not provided.
Glazing Requirements T4 standards apply for multifamily	Ground floor and second floor 25 percent minimum. Second floor (east and west): 10 percent minimum Upper floors: not applicable	Not provided.
		**Site plan adjustment required*

Background/Issues/Analysis

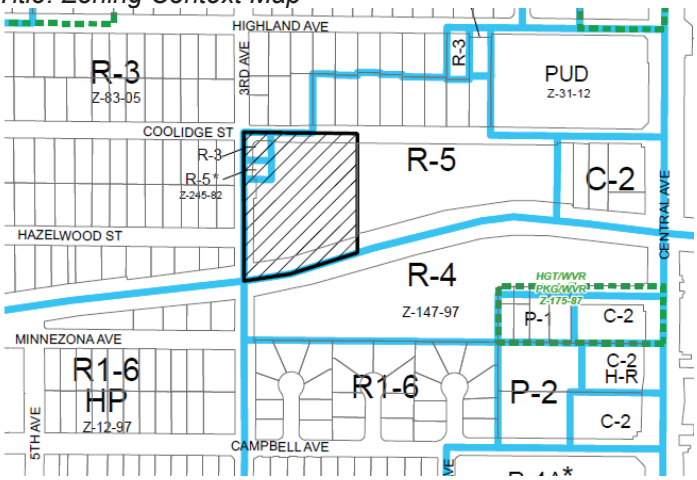
SUBJECT SITE

1. This request is to rezone 3.29 acres at the southeast corner of 3rd Avenue and Coolidge Street from R-3 (Multifamily Residence District) and R-5 (Multifamily Residence District) to WU Code T5:5 UT (Walkable Urban Code Transect 5:5, Uptown Character Area).

SURROUNDING LAND USES AND ZONING

2. The proposed zoning of WU Code T5:5 UT (Walkable Urban Code Transect 5:5, Uptown Character Area) permits a maximum height of 56 feet. The site is currently developed with an office building. The Zoning Context Map depicts the zoning entitlements of the subject site and the surrounding area.

Title: Zoning Context Map



Source: Planning and Development Department

East: Immediately east of the subject site is a multifamily complex which is zoned R-5 (Multifamily Residence District). The zoning permits a maximum height of 48 feet but the existing buildings do not exceed three stories in height.

West: West of the subject site across 3rd Avenue are residential structures of a single-story and single -family detached character. The R-3 (Multifamily Residence District) zoning permits a maximum height of 30 feet by right, and up to 48 feet with increased setbacks.

North: North of the subject site across Coolidge Street are various residential structures ranging from a single-family detached character to small apartment complex, with neither type exceeding two stories. The approximate west half of sites immediately north of the subject site are zoned R-3 (Multifamily Residence District) which permits a maximum height of 30 feet by right, and up to 48 feet with increased setbacks, and the remaining sites to the east are zoned R-5 (Multifamily Residence District) which permits a maximum height of 48 feet.

South (the Grand Canal): South of the subject site is the Grand Canal which was recently improved through the Canalscape project which brought lighting, landscaping, and seating improvements to this section of the canal.

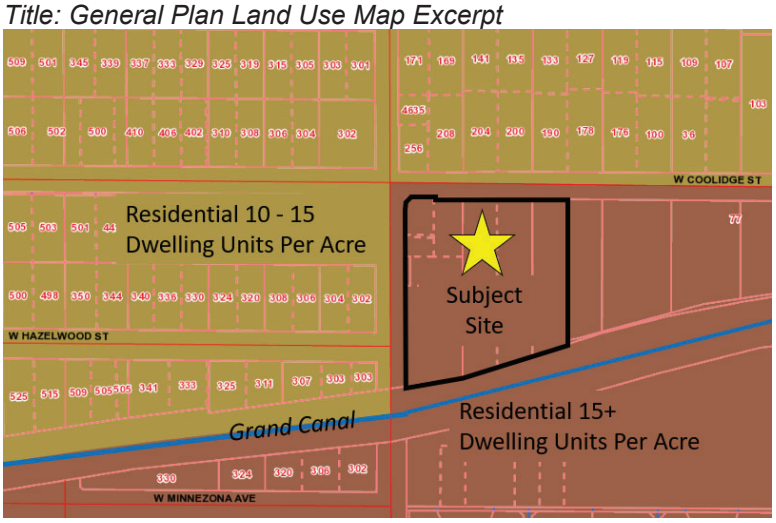
South (beyond the Grand Canal): South of the subject site across the Grand Canal is a multifamily community zoned R-4 (Multifamily Residence District) which permits a maximum height of 48 feet.

3. Located along Central Avenue and several properties east of the subject site is the Interim Transit-Oriented Zoning Overlay District One (TOD-1). The primary purpose of TOD-1 was "to encourage an appropriate mixture and density of activity around transit stations to increase ridership along the light rail corridor and promote alternative modes of transportation to the automobile" while the Walkable Urban Code was developed.

GENERAL PLAN LAND USE MAP

4. The General Plan Land Use Map depicts a land use designation of Residential 15+ dwelling units per acre which is consistent with the density proposed.

Title: General Plan Land Use Map Excerpt



Source: Planning and Development Department

Surrounding the subject site are designations for multifamily densities including Residential 15+ dwelling units per acre to the south and east and Residential 10 to 15 dwelling units per acre to the north and west. The proposed use and density of the subject site is consistent with the surrounding context.

5. The Encanto Village Character Plan was approved and adopted in the Phoenix General Plan through General Plan Amendment GPA-1-19. Each of the 15 Urban Villages have a Character Plan.

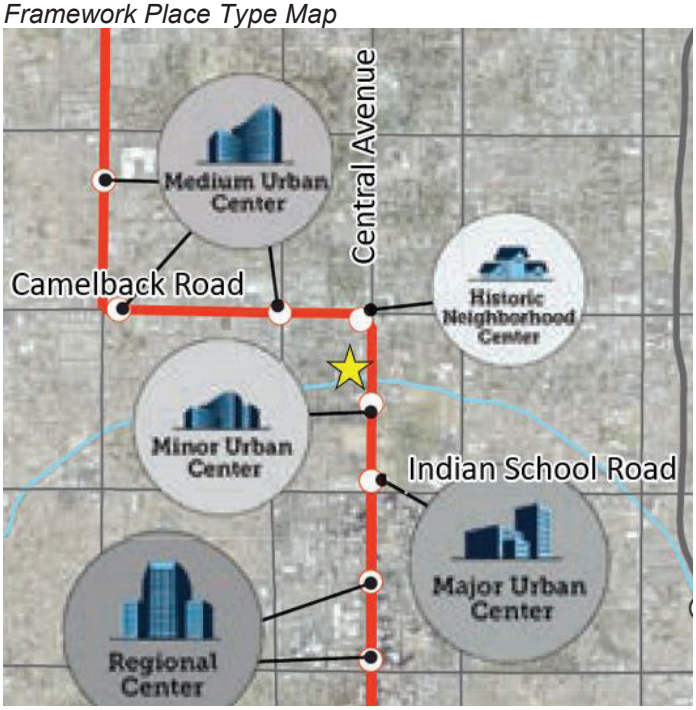
The proposed project advances the following items identified in the Encanto Village Character Plan: encourage growth along the light rail; integrating canals into project design; and new development being consistent with adopted plans.

One such area of alignment is with the North Central Employment Center (profile attached) which identifies the presence of approximately 770,000 young, well-educated, workers within a 10 to 20 minute drive and projected growth of 170,000 new residents within a 30 minute drive. The proposed development will provide housing opportunities for the growing population in proximity to the growing employment center while also reducing the need for long vehicle commutes.

6. **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 in terms of appropriate scale and intensity

As depicted on the right, the subject site is located within one-quarter mile from two light rail stations. The nearest station, Central and Campbell, is identified in the Strategic Policy Framework as a Minor Urban Center Place Type.

Title: Transit Oriented Development Strategic Policy Framework Place Type Map



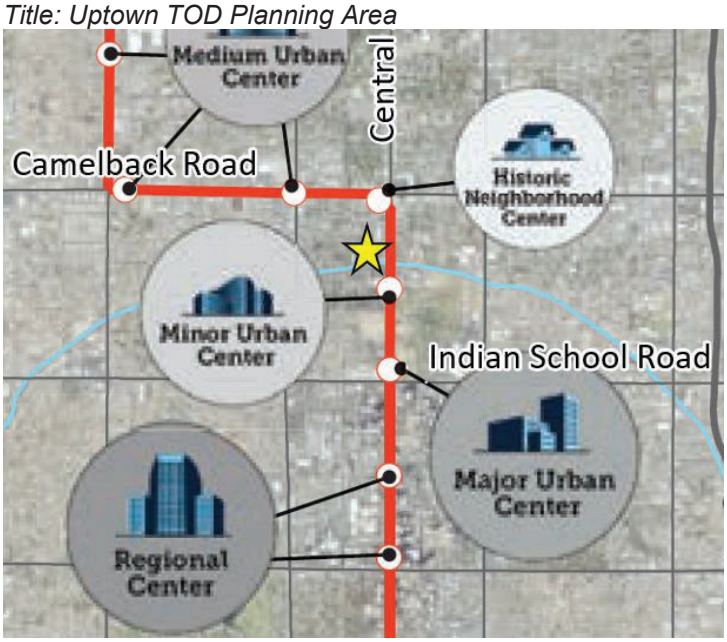
Source: Planning and Development Department

The Minor Urban Center Place Type is characterized by two to five story buildings with allowances for up to seven when incentive criteria are met or when a special circumstance exists. The proposed development, using the Walkable Urban Code and depicting a height of four stories, is consistent with the Minor Urban Center Place Type.

7. **Uptown Transit Oriented Development Policy Plan:**
The subject site is located within the Uptown TOD Planning Area which is depicted on the following page. The policy plan adopted 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.

While the subject site is not mapped for a specific recommended transect for redevelopment, the Uptown TOD District Plan provides the following direction relevant to the subject site:

Title: Uptown TOD Planning Area



Source: Planning and Development Department

Activating the Grand Canalscape:
The Uptown TOD Plan describes at length the importance and opportunity of embracing the Grand Canal as an open space amenity, as a regional active transportation trail, and as waterfront. While the Canalscape Project is complete, it is the projects adjacent to the Grand Canal that will enliven the waterfront.

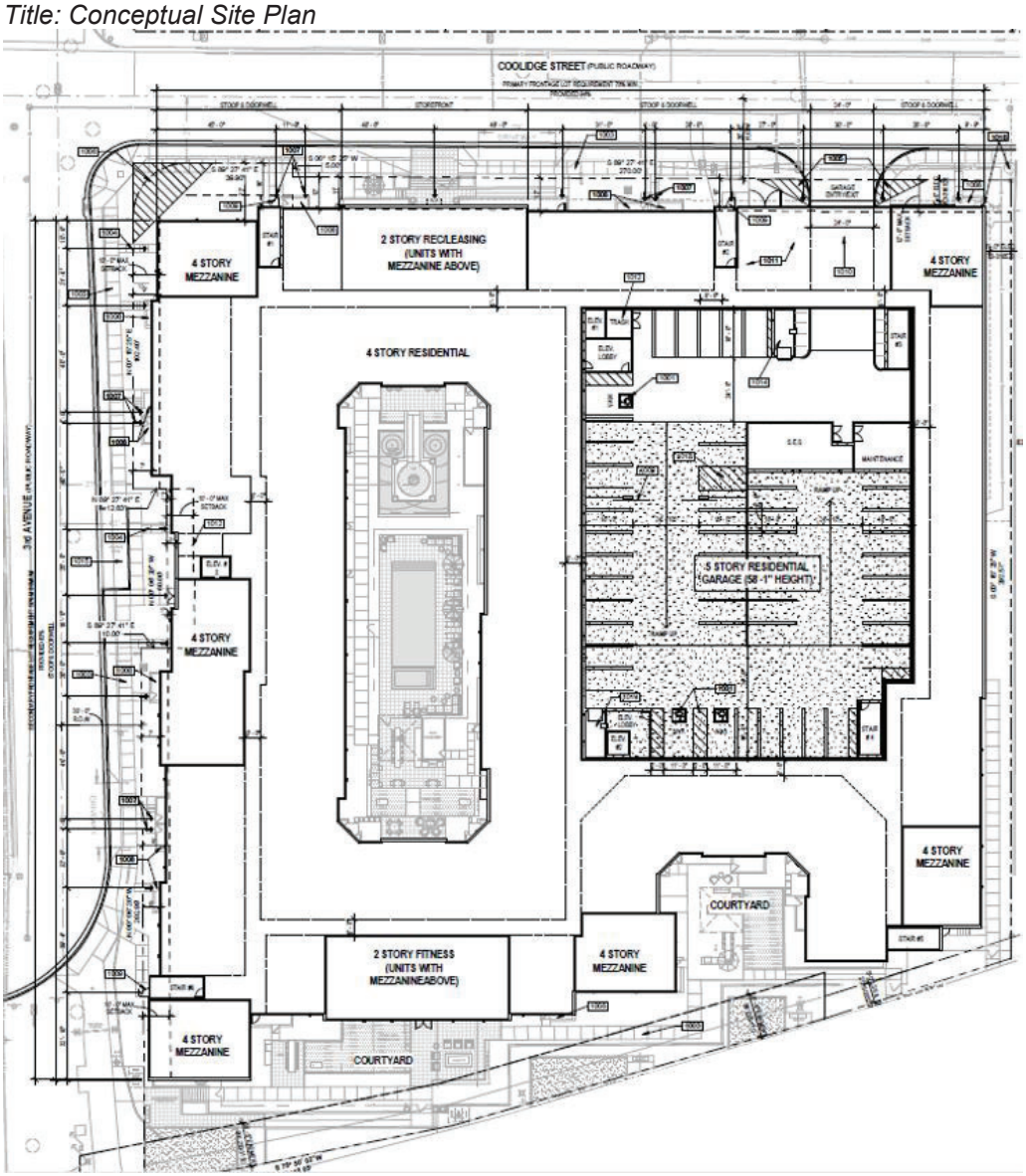
Increase the Population Using Alternative Transportation: .
The Uptown TOD Plan includes several measurable outcomes focused on increasing ridership on the light rail, increasing the number of individuals riding bikes or walking to work, and decreasing the number of Vehicle Miles Traveled (VMT). The proposed project will position new households within walking and bicycling distance to jobs, schools, and major park facilities.

PROPOSAL

8. *Site Plan*

As depicted on the conceptual site plans and elevations on the following pages, the proposal is for four floors of housing with five levels of parking located at the interior of the site. The site plan depicts one point of vehicular access from Coolidge Street. The site plan depicts 218 dwelling units with 46 studios, 116 one-bedroom, and 56 two-bedroom units. At a rate of 1.3 parking spaces per studio and 1.5 spaces per one and two bedroom units, the code would require 318 parking spaces but due to the proximity to light rail, a 10 percent reduction is applied for a total of 287 spaces.

Title: Conceptual Site Plan



Source: Rich Barber Architects

The ground floor units fronting 3rd Avenue and Coolidge Street will employ stoop and doorwell frontages and the main leasing area oriented to Coolidge Street will employ a storefront frontage; these ground level treatments abide by the intent of the Walkable Urban Code to active the street frontage in addition to detached sidewalks and trees planted between the curb and sidewalk as required by the Walkable Urban Code.

The conceptual site plan depicts frontage types along the southern face of the

building mass to activate the interface with the canal. Staff is recommending Stipulation No. 1 to require the frontage types along 40 percent of the canal oriented building frontage.

9. *Canal Interface*

The conceptual site plan and building elevations depict measures intended to embrace and activate the frontage to the Grand Canal including amenity areas, common areas, bike racks, a bicycle repair station, vegetation, and a perimeter wall comprised mostly of view fence for ground level transparency. The Phoenix Zoning Ordinance governs canal interface through the design standards contained in Section 507 Tab A.

To advance the intent of the design guidelines and the Walkable Urban Code, staff is recommending a series of stipulations to provide additional specificity regarding improvements to the area between the southern mass of the building and the Grand Canal right-of-way including the following:

- Stipulation No. 1: To require Walkable Urban Code Frontage Types along a minimum 50 percent of the canal-facing building façade.
- Stipulation No. 2: To require architectural enhancements along the canal-facing building façade.
- Stipulation No. 3: To require large canopy shade trees to soften the canal environment and provide thermal comfort in the amenity areas and near the canal.
    - Due to the presence of an SRP easement at this location, the extent to which the developer will be allowed to improve this are is unknown and, therefore, the stipulation contains the language “as approved or modified by the Planning and Development Department.
- Stipulation No. 4: To require shaded open space adjacent to the canal right-of-way through the application of Section 1310.A.2 of the Phoenix Zoning Ordinance.
    - Due to the presence of an SRP easement at this location, the extent to which the developer will be allowed to improve this are is unknown and, therefore, the stipulation contains the language “as approved or modified by the Planning and Development Department.
- Stipulation No. 5: To require all walls and fences within 30 feet and oriented-to the canal right-of-way to have a maximum opaque height of 36 inches to promote interface between the project and the canal amenity.

10. *Conceptual Elevations*

The conceptual building elevations, pictured below, depict a four story multifamily complex exhibiting modern design elements, multiple colors, building articulation, shaded upper floor balconies, and a mix of ground floor frontage treatments including stoops, doorwells, and storefronts.

Title: Conceptual Building Elevations



Source: Rich Barber Architects

STUDIES AND POLICIES

11. **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 Walkable Urban Code contains landscape standards to provide enhanced tree plantings with a focus on thermal comfort and the conceptual site plan complies with code requirements.

To require tree shade be integrated into the project between the southern building mass and the Grand Canal right-of-way, staff is recommending Stipulation No. 3 requiring large canopy shade trees, placed 20 feet on center or in equivalent groupings, and with a minimum caliper of 3-inches at installation; the purpose of this stipulation is to promote thermal comfort for the amenity areas and along the Grand Canal.

12. **Complete Streets Guidelines:**
In 2014, 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 contains requirements for detached sidewalks with vegetative shade which will enhance the thermal comfort and sense of security for pedestrians passing on adjacent sidewalks.

Staff is recommending Stipulation No. 8 to require enhanced bicycle facilities on the site including secure bicycle parking for residents, bicycle racks for guests, and a publicly accessible bicycle repair station near the southern edge of the site; the purpose of these stipulations is to complement 3rd Avenue which is identified as the Phoenix Sonoran Bikeway and the Grand Canal multiuse trail which provides regional trail connectivity.

13. **Comprehensive Bicycle Master Plan:**
The Comprehensive Bicycle Master Plan is a guide for creating a culture and environment conducive to bicycling as a viable mode of transportation. The proximity to high capacity transit underscores the importance of walking and bicycling in this area.

Recognizing the presence of the Grand Canal, the recently completed Canalscape investments, the presence of the Phoenix Sonoran Bikeway, and proximity to high capacity transit, staff is recommending Stipulation No. 8 which requires secure bicycle parking for residents, bicycle parking for guests, and a publicly accessible bicycle repair station.

14. **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.

15. **Zero Waste 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 provision of recycling containers was not addressed in the applicant's submittals.

COMMUNITY CORRESONDENCE

16. As of the writing of this report, one letter of opposition was received detailing concerns relating to scale, privacy, traffic, the abundance of multifamily, and the design compatibility with the historic district.

INTERDEPARTMENTAL COMMENTS

17. The Fire Department commented that the site plan must comply with the Phoenix Fire Code and further indicated there are no problems anticipated with the case. Further, the Department commented that they do not know the water supply at this site and noted that additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

18. The Public Works Department, Floodplain Management Division determined the site is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1740 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The Public Works Department provided Stipulation No. 10 to require the applicant follow and document all necessary processes and improvements.

19. The Street Transportation Department provided Stipulation Nos. 6, 7, and 9 to require traffic calming at vehicular driveways, two pedestrian connections to the Grand Canal trail, and their standard stipulation regarding the applicant being responsible for construction of adjacent streets, respectively.

    The Street Transportation Department including the Pedestrian Safety Coordinator further commented on the importance of enhanced pedestrian and bicycle facilities including detached sidewalks, bicycle parking, a bicycle repair station, and connections to the Grand Canal trail. These issues are addressed in other stipulations or will be addressed through the application of the Walkable Urban Code.

20. The Public Transit Department commented on the need for a robust system of shaded pedestrian pathways with measures to delineate pedestrian crossings at drive-aisles. These issues are addressed in other stipulations or will be addressed through the application of the Walkable Urban Code.

OTHER

21. 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.

22. Based on the proximity to Sky Harbor Airport, the Aviation Department is requiring Stipulation Nos. 11 and 12 which require recorded documents to disclose the existence of Sky Harbor Airport to future owners and residents, and that an avigation easement be recorded.

23. 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 proposal is consistent with the General Plan Land Use Map designation of Residential 15+ Dwelling Units Per Acre and the TOD Strategic Policy Framework Minor Urban Center Place Type designation.

2. The development advances the vision and recommendations contained in the Uptown Transit Oriented Development Plan and will support pedestrian oriented development near the light rail and multiple urban bikeways.

3. The proposal will create additional housing options for the significant number of residents in the Uptown TOD District.

Stipulations

1. The south facing mass of the building(s) oriented to the Grand Canal shall incorporate Walkable Urban Code Frontage Types described in Section 1305 for a minimum 40 percent of the building face(s), as approved by the Planning and Development Department. For the purpose applying the above provisions, the above shall be treated as a Secondary Frontage with regard to glazing.

2. The south facing mass of the building(s) oriented to the Grand Canal shall contain architectural embellishments, design detailing, and / or space programming to activate and provide visual access onto the canal, as approved by the Planning and Development Department. Examples of appropriate enhancements may include textural changes, offsets, recesses, variation in window size and location, overhang canopies, balconies with a depth greater of than 3 feet, and amenities such as gathering spaces.

3. Between the southern mass of the building and the south property line (the Grand Canal right-of-way), the developer shall plant minimum 3-inch caliper, large canopy shade trees, at a minimum frequency of 25 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department.

4. The provisions of Section 1310.A.2 of the Phoenix Zoning Ordinance shall apply to require shaded open space of which a minimum 50 percent shall be situated adjacent to the south property line (the Grand Canal right-of-way), as approved or modified by the Planning and Development Department.

5. No solid perimeter wall greater than 36 inches in height shall be oriented to and located within 30 feet of the south property line (the Grand Canal right-of-way), as approved by the Planning and Development Department.

6. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.

7. The developer shall provide a minimum of two direct and accessible pedestrian connections from the amenity areas located south of the building mass to the shared use path along the Grand Canal Trail, as approved by the Planning and Development Department.

8. The developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.

    a. A bicycle repair station (fix-it station) along the southern edge of the site, visible, and accessible from the public sidewalk and / or the Grand Canal Trail. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while adjusting the bike.

    b. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.

    c. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance.

9. 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.

10. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1740 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department:

a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3); this includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

b. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.

c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.

11. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

12. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.

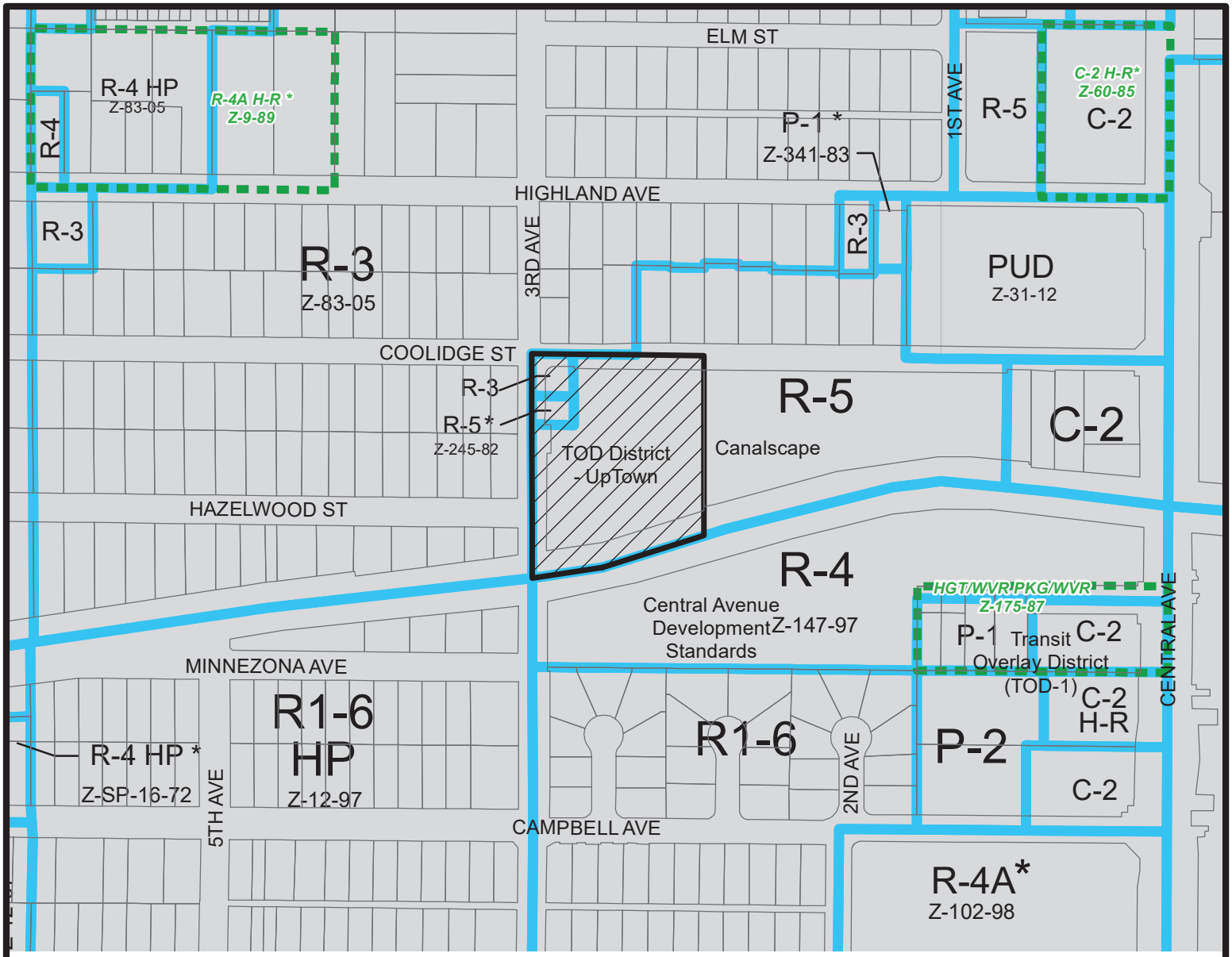
13. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

Writer
Nick Klimek
January 20, 2021

Team Leader
Samantha Keating

Exhibits
Zoning sketch map
Aerial sketch map
Conceptual Site Plan and Elevations date stamped October 19, 2020 (2 pages)
Community Correspondence (4 pages)

North Central Employment Center Profile (2 pages)



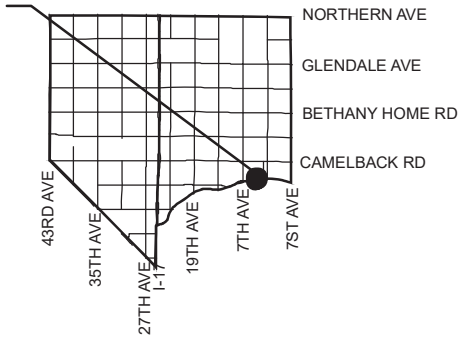
Miles

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ALHAMBRA VILLAGE

CITY COUNCIL DISTRICT: 4

Z-56-20



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME:	Trinsic Residential Group, Todd Gosselin
APPLICATION NO.	Z-56-20
DATE:	10/23/2020
REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	3.29 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 18-27
ZONING MAP	H-8

REQUESTED CHANGE:

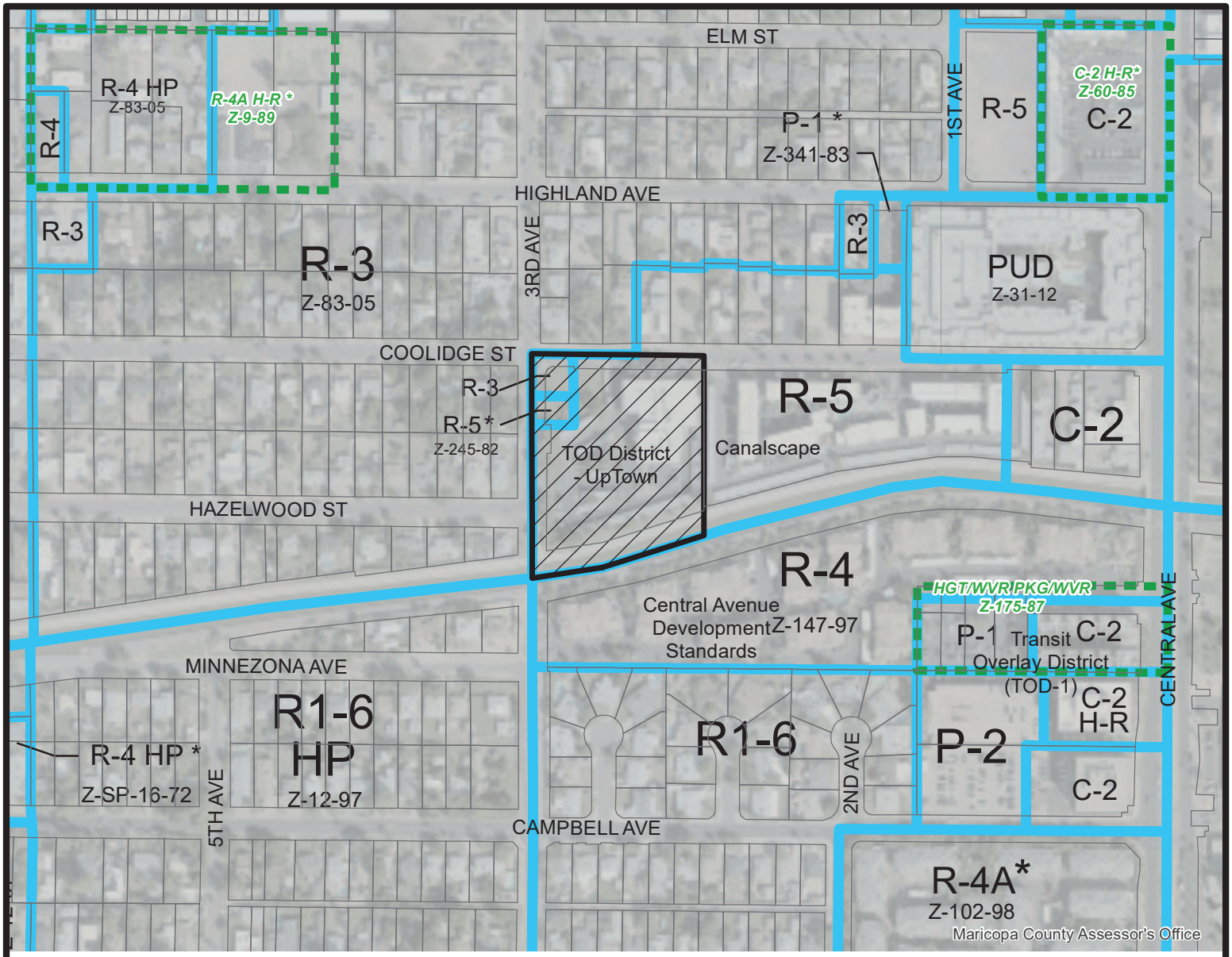
FROM: R-3 (0.18 a.c.)
R-5 (3.11 a.c.)

TO: WU Code T5:5 UT (3.29 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
R-3, R-5	2, 135	3, 162
WU Code T5:5 UT	No Maximum	N/A

* **Maximum Units Allowed with P.R.D. Bonus**

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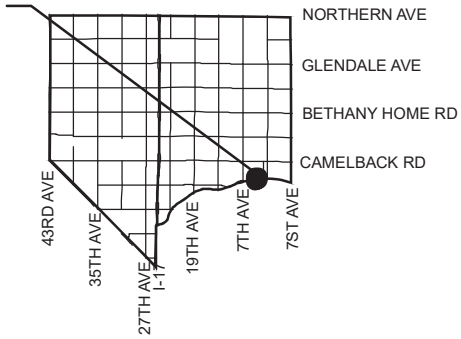
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ALHAMBRA VILLAGE

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PLANNING AND DEVELOPMENT DEPARTMENT

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R-3, R-5	2, 135	3, 162
WU Code T5:5 UT	No Maximum	N/A

* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2020\Z-56-20.mxd

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:
THE WEST HALF OF LOT 16 AND THE EAST HALF OF LOT 17, SUBURBAN ACRES, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 13 OF MAPS, PAGE 22;
EXCEPT THE NORTH 7.5 FEET FOR STREET PURPOSES.
PARCEL NO. 2:
THE WEST HALF OF LOT 17, SUBURBAN ACRES, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 13 OF MAPS, PAGE 22;
EXCEPT THE NORTH 7.5 FEET FOR ROAD.
PARCEL NO. 3:
LOT 19, SUBURBAN ACRES, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 13 OF MAPS, PAGE 22.
EXCEPT THEREFROM THE NORTH 185 FEET THEREOF;
EXCEPT THEREFROM THE WEST 30 FEET THEREOF; AND
EXCEPT THEREFROM ANY PART, THEREOF, LYING WITHIN THE WEST 30 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS PROVIDED IN DEED RECORDED IN DOCKET 940 I, PAGE 123.
PARCEL NO. 4:
THE SOUTH 60 FEET OF THE NORTH 185 FEET OF LOT 19, SUBURBAN ACRES, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 13 OF MAPS, PAGE 22;
EXCEPT THE FOLLOWING DESCRIBED PARCEL FOR ROADWAY PURPOSES;
THAT PART OF THE SOUTH 60 FEET OF THE NORTH 185 FEET OF LOT 19, SUBURBAN ACRES, LYING WITHIN 40 FEET OF THE MONUMENT LINE OF THIRD AVENUE, AS SAID MONUMENT LINE IS SHOWN ON THE PLAT OF SOUTH PIERSON PLACE, THE PLAT OF WHICH IS RECORDED IN BOOK 17 OF MAPS, PAGE 45.
PARCEL NO. 5:
THE SOUTH 38 FEET OF THE WEST 60 FEET OF THE EAST 120 FEET OF THE NORTH 125 FEET OF LOT 19, SUBURBAN ACRES, AND THE NORTH 5 FEET OF THE SOUTH 43 FEET OF THE WEST 60 FEET OF THE EAST 120 FEET OF THE NORTH 125 FEET OF LOT 19, SUBURBAN ACRES, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 13 OF MAPS, PAGE 22.
PARCEL NO. 6:
THE NORTH 82 FEET OF THE WEST 60 FEET OF THE EAST 120 FEET OF THE NORTH 125 FEET OF LOT 19, SUBURBAN ACRES, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 13 OF MAPS, PAGE 22.
EXCEPTING THEREFROM THAT PORTION OF THE LAND CONVEYED TO THE CITY OF PHOENIX, A MUNICIPAL CORPORATION, MORE PARTICULARLY DESCRIBED IN QUIT-CLAIM DEED, RECORDED NOVEMBER 06, 2012 AS 2012-911309 OF OFFICIAL RECORDS.
PARCEL NO. 7:
THE EAST 60 FEET OF THE NORTH 125 FEET OF LOT 19, SUBURBAN ACRES, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 13 OF MAPS, PAGE 22;
EXCEPT THE NORTH 7.5 FEET THEREOF.

CITY OF PHOENIX SITE PLAN NOTES

1. Development and use of this site will conform with all applicable codes and ordinances.
2. All new or relocated utilities will be placed underground.
3. "Structures and landscaping within a triangle measured back 10' from the property line and 20' along the property line on each side of the driveways entrances will be maintained at a maximum height of 3."
4. Structures and landscaping within a triangle measuring 33' x 33' along the property lines will be maintained at a maximum height of 3'.
5. Any lighting will be placed so as to direct light away from adjacent residential districts and will not exceed one foot candle at the property line. No noise, odor, or vibration will be emitted at any level exceeding the general level of noise, odor, or vibration emitted by uses in the area outside of the site.
6. Owners of property adjacent to public rights-of-way will have the responsibility for maintaining all landscaping located within the rights-of-way, in accordance with approved plans.
7. All rooftop equipment and satellite dishes shall be screened to the height of the tallest equipment.
8. All service areas shall be screened to conceal trash containers, loading docks, transformers, backflow preventers and other mechanical or electrical equipment from eye level adjacent to all public streets.
9. Barbed, razor, or concertina wire (or similar) shall not be used on this site where visible from public streets or adjacent residential areas.
10. All signage requires separate reviews, approvals, and permits. No signs are approved per this plan.
11. Gates are to remain open, or are to open automatically, between the hours of _____ and _____.

Please consider placing the following note (signed and dated) on the site plan to authorize minor amendment to the plan in the future:

I consent to the reproduction of this site plan provided that if modifications are made, the professionals who make such changes assume full responsibility and liability for the modified portions of the plan.

Rich Barber — 10/16/2020
SIGNATURE OF COPYRIGHT OWNER — DATE

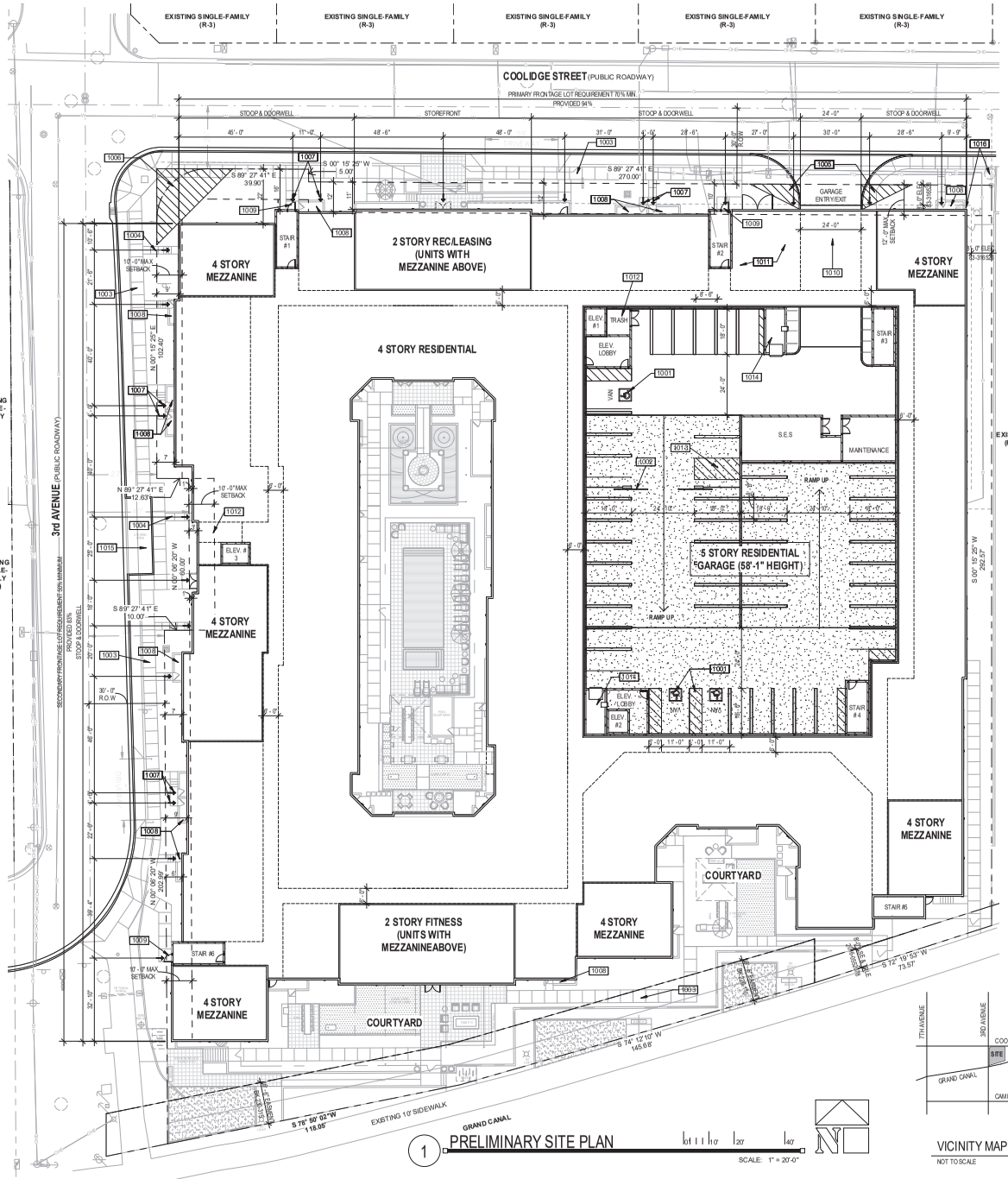
Rich Barber
PRINTED NAME OF COPYRIGHT OWNER

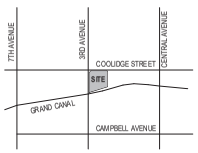
SOLID WASTE NOTES

SOLID WASTE NARRATIVE:
TRASH CHUTES ARE LOCATED IN THE PARKING GARAGE ON ALL FLOORS AND AN ADDITIONAL CHUTE LOCATED ON THE WEST SIDE OF BUILDING.

TRASH TERMINATION ROOMS ARE LOCATED IN PARKING GARAGE AT GRADE LEVEL AND ON WEST SIDE OF BUILDING WHERE TRASH IS COMPACTED AND PLACED INTO 2 YD BINS. TRASH BINS ARE TAKEN TO HOLDING ROOM LOCATED AT GRADE LEVEL ON NORTH SIDE OF GARAGE. HOLDING ROOM IS COMPLETELY ENCLOSED AND SCREENED WITH GATES (SEE ELEVATIONS). ON TRASH PICK UP DAYS BINS ARE TAKEN OUT BY STAFF TO PROVIDED STAGING AREA FOR COLLECTION. 6 YD RECYCLE BIN WILL BE PROVIDED IN GARAGE ACCESSIBLE TO ALL RESIDENTS. RECYCLE BIN WILL BE ROLLED OUT ON PICK UP DAY TO STAGING AREA.

REQUIRED SOLID WASTE CAPACITY:
(2 MINI TRASH COMPACTORS ARE LOCATED IN THE PARKING GARAGE LEVEL 1. EACH COMPACTOR COMPACTS TRASH INTO 2YD BINS.
(1) MINI TRASH COMPACTOR IS LOCATED ON LEVEL 1 (WEST SIDE OF BUILDING). COMPACTOR COMPACTS TRASH INTO 2YD BINS. 5 CUBIC YARDS PER UNIT. 2.1890.5 = 1109 CY. SERVICED TWICE PER WEEK = 109.2÷65 CY. COMPACTION OF 3.1 = 19 CY PER SERVICE TWICE PER WEEK.
10 CY PER SERVICE/2 CY PER BIN = MIN OF 5 BINS IN HOLDING ROOM.
A SINGLE 6 CY RECYCLE BIN ARE LOCATED IN GARAGE NEAR MAIN ENTRY. SERVICE WILL BE BASED ON USE AND BUILDING OCCUPANCY.





VICINITY MAP
NOT TO SCALE

DEVELOPMENT DATA

PROJECT DESCRIPTION:

TRINSIC RESIDENTIAL GROUP INTENDS TO DEVELOP AN EXCEPTIONAL 218 UNIT MULTI-FAMILY RESIDENTIAL (FOR RENT) PROPERTY LOCATED ON THE SOUTHEAST CORNER OF 3RD AVENUE AND COOLIDGE STREET.

ZONING:
CURRENT: R-5
PROPOSED: WU TS 5

DENSITY:
PROPOSED:
85.49 D.U./ACRE (2.18 UNITS)

APN #:
155-29-068B

LOT AREA

GROSS:	142,789 SF	3.278 acres
NET:	111,308 SF	2.555 acres

AMMENITIES:
POOL, SPA, FITNESS, RECREATION CLUB ROOM, BIKE STORAGE.

CONSTRUCTION TYPE:
PARKING GARAGE: IA
RESIDENTIAL: VA
BUILDING HEIGHT:
MAX: 56 FEET
PROVIDED: 56 FEET

SET BACKS: PER CHAPTER. 1303.2 TRANSECT T5

PRIMARY FRONTAGE (COOLIDGE):	12' MAX.
SECONDARY FRONTAGE (3rd AVE.):	10' MAX.
SIDE LOT LINE (EAST):	0' MIN.

UNIT MIX:

STUDIO	46
1 BED ROOM	116
2 BED ROOM	56
TOTAL UNITS	218

BUILDING AREAS:

LEVEL L1	BUILDING AREA	58,885 SF
LEVEL L2	BUILDING AREA	56,837 SF
LEVEL L3	BUILDING AREA	60,276 SF
LEVEL L4	BUILDING AREA	60,276 SF
TOTAL		236,275 SF

- ALL UNITS SHALL BE OF AT LEAST ANSI TYPE 'B' ACCESSIBILITY STANDARDS
- 2% OF UNITS TO BE ANSI TYPE 'A' ACCESSIBILITY STANDARDS

GARAGE BUILDING AREAS:

LEVEL L1	GARAGE AREA	21,661 SF
LEVEL L2	GARAGE AREA	20,634 SF
LEVEL L3	GARAGE AREA	20,634 SF
LEVEL L4	GARAGE AREA	20,634 SF
GARAGE LEVEL L5	GARAGE AREA	20,634 SF
LEVEL L6 (GARAGE)	GARAGE AREA	5,276 SF
TOTAL		109,414 SF

LOT COVERAGE

AREA PROVIDED:	80,485
SITE NET AREA:	111,308
PERCENT PROVIDED:	73%

PRIMARY FRONTAGE REQUIRED MINIMUM 70%
PROVIDED : 317/330' = 94 %

SECONDARY FRONTAGE REQUIRED MINIMUM 50%
PROVIDED: 322.08' = 83%

OPEN SPACE:

REQUIRED: (SEC 1310)	5% OF GROSS ACREAGE
AREA PROVIDED:	
CENTER COURTYARD:	9,159 S.F.
SOUTH COURTYARD:	7,789 S.F.
TOTAL:	16,948 SF
SITE GROSS AREA:	142,789
PERCENT PROVIDED:	16,948 S.F. / 142,789 S.F. = 12%

PARKING:

EXISTING (R-5)

REQUIRED:
1.3 SPACES PER STUDIO — 46 x 1.3 = 60
1.5 SPACES PER 1&2 BED — 172 x1.5 = 258
TOTAL REQUIRED: 318 P.S

REDUCTION:
10% REDUCTION FOR PROXIMITY TO LIGHT RAIL STATION (1.320')
3 18 P.S. x 90 = 287 REQUIRED SPACES

PROVIDED :

PROSPECTIVE /RESIDENT	11
RESIDENT GARAGE	292
TOTAL PROVIDED	303

ACCESSIBLE PARKING: (INCLUDED IN COUNT)
REQUIRED: 318/02 = 7

GARAGE L1 3 PS (2 VAN ACCESIBLE)
GARAGE L2 2PS
GARAGE L3 2PS

PROVIDED: 7 PS (2 VAN ACCESIBLE)

GLAZING :
REQUIRED PER TABLE 1303.2 TRANSECT T4 :
MINIMUM 25% GROUND FLOOR FRONTAGE: 317.3' X 8 = 1,556.2 SF.

GLAZING	657 SF

PROVIDED:
657 SF / 1,556.2 SF = 43%

FIRE SPRINKLERS:
NFPA 13

BUILDING FRONTAGE ENTRY REQUIREMENTS:
REQUIRED (TRANSECT T5):
PRIMARY BUILDING FRONTAGE 1/ 50'
SECONDARY BUILDING FRONTAGE 1/ 80'

KEYNOTES

1001 ACCESSIBLE GARAGE SPACE 18' x 11'.
1002 VEHICULAR SLIDING GATE.
1003 5' SIDEWALK SEE LANDSCAPE.
1004 3' SIDEWALK SEE LANDSCAPE.
1005 20'x10' SIGHT VISIBILITY TRIANGLE.
1006 33'x33' SIGHT VISIBILITY TRIANGLE.
1007 BUILDING ENTRY/EXIT.
1008 EXTENDED PATIO/STOOPS.
1009 ENTRY STAIR.
1010 GARAGE ENTRY AT GROUND LEVEL WITH RESIDENTIAL UNITS LEVELS 2-4.
1011 TRASH HOLDING ROOM FULLY SCREENED AT GROUND LEVEL WITH RESIDENTIAL UNITS LEVEL 2-4 - SEE SOLID WASTE NARRATIVE THIS SHEET.
1012 TRASH COMPACTOR.
1013 VEHICULAR TURN AROUND SPACE.
1014 MECHANICAL VENTILATION SHAFT.
1015 10'x 30' LOADING ZONE. ONE LOADING BAY REQUIRED PER WU CODE TABLE 1307.2.
1016 EXHISTING FIRE HYDRANT.

CITY OF PHOENIX
OCT 19 2020
Planning & Development Department

KIVA PROJECT: 20-3452
SDEV #: 2007876
FACT #: 2013599
PAPP:
QS:

AURA COOLIDGE

3RD AVENUE AND COOLIDGE
PHOENIX, AZ 85013

Office of Rich Barber Architecture, LLC
ORB
WorldHQ@ORBArch.com
RICH BARBER — 156 19 — 10 16 2020 — Expires 1/31/2021

REVISIONS/ SUBMITTALS

DATE	DESCRIPTION

DATE: OCTOBER 16, 2020 ORB #: 20-212

A1.10

PRELIMINARY SITE PLAN



1 NORTH ELEVATION
COOLIDGE STREET
SCALE: 1/16" = 1'-0"



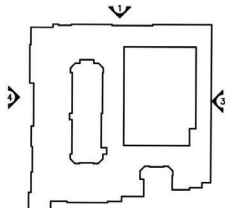
2 SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



3 EAST ELEVATION
SCALE: 1/16" = 1'-0"



4 WEST ELEVATION
3RD AVENUE
SCALE: 1/16" = 1'-0"



KEYMAP

MATERIAL KEY NOTES:

- (A) STUCCO FINISH DUNN EDWARDS DEW380 "WHITE" LRV 93
- (B) STUCCO FINISH DUNN EDWARDS DE6213 "FINE GRAIN" LRV 59
- (C) STUCCO FINISH DUNN EDWARDS DE6376 "LOOKING GLASS" LRV 23
- (D) STUCCO FINISH DUNN EDWARDS DE6379 "JET" LRV 9
- (E) STUCCO FINISH DUNN EDWARDS DET459 "RED ROOSTER" LRV 11
- (F) CANOPIES PAINTED, COLOR DUNN EDWARDS DE6378 "JET" LRV 9
- (G) BLOCK WALL – "PRECISION" COLOR: RED ROCK – NW SEDONA RED, SIZE: 8"X8"X16"
- (H) MECHANICAL EQUIPMENT SCREENED BY PARAPET
- (I) SERVICE DOOR, COLOR TO MATCH ADJACENT WALL
- (J) 2x2 WIRE MESH BALCONY RAILING, PAINTED DUNN EDWARDS DE6378 "JET" LRV 9
- (K) STONE VENEER CORONADO STONE " THE GETTY STONE" 16" X 24" COLOR "BLACK FOREST"
- (L) HARDY PLANK PAINTED DEW380 "WHITE" LRV 93
- (M) HARDY PLANK PAINTED DE6376 "LOOKING GLASS" LRV 23

KIVA PROJECT: 20-3452
SDEV #: 2007876
FACT #: 2013599
PAPP:
QS:

CITY OF PHOENIX
OCT 19 2020
Planning & Development Department

AURA UPTOWN

3RD AVENUE AND COOLIDGE
PHOENIX, ARIZONA 85013

Office of Rich Barber Architecture, LLC
ORB
WorldHQ@ORBArch.com
15213 Rich Barber
Expires: 3/31/2021

PRELIMINARY NOT FOR CONSTRUCTION

REVISIONS

DATE: OCTOBER 16, 2020 ORB # 20-212

A3.40

PRELIMINARY COLOR ELEVATIONS

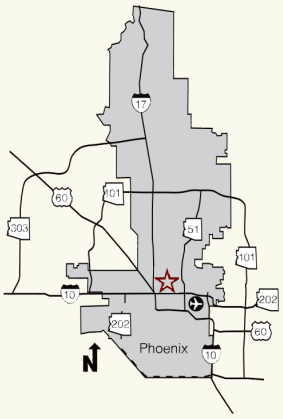
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City of Phoenix Employment Center Profile

NORTH CENTRAL

The North Central employment center offers an exceptional location in one of the city's premier office corridors.

This employment center extends from McDowell Road north to Camelback Road between Seventh Street and Seventh Avenue. The North Central area includes high-rise office and residential buildings surrounded by historic single family neighborhoods, parks and cultural amenities.



- Access to a large executive and professional workforce
- Advanced telecommunications infrastructure
- Large inventory of office space
- Competitive lease rates
- Superior accessibility to key business and financial services

Labor Force Accessibility and Skills

The North Central employment center offers excellent access to a large portion of the metro area's 1.7 million workers. Approximately 770,000 young, well-educated workers reside within a 30 minute drive time.[1] High concentrations of service and health care workers live within 10 to 20 minutes. In addition, about 16 percent of the workforce living within a 20 minute drive time is made up of executives, managers and technical professionals.[2]

Projected growth for this area will result in close to 170,000 new residents within a 30 minute drive time by 2020, providing a continually expanding labor pool.[3]

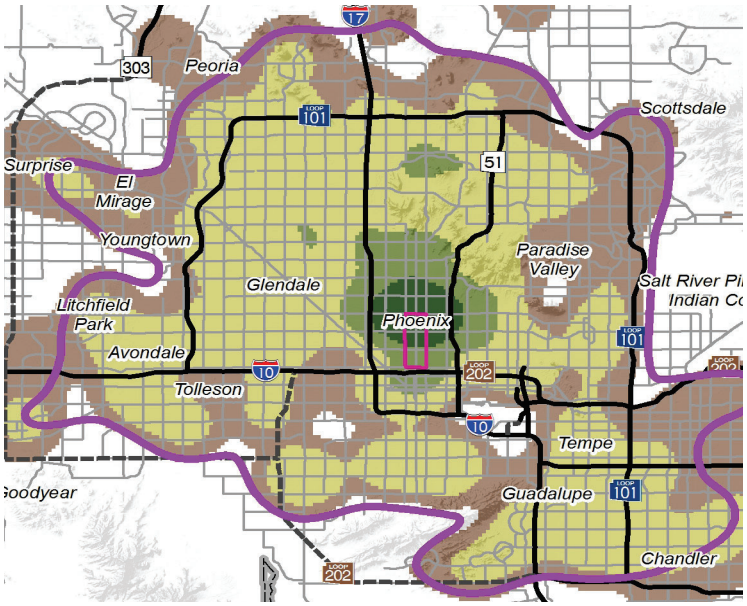
1, 2, 3 Claritas, 2015.

Employment by Occupation

Workforce	10 Min. Drive		20 Min. Drive		30 Min. Drive	
	Number	%	Number	%	Number	%
Management	7,416	7	57,595	8	131,498	9
Engineering & Science	2,224	2	16,777	2	36,046	3
Healthcare & Education	11,089	10	82,493	11	170,387	12
Service	16,173	15	109,119	15	195,911	14
Sales	10,112	9	81,075	11	167,369	12
Clerical & Admin. Support	15,143	14	117,524	16	219,346	16
Construction	8,978	8	48,001	6	71,611	5
Production	6,210	6	39,874	5	64,441	5
Trans./Material Mover	6,373	6	46,614	6	76,283	5
Total	**83,718**		**599,072**		**1,132,892**	

Source: Claritas, 2015.

Commute Shed



Commuters who travel to Employment Corridor per Square Mile

- 4 to 10
- 10 to 25
- 25 to 50
- More than 50
- Phoenix North Central Job Center
- Phoenix North Central Job Center Catchment Area

Source: Maricopa Association of Governments, TRP Reduction Database, 2013

Equal Opportunity Employer/Program. Auxiliary Aids and services are available upon request to individuals with disabilities. Products and services made available through Federal Funding provided by the Workforce Investment Act.

Sites and Buildings

The North Central employment center offers a **large inventory of office and commercial space** mixed with a variety of hotel and residential developments. From high-rise office buildings and condominiums to palm tree-lined streets of historic single-family neighborhoods, diversity enhances the appeal of this conveniently located area.

The area has about **14.5 million square feet of existing office space** in close proximity to downtown. For companies that require build-to-suit space, there are prime commercial high-rise parcels available.[4]

The map to the right highlights the type of community real estate in the North Central area. Our team can provide more detail, custom information based on your requirements.

4 CoStar Realty Information Inc., 2015

Connectivity

The North Central employment center features modern, **reliable telecommunications infrastructure** that is supported by multiple providers. These providers are able to offer specialized capabilities such as complete digital infrastructure, T-1 (DS1) lines, T-3 (DS3) lines, self-healing fiber ring architecture and high-speed data communications. Local exchange carriers with service in the North Central area include CenturyLink and Cox Communications.

Infrastracture

Abundant and reliable power sources are available from a highly advanced network system that provides redundant feeds from multiple sub-stations.

The North Central employment center enjoys easy access to a **modern network of urban freeways and arterial streets**. This employment center has excellent transit service and is located along the **METRO light rail** transit line that connects the area to downtown Phoenix, Phoenix Sky Harbor International Airport and surrounding cities.

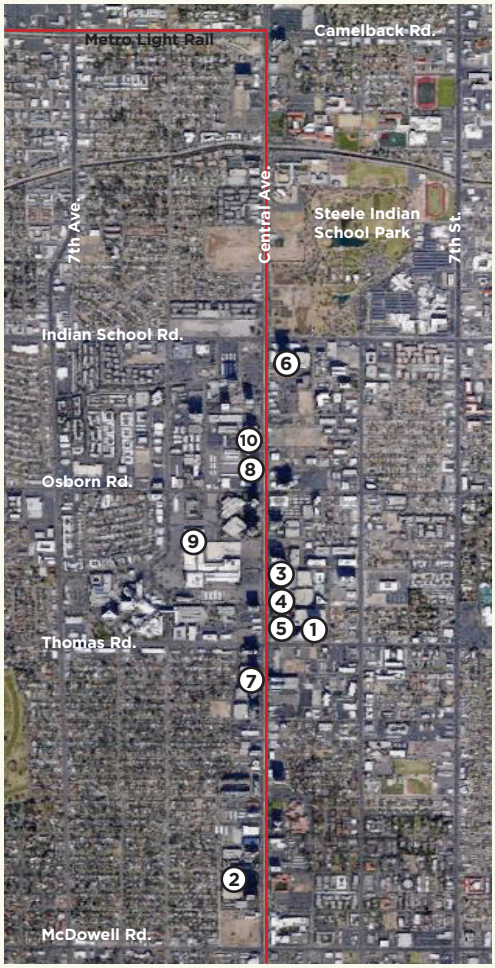
For businesses that require convenient air access, **Phoenix Sky Harbor International Airport** is located just 15 minutes away. The airport is one of the busiest in the U.S. based on passenger traffic and offers more than **830 daily non-stop flights** to nearly 80 domestic destinations and 13 international destinations.[5]

5 Phoenix Sky Harbor International Airport, 2015.

Existing and Planned Development

1. Century Link Tower
586,403 sq. ft.
Office
2. Viad Tower Phase II
478,488 sq. ft.
Office - Proposed
3. Phoenix Corporate Tower
445,811 sq. ft.
Office
4. Phoenix Plaza Tower II
419,453 sq. ft.
Office
5. Phoenix Plaza Tower I
418,613 sq. ft.
Office
6. Younan Central Plaza
405,693
Office
7. 2800 Tower
364,533 sq. ft.
Office
8. 3550 Tower
287,269 sq. ft.
Office
9. Park Central - Bldg 7
224,953 sq. ft.
Office
10. Security Title Plaza
219,032 sq. ft.
Office

Source: CoStar Realty Information Inc., 2015



Amenities and Attractions

The exciting **Phoenix Arts District** includes the Phoenix Art Museum and Theater, the Playhouse on the Park and the internationally renowned Heard Museum of Native American Art. Steele Indian School Park, located at the northeast corner of Central Avenue and Indian School Road, features an expansive 15-acre entry garden, several historical buildings depicting the history of Phoenix Indian School, an amphitheater with seating for 1,500, a 2.5-acre bird-shaped lake and waterfall and a 15-acre neighborhood park. Located in the heart of the North Central employment center, Park Central is a 500,000 square foot mixed-use redevelopment featuring offices, retail, restaurants and business-oriented hotels. In addition, there are a number of **new luxury apartment developments** in the area that provide a variety of housing options for workers and support continued office and retail development.

Major Area Employers

CenturyLink
Telecommunications
Deloitte LLP
Accounting and Management Consulting
Fennemore Craig
Law Firm
SCF Arizona
Direct Property and Casuality Insurance - HQ
Viad Corporation
Business Services - HQ
PricewaterhouseCoopers
Accounting and Management Consulting
Dignity Health
Hospital Administration
IBM Corporation
Administrative Operations
U-Haul International
Leasing Services - Corp. HQ
Xerox Corporation
Copiers and Office Products
BMO Harris Bank
Banking and Financial Services

Source: Maricopa Association of Governments, 2013



City of Phoenix
Community and Economic Development Department
200 W. Washington St., 20th Floor | Phoenix, AZ 85003
www.phoenix.gov/econdev | 602-262-5040

From: Adam Ghiz
To: Nick Klimek
Cc: ben@witheymorris.com
Subject: Re: Z-56-20 (3rd Avenue and Coolidge)
Date: Tuesday, November 3, 2020 12:07:07 PM

One Additional concern.

The large grassy area on the corner of 3rd and Coolidge has been used for years by the neighborhood as a makeshift park. Families have used this area for recreation with their children and pets. It provides for a grassy green area, in an otherwise paved jungle. You will be taking this away from all residents, and instead of providing more greenery, will be adding more concrete.

~Adam

> On Nov 3, 2020, at 11:51 AM, Adam Ghiz <a.ghiz@me.com> wrote:
>
> Here are my concerns for this project:
>
> 1. 56ft building height allowed by T5:5
> 2. 10 ft setback from current sidewalk, this in combination of the height will basically provide for an entire block of apartments from the canal to Coolidge looking directly over my fence and into my yard and house.
> 3. Noise, this is an extremely quiet section and adding an additional 218 housing units will greatly increase the noise factor of the neighborhood.
> 4. Traffic. Hazelwood turns into 3rd ave and as a result, there is a very low traffic density. Even with the the garage entry on Coolidge, traffic is going to greatly increase on these streets and most likely all street parking with cease to exist.
> 5. Saturation. There are already 5 or 6 (possibly even more) high density apartment complexes in this immediate area. Adding yet another complex will adversely and disproportionately affect this neighborhood vs other neighborhoods.
> 6. Historic district. This complex is almost surrounded on the 3rd ave and Coolidge street sections by the Pierson Place Historic district. Constructing this large complex when surrounded by a historic district diminishes the intention of having a historic district. The proposed elevations are quoted as “blending in” yet it looks like every other apartment complex built.
>
> This project adversely affects my property disproportionately as I am on the corner of 3rd and Hazelwood and this apartment complex will be towering over my house, and on the entire east side of my property I will now stare at 56ft of apartment building.
>
> ~Adam
>
> > On Nov 3, 2020, at 11:18 AM, Nick Klimek <nick.klimek@phoenix.gov> wrote:

Good morning, Adam –

I apologize but I believe I failed to answer one of your primary questions, expressed via Maura, regarding whether the property is currently approved for development. The answer is both yes and no… please allow me to explain.

The property is currently zoned R-5 which generally means they could build to a height of 48 feet.

However, the applicant has elected to pursue additional zoning entitlement under the Walkable Urban Code. The process will take 4-6 months and include 3 public hearings and a neighborhood meeting. During this process, the site plan may change and evolve in response to community concerns and priorities. I recommend putting your concerns in writing and sending them over to me. I also suggest reaching out to the applicant's representative, Ben Tate, to express yours concerns early on.

In the coming weeks, I will be reviewing the proposal in greater detail.

Kind regards,

Nick

<image002.jpg>

Nick Klimek, AICP
Village Planner
Office: 602-534-7696
E-mail: nick.klimek@phoenix.gov

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

Mission: Planning, Development and Preservation for a Better Phoenix

I am currently working remotely on a rotational schedule, but will be checking voicemails multiple times per day. Please feel free to leave me a voice message or email me for a more timely response. Thank you.

From: Adam Ghiz <a.ghiz@me.com>
Sent: Tuesday, November 3, 2020 10:45 AM
To: Nick Klimek <nick.klimek@phoenix.gov>

Subject: Re: Z-56-20 (3rd Avenue and Coolidge)

Thanks for the response. So I am in the house directly across from this and will be affected greatly as most of my exposure is to the east where the current donor network building is. This picture is what I see from most of my house. I estimate that these trees are approximately 30ft tall and from what I have seen, it looks like the building will be 56ft tall. Also, correct me if I am wrong, but the building will only be setback 10 ft from the current sidewalk?

If this is the case, how can I expect any modicum of privacy? Not to mention, that all I will be able to see from my windows will now be building.

How does a project this large get approved so close to a historic residential neighborhood? It destroys any point in trying to preserve the original feel of the neighborhood.

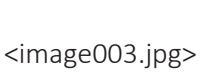
I am greatly distressed by this news and also would like to know if there is an estimated time when construction will begin.

Thanks,
Adam

<image003.jpg>

> On Nov 3, 2020, at 10:38 AM, Nick Klimek <nick.klimek@phoenix.gov> wrote:
>
> Good morning, Mr. Ghiz –
>
> My name is Nick Klimek and I am the Alhambra Village Planner. I received your contact information from Maura Jackson from our Historic Preservation Office. Please feel free to send any written comments to me and I will ensure they be provided to the applicant and included with the staff report as the request is processed; in your email, please reference the case number Z-56-20.
>
> If you would like to discuss, please feel free to call me at the below number but please note that the request is very new so I may be light on exact details regarding the site plan.
>
> Kind regards,

Nick



Nick Klimek, AICP
Village Planner
Office: 602-534-7696
E-mail: nick.klimek@phoenix.gov

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

Mission: Planning, Development and Preservation for a Better Phoenix

I am currently working remotely on a rotational schedule, but will be checking voicemails multiple times per day. Please feel free to leave me a voice message or email me for a more timely response. Thank you.

Alhambra
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Z-56-20-4

Date of VPC Meeting	January 26, 2021
Request From	R-3 and R-5
Request To	WU Code T5:5 UT
Proposed Use	Multifamily Residential
Location	Southeast corner of 3rd Avenue and Coolidge Street
VPC Recommendation	Approve per staff recommendation
VPC Vote	**15-1-0**, motion passes with Farina, Ammon, Ender, Fitzgerald, Adams, Keyser, Kreitor, LeBlanc, Sanchez, Jones, Solorio, McCabe, Bryck, Vice Chair Williams, and Chair Shore in favor; Smith in dissent; and none in abstention.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

One speaker card was received on this item from an individual wishing to speak in opposition to the request.

During this item, Becker was unavailable by audio or video and did not vote on the item. For the purpose of the vote, he is considered absent reducing the quorum to 16 members (10 being needed for a quorum).

STAFF PRESENTATION

Klimek, staff, provided an overview of the site, the request, the proposal, and the recommendation. Located at the southeast corner of 3rd Avenue and Coolidge Street, the site is currently occupied by an office complex, and the request is to rezone the property from R-3 and R-5 to the Walkable Urban Code Transect 5:5 Uptown to allow for multifamily redevelopment. The site is within 0.25 miles of light rail, multiple schools, and immediately adjacent to both the Phoenix Sonoran Bikeway (3rd Avenue) and the Grand Canal which position the property at the junction of two major bicycle routes.

The request is consistent with the General Plan Land Use Map designation of Residential 15+ dwelling units per acre and with the Transit Oriented

Development Strategic Policy Framework which is identified as supporting intensity of 2 to 5 stories and up to 7 when certain bonus criteria are met. Further, the proposal will advance the Canalscape Catalyst Project identified in the Uptown Transit Oriented Development Policy Plan.

The proposal for a 4 story multifamily complex with 218 units includes shaded and detached sidewalks along 3rd Avenue and Coolidge Street and "frontage types" to activate the streetscape environment. The elevations and conceptual site plan depict measures to engage and activate the Grand Canal including frontage types oriented to the canal, plazas and amenities between the building and the canal, and low walls designed to embrace the waterfront.

Staff is recommending approval, subject to 13 stipulations, on the basis of the request being consistent and aligned with the recommendations of the Phoenix General Plan, the TOD Strategic Policy Framework, the Uptown TOD Policy Plan, and the Housing Phoenix Plan.

Stipulation Nos. 1 – 5 seek to promote a strong interface with the Grand Canal. Stipulations Nos. 6 – 8 seek to promote a safe and comfortable environment for pedestrians and bicyclists. Stipulation Nos. 9 – 13 include standard language pertaining to street improvements, removing the site from the special flood hazard area, aviation disclosures, and archaeology.

APPLICANT PRESENTATION

Jason Morris, of Withey Morris, introduced himself, his client, the project, and the change happening in this area. Trinsic Residential has done many projects throughout the region and their investment model is to hold their properties long term due, in large part to their ownership structure which includes the Texas Teachers' Retirement Fund.

The property is currently an office complex but its tenant, the Donor Network of Arizona, has relocated to Tempe. There is a concentration of multifamily development here because of the urban core, because of the transit overlay, and because of the transportation patterns in the area. The developer views this location as an excellent opportunity for multi-modal transportation with the adjacency to the Grand Canal, the Phoenix Sonoran Bikeway, and the light rail along Central Avenue. Unlike the nearby multifamily residential projects, these projects did not embrace the canal nor their street frontages. The subject site currently is entitled for 4 story multifamily development, the developer is seeking to transition this entitlement to the Walkable Urban Code to yield a better and more context-appropriate project.

Multiple city adopted policies call for this level of intensity at this location including the General Plan, the Transit Oriented Strategic Policy Framework, and the Uptown Transit Oriented Development Policy Plan. The location is ideal to

leverage the city's investment in the light rail and in the Canalscape improvements and the project is designed to embrace these policies and investments.

The Walkable Urban Code is a newer zoning category that is much more restrictive or directive in terms of the types of things that should be done in the project while also being more flexible in other ways. He then provided an overview of the site plan and renderings focusing on the street environment, the canal interface designed to create more eyes and interaction onto this waterfront, and the building architecture which includes offsets, recesses, and a variety of materials to break up the mass of the building. The project is designed with units wrapped around the parking structure which will not be visible from the perimeter.

Through the neighborhood outreach efforts which included an additional meeting with the Pierson Place Historic Neighborhood, stakeholders raised a series of concerns and the plan responds to these as follows:

- On Street Parking. Parking is provided in excess to the amount required by code. To reduce the likelihood of street parking, the project was designed to make street parking less convenient than garage parking for future tenants. As a buy-hold builder, tenant retention is important to the ownership group they are therefore conscious that parking must be sufficient. Further, the applicant has agreed to work with the city to prohibit on street parking along the 3rd Avenue and Coolidge Street frontages.
- Traffic. The development is served by a single-point of vehicular access located at the far northeast corner of the site to reduce westbound traffic through the neighborhood and to reduce vehicle conflicts with the bikeway.
- Height. The site is currently permitted to build 48 feet and four stories and the request for 56 feet and four stories is intended to allow for higher ceiling heights. The increase in height from 48 to 56 feet will be imperceptible from ground level and produce a significantly better project.
- Publicly Accessible Open Space. The plan includes a public amenity area in the southwest corner of the site with a bicycle fix-it station, bike racks, seating, and shade. The plan also includes publicly accessible lawn areas and seating along the canal frontage with lush landscaping and a pedestrian connection into the project.
- Trash Collection. Waste collection will be provided by a private contractor with all dumpsters located within the parking structure which will reduce noise.

He concluded by reiterating that the site is permitted for high density multifamily currently, how the project embraces alternative transportation as an amenity in a manner consistent with city policy and investments, and will create an enhanced canalscape including an active interface with publicly accessible open space and amenities.

QUESTIONS FROM THE COMMITTEE

Solorio: Does the project include affordable units?

- **Morris:** No, while there is a need in the region, there is currently no affordable housing program which would provide an even approach. If such a program were in place, the applicant would participate.

Adams: What are the price-points for units, the size of units, and the projected impact on nearby property values?

- **Morris:** The units will rent from $1,300 – $2,000. The project includes a mix of unit sizes. Trinsic has studied the issue of property values in the vicinity of their projects and has found that their projects produce an increase in values beyond the increase projected by the market baseline. He added that this trend is not universal for all multifamily projects but because Trinsic is in it for the long-haul, their projects are well-designed, well-managed, and well-maintained long term.
- **Adams:** Expressed concern over how the landscaping and architectural design elements will likely be unsuccessful in breaking up the mass of the building in reality.

Smith: Is this a 4 or 5 story building, is there an opportunity to reduce the height of the building, and are they concerned about security with the site being so open to the canal? She added concern that parking does not seem sufficient and noted that it will likely spill over into the neighborhood.

- **Morris:** There will be a limited number of premium units that have an interior staircase to a mezzanine level; that the applicant recognizes that parking is an important consideration for long-term tenant retention and has therefore studied the topic extensively; and that, while the project does place more eyes on the canal, security measures include a perimeter fence, access controlled gates, and all perimeter doors to the building being locked.

  The site is zoned for high-intensity multifamily, identified for high-intensity residential in the General Plan, located nearly adjacent to the light rail, and along two major alternative-transportation routes and the proposal embraces these concepts utilizing the Walkable Urban Code which is recommended for these types of circumstances. Change can be challenging especially when it comes from “left field” but all publicly accessible policy points to this being an area to accommodate growth. He concluded this point by sharing that there are no single-family, owner occupied homes north of Coolidge, and that the applicant has worked extensively with owners west of the subject site to resolve concerns.

  The development will include security measures such as a perimeter fence, access-controlled gates, and all perimeter doors to the building being locked.

Ammon: What improvements are proposed at the 3rd Avenue bridge over the canal, do the ground floor units have direct street access, is open space being provided beyond code requirements, and does the project include photovoltaic energy productions?

- **Morris:** There will be an open masonry portal that will further enhance and complement the canalscape improvements. The ground floor units along 3rd Avenue and Coolidge Street have stoop and doorwell frontages and the lobby will be a storefront. The project will have 12 percent open space compared to the 5 percent required by code. To reduce the potential for overflow parking and interference with the bikeway, they will work with the city to prohibit on street parking.
- **Gosselink:** Todd Gosselink introduced himself as the developer and explained that they are proud to include a photovoltaic array on the building. One of their earlier projects, Aura Watermark, on the north shore of Tempe Town Lake included a $150,000 solar array and was the first market-rate, multifamily project, in Arizona to include solar energy. They currently have a project at Central Avenue and Indianola Avenue with a $750,000 solar array. Trinsic recognizes the value of solar as long term investors and this project will have a $750,000 – $1,000,000 solar array on the rooftop in addition to other efficiency enhancements.

PUBLIC COMMENTS

Frank Paoletti introduced himself and state that he lives on Coolidge Street west of the subject site and has livered there for 22 years and knew some of the original owners. He expressed concerns related to parking, safety, and traffic noting that Coolidge does not have sidewalks west of 3rd Avenue. He asked whether the streets, sewers, and other infrastructure can accommodate another 218 units and 436 cars daily.

APPLICANT RESPONSE

Morris responded that traffic and on street parking had been early concerns from the neighborhood and the plan had been revised to address these issues. He added that code could have required less parking but, given its importance to retaining tenants, the plan includes structured parking in excess of that required by code. Regarding traffic, the site is zoned for high-intensity development and is developed as an office complex, and therefore, the proposed multifamily complex will replace traffic and infrastructure impacts already present on the site.

FLOOR/PUBLIC COMMENT CLOSED: DISCUSSION, MOTION AND VOTE

Motion
Bryck moved to approve the request per staff recommendation. **McCabe** seconded the motion.

VOTE: 15-1-0, motion passes with Farina, Ammon, Ender, Fitzgerald, Adams, Keyser, Kreitor, LeBlanc, Sanchez, Jones, Solorio, McCabe, Bryck, Vice Chair Williams, and Chair Shore in favor; Smith in dissent; and none in abstention.

VPC RECOMMENDED STIPULATIONS

1. The south facing mass of the building(s) oriented to the Grand Canal shall incorporate Walkable Urban Code Frontage Types described in Section 1305 for a minimum 40 percent of the building face(s), as approved by the Planning and Development Department. For the purpose applying the above provisions, the above shall be treated as a Secondary Frontage with regard to glazing.

2. The south facing mass of the building(s) oriented to the Grand Canal shall contain architectural embellishments, design detailing, and / or space programming to activate and provide visual access onto the canal, as approved by the Planning and Development Department. Examples of appropriate enhancements may include textural changes, offsets, recesses, variation in window size and location, overhang canopies, balconies with a depth greater of than 3 feet, and amenities such as gathering spaces.

3. Between the southern mass of the building and the south property line (the Grand Canal right-of-way), the developer shall plant minimum 3-inch caliper, large canopy shade trees, at a minimum frequency of 25 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department.

4. The provisions of Section 1310.A.2 of the Phoenix Zoning Ordinance shall apply to require shaded open space of which a minimum 50 percent shall be situated adjacent to the south property line (the Grand Canal right-of-way), as approved or modified by the Planning and Development Department.

5. No solid perimeter wall greater than 36 inches in height shall be oriented to and located within 30 feet of the south property line (the Grand Canal right-of-way), as approved by the Planning and Development Department.

6. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.

7. The developer shall provide a minimum of two direct and accessible pedestrian connections from the amenity areas located south of the building mass to the shared use path along the Grand Canal Trail, as approved by the Planning and Development Department.

8. The developer shall provide and maintain the following bicycle infrastructure as

described below and as approved by the Planning and Development Department.

a. A bicycle repair station (fix-it station) along the southern edge of the site, visible, and accessible from the public sidewalk and / or the Grand Canal Trail. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while adjusting the bike.

b. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.

c. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance.

9. 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.

10. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1740 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department:

a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3); this includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

b. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.

c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.

11. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be

according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

12. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.

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.

Attachment D

REPORT OF PLANNING COMMISSION ACTION
February 4, 2021

ITEM NO: 13	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	Z-56-20-4
Location:	Southeast corner of 3rd Avenue and Coolidge Street
From:	R-3 and R-5
To:	WU Code T5:5 UT
Acreage:	3.29
Proposal:	Multifamily residential
Applicant:	Trinsic Residential Group, T. Gosselink
Owner:	Donor Network of Arizona
Representative:	Jason Morris , Withey Morris, PLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Alhambra 1/26/2021 Approval, per the staff recommendation. Vote: 15-1.

Planning Commission Recommendation: Approval, per the Alhambra Village Planning Committee recommendation, with an additional stipulation.

Motion Discussion: Commissioner Howard made a MOTION to approve Z-56-20-4, per the Alhambra Village Planning Committee recommendation, with an additional stipulation as read into the record.

Commissioner McCabe seconded.

Chairwoman Shank asked if there was any questions or comments.

Commissioner Busching made a substitute motion to continue Z-56-20-4.

Chairwoman Shank asked for a second. There was no second, therefore the motion failed.

Motion details: Commissioner Howard made a MOTION to approve Z-56-20-4, per the Alhambra Village Planning Committee recommendation, with an additional stipulation as read into the record.

Maker: Howard
Second: McCabe
Vote: 7-1 (Busching)
Absent: Johnson
Opposition Present: Yes

Findings:

1. The proposal is consistent with the General Plan Land Use Map designation of Residential 15+ Dwelling Units Per Acre and the TOD Strategic Policy Framework Minor Urban Center Place Type designation.

2. The development advances the vision and recommendations contained in the Uptown Transit Oriented Development Plan and will support pedestrian oriented development near the light rail and multiple urban bikeways.

3. The proposal will create additional housing options for the significant number of residents in the Uptown TOD District.

Stipulations:

1. The south facing mass of the building(s) oriented to the Grand Canal shall incorporate Walkable Urban Code Frontage Types described in Section 1305 for a minimum 40 percent of the building face(s), as approved by the Planning and Development Department. For the purpose applying the above provisions, the above shall be treated as a Secondary Frontage with regard to glazing.

2. The south facing mass of the building(s) oriented to the Grand Canal shall contain architectural embellishments, design detailing, and / or space programming to activate and provide visual access onto the canal, as approved by the Planning and Development Department. Examples of appropriate enhancements may include textural changes, offsets, recesses, variation in window size and location, overhang canopies, balconies with a depth greater of than 3 feet, and amenities such as gathering spaces.

3. Between the southern mass of the building and the south property line (the Grand Canal right-of-way), the developer shall plant minimum 3-inch caliper, large canopy shade trees, at a minimum frequency of 25 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department.

4. The provisions of Section 1310.A.2 of the Phoenix Zoning Ordinance shall apply to require shaded open space of which a minimum 50 percent shall be situated adjacent to the south property line (the Grand Canal right-of-way), as approved or modified by the Planning and Development Department.

5. No solid perimeter wall greater than 36 inches in height shall be oriented to and located within 30 feet of the south property line (the Grand Canal right-of-way), as approved by the Planning and Development Department.

6. The developer shall provide traffic calming to slow vehicle traffic exiting the property with specific regard to pedestrian safety on the public sidewalk, as approved by the Planning and Development Department.

7. The developer shall provide a minimum of two direct and accessible pedestrian connections from the amenity areas located south of the building mass to the

shared use path along the Grand Canal Trail, as approved by the Planning and Development Department.

8. The developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.

    a. A bicycle repair station (fix-it station) along the southern edge of the site, visible, and accessible from the public sidewalk and / or the Grand Canal Trail. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while adjusting the bike.

    b. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.

    c. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance.

9. 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.

10. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1740 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department:

    a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3); this includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

    b. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.

    c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.

11. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be

according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

12. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.

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

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, 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:** **MARCH 3, 2021**					
APPLICATION NO/ LOCATION	**Z-56-20-4** Southeast corner of 3rd Avenue and Coolidge Street	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
Phoenix, AZ 85013	PC 1/8/2021	308 West Coolidge Street Phoenix, AZ 85013			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC 3/3/2021	Ron Szematowicz 602-748-5607 Pjharveytrack12@yahoo.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: See attached sheet.					
RECEIVED BY:	Racelle Escolar	**RECEIVED ON:**		1/10/2021	

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Leah Swanton
Vikki Cipolla-Murillo
Danielle Jordan
Ra'Desha Williams
Village Planner
Samantha Keating
Paul M. Li
GIS
Applicant

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for **February 4, 2021** 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. **February 11, 2021**.

   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., **February 11, 2021**.

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. **February 11, 2021**.

   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. **February 18, 2021**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-56-20-4
APPLICATION NO.

SE corner 3rd Ave / Coolidge St
LOCATION OF APPLICATION SITE

1/8/21
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

Racelle Escolar
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Ron Szematowicz
PRINTED NAME OF PERSON APPEALING

SIGNATURE

308 W. Coolidge St
STREET ADDRESS

1-8-21
DATE OF SIGNATURE

Phoenix AZ 85013
CITY, STATE & ZIP CODE

602-748-5607
TELEPHONE NO.

pjharveytrack12@yahoo.com
EMAIL ADDRESS pjharveytrack12@yahoo.com

REASON FOR REQUEST
see attached

CITY OF PHOENIX
FEB 10 2021
Planning & Development Department

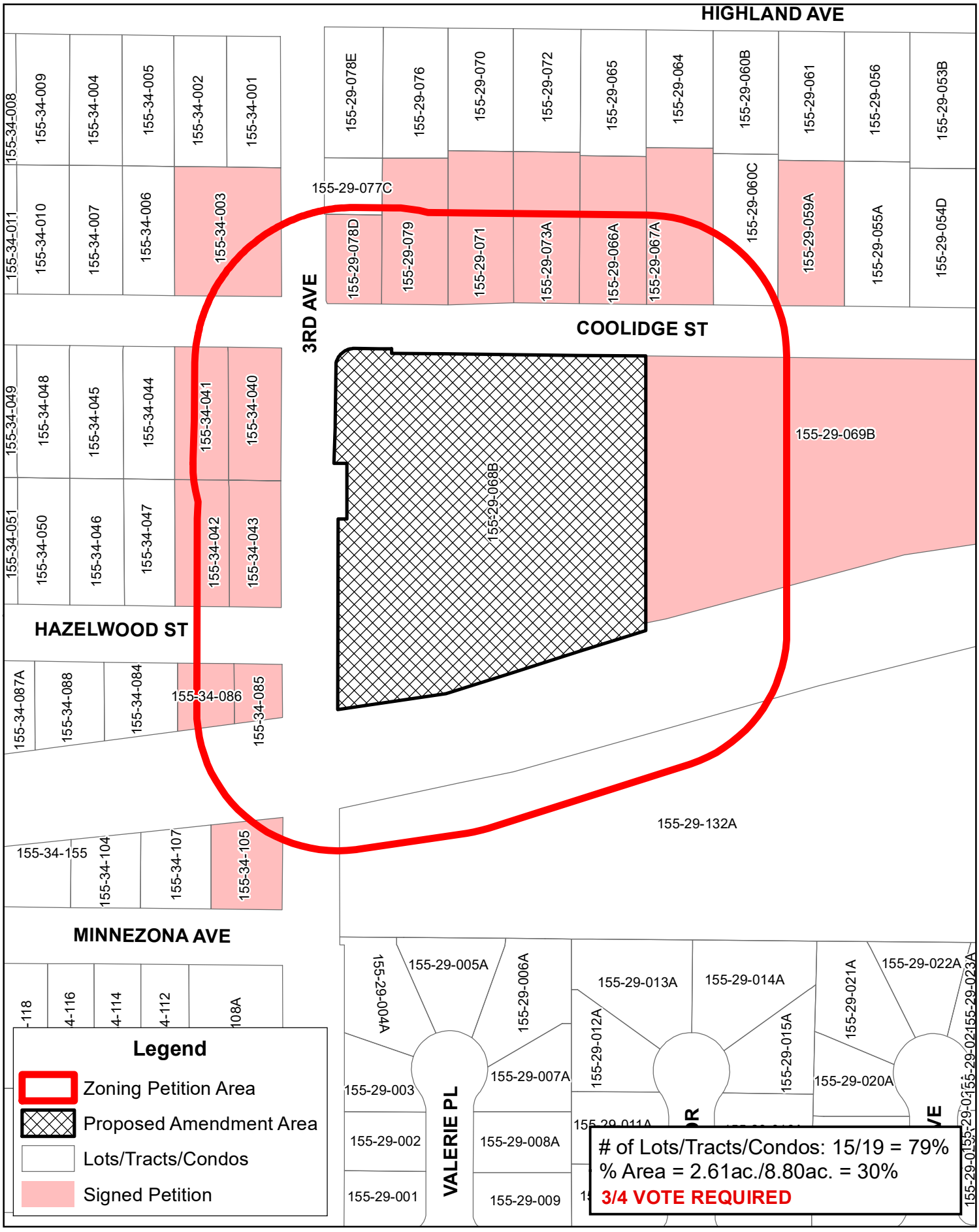
APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

The reason for this request is the increased capacity of the zoning change will inundate the Pierson Place neighborhood and particularly Coolidge St, Hazelwood, Highland and the 3rd Ave bike path with traffic. This project is going deep within the neighborhood quite far from major thoroughfares. Pierson Place is already cut off to the south by the canal, limited access on the north and east because of the light rail and dealing with a suicide lane to the west with 7th Ave. They are putting their garage toward Central Ave, but Central Ave only heads south. The traffic will come through the neighborhood. We support sensible development and we too want to beautify the canal but our infrastructure cannot handle the increase in traffic and parking deep within our neighborhood. The code change will also allow the developers to increase height within the neighborhood and disregard easement and go to the curb. It is also a relatively small space of canal (only five historic house lengths) to sacrifice the interior of the historic neighborhood for.



CITY OF PHOENIX
FEB 10 2021
Planning & Development
Department

Attachment F



0 50 100 Feet

Petition Verification Map
for Z-56-20-4

Map prepared by City of Phoenix, Planning and Development Services Dept. 2/12/2021

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC **I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:** **MARCH 3, 2021**					
APPLICATION NO/ LOCATION	**Z-56-20-4** Southeast corner of 3rd Avenue and Coolidge Street	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
Phoenix, AZ 85013	PC 2/4/2021	308 West Coolidge Street Phoenix, AZ 85013			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC 3/3/2021	Ron Szematowicz 602-748-5607 Pjharveytrack12@yahoo.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: Petition for Three Quarter Vote on Rezoning Case No. Z-56-20-4. (Sent via email February 11, 2021.)					
RECEIVED BY:	Racelle Escolar	**RECEIVED ON:**		2/11/2021	

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Leah Swanton
Vikki Cipolla-Murillo
Danielle Jordan
Ra'Desha Williams
Village Planner
Samantha Keating
Paul M. Li
GIS
Applicant

From:	Racelle Escolar
To:	R S
Cc:	dillon.hall.mtaz@gmail.com; Victoria C Murrillo
Subject:	FW: 3/4 City Council Petition Signatures
Date:	Thursday, February 11, 2021 2:29:42 PM
Attachments:	34 City Council Petition Signatures with Icon.pdf 34 City Council Petition Signatures Page 2 with Ron Carpenter of 302 W Minnezona.pdf Mark Daniels, GG ICON LLC.pdf
Importance:	High

Hello Ron,

I have received your request for a ¾ vote on Rezoning Case No. Z-56-20-4. We will process this and let you know if a ¾ vote will be required.

Thanks,

Racelle Escolar, AICP
Planner III

City of Phoenix
Planning and Development Department
Planning Division
(602) 534-2864

From: R S <pjharveytrack12@yahoo.com>
Sent: Thursday, February 11, 2021 2:17 PM
To: Racelle Escolar <racelle.escolar@phoenix.gov>
Cc: dillon.hall.mtaz@gmail.com
Subject: 3/4 City Council Petition Signatures

Hello Racelle

Attached are two pages of signatures including the Icon next door to the proposed project. With the Icon, I think we have should have covered our 20% land and we are over 75% of land owners I believe. Thank you. I cc'ed Dillon in case there is anything else you need today.

Ron

Petition for THREE-FOURTHS (3 / 4) Vote by City Council for
REZONING APPLICATION # **Z-56-20-4**

Request: **R3/R5 - WU**
Location: **SE Corner of 3rd Ave and Coolidge St**

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

Date	Signature	Print Name	Address	APN
2/3/21	K. Monroe	Karen Monroe	303 W Hazelwood	155-34-086
2/4/21	A Gh.2	Adam Gh.2	302 85013 Whazelwood	155-34-040
2-8-21	Teresa C. Hayes	TERESA C. HAYES	204 W COOLIDGE ST	155-29-071
2-8-21	Rose D. Hayes	Rose D. Hayes	204 West Coolidge St	155-29-071
2-8-21	Gregory R. Vallandano	Gregory R. Vallandano	178 West Coolidge	155-29-076A
2-8-21	Gregory R. Vallandano	Gregory R. Vallandano	190 West Coolidge	155-29-066A
2-9-21	Maureen M. McKiernan	Maureen M. Kiernan	208 W. Coolidge St	155-29-079
2-9-21		James R. Lockhart Jr	301 W. Coolidge St	155-34-040
2/9/21	Michael Grosso	MICHAEL GROSSO	308 W COOLIDGE	155-34-041
2/9/21		OKSANE PIERCE	256 W Coolidge	155-29-078D
2/9/21		Saied A-F Kary	300-302 W. Coolidge St	155-34-003
2-9-21	Joel Ricker	JOEL RICKER	200 W. COOLIDGE	155-29-073B
2-9-21	Emily Karcher-Kiona	Emily Karcher	100 W Coolidge	155-29-054A
2-9-21	Kim Grennan	Kim Grennan	301 W Hazelwood	155-34-085
2/10/21	Ron Carpenter	RON CARPENTER	302 W MINNEZONA	

Petition for THREE-FOURTHS (3 / 4) Vote by City Council for
REZONING APPLICATION # **Z-56-20-4**

Request: **R3/R5 - WU**
Location: **SE Corner of 3rd Ave and Coolidge St**

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

Date	Signature	Print Name	Address	APN
2/2/21	[signature]	Karen Mauro	3023 W Hazelwood	155-34-084
2/4/21	[signature]	Adam Gh.Z.	301 W Hazelwood	155-34-045
2-8-21	[signature]	TERESA C. HAYES	204 W COOLIDGE ST	155-29-071
2.8.21	[signature]	Rose D. Hayes	204 West Coolidge St	155-29-071
2.8.21	[signature]	[illegible]	178 West Coolidge	155-29-076A
2.8.21	[signature]	[illegible]	150 West Coolidge	155-29-066A
2-9-21	[signature]	[illegible]	208 W. Coolidge St	155-29-072
2-9-21	[signature]	James A. Lockhart	301 W Coolidge St	155-29-040
2/9/21	[signature]	MICHAEL GROSSO	302 W COOLIDGE	155-34-041
2/9/21	[signature]	OKSANE PIERCE	256 W Coolidge	155-29-078
2.9.21	[signature]	Saied A-Fkary	300-302 W. Coolidge St	155-34-003
2-9-21	[signature]	JOEL RICHER	200 W. COOLIDGE	155-29-073
2-9-21	[signature]	Erma Karo	100 W Coolidge	155-29-059A
2-9-21	[signature]	Kim Grennan	301 W Hazelwood	155-34-085
2/10/21	[signature]	Paula Hardy	304 W Hazelwood	155-34-042
2/11/21	[signature]	Mark Daniels	77 West Coolidge St.	155-29-069B
	Agent for	ownership Group GG Icon LLC		

GOODMAN REAL ESTATE
An Investment Company

To whom it may concern:

Goodman Real Estate has been contracted to provide Asset Management services to Icon On Central (entity name – GG ICON LLC) located at 77 West Coolidge Street, Phoenix, AZ 85013. As the Investment Portfolio Manager assigned to Icon On Central I am responsible to act as agent for ownership for all issues pertaining to the Icon on Central property. If you have any questions I can be reached at the contact info listed below.

Sincerely,

Mark Daniels | Investment Portfolio Manager
GOODMAN REAL ESTATE
8400 Normandale Lake Blvd.| Suite 920 | Bloomington, MN 55438
M: 952.451.1206
mdaniels@goodmanre.com |www.goodmanre.com

Attachment G

From: pamlperry@cox.net pamlperry@cox.net
To: Nick Klimek
Subject: rezone 3.29 acres located at the southeast corner of 3rd Avenue and Coolidge Street
Date: Monday, January 25, 2021 2:55:26 PM

Alhambra Village Planning Committee

Regarding: 7. Z-56-20-4: Presentation, discussion, and possible recommendation regarding a request to rezone 3.29 acres located at the southeast corner of 3rd Avenue and Coolidge Street from R-3 (Multifamily Residence District) and R-5 (Multifamily Residence District) to WU Code T5:5 UT (Walkable Urban Code, Transect 5:5, Transit Uptown Character Area) to allow multifamily residential.
The Planning Commission will consider this request on February 4, 2021.

The proposed zoning change requested by developers to meet WU code benefits for the property that used to be known as the donor network site will indeed justify the time and money spent developing this code. However, the changes proposed fail to meet a walkable urban situation for residents along Coolidge street. The development would be more appropriate along a main thoroughfare with existing sidewalks and perhaps even bike lanes. Density of this level is also questionable in a neighborhood already afforded zoning for level commercial residential 3 and 5 which was in place when the neighborhood was registered on The National Historic Register.

- The largest concern voiced by residents is generally described as 'traffic'. To be sure we understand and observe daily the increased ratio of cars to driveway parking available or even cars to designed, planned parking in recent multi-unit developments. Streets are parked bumper to bumper: vehicles, both sides. Cyclists, pedestrians, runners, dog walkers, baby strollers all use active traffic lanes. Delivery vehicles are forced to double park… access for police, ambulance fire equipment is limited and restricted.
- Traffic is sometimes defined as the number of trips in and out of a property. More and more this traffic includes all sorts of deliveries. Currently neighbors are delivered of something more than half a dozen times a day. Multiply that by two hundred and too many units! The driveway for this property becomes ingress/ egress for hundreds of deliveries and an increasingly noticeable traffic hazard for cyclists, pedestrians, dog walker, toddlers on tiny bikes, moms with strollers…
- It is projected that development residents will avail themselves to grand canalscape project and light rail as a means of going places, but for those excursions to retail opportunities (some not so very far, but not on canal or train lines) and others when delivery is not used, people make trips in their cars. Their guests park where there is space…increased vehicle trips, count them again!
- There are limited sidewalks on Coolidge Street. All bike, pedestrian, dog walkers, children waiting for busses, yes, this will happen again, runners, children going to school, (there are several proximate), stroller-brigade, toddlers on tiny bikes with training wheels and parents following along slowly along at decreased rates of speed to supervise, or just folks going out for a meal or coffee must walk in the street. They run the gamut along both sides of the thoroughfare of stationary parking, travel lanes cluttered with delivery vehicles, moving vans, ubers and other gig parcel and package delivery, trash collectors, city vehicles, cut thru traffic as well as locals simply arriving, or leaving their homes exiting driveways… . This hardly qualifies as "WALKABLE". It will be a very unsafe and not walkable district.

- Extracting a vehicle from a driveway with sight line impeded by what becomes double parked vehicles (only for a moment, let me drop off this package…) living in the neighborhood becomes less and less conducive to personal safety: pedestrians and vehicles two or 4 wheeled.

Who knows what sort of lurkers find all this stationary parking a good place to while away time waiting to steal packages delivered or spring on unsuspecting victims…? Is this "WALKABLE" ? Or Safe? Calls for service by fire trucks, ambulances, and police are all impeded.

Your developer is investing client's dollars. He wants to make them a good return, but does this need to be at the expense of livability in an Historic District? Current zoning may be dated to earlier planning goals, but perhaps they better reflects the multiple uses of pedestrian, bicycle and automotive traffic that prevail in our ever-denser central core. Walking and biking along Coolidge are a chancy thing sometimes already. Let's not go out our way to make it worse.

Thank you, Pam Perry 304 W. Coolidge St.

P.S. In case this is not clear, I do not support these rezoning efforts for the old donor network property!

From:	R S
To:	Nick Klimek
Subject:	Rezoning effort at Coolidge and 3rd Ave(Meeting Jan 26th... Item: 126 771 4317)
Date:	Monday, January 25, 2021 2:49:22 PM

There is a rezoning effort happening within my neighborhood at 3rd Ave and Coolidge St. I beg you not to allow the zoning change as it will deeply affect the traffic and parking in the neighborhood as well as a create a hazard on the 3rdAve bike path. I am not against the project as much as I am against the increase in units. Its too much added traffic and parking into the neighborhood. Please hear me out.

The developers are trying to increase zoning from the current R3-R5 to a WU which would basically allow and 4+ story building increase from about 137 units to 213ish. This apartment complex would be situated in the middle of the historic neighborhood rather than on a major road (like Camelback or Central). Currently standing in the proposed space is an office building (formerly Organ Donors) with a private park that the neighborhood has enjoyed for the 20+ years I have lived here. The proposed project is at the corner of 3rd Ave and Coolidge along the canal which coincides with the 3rdAve bike path.

Before covid, I enjoyed walking to businesses and watering hole landmarks but I still owned a vehicle the entire time as most residents do. While walkability is an important tool for those of us that live in the neighborhood, most of us still need to drive to work or the store or to get out of town. Just because people walk occasionally does not mean that they do not own a vehicle and use it. On top of that, this apartment complex will be very close to the sidewalk (like Elevation) on a neighborhood street not having the same easement houses are required. The front of end of the complex will face the canal while we in the neighborhood get its backside. We need easement within our neighborhood. I understand the importance of city growth, but cities that grow need to also ensure there is ample green space for the congested masses living within such areas. If nothing else give us that easement.

If you look at other apartment complexes in the area such as the Pavilions (Campbell and Central), Elevation (Coolidge and Central), the Station (Central and Monterosa), you will see cars constantly parked along the road day and night even with ample parking garages. It creates a hazardous congestion and unsightly view of the neighborhood. Since Elevation was built here on Coolidge and Central, the traffic on Coolidge St has increased with drivers flying down the street even with speed bumps. We also have a constant problem of cars stopping to load or unload dangerously close to Central. There is nothing to stop the proposed development from having irresponsible parking and traffic from inundating the neighborhood. The increase in variance is going to add more cars and more congestion. Elevation is attractive on the website and from Central Ave but from Coolidge St is a block monstrosity right on top of the sidewalk with a parking garage and a bunch of parked cars all around it. There is nothing attractive about it from Coolidge St.

While I understand I cannot stop the development nor do I necessarily want to, I just want the city council to understand this complex is going directly into the neighborhood and has no direct access to a major through street (like Central and Camelback). It must cut through this neighborhood. The developers will try to sell to you people won't need a car, but I implore you to look at the parking around the apartment complexes I have mentioned. Its Phoenix. Most people own vehicles. We in the neighborhood are already having to sacrifice this private park that added much charm and use to an otherwise busy area in Phoenix but an

additional 75 units will not help us maintain control of neighborhood streets or the added congestion of parking.

Sincerely

Ron Szematowicz

home owner living at 308 W Coolidge St

pjharveytrack12@yahoo.com

From: frank paoletti
To: Nick Klimek
Subject: Rezoning Z-56-20-4
Date: Tuesday, January 26, 2021 10:14:16 AM

Why has the zoning change for the area at 3rd Ave and Coolidge St now state there are to be 165 units minimum to no maximum. This is not what the developer and lawyer stated in our neighborhood meeting. Also, what about the parking, no one has ever addressed that and no one from the city has come to see the congestion at the end of Coolidge St because of the other 2 apartment buildings? Nothing has been done with that problem that already exists. Will 3rd Ave and Coolidge St have no street parking signs along with fines for violating the parking rules?
Thank you,
Frank Paoletti
449 W. Coolidge St

Racelle Escolar

From: gbvalladao@gmail.com
Sent: Monday, February 1, 2021 12:49 PM
To: PDD Planning Commission
Subject: Opposition to Case #13 Z-56-20-4

I write in opposition to the rezoning application hearing for rezoning 3rd Avenue & Collidge from R-5/R-3 zoning to Walkable Urban Code zoning. While I am not opposed to the development of the site, it should be within the confines of it's current zoning. I oppose the request for the following reasons:

- Pierson Place is one of the few historic neighborhoods in the urban core and Central/Uptown Phoenix and fabric of it should be preserved if at all possible
- WC Code T5:5T was intended for high traffic urban mixed-use districts with retail/office/dining uses like Central Avenue, not the middle of a residential historic neighborhood. Even if a rezone is allowed it should be limited to either:
    - T3:2 since it is a residential neighborhood with single family homes and duplexes with a maximum height of 30 feet
    - T4:3 an area characterized by single and multi-family residences with a maximum height of 40 feet.
- The 3rd Avenue & Coolidge location is a quiet dead end street that was never intended to accommodate the heavy vehicular traffic the project will generate. While a traffic study has repeatedly been referenced, it has not been shared with the neighborhood.
- The developer request to increase the unit count from the currently zoned 136 to 218 adds 80 units to the project increasing the unit count by 59% with no justification as to why it is needed.
- Increasing the height limitations from 48 feet to 56 feet will impair the sunlight on the north side of Coolidge as well as impede the southern site lines for homes throughout the neighborhood.
- Overflow parking from a project this size will spill into the single family homes on Coolidge, Hazelwood and 3rd avenue which is can be witnessed daily on the streets adjacent to The Elevations on Central, The Icon and the Lexington.

Again, I am not opposed to development of the site, but there is no reason a project should be built beyond the currently zoning requirements which allows for 136 units and 48 feet of height on the R-5 zoned parcels.

I thank you for your consideration.

Regards – Greg Valladao

Greg Valladao
VALCOR Commercial
602-697-0078

Sent from Mail [go.microsoft.com] for Windows 10

Racelle Escolar

From: pamlperry@cox.net pamlperry@cox.net <pamlperry@cox.net>
Sent: Monday, February 1, 2021 12:58 PM
To: PDD Planning Commission
Subject: case number Z-56-20-4

Planning Committee

The proposed zoning change requested by developers to meet WU code benefits for the property that used to be known as the donor network site will indeed justify the time and money spent developing this code. However, the changes proposed fail to make a walkable urban situation for all residents along Coolidge street. The WU development would certainly be more appropriate along a main thoroughfare Camelback, Central,7th Ave. with existing sidewalks and perhaps even bike lanes.

Pierson Place Historic District neighborhood already is afforded zoning for commercial residential 3 and 5 which was in place when the neighborhood was registered on The National Historic Register. Other in-fil developers are expected to use these parameters.

Your developer is investing client's dollars. He wants to make them a good return, but does this need to be at the expense of walkability in an Historic District? Current zoning may be dated to earlier planning goals, but perhaps they better reflect the multiple uses of pedestrian, bicycle and automotive traffic that prevail in our ever-denser central core. Walking and biking along Coolidge are a chancy thing sometimes already. Let's not go out our way to make it worse.

the frequently cited developers of proposed and existing multi-family projects will not be afforded the privilege of WU code benefits, having to work withing current zoning. Any developer can add gates to fencing along the canal to avail residents to easy access to that local feature. Gates in fences is not rocket science for WU code developers only. There is little excuse to make special exceptions for this project.

The major concern voiced by residents is generally described as 'traffic'. We understand and observe daily the increased street parking. Streets are parked bumper to bumper: vehicles, both sides. Cyclists, pedestrians, runners, dog walkers, baby strollers all use active traffic lanes. Delivery vehicles are forced to double park… access for police, ambulance fire equipment become more and more limited and restricted. We are seeing increasing numbers of auto related crime as well.

- There are limited sidewalks on Coolidge Street. All bike, pedestrian, dog walkers, children waiting for busses, yes, this will happen again, runners, children going to school, (there are several proximate), stroller-brigade, toddlers on tiny bikes with training wheels and parents following along slowly along at decreased rates of speed to supervise, or just folks going out for a meal or coffee must walk in the street. They run the gamut along both sides of the thoroughfare of stationary parking, travel lanes cluttered with delivery vehicles, moving vans, ubers and other gig parcel and package delivery, trash collectors, city vehicles, cut thru traffic as well as locals simply arriving, or leaving their homes exiting driveways… . This hardly qualifies as "WALKABLE". It will be a very unsafe and not walkable district.
- Extracting a vehicle from a driveway with sight line impeded by double parked vehicles (only for a moment, let me drop off this package…) living in the neighborhood becomes less and less conducive to personal safety: pedestrians and vehicles two or 4 wheeled.
- Who knows what sort of lurkers find all this stationary parking a good place to while away time waiting to steal packages delivered, break into parked cars, or spring on unsuspecting victims…? Is this "WALKABLE" ? Or Safe? We are already seeing increased crime in automobiles parked along the east end of Coolidge, and this can be expected to move west with parked cars!
- Calls for service by fire trucks, ambulances, and police are all impeded.

Thank you, Pam Perry 304 W. Coolidge St.

P.S. In case this is not clear, I do not support these rezoning efforts for the old donor network property!

Racelle Escolar

From: Monica Kearns <monycisneros9900@gmail.com>
Sent: Monday, February 1, 2021 2:22 PM
To: PDD Planning Commission
Subject: Rezoning case No.Z-56-20-4 WU code T5: 5 UT

good afternoon, regardless this Project we are on opposition, no only the time that will take to build 24 months, we are families who has to work and we want to rest after work and on our days off too,but also the traffic, our privacy, because those apartments will face at our houses and when the highschools open again it will be a big, big problem of traffic I am talking about 2 highschools beside businesses around and other traffic, we are concern about people will parking on front of our houses specially on the weekends, the noise of the traffic, this is a HISTORIC DISTRICT and we want to keep this neighborhood that way, WE DONT WANT MORE APARTMENTS AROUND, I INVITE YOU TO STAY ONE DAY LOOKING AT THE TRAFFIC ON CENTRAL AVE, CAMELBACK RD AND 7 AV. we are living here, we see it every day, I hope we all from this neighborhood hope to consider our petition to not to build more apartments.

Thank for your time, sincerely:

MM.

Racelle Escolar

From: R S <pjharveytrack12@yahoo.com>
Sent: Monday, February 1, 2021 9:29 PM
To: PDD Planning Commission
Subject: Rezoning on Coolidge St and 3rd Ave 56-20-4 item 13
Attachments: project 56-20-4 is the Red boxed area.png

To the Phoenix Planning Commission,

I ask you to consider the gravity of the zoning change on case 56-20-4 in this Thursday's agenda. The property in question is not on a major thoroughfare, but deep within the historic Pierson Place neighborhood.

The developers are asking to go from a R3-R5 to a WU because the site in question is on the canal. While that is true, the area of the canal that the said project would be built on is relatively small. It is only four to five historic house properties long. In return they want to increase units from 137 to about 215, which comes out to 275 beds (as there are two bedroom units), increase the height to 56' in the middle of the neighborhood, have next to no easement on the street and not supply adequate parking. On top of that, the project would not face the neighborhood. We would get its backside. I have attached a copy of a map of the said property.

Please take the time to go the site and inspect the canal area, the bike path and the neighborhood and you will see this is too great a sacrifice on height, easement, traffic and parking for the limited canal scaping they will accomplish. Let them use their already in place R3-R5 zoning to help ease traffic congestion and parking overflow.

Please vote NO on the said project. It will irreversibly hurt the historic neighborhood in which will reside within. Again it is not on a major street, Camelback, 7th Ave and Central are all a good distance away and 3rd Ave does not cut through for purposes of limiting traffic.

Sincerely

Ron Szematowicz

home owner living at 308 W Coolidge St

pjharveytrack12@yahoo.com
602-748-5607


Elevation on Central
2D

Racelle Escolar

From: Thomas Rice <javelinatreework@gmail.com>
Sent: Tuesday, February 2, 2021 3:16 PM
To: PDD Planning Commission
Subject: Reasoning Case No Z-56-20-4

Hello,

My name is Thomas Rice; I live at 320 W Hazelwood St. I am writing this letter to oppose the zoning change from R-3 and R-5 to WU Code T5:5 UT. I oppose this for the following reasons:

Not enough parking

Intrudes on Pierson Place Historic Neighborhood

Insufficient access

Takes away a green space in the neighborhood

Too congested

Thank you for your time!

Thomas D. Rice
Owner/Operator
Javelina Tree Work LLC
480-208-1974

Racelle Escolar

From: grosso9377@cox.net
Sent: Tuesday, February 2, 2021 3:34 PM
To: PDD Planning Commission
Subject: Oppsition to 56-20-4

To whom it concern (Phoenix Planning Commission),

My name is Michael Grosso, owner of the property at 303 W Coolidge. I am in opposition of the planning and zoning of the proposed property at 3 ave. and Coolidge.

My concerns are:

1. 218 unit complex built on the edges of Coolidge and 3 ave, to large of a footprint for the area.

2. The building will not allow any parking on Coolidge or limited which turns the street into a single lane road. Dangerous for riding bikes and walking.

3. Increases the walking traffic and more chance for crime.

4. Coolidge Ave. is a cut-through for 7 ave to Central, which could be dangerous for residents.

5. The community is going to suffer with all the added walking traffic.

Thank You for you time please do not rezone the location.

Racelle Escolar

From: Jeff Rahm <j.rahm@ohpartners.com>
Sent: Tuesday, February 2, 2021 4:41 PM
To: PDD Planning Commission
Subject: RE Application #: Z-56-20-4

Attn Planning Commission:
I own a home (306 West Coolidge) just down the street from the proposed apartment development site. While I am all for growth & expansion, I have reservations with the proposed WU rezone. I foresee a heavy increase in vehicular traffic, especially on Coolidge, Hazelwood & Highland. Central Ave only allows for a right turn heading south. To travel north, the only option is to drive to 7th Ave on either street and make a right. Again, I am all for growth, but just want to be sure that the traffic congestion issue is carefully considered.
Thank you,
Jeff Rahm

Jeff Rahm • Sr. Digital Media Planner/Buyer
o. 602.228.2377
OHPARTNERS.COM [ohpartners.com]
[ohpartners.com]

Racelle Escolar

From: Sarah Simpson <sjsimpso@asu.edu>
Sent: Tuesday, February 2, 2021 4:53 PM
To: PDD Planning Commission
Subject: Rezoning Case No: Z-56-20-4

Hello! I am a resident at 308 W. Hazlewood St. and I am writing to request a reduction in the size of the multifamily residential dwelling that is planned for the Southeast corner of 3rd avenue and Coolidge. Case Z-56-20. Please reduce the size to 80 units. Please let me know if you have any questions!

-Sarah Simpson
(602)405-6943

Racelle Escolar

From: Bill Wells <bdtgwells@icloud.com>
Sent: Tuesday, February 2, 2021 5:15 PM
To: PDD Planning Commission
Subject: Opposition to Application No. Z-56-20-4

I am opposed to Application No. Z-56-20-4 to change the zoning from R-3 and R-5 to WU Code T5:5 UT located on the Southeast corner of 3rd Avenue and Coolidge Street for several reasons including:

a) constructing a multifamily residential property with no maximum units allowed will significantly increase the traffic on 3 residential streets (Coolidge, Hazelwood, and 3rd Avenue)
b) increased traffic will increase the likelihood of pedestrian getting harmed as this is primarily a residential area consisting of families with children and older adults
c) Other than a standard size sidewalk along the eastern edge of 3rd Avenue there is no public sidewalk on Coolidge, Hazelwood, and other nearby residential streets. The proposal is an extremely dangerous mix of increased pedestrian traffic walking in the street and an increase in vehicle traffic
d) Access to and from the Grand Canal pathway is from 3rd Avenue and Hazelwood which already stresses the pedestrian and vehicle traffic in the area
e) Increasing the population density within the area will increase levels of crime and lower public safety
f) Parking along Hazelwood, Coolidge, and other nearby residential streets is restricted but does not appear to be enforced. Additional residents and vehicles will take advantage of unauthorized street parking.

Until such time as the proponent can provide studies that these reasons have been addressed in their proposal or provide mitigation measures to offset or compensate for this reasons, I am opposed to this application.

Regards,

Bill Wells
498 W Hazelwood St
Phoenix, AZ 85013
bdtgwells@icloud.com

Racelle Escolar

From: Lina Money <linamoney@gmail.com>
Sent: Tuesday, February 2, 2021 5:53 PM
To: PDD Planning Commission
Subject: Opposition / 56-20-4, item 13

Zoning case 56-20-4. Item 13.

Dear Sir and Madam,

I am deeply troubled to know that there is a high possibility of a new build of apartment complex in our small historic neighborhood, which we the neighbors have been in charge of making it better, cleaner , more safe and friendlier place to live. My family and I have been living on Coolidge st since 2007 and we have been part of the transitions in the hood. I have two small kids and two dogs, as a mother I am very concern of rezoning the corner lot and allowing some Texan investor developer to make money from the work we did all these years (to maintain and make it a better neighbourhood) without being considerate to the people and pets in the Pierson Place. We as human have responsibilities to make life better for all and not just for one company!!! Life is not all about money and we have to make the right steps to protect each other and not to allow this rezoning!
I deeply ask you to view this case as a person who lives in Pierson Place and not just as an outsider.
If they are allowed to build they should be limited to the current zoning and they should provide place (trees, green grass , play area for the families in the neighborhood. We are already overwhelmed by cars parked on the side walks and fast drivers and lets not forget that 3 ave has a bike lane used by many to commute . It will put a lot of people in danger!
This letter represents the families living at 510, 505 and 506 W Coolidge Street!

Yours truly,
Lina Money
Tania Bachelot
Olga Pegkova

Lina Money

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** *115

REQUEST TO CONTINUE (SEE ATTACHED MEMO) (CONTINUED FROM JULY 1, AUG. 26, AND OCT. 7, 2020) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-1-19--Z-165-06-7(8) - Northwest Corner of 35th Avenue and Carver Road (Ordinance G-6718)

Request to hold a public hearing on the Planning Hearing Officer application for the following item and consider adoption of the Planning Commission recommendation on June 4, 2020.

Summary

Application: PHO-1-19--Z-165-06-7(8)
Existing Zoning: R1-8 and R1-18
Acreage: 59.48

Owner: Virtua 35th LLC
Applicant: Jennifer Hall, Rose Law Group
Representative: Tom Galvin, Rose Law Group

Proposal:

1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Oct. 8, 2007 and elevations date stamped Feb. 20, 2007.
2. Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.
3. Deletion of Stipulation 19 regarding conditional development approval.
4. Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.
5. Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.
6. Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.
7. Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.
8. Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, and 40.
9. Modification of Stipulation 3 (proposed Stipulation 5) regarding the maximum number of lots in the R1-8 portion of the site.

Concurrence

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on Jan. 13, 2020 and recommended denial by an 11-0 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Jan. 15, 2020 and took this case under advisement. On Feb. 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations. See **Attachment B** for a complete list of the Planning Hearing Officer's recommended stipulations.

PC Action: The Planning Commission heard this case on May 7, 2020, and the case was continued to June 4, 2020 Planning Commission by an 8-0 vote and the applicant and neighbors concerned about the request were asked to try to work on a compromise.

The Planning Commission heard this case again on June 4, 2020, and recommended approval per the staff memo dated June 4, 2020 with a modified stipulation, and with direction to the applicant to modify the application prior to the City Council meeting by an 8-0 vote.

Location

Northwest corner of 35th Avenue and Carver Road
Council District: 8
Parcel Address: N/A

Responsible Department

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

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: April 1, 2021

From: Alan Stephenson
Planning and Development Director

Subject: CONTINUANCE OF ITEM 115 ON THE APRIL 7, 2021 FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION – AMEND CITY CODE – REZONING APPLICATION PHO-1-19--Z-165-06-7(8) – NORTHWEST CORNER OF 35TH AVENUE AND CARVER ROAD (ORDINANCE G-6718)

The purpose of this memo is to request the continuance of the following item to the June 2, 2021 Formal Agenda.

Item 115 is a request to hold a public hearing on the Planning Hearing Officer application for the following item and consider adoption of the Planning Commission recommendation on June 4, 2020.

This request is to continue the item to June 2, 2021, to align the schedule of this request with the schedule for the Planned Unit Development, application, Z-60-20-8, on the same site.

Approved: Mario Paniagua
Mario Paniagua, Deputy City Manager

Enclosure: Continuance request from the applicant

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 STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-165-06-7(8) PREVIOUSLY APPROVED BY ORDINANCE G-5020.

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

SECTION 1. The zoning stipulations applicable located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

General

~~1. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~

1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26,2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:

   A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

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B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.
~~2.~~

5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of
~~3.~~ ~~99~~ 63 lots.

6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF ~~12%~~ 8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Site Design

7. ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian
~~4.~~ connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

8. ~~That n~~No solid wall in excess of three feet in height as measured from the
~~5.~~ finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.

a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.

b. Retaining wall.

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9. ~~That n~~No more than 60,000 square feet of natural turf area shall be located ~~6.~~ within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.

10. ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL ~~7.~~ PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE ~~adjacent to 35th Avenue shall be provided~~, as approved by the PLANNING AND Development ~~Services~~ Department.

11. ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final ~~8.~~ alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

12. ~~That t~~Those portions of spider and jeep trails which are not part of the approved ~~9.~~ grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.

Disclosures

13. ~~That p~~Prior to final site plan approval, the property owner shall record documents ~~10.~~ that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.

14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Parks and Recreation

15. ~~That t~~The developer shall dedicate a multi-use trail easement and construct a ~~11.~~ multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

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16. ~~That t~~The applicant shall complete an archaeological survey report of the
~~12.~~ development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

17. 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.

18. 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.

19. 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.

Street Transportation

20. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th
~~13.~~ Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

21. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver
~~14.~~ Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

24. ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street
~~15.~~ Transportation Department prior to PLANNING AND Development ~~Services~~

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Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.

25. ~~16.~~ ~~That t~~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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.

26. ~~17.~~ ~~That t~~The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.

27. ~~18.~~ ~~That p~~Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development ~~Services~~ Department for the case files.

~~19. That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

Neighborhood

28. ~~20.~~ ~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development ~~Services~~ Department.

29. ~~21.~~ ~~That a~~All two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development ~~Services~~ Department.

30. ~~22.~~ ~~That c~~Concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department.

31. ~~23.~~ ~~That t~~The use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.

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32. ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall be
~~24.~~ preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development ~~Services~~ Department.

33. ~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be
~~25.~~ designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.

34. ~~That o~~On non-hillside lots within the R1-18 portion of the development, all
~~26.~~ improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.

35. ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed
~~27.~~ along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum,~~ and shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center~~, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

36. ~~That s~~Solid block walls, except for retaining walls or privacy fencing on individual
~~28.~~ lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.

37. ~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by the
~~29.~~ PLANNING AND Development ~~Services~~ Department.

38. ~~That p~~Private roadways within the R1-18 portion of the site shall be provided with
~~30.~~ ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.

39. ~~That private roadways within the R1-8 portion of the site shall be provided with a~~
~~31.~~ ~~raised, vertical curb, as approved by the Development Services Department.~~

40. ~~That a~~All HVAC units shall be ground mounted.
~~32.~~

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41. ~~That a~~All street lighting and wall mounted security fixtures shall be full cut off
~~33.~~ lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.

42. ~~That b~~Bollards shall be used for accent lighting at the primary access, entry
~~34.~~ monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.

43. ~~That a~~Any request to delete or modify these stipulations SHALL be preceded by
~~35.~~ A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

44. ~~That t~~The following individuals shall be notified of any and all PLANNING AND
~~36.~~ Development ~~Services~~ Department ~~(DSD)~~ meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

45. ~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE
~~37.~~ DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR

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PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of~~ 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

46. ~~That a~~A mix of two and three-inch caliper trees shall be provided within all ~~38.~~ required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.

47. ~~That only one-story homes shall be located along 35th Avenue.~~
~~39.~~

LOTS ~~52-61 AND 82-83~~ 1-7, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26,2020, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

48. ~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall ~~40.~~ plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5020, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5020 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 24th day of June, 2020.

DRAFT

_____
MAYOR

ATTEST:

_____City Clerk

APPROVED AS TO FORM:

_____City Attorney

REVIEWED BY:

_____City Manager

Exhibits:
A - Legal Description (1 Page)
B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-19-- Z-165-06-7(8)

The West half of the South half of the Southeast quarter together with the South half of the Southeast quarter of the Southeast quarter of Section 10, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

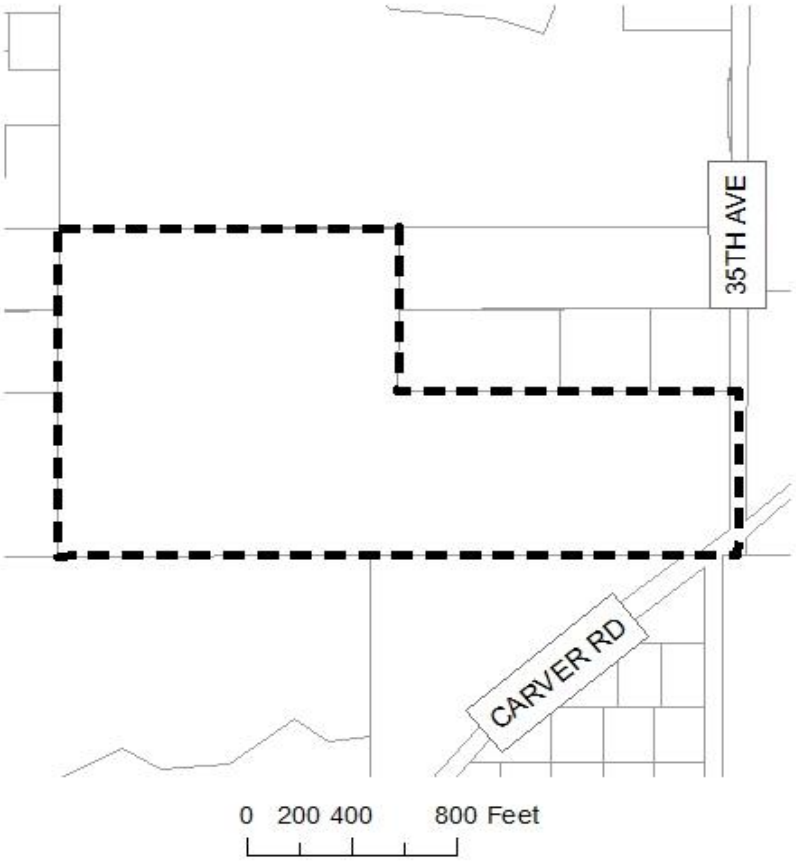
DRAFT

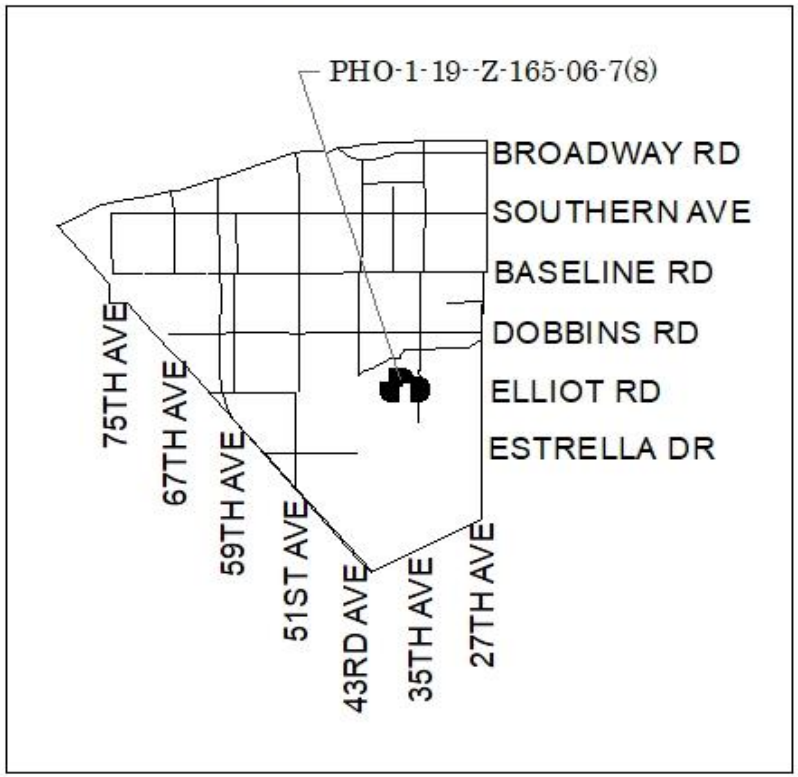
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-19--Z-165-06-7(8)
Zoning Overlay: N/A
Planning Village: Laveen





NOT TO SCALE

Drawn Date: 4/3/2020

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2020_Ord\5-6-20\PHO-1-19--Z-165-06-7(8).mxd

City of Phoenix

Staff Report: Z-165-06-7(8) (PHO-1-19)

APPLICATION: Z-165-06-7(8) (PHO-1-19)

APPLICANT: Jennifer Hall, Rose Law Group

REPRESENTATIVE: Tom Galvin, Rose Law Group

OWNER: Virtua 35th LLC

LOCATION: Northwest corner of 35th Avenue and Carver Road

REQUEST:

1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007.

2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.

3) Deletion of Stipulation 19 regarding conditional development approval.

4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.

5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.

6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.

7) Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.

8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.

STAFF RECOMMENDATION

It is recommended that this request be denied as filed and approved with modifications and additional stipulations as recommended by the Planning Hearing Officer.

PLANNING HEARING OFFICER RECOMMENDATION

On January 15, 2020, the Planning Hearing Officer (PHO) took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

BACKGROUND/ANALYSIS

The subject property is located at the northwest corner of 35th Avenue and Carver Road and consists of approximately 59.48 gross acres. The eastern portion is approximately 20 acres and zoned R1-8. The western portion is approximately 40 acres and zoned R1-18. The applicant's request would only impact stipulations as applied to the eastern portion of the site zoned R1-8.

The conceptual site plan depicts a 92-lot single-family detached residential development at a density of 5.5 dwelling units per gross acre. The proposed layout utilizes a cluster development design, primarily in blocks of four units oriented towards private drives. The conceptual site plan depicts a total of 40.47 percent open space. However, the applicant clarified at the January 15, 2020 PHO hearing that the R1-8 portion would provide a minimum 26 percent open space, after clarifying the City's standards for calculating open space. Amenities will include a tot lot, pool, and open space to be centrally located within the development.

The applicant requested modification of Stipulation 1, regarding general conformance to the stipulated site plan and elevations, to accommodate a new site plan for the R1-8 portion of the site. The applicant proposed that the stipulation also be modified to ensure that the R1-18 portion of the site retain its requirement for conformance with the original stipulated site plan.

The applicant requested modification of Stipulation 7, regarding the landscape setback adjacent to 35th Avenue. The applicant requested to decrease the landscape setback from a 235-foot average and 200-foot minimum setback to a minimum 100-foot setback. The applicant stated that the proposed site plan shifted units further east to reduce the number of proposed lots in the hillside areas at the northwest corner of the site. They stated that the stipulated landscape setback needs to be reduced in order to further mitigate impacts on the hillside area.

The applicant requested deletion of Stipulation 19, regarding conditional development approval. The applicant stated that the deletion of this stipulation would not change the integrity of the project. Additionally, the original rezoning case was approved by ordinance adoption and the zoning of the site was vested with the adoption of that ordinance.

The applicant requested modification of Stipulation 27, regarding the height of terraced berms along the quarry cut slope base, and proposed that the stipulated minimum 8-foot

terrace height be modified to permit a maximum 8-foot terrace height. They noted that reduced terrace heights would be more consistent with the natural environment.

The applicant requested modification of Stipulation 31, regarding raised, vertical curbs within the R1-18 portion of the sire, arguing that the community will be private and will implement the City's standard for private accessways, which depicts rolled curbs.

The applicant requested modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site. Their proposed modification would remove the requirement for detached sidewalks and enhanced planting standards. Instead, the proposal would permit five-foot wide attached sidewalks throughout the development. The applicant noted that mature trees would thrive in a natural environment versus a constrained five-foot landscape strip. They also noted that the proposal would include multi-use trails within the development.

The applicant requested deletion of Stipulation 39, regarding one-story homes along 35th Avenue arguing that the stipulation language is unclear, and it does not clearly define what distance or location along 35th Avenue the prohibition would apply to. The applicant also noted that elimination of the stipulation would allow all buildings in the development to adhere to the height restrictions for R1-8 zoning.

PREVIOUS HISTORY

On December 15, 2006, the Phoenix City Council approved the rezoning request from S-1 (Ranch or Farm Residence) to R1-18 (Single-Family Residence) and R1-8 (Single-Family Residence) on an approximately 59-acre property located at the northwest corner of 35th Avenue and Carver Road, subject to stipulations.

The applicant's initial application consisted of both RE-35 and R-2 zoning. The conceptual site plan depicted a gated, mixed residential community including 22 one-acre hillside lots (RE-35) with custom homes, 55 townhome units (R-2), and 81 condominiums (R-2) totaling 158 dwelling units for the site and an overall project density of approximately 2.6 dwelling units per acre. The custom home lots were to be sold and developed on an individual basis. The custom home lots would be accessible via 39th Avenue or through the eastern portion of the site via 35th Avenue. Ingress and egress along 39th Avenue was intended to be gated since the primary entrance would be from 35th Avenue.

The application was modified and ultimately approved for R1-18 on the western 39.6-acre portion of the site and R1-8 on the eastern 19.4-acre portion of the site. The stipulated site plan depicted 121 dwelling units on 59 acres with an overall site density of 2.05 dwelling units per acre. There were no changes to the layout of homes on the R1-18 portion of the site, but the new plan now depicted 99 single-family, villa style units on the R1-8 portion. The villa concept consisted of four detached units surrounding a central courtyard with garage access around a shared driveway at the rear of each unit.

The eastern R1-8 portion of the site contains the remnants of an abandoned gravel mine site. The applicant argued that the area was being developed with a higher density residential product to rehabilitate the damaged site area. The detached villa product was also viewed by the developer as an opportunity to enhance the residential diversity in the Laveen area. Additionally, the higher density villa product was supported by staff given the costly development associated with the mine. The applicant stated that site is risky regarding development and would have to remove hazardous debris, import dirt to level the site, and provide infrastructure improvements.

Numerous residents opposed the proposed density on the eastern portion of the site and spoke in opposition at various meetings and hearings. Approximately 30 emails or letters were received that discussed context, compatibility, and traffic conditions. Residents stated that they wanted responsible development and adherence to the general plan of Residential 0 to 1 dwelling units per acre. Residents also noted that there was a lack of communication with the community. The applicant stated that it was difficult to reach a resolution because there was no common ground between the developer and the neighborhood and he was not willing to decrease the proposed density.

NEIGHBORHOOD CONCERNS

Correspondence

Ninety-eight letters of opposition were received regarding this request. Concerns expressed in the correspondence include the following:

- The City of Phoenix needs to enforce Ordinance G-5020, which requires zoning to be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violated City Zoning Ordinance (83 emails);
- Amend the General Plan to reflect Residential 0 to 1 and Parks/Open Space (83 emails);
- Stipulation 19 protects the neighbors and community from high density development that does not fit the area (83 emails);
- Proposed density is too high for the area (5 emails);
- City officials and City Council members should advocate for Laveen residents and consider how residents will be negatively impacted (1 email);
- Approval of the case would indicate corruption between the builder and government officials (2 emails);
- Two-story development will halt the appeal and devalue the real-estate in the area (2 emails);
- No notice was received by mail (1 email);
- City signage at the site is hidden, illegible, and ineffective (2 emails);
- The proposal does not address dangerous road conditions on Carver Road (4 emails);
- Density greater than two houses per acre has ruined the rural character of Laveen (4 emails);
- The subject property is in the path of flood waters (4 emails);

- The proposed development will increase traffic, consume resources, and increase noise (3 emails);
- The applicant is not providing elevations (1 email);
- Any buildings within 200 feet of the eastern property line should be limited to one story with a maximum height of 20 feet (1 email); and
- The developer should provide an Environmental Impact Study (1 email).

GENERAL PLAN DESIGNATION

Parks/Open Space – Future 1 dwelling unit per acre, Residential 3.5 to 5 dwelling units per acre, and Residential 0 to 1 dwelling units per acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	R1-18, R1-8	Former mine, vacant land
North:	S-1, R1-18 PRD	Vacant land
South: residential	R1-18, County	Vacant land, single-family
East:	County	Vacant agricultural land, single-family residential
West:	County	Vacant land, single-family residential

DEPARTMENT REVIEW COMMENTS

Archaeology

The City of Phoenix Archaeology Office (CAO) recommends archaeological survey of the western portion of the project area to current professional standards. Archaeological survey is stipulated under the original zoning case (Z-165-06) approved by the City Phoenix Council on October 10, 2007. Additional archaeological work such as data testing excavations or monitoring may be necessary based upon the results of the survey. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist.

This work is recommended in order to assist the project proponent in complying with the State Burial Law, ARS 41-865, and Chapter 8, Section 802[B2] of the City's Historic Preservation Ordinance.

Aviation

No response.

Fire Prevention
Fire prevention does not anticipate any problems with this case. The site or/and building(s) shall comply with the Phoenix Fire Code.

Also, we do not know what the water supply (GPM and PSI) is at this site. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

Floodplain Management
We have determined that the project is not located in a Special Flood Hazard Area (SFHA) but is located in a Shaded Zone X, on panel 2660 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. Based on the project information provided, there are no Floodplain Management requirements to fulfill.

Light Rail
No response.

Parks and Recreation
Parks and Recreation Department would require that the developer/owner dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 35th Avenue and the north side of Carver Road and construct a 10-foot-wide multi-use trail (MUT) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement.

Public Transit
No comments.

Street Transportation
1. The developer shall provide a primary roadway from 35th Avenue extended to the western property boundary, as approved by the Planning and Development Department.

2. The primary roadway connecting 35th Avenue to the western edge of the property line shall terminate as a stub street to the adjacent undeveloped land to the west to provide for a future vehicular connection.

3. The proposal shall eliminate the stipulation related to rolled and vertical curbs.

4. The developer shall dedicate right-of-way as determined by Maricopa County Department of Transportation (MCDOT) for 35th Avenue and as approved by Planning and Development Department.

5. The developer shall dedicate right-of-way as determined by Maricopa County Department of Transportation (MCDOT) for Carver Avenue and as approved by Planning and Development Department.

Pedestrian Safety Coordinator - Street Transportation Department, Traffic Services Division

The development should include detached sidewalks along Carver Road and along 35th Avenue. The south side of Carver Road has a canal and restrictive barriers, which would make it likely for pedestrians to use the north side of the road. The east side of 35th Avenue is county jurisdiction, making it unlikely for any future development to include detached sidewalks on the east side of 35th Avenue. The speed limit on both roads is 45 mph but we often receive complaints from residents in this area that these speed limits are not respected, and people go 15 and 20 miles over the speed limit. This condition is aggravated by the road slopes and overall darker conditions in this area. Therefore, in order to provide a safer environment for pedestrians the developer should include detached sidewalks with a generous landscaped buffer between the sidewalk and the road.

Water Services
New public water mains required per the Carver Mountain Master Plan. This project falls within pressure Zone 2S. Anew Zone 2S, 12-inch main shall be required from the existing 12-inch water main east of the proposed project (approximately 2,200 linear feet) within Elliot Road, west to 35th Avenue, north on 35th Avenue crossing the canal and then northeast within the Carver Road alignment (north side of canal) and tie into the existing 12-inch main within 27th Avenue. The existing 8-inch main within the Carver Road alignment west of 27th Ave will need to be replaced by the new 12-inch main. A 12-inch 2S main will also need to be extended north on 35th Avenue along the frontage of the proposed project. All onsite water will have to remain private, owned and maintained by the homeowners.

All onsite sewer will have to remain private, owned and maintained by the homeowners. The closest available sewer is approximately 2,800 linear feet north of the proposed project. Given topography of the area to reach this available sewer, a private lift station and private force main will be required. There is another available sewer main within 43rd Avenue just north of the Elliot Canal but would require crossing several private properties with the private force mains. Another option is to build a gravity sewer from the proposed project west along Carver Road to 51st Avenue and then north to Dobbins Road and 51st Avenue.

Standard Note Applies:
Please be advised that capacity is a dynamic condition that can change over time due to a variety of factors. It is the City's intent to provide water and sewer service. However, the requirements and assurances for water and sewer service are determined during the site plan application review. For any given property, water and sewer requirements may vary over time to be less or more restrictive depending on the status of the City’s water and sewer infrastructure.

EXISTING WATER
Water mains: No Services

Services: City map shows none

EXISTING SEWER
Sewer mains: No Services

SERVICES
City map shows none

REPAYMENT: N/A

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Laveen Village Planning Committee (VPC) heard this case on January 13, 2020 and recommended denial by a vote of 11-0. The Laveen VPC motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

PLANNING HEARING OFFICER FINDINGS

The Planning Hearing Officer's recommendation was based on the following findings:

1) The subject property of this request includes the entire 59 acres that comprised the original rezoning case. However, the applicant only submitted plans addressing the approximately 19.4 acres of R1-8 zoned property on the eastern portion of the site, adjacent to 35th Avenue. Modifications are recommended to the applicant's request to ensure that the existing stipulations on the approximately 39.6 acres of R1-18 zoned property on the western portion of the site are not modified or deleted. Additionally, the applicant did not submit elevations with the request. The original stipulations included a general conformance requirement for building elevations. A modification is recommended to the applicant's request to require a future Planning Hearing Officer application for review of conceptual building elevations.

2) The stipulated site plan depicted 99 detached single-family units arranged in clusters of two and four, oriented towards common courtyards. There are also seven free-standing units depicted at the northwest corner of the site partially in the hillside-designated area. The proposed conceptual site plan depicts 92 units in a similar cluster-style arrangement. However, the units have been shifted east on the property, reducing the total massing of development in the designated hillside areas. Additionally, the homes are not oriented towards courtyards and instead include larger private driveways in the front yards. There is more open space preserved in the hillside area in the northwest portion of the site. There is also more open space adjacent to the private accessways (Tract "A") which separates the homes from the streets. Because the homes are closer to 35th Avenue, there is less open space provided along the east property line. See Finding #3 for a more detailed description of the recommendation for minimum open space and Finding #4 regarding the landscape setback on 35th Avenue.

3) An additional stipulation is recommended to require the developer provide a minimum of 26% open space, of which a minimum of 12% shall be usable open

space. The conceptual site plan depicts 40.47% open space. However, there is no open space exhibit and the applicant indicated that a recalculation was necessary to adequately represent provided open space in the hillside area, setbacks, and other locations. The provision of 26% open space is compatible with the rural character of the surrounding area, consistent with other recent zoning actions in the Village, and significantly exceeds existing Ordinance standards.

4) The proposed reduction of the landscape setback on 35th Avenue from 235 feet (average) to minimum 100 feet accommodates the relocation of some residential units out of the designated hillside areas, consistent with the City approved slope analysis. The preservation of the hillside area will contribute to the rural character of the site and maintain this unique natural feature of the property. See Finding #9 regarding the restoration of the disturbed area on the abandoned gravel mine that occupies a portion of the remainder of the site.

5) Approximately 2,300 feet to the east of the subject property are the Hangar Hacienda Units One, Two, and Three subdivisions. These properties are in Maricopa County jurisdiction. These communities are oriented around an air strip utilized by residents who own private aircraft. Based on comments from a resident in this community, the typical flight path runs directly over the subject property of this request. An additional stipulation is recommended regarding notification of the aviation uses on these properties for future residents.

6) The subject property is archaeologically sensitive. Three additional stipulations are recommended which outline the City's requirements regarding data testing, data recovery, and archaeological assessments and survey.

7) The public right-of-way along 35th Avenue and a small portion along Carver Road is in Maricopa County Department of Transportation (MCDOT) jurisdiction. There is also an active drainage project along the roadway. Therefore, additional stipulations are recommended to acknowledge that MCDOT shall determine the final width and dedications needed for the portion of right-of-way adjacent to the subject property. City of Phoenix Street Transportation staff noted that in discussions with MCDOT staff, MCDOT does not have immediate concerns regarding the location of proposed retention areas shown on the conceptual site plan in regard to the drainage project.

8) Original Stipulation 19 states that approval shall be conditioned upon the development commencing within 48 months of the City Council approval. For properties with similar stipulations, the Planning and Development Department has required that a Planning Hearing Officer (PHO) action be pursued to modify or delete these conditions at the time that development is proposed, if the proposed development has exceeded the timeframe identified in the stipulation. The applicant is pursuing this process through their request for deletion of the stipulation. The modification or deletion of this stipulation through a PHO action is

unrelated to the zoning reversion process which is a separate public hearing process that is described in Section 506 of the Zoning Ordinance.

The applicant's request for deletion of original Stipulation 19 is recommended for approval. The current proposal is consistent with the City Council's original intent to see the subject property redevelop with a single-family residential land use in the R1-8 zoning district. Additionally, the request is consistent with City Council approved General Plan Amendment GPA-LV-1-08-7, which established a Residential 3.5 to 5 dwelling units per gross acre land use designation on the approximately 19.35 acres that comprises the R1-8 zoned portion of the property. Both the proposed conceptual site plan, as modified by this recommendation, and the existing R1-8 zoning designation are consistent with this land use designation.

9) Original Stipulation #27, requiring terraced berms planted with deciduous trees, may result in an environment that contrasts with the natural landscape of the existing hillside in the surrounding area. The stipulated terraced berm configuration is not consistent with the irregular natural landscape of the existing hillside in the surrounding area and there are no deciduous trees on hillside locations in the immediate vicinity. Proposals for fill are commonly intended to continue and promote a natural slope line, rather than creating terracing and other unnatural finishes.

   There are a variety of alternatives to the stipulated requirement for terraced berms that may be considered for the site that would result in a more natural aesthetic to the restored hillside. These include chemical treatments and coloration to remove or camouflage scarring, hydroseeding of the slope to provide a mixture of natural grasses and plants which may also stabilize the slope, and roughening the cut or restored slope to integrate pockets for additional native landscaping.

   Modified stipulation language is recommended to allow the applicant to work with City staff on an alternative approach to restoring the quarry cut slope base to promote a more natural landscape along the hillside.

10) The provision of detached sidewalks is consistent with numerous City policy plans. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the City's planning and development process. Additionally, the City Council adopted Guiding Principles for Complete Streets seeks to make Phoenix more walkable by promoting a safe and inviting pedestrian environment that encourages walkability and thermal comfort. These principles are also expressed and expanded upon throughout the 2015 General Plan.

    Therefore, the applicant's request to delete this requirement and instead stipulate a 5-foot sidewalk width is recommended for denial. However, the street layout on the proposed conceptual site plan may require the utilization of both private drives (between units) and private accessways (Tract "A"). There are different technical

requirements and cross sections for these street types and it may be difficult to integrate detached sidewalks along both sides of private drives.
A modification of the applicant's request is recommended to require that detached sidewalks shall be provided, as originally stipulated, along all streets that are developed as public streets or private accessways.

11) The Street Transportation Department noted that both original Stipulation 31 and the applicant's proposed modified language may create conflicts if the development is to include both attached and detached sidewalks. The City of Phoenix standard detail for detached sidewalks along private accessways requires vertical curbs. Attached sidewalks may be permitted to provide rolled curbs. Deletion of the stipulation will allow the appropriate detail to be utilized based on the final configuration of sidewalks at appropriate locations throughout the development.

12) Original Stipulation 39 required that homes along 35th Avenue would be limited to one-story. The stipulation did not specify a maximum building height. Additionally, it is unclear whether the stipulation was intended to apply to the individual units located closest to 35th Avenue or the entire clusters. The original stipulation may permit a variety of building heights and locations for height-restricted lots.

However, the intent of the stipulation was to mitigate the impacts of building height for units closest to 35th Avenue and would have impacted homes at approximately 235 feet (the stipulated average setback in original Stipulation 7). This remains a valid concern and consistent with the design of other recent projects in the Village. Therefore, the applicant's request for deletion of this stipulation is recommended for denial. An alternative stipulation is proposed that limits maximum building height to 20 feet for the 12 lots that are located within approximately 235 feet of 35th Avenue. This recommendation is intended to clarify the limitation on building height and identify the specific lots impacted.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

General	
~~1.~~	~~That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~
1.	THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:

	A.	THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
	B.	THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.
2.	CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.	
3.	THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
4. ~~2.~~	~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.	
5. ~~3.~~	~~That d~~Development of the R1-8 portion of the site shall not exceed a density of 99 lots.	
6.	THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 12% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
Site Design		
7. ~~4.~~	~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.	
8. ~~5.~~	~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except	

	that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.	
	a.	Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
	b.	Retaining wall.
9. ~~6.~~	~~That n~~No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.	
10. ~~7.~~	~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE ~~adjacent to 35th Avenue~~ ~~shall be provided~~, as approved by the PLANNING AND Development ~~Services~~ Department.	
11. ~~8.~~	~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.	
12. ~~9.~~	~~That t~~Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.	
Disclosures		
13. ~~10.~~	~~That p~~Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.	
14.	THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF	

	THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.
Parks and Recreation	
15. ~~11.~~	~~That t~~The developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.
Archaeology	
16. ~~12.~~	~~That t~~The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
17.	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.
18.	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.
19.	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.
Street Transportation	
20. ~~13.~~	~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
21.	~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver

~~14.~~	Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
22.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
24. ~~15.~~	~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.
25. ~~16.~~	~~That t~~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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.
26. ~~17.~~	~~That t~~The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
27. ~~18.~~	~~That p~~Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development ~~Services~~ Department for the case files.
~~19.~~	~~That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~
Neighborhood	

28. ~~20.~~	~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development ~~Services~~ Department.
29. ~~21.~~	~~That a~~All two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development ~~Services~~ Department.
30. ~~22.~~	~~That c~~Concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department.
31. ~~23.~~	~~That t~~The use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
32. ~~24.~~	~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development ~~Services~~ Department.
33. ~~25.~~	~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.
34. ~~26.~~	~~That o~~On non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.
35. ~~27.~~	~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum,~~ and shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center~~, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

	THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
36. ~~28.~~	~~That s~~Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.	
37. ~~29.~~	~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development ~~Services~~ Department.	
38. ~~30.~~	~~That p~~Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.	
39. ~~31.~~	~~That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.~~	
40. ~~32.~~	~~That a~~All HVAC units shall be ground mounted.	
41. ~~33.~~	~~That a~~All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.	
42. ~~34.~~	~~That b~~Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.	
43. ~~35.~~	~~That a~~Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:	
	a.	Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b.	Cyd Manning, P.O. Box 41234, Mesa, 85274
	c.	Judy Brown, P.O. Box 41234, Mesa, 85274

	d.	Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e.	Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f.	Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
	g.	Steven Klein, 6820 South 66th Avenue, Laveen, 85339
44. ~~36.~~	~~That t~~The following individuals shall be notified of any and all PLANNING AND Development ~~Services~~ Department ~~(DSD)~~ meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):	
	a.	Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b.	Cyd Manning, P.O. Box 41234, Mesa, 85274
	c.	Judy Brown, P.O. Box 41234, Mesa, 85274
	d.	Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e.	Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f.	Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
	g.	Steven Klein, 6820 South 66th Avenue, Laveen, 85339
45. ~~37.~~	~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of~~ 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.	
46. ~~38.~~	~~That a~~A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.	

47. ~~39.~~	~~That only one-story homes shall be located along 35th Avenue.~~ LOTS 52-61 AND 82-83, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
48. ~~40.~~	~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.

PLANNING HEARING OFFICER RECOMMENDATION

It is recommended that this request be denied as filed and approved with modifications and additional stipulations as recommended by the Planning Hearing Officer.

ATTACHMENTS

A – Appeal Documents (4 pages)
B – Applicant's Narrative (4 pages)
C – Aerial Map (1 page)
D – Zoning Map (1 page)
E – Ordinance G-5020 from Rezoning Case No. Z-165-06-7 (11 pages)
F – Sketch Map from Rezoning Case No. Z-165-06-7 (1 page)
G – Proposed Site Plan date stamped November 21, 2019 (3 pages)
H – Stipulated Site Plan date stamped October 8, 2007 (1 page)
I – Stipulated Elevations (2 pages)
J – Laveen Village Planning Committee Minutes (13 pages)
K – PHO Summary for Z-165-06-7(8) (PHO-1-19) (18 pages)
L – Correspondence (191 pages)

ATTACHMENT A

PLANNING HEARING OFFICER APPEAL

I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:

APPLICATION NO:	PHO-1-19--Z-165-06-7(8)		
LOCATION:	Northwest corner of 35th Avenue and Carver Road		
PHO HEARING DATE:	1/15/20 (UA 2/13/20)	**RECEIVED:**	2/14/20
APPEALED BY:	☒ Opposition	☐ Applicant	
APPEALED TO:	**PLANNING COMMISSION**	4/2/20 **TENTATIVE DATE**	
	CITY COUNCIL	**TENTATIVE DATE**	

NAME/ADDRESS/CITY/STATE/ZIP	**PHONE #**
Cyd Manning 3220 West Ceton Drive Laveen, Arizona 85339	480-747-0769

RECEIPT NUMBER:	

REASON FOR REQUEST:

The City of Phoenix is in violation of its own Zoning Ordinance and is bound to enforce Ordinance G-5020--Z-165-06-7. The zoning on this property expired October 2011 and is technically S-1. Stipulation 19 was approved with the original case to protect the community from the R1-8 spot zoning that was clearly inconsistent with the area in 2007 and is clearly inconsistent today. Deleting Stipulation 19 is negligence in enforcement. The Planning Commission & City Council can and should immediately correct the violation and codify the zoning reversion to S-1 and realign the General Plan, prior to hearing any requested action on this case. The applicant states they will sue the City if they don't get what they want regarding deleting Stipulation 19. No one is above the law.

Taken By:	Radesha Williams

c: Ben Ernyei – Posting
Benjamin Kim, IS
PDD All

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CITY OF PHOENIX

FEB 1 4 2020

Planning & Development Department

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

1/15/20 - Z-165-06-7(8)
Taken out from under

The **PLANNING HEARING OFFICER** agenda for advisement on 2/13/20 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on March 18, 2020 Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on Thursday, February 20, 2020. (There is a **$630.00 fee** for hearings requested by the applicant.)

  Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission 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. on Thursday, February 20, 2020.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

Z-165-06-7(8) (PHO-1-19) — APPLICATION NO

Northwest corner of 35th Avenue and Carver Road — LOCATION OF APPLICATION PROPERTY

Cyd Manning — NAME (PLEASE PRINT)

☒ OPPOSITION ☐ APPLICANT

3220 W. Ceton Drive — STREET ADDRESS

Laveen, AZ 85339 — CITY, STATE AND ZIP CODE

480-747-0769 — TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

1/15/20 - Z-165-06-7(8)
Taken out from under

APPEALED FROM advisement on 2/13/20 (DATE) **PHO HEARING TO** 4/2/2020 (DATE) **PC HEARING**

SIGNATURE: Cyd Manning DATE: Feb. 14, 2020

REASON FOR APPEAL: The City of Phoenix is in violation of its own zoning ordinance and is bound to enforce G-5020 Z-165-06-7. The zoning on this property expired in Oct. 2011 and is technically S-1. Stipulation 19 was approved with the original case to protect the community from the R1-8 spot zoning that was clearly inconsistent with the area in 2007 and is clearly inconsistent today. Deleting Stipulation 19 is negligence in enforcement. The Planning Commission & City Council can and should immediately correct the violation and codify the zoning reversion to S-1 and realign the General Plan prior to hearing any requested action on this case. The applicant states they will sue the City if they don't get what they want regarding deleting Stipulation 19. No one is above the law.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: Rafaela Williams

Copies to: Case File — PHO Planner – Julianna Pierre — PHO Secretary – Stephanie Vasquez

PLANNING HEARING OFFICER APPEAL

I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:

APPLICATION NO:	PHO-1-19--Z-165-06-7(8)		
LOCATION:	Northwest corner of 35th Avenue and Carver Road		
PHO HEARING DATE:	1/15/20 (UA 2/13/20)	**RECEIVED:**	2/14/20
APPEALED BY:	☒ Opposition	☐ Applicant	
APPEALED TO:	**PLANNING COMMISSION**	4/2/20 **TENTATIVE DATE**	
	CITY COUNCIL	**TENTATIVE DATE**	

NAME/ADDRESS/CITY/STATE/ZIP	**PHONE #**
Lisa Vializ 8921 South 53rd Drive Laveen, Arizona 85339	602-741-5722

RECEIPT NUMBER:	

REASON FOR REQUEST:

The City of Phoenix is in violation of its own Zoning Ordinance and is bound to enforce Ordinance G-5020--Z-165-06-7. The zoning on this property expired October 2011 and is therefore S-1. Stipulation 19 was approved as part of the original zoning case to protect the community from R-8 spot zoning. That was clearly inconsistent with the area in 2007 and is clearly inconsistent today. Deleting Stipulation 19 is negligence in enforcement. The Planning Commission and City Council can and should immediately correct the violation and codify the zoning reversion to S-1 and align the General Plan with S-1 prior to hearing and requested action on this case. The applicant states they will sue the City if they do not set what they want regarding deleting Stipulation 19. No one is above the law.

Taken By:	Radesha Williams

c: Ben Ernyei – Posting
Benjamin Kim, IS
PDD All

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CITY OF PHOENIX

FEB 14 2020

Planning & Development Department

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

1/15/20 - Z-165-06-7(8)
Taken out from under
advisement on 2/13/20

The PLANNING HEARING OFFICER agenda for is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on March 18, 2020 Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on Thursday, February 20, 2020. (There is a **$630.00 fee** for hearings requested by the applicant.)

  Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission 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. on Thursday, February 20, 2020.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

Z-165-06-7(8) (PHO-1-19) — APPLICATION NO.

Northwest corner of 35th Avenue and Carver Road — LOCATION OF APPLICATION PROPERTY

LISA VIALIZ — NAME (PLEASE PRINT)

☒ OPPOSITION ☐ APPLICANT

8921 S. 53RD DR. — STREET ADDRESS

LAVEEN, AZ 85339 — CITY, STATE AND ZIP CODE

602-741-5722 — TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM	1/15/20 - Z-165-06-7(8) Taken out from under advisement on 2/13/20 DATE	PHO HEARING TO	4/2/2020 DATE	PC HEARING

SIGNATURE: [signature] DATE: 2/14/20

REASON FOR APPEAL: THE CITY OF PHX IS IN VIOLATION OF ITS OWN ZONING ORD. AND IS BOUND TO ENFORCE ORD. G5020Z-165-06-7. THE ZONING ON THIS PROPERTY EXPIRED OCTOBER 2011 AND IS THEREFORE S-1. STIPULATION 19 WAS APPROVED AS PART OF THE ORIGINAL ZONING CASE TO PROTECT THE COMMUNITY FROM R-8 SPOT ZONING THAT WAS CLEARLY INCONSISTENT WITH THE AREA IN 2007 AND IS CLEARLY INCONSISTENT TODAY. DELETING STIPULATION 19 IS NEGLIGENCE IN ENFORCEMENT. THE PLANNING COMMISSION AND CITY COUNCIL CAN AND SHOULD IMMEDIATELY CORRECT THE VIOLATION AND CODIFY THE ZONING REVERSION TO S-1 AND ALIGN THE GENERAL PLAN W/ S-1 PRIOR TO HEARING ANY REQUESTED ACTION ON THIS CASE. THE APPLICANT STATES THEY WILL SUE THE CITY IF THEY DON'T GET WHAT THEY WANT REGARDING DELETING STIPULATION 19.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6.

PLANNER TAKING APPEAL: [signature]

Copies to: Case File PHO Planner – Julianna Pierre PHO Secretary – Stephanie Vasquez

NO ONE IS ABOVE THE LAW.

ATTACHMENT B

December 9, 2019

Planning Hearing Officer
City of Phoenix
Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

RE: Request to modify stipulations for Rezoning Case Z-165-06

Dear Planning Hearing Officer:

Rose Law Group pc on behalf of Virtua 35th LLC (the "Owner") is pleased to request a Stipulation Modification to Ordinance G-5020 (Case Z-165-06-7) for 58.998 acres of real property located on the northwest corner of Carver Rd. and 35th Ave. (the "Property"), APN# 300-11-008V. This request is being made in order to facilitate and rationalize development on a property that has served as a blighted site for decades.

Although the site has been vacant for over a decade, previous land uses included mining activity. Unnatural topography and significant disturbance are testament to the site's history and can still be seen today. Redevelopment of the Property proposes to revitalize the scarred areas while protecting those environmental features that still exist.

The Property is located within Council District 7 and the Village of Laveen. Existing and developing residential communities are located in the surrounding area, including the property adjacent to the site's southern boundary, an approximately 96 acre future residential community. Ancillary roadway and offsite improvements are also anticipated with the development of this site.

The subject zoning case (Z-165-06) was heard and approved by City of Phoenix Council on October 10, 2007 after appearing before Planning Commission and the Laveen Village Planning Committee. The zoning case was approved to rezone approximately sixty acres of S-1 (Ranch or Farm Residence) to forty acres R1-18 (Single-Family Residence) and twenty acres R1-8 (Single-Family Residences). In the original stipulations density per zoning district is stipulated at a maximum of twenty two lots on the R1-18, 40 acre area, and a maximum of 99 lots on the R1-8, 20 acre portion, for a total of 121 lots on approximately 60 acres.

The Owner proposes to maintain the intent of the original zoning case by not modifying those stipulations related to the R1-18 portion, and proposing a similar site plan and density that was approved, with a more practical, sensitive, and luxury approach on the R1-8 portion. Connections to the future community to the south, less units overall, sensitivity and specification on the site's hillside topography, and trail opportunities are

some of the ways the Property owner has holistically designed the site to respond to the community and the environment. The proposed lot dimensions have been updated since the original site plan, but maintains consistency with the conceptual elevations. This responds to market demand while implementing the luxuries of fee simple lots and private amenities.

Many years have passed since the rezoning and most of the surrounding area has changed hands and been partially developed. Subsequently some of the stipulations imposed as conditions of the zone change are no longer relevant or practical. Accordingly, the applicant believes that is appropriate to modify Z-165-06 stipulations and request modifications and deletions as shown below in legislative form. Please note this request only impacts the R1-8 (eastern +/-20 acres) portion and no stipulation or site plan modifications are requested to the western +/-40 acres of R1-18.

Proposed Modifications to Ordinance G-5020 (Case Z-165-06-7) Stipulations

1. That **R1-8** development shall be in general conformance with the site plan date stamped ~~October 8, 2007~~ **August 29, 2018**~~, and elevations date stamped February 20, 2007,~~ as modified by the following stipulations, and as approved by the Development Services Department.

   Modification Rationale: A new site plan is proposed with this application to facilitate an alternative residential development on the eastern 20 acres. The proposed development will alter lot design and location but will not amend the approved density. The site plan considers the future development to the south and offers connectivity through a shared emergency exit road, as well as pedestrian linkage. Product elevations are still conceptual and will be finalized upon engagement from a builder. Until this time, the property owner would like to maintain elevation flexibility, but is willing to stipulate to lot design.

2. **That R1-18 development shall be in general conformance with the site plan date stamped October 8,2007, as modified by the following stipulations, and as approved by the Development Services Department.**

   Addition Rationale: No change to the R1-18 portion of the site (western 40 acres) is proposed with this application. Therefore, the applicant is willing to maintain general conformance to the site plan provided in the original zoning case.

7. That a ~~235-foot (average), 200-foot (minimum)~~ **MINIMUM ONE HUNDRED (100) FOOT** landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.

   Modification Rationale: Several reasons play into the justification of a decrease in landscape setbacks along 35th Ave. First, the site plan setting this requirement in the zoning case was purely conceptual and did not elevate the site plan design to a technical level, including but not limited to parking

requirements, retention requirements, grading, street standards, etc. The proposed site plan conforms to the technical standards of the City, and subsequently requires additional space. The site plan has also slightly shifted east decreasing the landscape setback along 35th Ave. in order to mitigate disturbance to the environmentally sensitive areas located in the northwest corner. Other upgrades to the community have been made that have detracted from the setback along 35th Ave. including garage parking and additional common amenity spaces. It is worth noting that the stipulated landscape setback along Carver Road is maintained with this request.

19. ~~That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.~~

    Deletion Rationale: As mentioned before the property owner is not a homebuilder and therefore does not have control of when building permits will be pulled. It is also likely that the developer of the R1-8 portion will be different than the builder of the R1-18 area, which is unreasonable to tie both areas to the same timeline. Additionally, the R1-18 lots lend to custom homesite, where an individual person could design and build independently. Removing this stipulation does not change the integrity of the project but allows for flexibility of timing so a quality developer/person can thoughtfully execute every aspect of the proposed site plan.

27. That a minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall be 8 feet tall, ~~minimum~~ **MAXIMUM**, and shall be plated with a staggered combination of 2-inch and 4-inch caliper, drought¬ resistant, deciduous trees at 25 feet center to center, as approved by the Development Services Department.

    Modification Rationale: It is likely that the intent of this stipulation was to limit the disturbance to the area and treat in a way that would blend with the natural environment. Therefore, limiting the terrace height accomplishes this goal further.

31. That private roadways within the R1-8 portion of the site shall be provided with a ~~raised, vertical curb~~ **ROLL CURB**, as approved by the Development Services Department.

    Modification Rational: The proposed community will likely be private, and therefore implement the City of Phoenix standard of "Private Accessway." This detail depicts a roll curb.

37. That all sidewalks, within the R1-8 portion of the site, shall be **A MINIMUM WIDTH OF FIVE (5) FEET.** ~~detached with a minimum five-foot-wide~~

~~landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum rate of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners association.~~

Modification Rationale: As previously mentioned the site plan approved with the current zoning case was conceptual and did not take into detail the technical aspect of implementing detached sidewalks of this magnitude. The proposed site plan has better utilized the site's space and has offered attached five foot wide sidewalks on all major circulation routes, in addition to multi-use trails. Landscaping has been appropriately planned to maximize areas of shade, while recognizing the importance of drought tolerant plant species. It should also be noted that mature trees often thrive in a more natural environment versus a constrained five foot landscape strip.

39. ~~That only one-story homes shall be located along 35th Avenue.~~

Deletion Rationale: This stipulation, as written, is unclear and fails to define homes "along" 35th Ave. and specification of a building height associated with the stated stories. Additionally, given the proposed lot size and garage option, any single-story home would have severe square footage constraints. Deletion of this stipulation will eliminate various interpretations and mandate that all building heights conform to the zoning requirement (two stories and thirty feet).

The stipulations imposed in 2007 under zoning case Z-165-06 were based on a conceptual site plan that didn't consider the environmental and technical constraints of this unique site. This coupled with the change in market demand, evolving community, and adjacent residential development, justifies the needs to update and simplify the subject stipulations. This will result in a thriving and unique community on a vacant and otherwise blighted site. The proposed modifications reflect an effort to produce an appealing and sensitive development that aligns with the desires of the City and the community.

ATTACHMENT C



PHO-1-19--Z-33-165-06-7

Property Location: Northwest corner of 35th Avenue and Carver Road

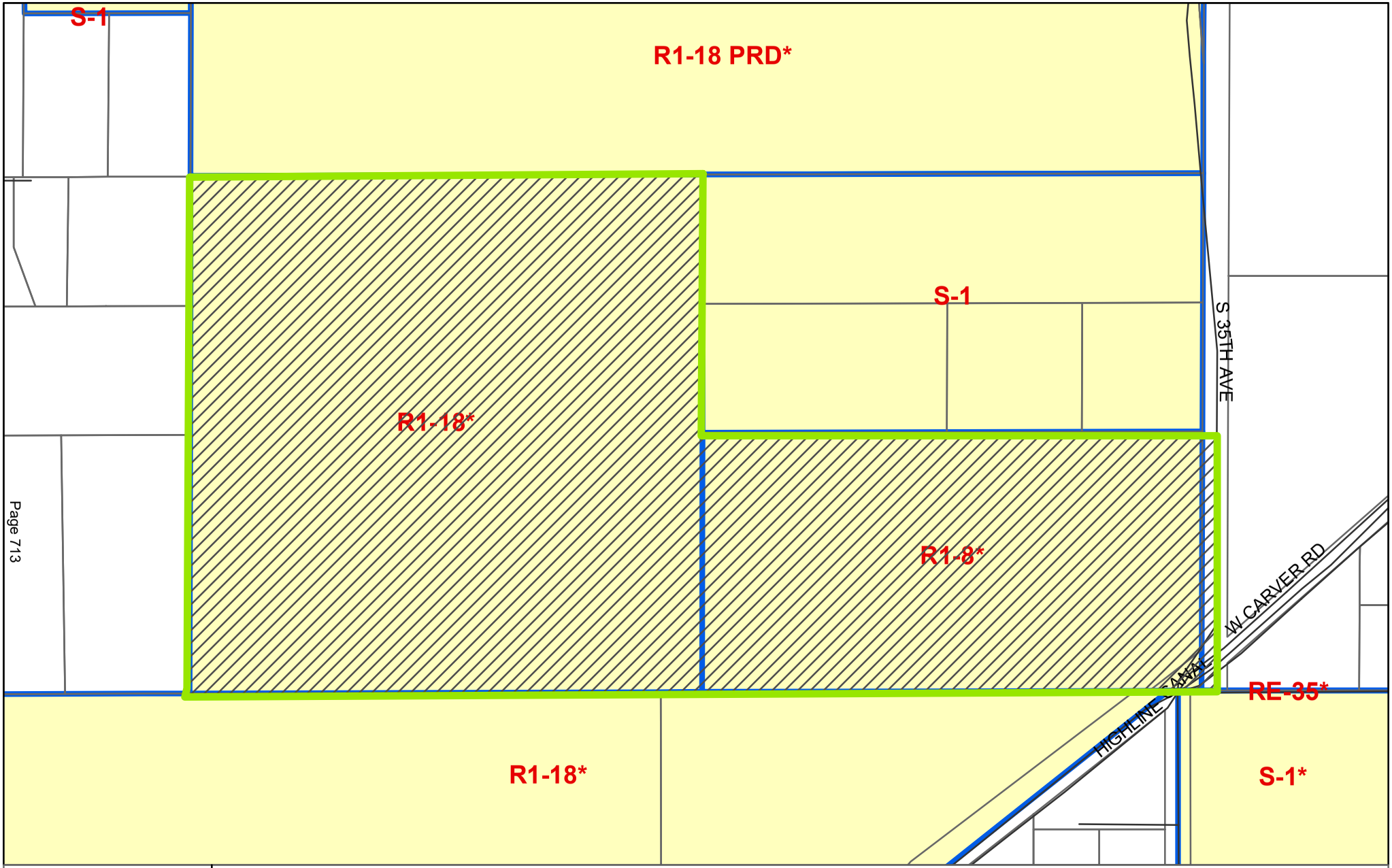
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 160 320 640 Feet

N

ATTACHMENT D



PHO-1-19--Z-33-165-06-7

Property Location: Northwest corner of 35th Avenue and Carver Road

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 160 320 640 Feet

N

ATTACHMENT E

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20071183064 11/01/2007 04:28 #5020G
ELECTRONIC RECORDING (11 pages)

ORDINANCE G-5020

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-165-06-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO R1-18 (SINGLE FAMILY RESIDENCE) AND R1-8 (SINGLE FAMILY RESIDENCE)

WHEREAS, on December 15, 2006, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from LVA Urban Design Studio, having authorization to represent the owner, Steven Follmer of an approximately 59 acre property located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on June 13, 2007, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and

WHEREAS, the City Council, at their regularly scheduled meeting held on October 10, 2007, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 59 acre property located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "R1-18" (Single Family Residence) and "R1-8" (Single Family Residence) and that the Planning Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. 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:

General

1. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.

2. That development of the R1-18 portion of the site shall not exceed 22 lots.

3. That development of the R1-8 portion of the site shall not exceed a density of 99 lots.

Site Design

4. That unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the Development Services Department.

5. That no solid wall in excess of three feet in height, as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the Development Services Department:

    a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.

    b. Retaining wall.

6. That no more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the Development Services Department.

7. That a 235-foot (average), 200-foot (minimum) landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.

8. That a 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the Development Services Department.

9. That those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the Development Services Department.

Disclosures

10. That prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.

Parks and Recreation

11. That the developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

12. That the applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

Street Transportation

13. That right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

14. That right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

15. That a traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to Development Services Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the Development Services Department.

16. That 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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.

17. That the applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.

18. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the Development Services Department and Planning Department for the case files.

19. That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.

Neighborhood

20. That building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the Development Services Department.

21. That all two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area, as approved by the Development Services Department.

22. That concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Development Services Department.

23. That the use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.

24. That washes with a one hundred year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the Development Services Department.

25. That lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the Development Services Department.

26. That on non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the Development Services Department.

27. That a minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall be 8 feet tall, minimum, and shall be plated with a staggered combination of 2-inch and 4-inch caliper, drought-resistant, deciduous trees at 25 feet center to center, as approved by the Development Services Department.

28. That solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the Development Services Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.

29. That the entire 60 acre site shall have no perimeter fencing, as approved by the Development Services Department.

30. That private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the Development Services Department.

31. That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.

32. That all HVAC units shall be ground mounted.

33. That all street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the Development Services Department.

34. That bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the Development Services Department. Photovoltaic energy sources for bollard lighting shall be provided.

35. That any request to delete or modify these stipulations be preceded by presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

    a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

    b. Cyd Manning, P.O. Box 41234, Mesa, 85274

    c. Judy Brown, P.O. Box 41234, Mesa, 85274

    d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

    e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

    f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041

    g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

36. That the following individuals shall be notified of any and all Development Services Department (DSD) meetings which are open to the public. The applicant shall be responsible for notification to

the following via a first class letter to be mailed at least two weeks prior to the DSD meeting(s):

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

37. That all sidewalks, within the R1-8 portion of the site, shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum rate of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners association.

38. That a mix of two- and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the Development Services Department.

39. That only one-story homes shall be located along 35th Avenue.

40. That a detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the Development Services Department.

SECTION 3: 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 31st day of October, 2007.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

City Manager

MLW:cz:714477v1
10/31/07:CM#59

CITY CLERK DEPT.
2007 OCT 29 AM 10:27

Attachments:
A - Legal Description (1 Page)
B - Sketch Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-165-06-7

A.1

300-11-008R

THE SOUTH HALF OF THE SOUTHEAST QUARTER SECTION OF SECTION 10

OR

LOT 1, OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

EXCEPT THAT PART THEREOF, IF ANY, LYING WITHIN THE WEST 40 ACRES OF LOTS 1 AND 2;

EXCEPT THE NORTH HALF OF SAID LOT 1

A.2

300-11-008E

THE SOUTHWEST QUARTER SECTION OF SECTION 10

OR

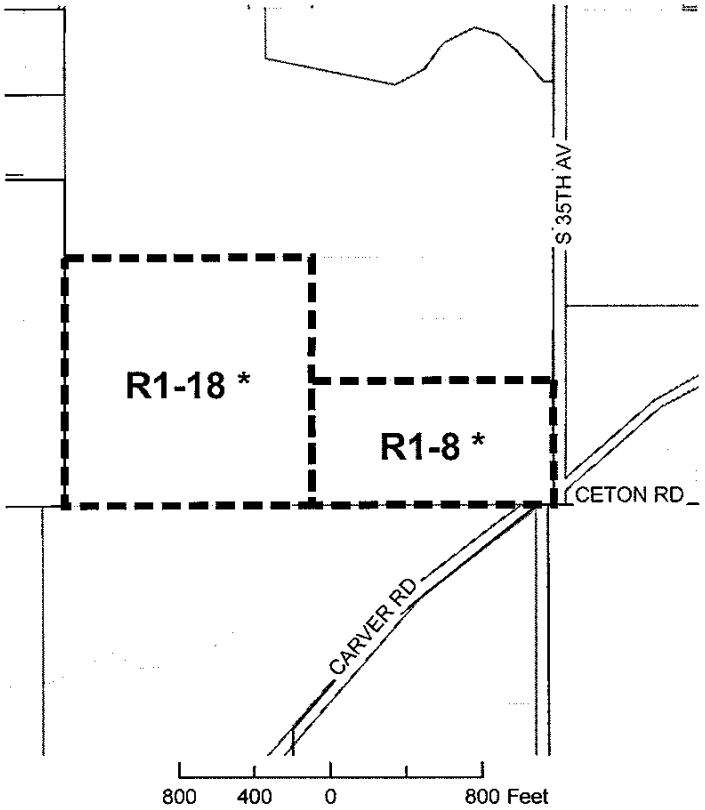
THE WEST 40 ACRES OF GOVERNMENT LOTS 1 AND 2, (SOMETIMES KNOWN AS THE SOUTH HALF OF THE SOUTHEAST QUARTER) OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN

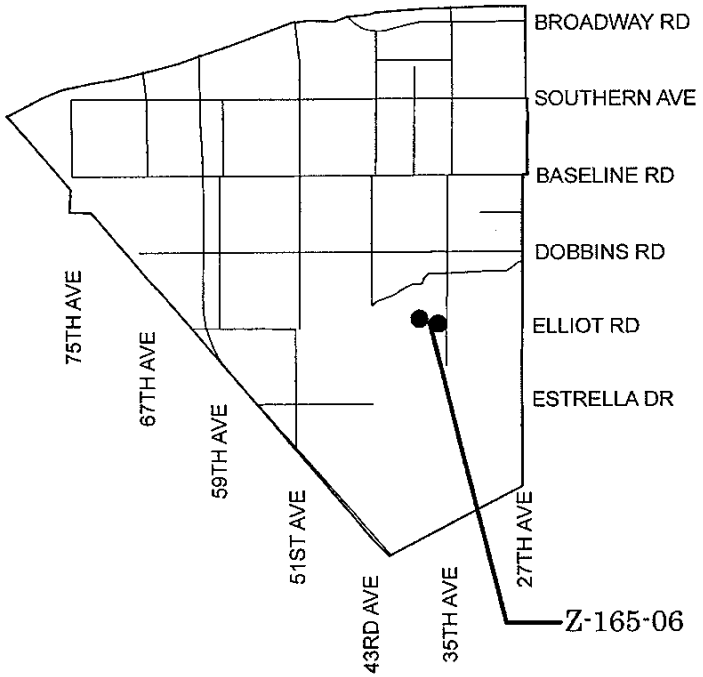
ATTACHMENT B

ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-165-06
Planning Village: Laveen





NOT TO SCALE

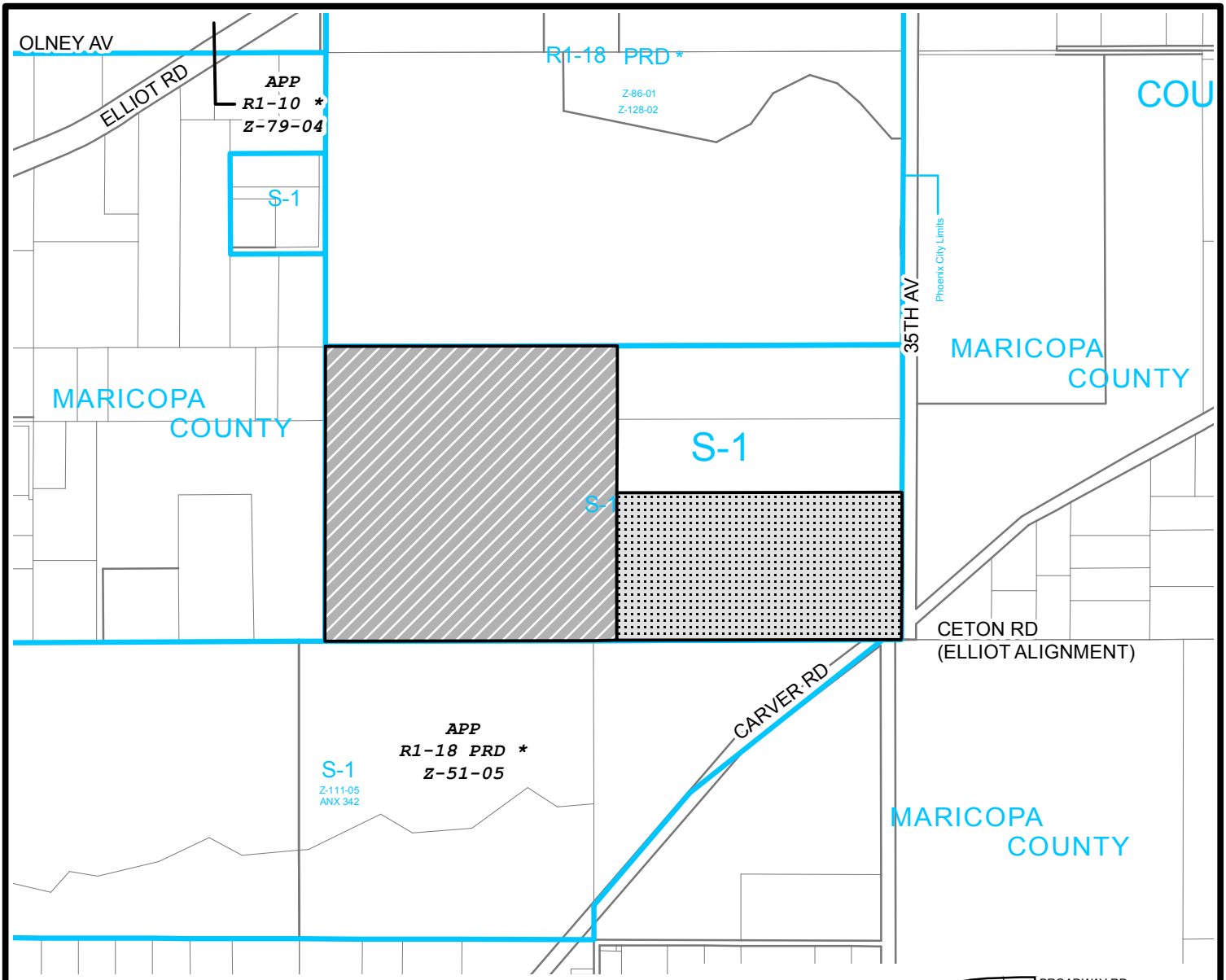
City of Phoenix
PLANNING DEPARTMENT

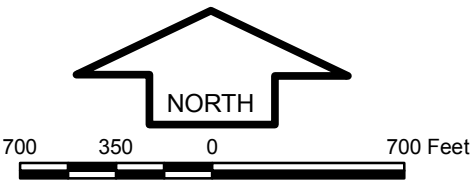
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Drawn Date: 10-19-2007

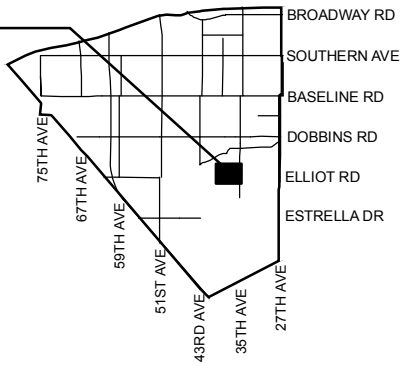
(N:\IS_Team\Core_Functions\Zoning\SuppMaps\October\Z16506.mxd) 10/22/2007

ATTACHMENT F





Z-165-06



CITY OF PHOENIX PLANNING DEPARTMENT

LAVEEN VILLAGE

CITY COUNCIL DISTRICT: 7

APPLICANT'S NAME:
LVA URBAN DESIGN STUDIO - ALAN BEAUDOIN

APPLICATION NO. Z-165-06

DATE: 04-10-2007
REVISION DATES: 12-21-2006 | 10-09-2007

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.
59 Acres

AERIAL PHOTO & QUARTER SEC. NO.: Q04-20
ZONING MAP: C6

REQUESTED CHANGE:
FROM: S-1 (59.0 ac)
TO: R1-8 (19.4 ac)
R1-18 (39.6 ac)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1	59	N/A
R1-8 / R1-18	77 / 77	100 / 92

* **Maximum Units Allowed with P.R.D. Bonus**

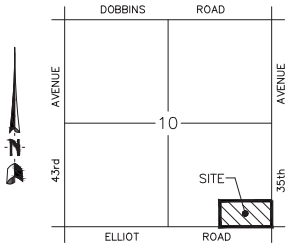
(N:\IS_Team\Core_Functions\Zoning\sketch_maps\2006\Z-165-06.mxd) 10/9/2007

ATTACHMENT G

CITY OF PHOENIX
NOV 21 2019
Planning & Development Department

PRELIMINARY SITE PLAN
CARVER MOUNTAIN NORTH

"A PLANNED RESIDENTIAL DEVELOPMENT"
"SUBJECT TO SINGLE FAMILY DESIGN REVIEW"



VICINITY MAP
SECTION 10, T. 1 S., R. 2 E.

PROJECT DESCRIPTION

A PROPOSED SINGLE FAMILY DETACHED DEVELOPMENT WITHIN R1-8 PRD & R1-18 ZONING.

LEGAL DESCRIPTION

SOUTH HALF OF THE SE QUARTER SECTION 10, T. 1 S., R. 2 E.

PARKING CALCULATIONS

GARAGE SPACES: 184 (2 PER LOT)
GUEST SPACES: 28
TOTAL PARKING SPACES: 212

DEVELOPER

VIRTUA 35th LLC
7600 N. 15th STREET, SUITE 150-19
PHOENIX, ARIZONA 85020
PHONE: (480) 930-4614
CONTACT: ERNEST AMPONSAH

ENGINEER

CLOUSE ENGINEERING INC.
5010 E. SHEA BL'VD SUITE 110
SCOTTSDALE, ARIZONA 85254
PHONE: (602) 395-9300
CONTACT: TOM WEBER

SITE DATA

EXISTING ZONING: R1-8/R1-18
GROSS ACRES: 58.998 ACRES OR 2,569,970.27 S.F.
NET ACRES: 58.40 ACRES OR 2,543,961.02 S.F.
TOTAL NUMBER OF LOTS: 92 (R1-8 PRD)
PROPOSED DENSITY: 5.5 D.U. PER ACRE (NON-HILLSIDE, R1-8 PRD)
WATER, SEWER, AND SANITATION SERVICES BY THE CITY OF PHOENIX.
ELECTRIC SERVICE BY SALT RIVER PROJECT.
GAS SERVICE BY SOUTHWEST GAS CORPORATION.
TELEPHONE SERVICE BY CENTURYLINK
CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENT SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING.
ALL UTILITIES AND SINGLE PHASE ELECTRIC LINES ARE TO BE INSTALLED UNDERGROUND.
40' MAXIMUM HEIGHT FOR TRANSFORMERS, CABINETS, AND OTHER EQUIPMENT WITHIN PERIMETER STREET FRONTAGES.
LOT SALES: YES
MAXIMUM BUILDING HEIGHT IS 2 STORIES AND 30'

NOTES

DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.

THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICES AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.

ALL UTILITIES WILL BE PLACED UNDERGROUND.

STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' x 33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.

A MINIMUM 18' SETBACK WILL BE PROVIDED FROM BACK OF CURB TO FACE OF GARAGE DOOR.

EACH LOT CONSTITUTES A BUILDING ENVELOPE AND ACCESSORY USES AND STRUCTURES SUCH AS POOLS AND PRIVACY WALLS ARE PERMITTED EXCEPT AS OTHERWISE REGULATED BY OTHER CITY CODES AND ORDINANCES. THE MAXIMUM BUILDING ENVELOPE ON EACH LOT IS 40% FOR PRIMARY STRUCTURES.

AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR "EASEMENTS", INCLUDING PRIVATE STREETS, LANDSCAPED AREAS, AND DRAINAGE FACILITIES IN ACCORDANCE WITH APPROVED PLANS.

OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.

AFTER FINAL PLAT APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY. THE APPLICANT IS TO NOTIFY DSD PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTIONS. CALL 262-6981 AND REQUEST A DESIGN REVIEW INSPECTION.

I CONSENT TO THE REPRODUCTION OF THIS SITE PLAN FOR THE PURPOSE OF FUTURE AMENDMENTS PROVIDED THAT IF MODIFICATIONS ARE MADE, THE ARCHITECTS WHO MAKE SUCH CHANGES ASSUME FULL RESPONSIBILITY AND LIABILITY FOR THE PLAN.

SIGNATURE OF COPYRIGHT OWNER — DATE 11-12-19

THOMAS A WEBER — PRINT NAME OF COPYRIGHT OWNER — DATE 11-12-19

TRACT TABLE		
TRACT	AREA	USE
"A"	4.0631 AC.	PRIVATE ACCESSWAY, WATER & SEWER EASEMENT, DRAINAGE EASEMENT, REFUSE COLLECTION AND EMERGENCY & SERVICE VEHICLE EASEMENTS
"B"	5.2751 AC.	LANDSCAPING, P.A.E., P.U.E.
"C"	0.3126 AC.	LANDSCAPING, P.A.E., P.U.E., RETENTION & DRAINAGE EASEMENT
"D"	1.2197 AC.	LANDSCAPING, P.A.E. & P.U.E.
"E"	1.3170 AC.	LANDSCAPING, P.A.E., P.U.E., RETENTION & DRAINAGE EASEMENT
TOTAL	12.1873 AC.	

OPEN SPACE TABLE	
TRACT	AREA
"B"	229,784 S.F.
"C"	11,758 S.F.
"D"	53,128 S.F.
"E"	48,684 S.F.
TOTAL	343,354 S.F.

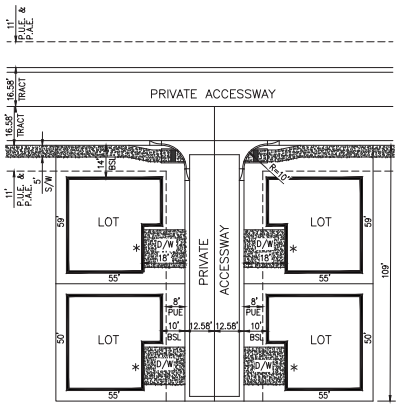
DENSITY BONUS TABLE	
INCREASE LD'SP SETBACK TO 20'	10 POINTS
MAJOR ENTRANCE FEATURE	10 POINTS
CUSTOM STREET LIGHTS STANDARDS	5 POINTS
ADDITIONAL OPEN SPACE (35%)	70 POINTS
MAJOR RECREATIONAL FEATURE (POOL)	10 POINTS
MINOR RECREATIONAL FEATURE (TRAILL)	5 POINTS
TOTAL POINTS	110 POINTS

OPEN SPACE CALCULATIONS

OPEN SPACE REQUIRED (S.F.): GROSS AREA X 0.05
OPEN SPACE REQUIRED (S.F.): 848,415 X 0.05 = 42,421
OPEN SPACE PROVIDED (S.F.): 343,354
OPEN SPACE PROVIDED (%): 343,354 / 848,415 = 40.47%
ADDITIONAL OPEN SPACE PROVIDED (%): 40.47-5.00 = 35.47

R1- 8 SLOPE ANALYSIS					
SLOPE OF LAND	ALLOWABLE DENSITY UNITS/AC	ACREAGE IN THE SLOPE CATEGORY	PRODUCT OF DENSITY x ACREAGE	TOTAL # ALLOWABLE HILLSIDE LOTS	TOTAL # ALLOWABLE NON-HILLSIDE LOTS
UNDER 10%	4.50*	16.86	75.87	–	75
10-14.9%	1.80**	0.35	0.63	0.63	–
15-19.9%	1.10**	0.30	0.33	0.33	–
20-24.9%	0.70	0.39	0.27	0.27	–
25-29.9%	0.50	0.25	0.13	0.13	–
30-34.9%	0.30	0.40	0.12	0.12	–
35% AND OVER	0.20	0.82	0.16	0.16	–
TOTAL:		19.37		1.64 – 1	75

* DENSITIES SHOWN FOR NON-HILLSIDE CATEGORIES ARE BASE ALLOWANCES. DENSITY BONUS POINTS (PRD OPTION ONLY) MAY ALLOW ADDITIONAL NON-HILLSIDE LOTS.
** UNLESS ZONING CATEGORY REQUIRES LESS



TYPICAL LOT
* MINIMUM 2 SPACES AT 9.5'x19'

LOT COVERAGE

CALCULATION:

$$\frac{\text{MAX. COVERAGE (\%)} \times \left(\frac{\text{NET AREA}}{\text{STREET AREA}}\right)}{\text{\# OF LOTS}} = \text{MAX. ALLOWABLE AREA UNDER ROOF PER LOT}$$

$$\frac{(0.40)\left(\frac{18.88}{4.06}\right)(43{,}560)}{92} = 2{,}806 \text{ S.F. MAXIMUM ALLOWABLE AREA PER LOT. (ENCLOSED STRUCTURES)}$$

$$\frac{(0.10)\left(\frac{18.88}{4.06}\right)(43{,}560)}{92} = 701 \text{ S.F. MAXIMUM ALLOWABLE AREA PER LOT. (SHADE STRUCTURES)}$$

LEGEND

- INDICATES DIRECTION OF DRAINAGE
- INDICATES SUBDIVISION CORNER
- INDICATES FIRE HYDRANT
- BSL — INDICATES BUILDING SETBACK LINES
- M.U.T.E. — INDICATES MULTI USE TRAIL EASEMENT
- 11' P.U.E. P.A.E. — INDICATES PUBLIC UTILITY EASEMENT AND PEDESTRIAN ACCESS EASEMENT

HILLSIDE PRESERVATION # H06036
KIVA # 16-3531
SDEV # 1600638
CSPH # 1900003
LSLO # 1900292
CITY Q.S. # 04-20
CURRENT ZONING: R1-8/R1-18
ZONING CASE NUMBER: Z-165-06-07
ZONING STIPULATIONS: TBD

01-PRELIM-SITE.DWG

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
5010 E. Shea Blvd Suite 110 Scottsdale, AZ. 85254
Tel 602-395-9300 Fax 602-395-9310

PRELIMINARY SITE PLAN
CARVER MOUNTAIN NORTH
ARIZONA
PHOENIX

Revised
01-11-19
01-29-19
01-30-19
09-04-19
11-12-19

Date
08-29-18
As-Built
.
Job No.
180708

1 OF 3

PROPOSED SITE PLAN

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
5010 E. Shea Blvd Suite 110 Scottsdale, AZ. 85254
Tel 602-395-9300 Fax 602-395-9310

ARIZONA

PRELIMINARY SITE PLAN
CARVER MOUNTAIN NORTH

PHOENIX

Revised
01-11-19
01-29-19
01-30-19
09-04-19

Date
08-29-18
As-Built
.
Job No.
180708

2 OF 3

02-PRELIM-SITE.DWG

CITY OF PHOENIX
NOV 21 2019
Planning & Development Department

SCALE 1" = 50'

10% SLOPE
15% SLOPE
20% SLOPE
25% SLOPE
30% SLOPE
35% SLOPE

EMERGENCY ACCESS DRIVE

LIMIT OF LEGAL, NON-CONFORMING DISTURBANCE

PRELIMINARY SITE PLAN
CARVER MOUNTAIN NORTH

PRELIMINARY SITE PLAN
CARVER MOUNTAIN NORTH



N

80 40 0 80

SCALE 1" = 80'

CITY OF PHOENIX
NOV 21 2019
Planning & Development Department

PROPOSED SITE PLAN

Page 731

02-PRELIM-SITE.DWG

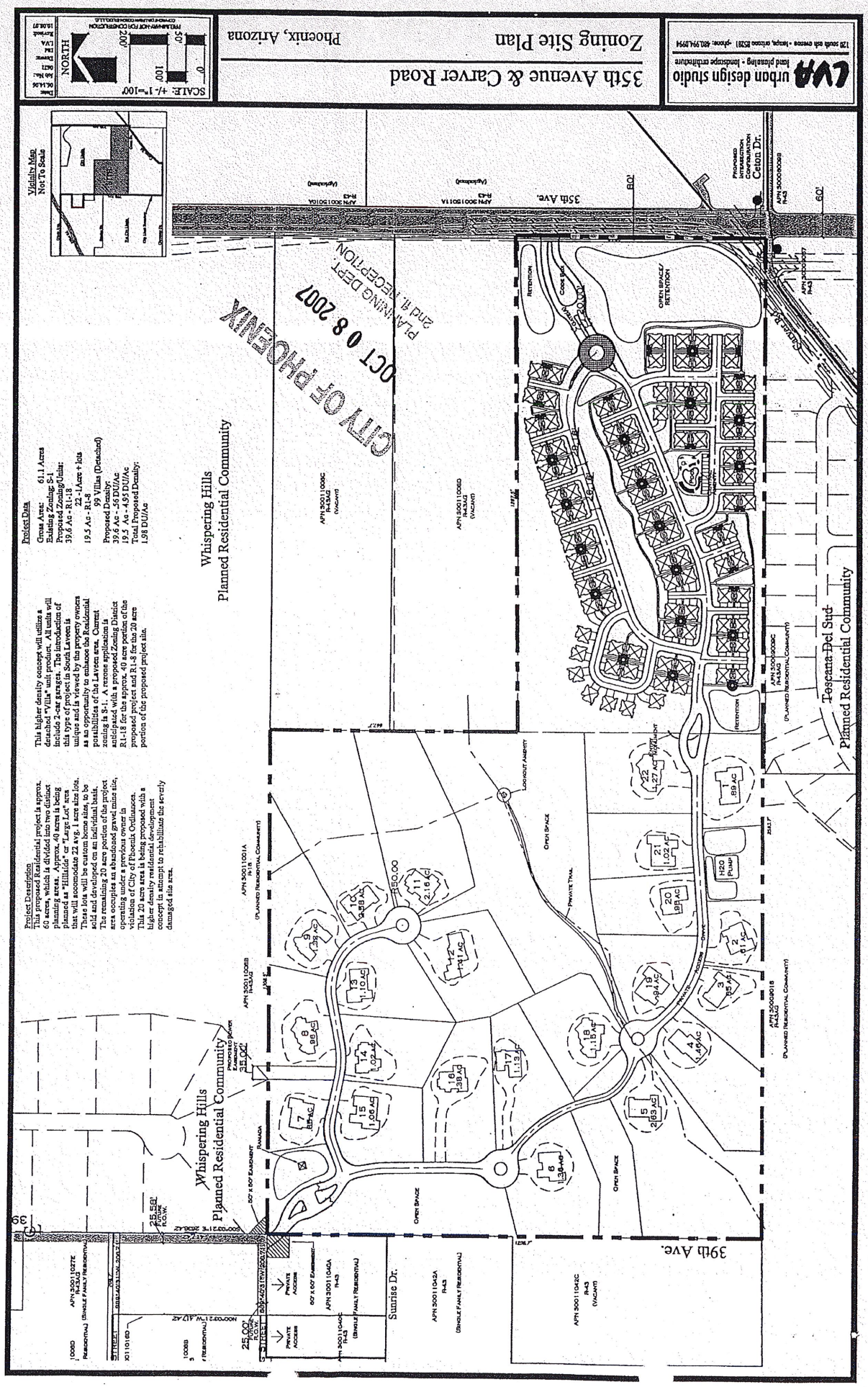
Clouse Engineering, Inc.
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Tel 602-395-9300 Fax 602-395-9310
PHOENIX ARIZONA

PRELIMINARY SITE PLAN
CARVER MOUNTAIN NORTH

Revised	Date
01-11-19	08-29-18
01-29-19	As-Built
01-30-19	.
09-04-19	Job No.
11-12-19	180708

3 OF 3

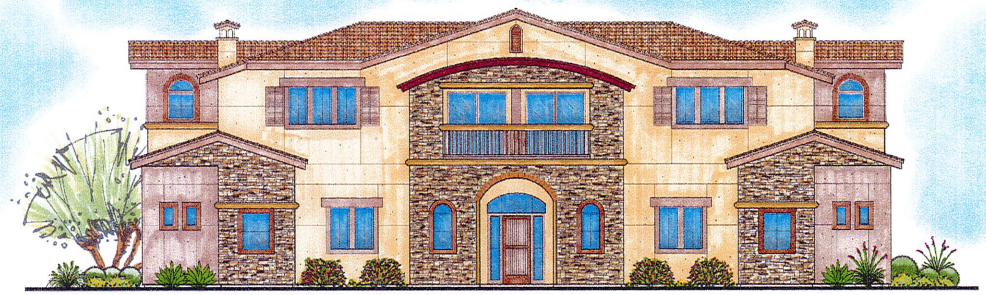
ATTACHMENT H


urban design studio
land planning · landscape architecture
35th Avenue & Carver Road
Zoning Site Plan
Phoenix, Arizona
SCALE: +/- 1"=100'
NORTH
Vicinity Map
Not To Scale
Project Data
Gross Area: 61.1 Acres
Existing Zoning: S-1
Proposed Zoning/Units:
39.6 Ac - R1-18 22 -1Acre + lots
19.5 Ac - R1-8 99 Villas (Detached)
Proposed Density:
39.6 Ac - 1.65 DU/Ac.
19.5 Ac - 4.65 DU/Ac.
Total Proposed Density:
1.98 DU/Ac
Project Description
This proposed Residential project is approx. 60 acres, which is divided into two distinct planning areas. Approx. 40 acres is being planned as "Large Lot" area that will accomodate 22 1/2 - 1 acre size lots. These lots will be custom homes that will be sold and developed on an individual basis. The remaining 20 acre portion of the project area occupies an abandoned gravel mine site, operating under a previous owner in violation of City of Phoenix Ordinances. This 20 acre area is being proposed with a higher density residential development concept in attempt to rehabilitate the severly damaged site area.
This higher density concept will utilize a detached "Villa" unit product. All units will include 2-car garages. The introduction of this type of project in South Laveen is unique and is viewed by the property owners as a valuable opportunity to enhance the Residential possibilities for Laveen residents. Current zoning is S-1. A rezone application is anticipated with a proposed Zoning District R1-18 for the approx. 40 acre portion of the proposed project and R1-8 for the 20 acre portion of the proposed project site.
Whispering Hills
Planned Residential Community
CITY OF PHOENIX
OCT 0 8 2007
PLANNING DEPT.
2nd fl. RECEPTION
35th Ave.
Ceton Dr.
Sunrise Dr.
39th Ave.
Pescara Del Sud
Planned Residential Community
OPEN SPACE
RETENTION
PRIVATE TRAIL
LOOKOUT AMENITY
H2O PUMP
APN 300110010A R-18 (PLANNED RESIDENTIAL COMMUNITY)
APN 300110028 R-18/S-1 (VACANT)
APN 300110028 R-18/S-1 (VACANT)
APN 300110028 R-18/S-1 (VACANT

ATTACHMENT I



3-Unit Condo - Front Elevation



3-Unit Condo - Rear Elevation



3-Unit Condo - Side Elevation

35th Avenue & Elliot Road

Conceptual 3-Unit Condominium Building Elevations

CITY OF PHOENIX

FEB 20 2007

PLANNING DEPT.
2nd fl. RECEPTION

SCALE: Not to Scale

LVA Urban Design Studio L.L.C.

Master Planned Communities,
Land Planning,
Site Planning & Design
Environmental Analysis &
Landscape Design

7502 East Main Street
Scottsdale, Arizona 85251
Phone (480)994-0994
Fax (480)994-7332
www.lvadesign.com

STIPULATED ELEVATIONS



Detached Villa - Side Elevation



Detached Villa - Garage Side Elevation

35th Avenue & Elliot Road

Conceptual Detached Villa Building Elevations

CITY OF PHOENIX

FEB 20 2007

PLANNING DEPT.
2nd fl. RECEPTION

SCALE: Not to Scale

LVA Urban Design Studio L.L.C.

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STIPULATED ELEVATIONS

ATTACHMENT J

LAVEEN VILLAGE PLANNING COMMITTEE
Meeting Minutes
Monday, January 13, 2020
Laveen Elementary School District Office #59
Laveen Education Center, Building B, Room #101
5001 West Dobbins Road, Laveen, Arizona.

Members Present	**Members Excused**	**Staff Present**
Robert Branscomb, Chair		Samantha Keating
Tonya Glass, Vice Chair		Sarah Stockham
Linda Abegg		Christine Mackay
Wendy Ensminger		
Cinthia Estela		
Gary Flunoy		
Rochelle Harlin		
Stephanie Hurd		
John Mockus		
Carlos Ortega		
Jennifer Rouse		

1. **Call to order, introductions and announcements by Chair.**

   Chairman Robert Branscomb called the meeting to order at 6:35 p.m. There was a quorum with 11 members present.

2. **Review and approval of the December 9, 2019, meeting minutes.**

   MOTION

   Ms. Stephanie Hurd moved to approve the minutes as presented. **Mr. John Mockus** seconded the motion.

   Vote
   11-0, Motion to approve, with Committee Members Abegg, Branscomb, Ensminger, Estela, Flunoy, Glass, Harlin, Hurd, Mockus, Ortega and Rouse in favor.

3. **Public comment concerning items not on the agenda.**

   Mr. Jon Kimoto commented that the Pledge of Allegiance was dropped from the agenda. He stated that the Pledge represents three basic American values: in God we trust, liberty, and “E Pluribus Unum” (out of many, one). He requested that the committee reaffirm our tradition and implement the recital of the Pledge of Allegiance.

   Mr. Phil Hertel led the committee and audience in reciting the Pledge of Allegiance.

4. **INFORMATION ONLY:** Presentation and discussion regarding economic development opportunities for the Loop 202 corridor.

Ms. Christine Mackay, Community and Economic Development Director, presented on economic development along the Loop 202 Corridor. She expects high-tech and advanced services jobs along the Corridor. She explained that the marketing name is the “South Mountain Technology Corridor” which intends to bring high-wage jobs to the area. She explained that her office is doing marketing and outreach to get the right companies and jobs in Laveen.

Ms. Hurd expressed concern that a large technology company had lost interest in relocating to the area.

Ms. Mackay replied that her office is continuing to reach out to other large technology companies.

Mr. Flunoy wanted to see more signage stating the name of the freeway as the Ed Pastor Freeway.

Vice Chair Glass requested to be included in a subcommittee of community members who meet with the technology companies. She would also like to help draft marketing language for Laveen.

Ms. Mackay explained that community members can meet with City staff but meetings with technology companies must remain confidential due to non-disclosure agreements.

Mr. James Hughes inquired if the City was partnering with the County as there is County-owned land along the Corridor and if the City has education efforts for the Corridor as well.

Ms. Mackay replied that education is key and that training the workforce is pivotal to making the area desirable.

Ms. Jane Craig commented that there is a lack of trees along Baseline Road.

Ms. Mackay replied that the City has a capital improvement program to address those concerns.

Mr. Dan Penton explained that it is critical that the vision for the Laveen Village be acknowledged and listed existing area assets.

Ms. Mackay responded that she hoped to return the Village Planning Committee within the first half of 2020 with an update.

6. **Z-165-06 (PHO-1-19):** Presentation, discussion, and possible recommendation on a request to modify stipulations of entitlement for a property located on the northwest corner of 35th Avenue and Carver Road. Request to modify stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007; modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue; deletion of Stipulation 19 regarding conditional development approval; modification of Stipulation 27 regarding height of terraced berms

along the quarry cut slope base; modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site; modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site; deletion of Stipulation 39 regarding one-story homes along 35th Avenue; and technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.

Chair Branscomb elected to hear this item out of order.

1 speaker card was submitted in favor, wishing to speak.

1 speaker card was submitted in favor, not wishing to speak.

28 speaker cards were submitted in opposition, wishing to speak. Ten of those speakers chose to donate their time to Cyd Manning. Two of those speakers chose to donate their time to Jon Kimoto. One speaker chose to donate their time to John Knight. One speaker chose to donate their time to Scott Johnson.

99 speaker cards were submitted in opposition, not wishing to speak.

Ms. Sarah Stockham, staff, provided on overview of the request. She displayed an aerial map, previously approved site plan, proposed site plan, and briefly reviewed the request for stipulation modifications and deletions.

Mr. Tom Galvin, with Rose Law Group, explained the history of the case. He stated that the reason for the request is in response to on-site conditions and to comply with the Hillside Ordinance. He explained that they are not requesting a change in zoning, their proposal is less dense than what was originally proposed and that they are providing twenty-three percent open space. He then reviewed each stipulation modification and deletion. He explained that the reason to update the dates in Stipulation 1 is to match the current plan dates. The reason for modification of the required setbacks along 35th Avenue in Stipulation 7 is that the slope analysis required that the homes be shifted east to protect the natural hillside feature. He continued that Proposition 207 renders Stipulation 19 moot. He explained that modifying Stipulation 27 is for safety concerns regarding a terrace height of eight feet or more. He continued that landscaping and beatification of the quarry is still proposed, but under safer conditions. He stated that Stipulation 31 with the roll curb requirement violates the City's current standard and that the private drives will conform to the City of Phoenix's standards. He added that modifying Stipulation 37 to remove the detached sidewalk requirement is to conform to City standards. He explained that additional trails are offered through common area open spaces and surrounded by landscaping. Lastly, he explained that deletion of Stipulation 39 regarding one-story homes along 35th Avenue is necessary to provide diversity of housing size, style, and consumer choices.

Mr. Mockus inquired if the developer will be bringing in water service to the area and who will bear the cost of the water service extension.

Mr. Jeff Giles, with Clouse Engineering, explained that they will be working with

another developer to bring in water and sewer services. He added that there might be some cost sharing between their group and another developer.

Ms. Rouse shared a concern with lighting in the area. She added that the posted speed limit is too fast and that is a blind turn when rounding the corner from 35th Avenue to Carver Road. She argued that reducing the landscape setback would be increasing safety issues.

Mr. Giles stated that the project will be reviewed by the Streets Transportation Department with the City of Phoenix and Maricopa County.

Ms. Hurd asked if they had conducted an environmental survey report.

Ms. Alisse Caton with Rose Law Group, answered that there will be a soils report generated later.

Vice Chair Glass stated that drainage is an issue and development on the site could potentially cause flooding to the north. She stated that the expectation is that the developer goes above and beyond.

Ms. Estela stated that she wants quality over quantity and to preserve the character of Laveen.

Ms. Abegg stated that the Committee does not have the power to revert the zoning on the property. She identified that the site is a special part of Laveen. She stated that she wanted the elevations to come back to the Village Planning Committee for approval and that one-story homes along the perimeter is vital. She sought clarification regarding the open space amounts and how Proposition 207 affects Stipulation 19.

Ms. Samantha Keating, staff, stated that the property is zoned R1-8 with stipulations. The zoning and stipulations run with the land, and that the property owner has rights to that zoning designation. She stated that the purpose of this request is to not decide what the zoning should be.

Mr. Ortega stated that the site should be held to what it was originally zoned.

Mr. Galvin restated that the slope analysis necessitated that they request to change stipulations. He continued that the request is only for the right side of the property, and that the proposed zoning is less than what was originally proposed.

Ms. Abegg stated that the Committee could deny the request completely or approve with modifications and add stipulations the Committee wants.

Public Comment

Mr. John Knight stated that the request is changing the landscape of everything that was approved. He stated that the project is cancelled, and that the area is a hazard. He continued that this project puts lives in jeopardy due to the flooding hazard.

Mr. Dan Penton shared that the zoning should have been reverted, and it affects our land value. He urged the Committee to deny the request.

Ms. Suzee Gelner asked about the tri-plex, the acreage and the size of the lots.

Mr. James Hughes shared concern that the request does not reference the Carver Hills Storm Drain Plan. He shared that the area floods. He also shared that the 200-foot setback will help with safety along the dangerous intersection. He urged the Committee to not change a thing.

Mr. Sandy Hamilton, representing the Laveen Citizens for Responsible Development, stated that the reversion stipulation is key. He continued that the original owner agreed to a contract.

Mr. James Parisella stated that he likes one house per acre, and that Laveen is the last agricultural area that people can build on. He stated that it is quiet, open and does not have bright lights. He added that his home has been flooded out twice.

John Bizdel asked what they needed to do to initiate a reversion?

Chair Branscomb stated that the process starts here, with whether they recommend to deny or approve the stipulation modifications.

Ms. Abegg added that Planning Commission is where the reversion process starts. Rezoning does not happen with the Planning Hearing Officer.

Ms. Keating repeated that the requests is to modify the stipulations. She added that there is no automatic reversion process, it is a separate process from the request before the Committee now. She repeated that the zoning is R1-8 and that the applicant can request to modify the stipulations.

Mr. Phil Hertel stated that the one-minute allotted time for public comment was absurd. He believed that the applicant misrepresented the amount of open space, which went from fifty percent to twenty three percent. He requested that the Committee deny the request until the reversion issue is resolved.

Chair Branscomb asked Mr. Hertel why the Committee approved the project back in 2007.

Mr. Hertel replied that back then the project was tolerable, and now it is intolerable.

Mr. Kimoto stated that the proposed site plan falls short of the current community quality standards. He recommended the Committee deny the request. He added that the current site plan shows a repetitive housing layout and believes that the original plan is achievable. He continued that the only change he agrees with is the roll curbs. He continued that detached sidewalks were originally requested for pedestrian safety and shade. Further, he stated that the intent of Stipulation 39 is to avoid a wall along

35th Avenue with two-story homes within the view corridor. Lastly, he added that the reversion stipulation is a City self-induced problem which they try to cover up with a band aid. He feels that is sends mixed-messages to the community. He requested four additional stipulations be added to the request:

1. A minimum of three site cross sections, traversing north to south across the 20-acre site at one-third points from the east property line at 35th Avenue shall be submitted prior to City Council approval.

The intent is to provide a line of site illustration to show the visual impact of a forty-five-foot-high change in elevation.

2. A minimum of two oblique aerial perspectives indicating proposed building and site improvements from south to north (from Carver Road) and from east to west (from 35th Avenue) shall be submitted prior to City Council approval.

3. A concept drawing showing the vertical mining cut from the terraced base to summit shall be provided to illustrate how it will be revitalized and to mitigate vertical height prior to City Council approval.

4. A detailed site plan, landscape plan, perimeter screen wall/fencing plan and elevations, entry monument plan and elevations, sign plan, and lighting plan shall be brought to the Village Planning Committee and the community for review and comment.

Mr. Scott Johnson, president of the Hangar Haciendas Home Owners Association, stated that his community is a private residential airpark subdivision located to the east of the subject property. He expressed concern that the project will be impacted by the flight path. He asked the City to initiate the reversion.

Vice Chair Glass shared that the community concerns are not falling on deaf ears, and that the Committee hears their concerns.

Cyd Manning stated she is directly by the parcel and that there was a lot of passion surrounding the project now and in 2007. She explained that the current entitlement was not brokered by the Village, but rather by Mayor Phil Gordon. She shared that she felt that the applicant is fast-tracking the case and will not meet with the neighbors, and that history is repeating itself. She clarified that there was an environmental study done for the site and no environmental issues were found. She continued that the housing market does not want small homes. She agreed with Ms. Keating that the request is not about changing the zoning. She continued that the property has been flipped four times and that Stipulation 19 was to protect the neighbors and is key to the compromise. She said that she reviewed the current plan and that the open space is reduced, the amenities are non-luxurious, and that the applicant is attempting to delete any stipulation that was put in place to protect the neighbors. She continued that the City has a policy to act on reversions, the City has no excuse to be in violation and the current request is like trying to travel on an expired passport. She gave an example of a General Plan Amendment that was initiated in 2008 that took three months to process. She stated that when the reversion is completed, she would like to work on a different

project for the site. She continued that the community has worked with other large developers in the past, and that she would like to go to City Council and support a future project at this site. She told the Committee that she is aware that they do not have the final say on the request and that other large land owners are considering the property. She believes that this case is precedent-setting. She urged the Committee to deny the request and recommend that the Planning Hearing Officer initiate a zoning reversion.

Mr. Tom Galvin responded that the City has said that the request is not about a zoning reversion. They are trying to find a win-win solution. He continued that they met with Mr. Kimoto and that they have reached out to the community. He explained that they had a meeting scheduled with Sandy Hamilton. He said that they hear their frustrations with the City, and if the community believes that the zoning should be reverted they should take that request to the City. He finished by saying that their request is to modify stipulations because of the slope analysis and they are not here to fight over a S-1 zoning reversion.

Ms. Caton clarified that there is a slope analysis for the R1-18 portion of the site and that an additional slope analysis was done for the R1-8 portion. She stated that “hillside” is any slope over ten percent. She explained that while they are requested a removal of the detached sidewalks, they are proposing pedestrian trails that lead to amenities such as tot lots. She stated that she understands the community’s passion and that she would be happy to discuss any design or aesthetic issues.

Mr. Giles stated that the site will have less runoff when developed and that they are proposing single-lot single-family detached homes.

Ms. Abegg asked for clarification on the number of garage spaces per unit. She stated that if the Committee denies the request, there is no comment to the Planning Hearing Officer. She stated that the Committee likes to amend the stipulations. She suggested a motion to recommend approval with modifications and a competing motion to recommend denial. She continued that if the Committee recommends denying the request the applicant will not return to the Committee with any updated or detailed plans. She explained that the reason for the stipulation for general conformance to the elevations dated February 20, 2007 is that the applicant has not provided new elevations and that the stipulation should not be modified until they do. The site is unique with custom homes on large lots and the elevations need to be planned with care to maintain the character. She stated that the modification to Stipulation 39 is to provide clarity. She continued that the reason for retaining Stipulation 19 is that the Laveen Village Planning Committee supports the community’s efforts to revert the zoning. She stated that the reason for the additional stipulation for enhancing the elevations is that the applicant states that it will be a luxury development but has not provided elevation details, and the Committee would like to ensure that the elevations are upgraded. The reason for adding stipulations for open space and the total number of lots is to that is what is currently being proposed.

Ms. Keating stated that for procedural purposes the Committee should hear one motion and act on it and should not have two competing motions.

MOTION

Linda Abegg made a motion to recommend approval with three modifications and seven additional stipulations as follows:

Modifications

1) Modification to Stipulation 1 to maintain that the elevations be in general conformance with the elevations date stamped February 20, 2007.
2) Retain the existing text of Stipulation 19.
3) Modification of Stipulation 39 to read "Any buildings within two hundred feet of the eastern property line shall be limited to one-story with a maximum height of twenty feet.

Additional Stipulations

1) All sides of each building shall be enhanced with a minimum of 50% non-stucco material such as wood, stone, brick, etc.
2) The developer shall provide a minimum of twelve percent useable open space centrally located within the community and a minimum of twenty-six percent total open space
3) The R1-8 portion shall be limited to ninety-two lots
4) The developer shall provide a minimum of two garage spaces per unit
5) The driveways shall be at least twenty-two feet long
6) Prior to site plan approval, a final site plan, building elevations, detailed landscape plan, detailed entry monument plan, and perimeter fence plans shall be approved through the Planning Hearing Officer process with alternate site plans listed below to be provided:
    - A minimum of three site cross sections, traversing north to south across the 20-acre site at one-third points from the east property line at 35th Avenue
    - A minimum of two oblique aerial perspectives indicating proposed building and site improvements from south to north (from Carver Road) and from east to west (from 35th Avenue)
    - A concept drawing showing the vertical mining cut from the terraced base to summit shall be provided to illustrate how it will be revitalized and to mitigate vertical height prior to City Council approval
    - A detailed site plan, landscape plan, perimeter screen wall/fencing plan and elevations, entry monument plan and elevations, sign plan, and lighting plan
7) Any request to change, delete or modify stipulations be presented through the Planning Hearing Officer process.

Carlos Ortega seconded the motion.

VOTE

4-7 Motion fails; with members Abegg, Ortega, Glass and Branscomb in favor; members Ensminger, Estela, Flunoy, Harlin, Hurd, Mockus, and Rouse opposed.

Ms. Keating clarified that the applicant will need to delete or modify Stipulation 19 in order to move forward and develop the property.

MOTION
Stephanie Hurd made a motion to recommend denial of the request. She also requested that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

Jennifer Rouse seconded the motion.

VOTE
11-0 Motion passed; with members Abegg, Ensminger, Estela, Flunoy, Harlin, Hurd, Mockus, Ortega, Rouse, Glass and Branscomb in favor.

5. **Z-96-06 (PHO-2-19):** Presentation, discussion, and possible recommendation on a request to review and approve conceptual elevations by the Planning Hearing Officer per Stipulation No. 2 of Rezoning Case No. Z-96-06-7 for a property located on the southwest corner of 59th Avenue and Southern Avenue.

   Four speaker cards were submitted in favor, wishing to speak.

   Two speaker cards were submitted in opposition, wishing to speak.

   Ms. Stockham, staff, provided an overview of the request and reviewed Stipulation 2 and the proposed elevations.

   Ben Tate, with Withey Morris, PLC, reviewed the history of the case and that Stipulation 2 requires the applicant to return with conceptual elevations to be reviewed by the criteria set forth in the stipulation. He shared that the site plan was approved in October and that the elevations show variation in color and material. He continued that the elevations were shown to the Laveen Citizens for Responsible Development and they are identical to the elevations approved at another project located at 59th Avenue and Elliot Road.

   Vice Chair Glass shared that she did not believe the elevations looked the same.

   Mr. Tate replied that this is the single-story version of the elevation, for the property to the east of the freeway.

   Ms. Harlin shared that she thought the west side of the property would be developed first, and then the east side would be developed.

   Mr. Mockus said that when the project was first approved there were roads going through the entire property. He asked if it will still be one community with connecting roads.

   Mr. Tate replied that there is a common entrance off Southern and that the communities will have two different names.

   Vice Chair Glass commented that the elevations for the project at 59th Avenue and Elliot Road had been created more thoughtfully.

   Mr. Tate responded that he had worked on the project at 59th Avenue and Elliot Road and assured Ms. Glass that the elevations were the same.

   Ms. Abegg reminded the Committee that the request is to evaluate the elevations

based on the criteria included in the stipulation.

Public Comment

Mr. Dan Penton commended that they applicant met with the Laveen Citizens for Responsible Development and that the elevations are identical to the previously approved project. He shared that the design looked rural and asked what the density will be for the project.

Mr. Tate responded that the density will be 11.5 dwelling units per acre.

Mr. Penton asked if there will be a monument entry sign.

Mr. Tate responded that they will have a low agrarian monument that is more like a boutique hotel.

Mr. Vance Pierce stated that he was surprised by the elevations and that they need more projects like this in Laveen. He stated that it is good for developers to listen to the needs of the community.

Ms. Jadestorm Shamsid-Deen stated that she is the founder of a company called Mir`Ra I.M.A.G.E, Inc, which inspires young adults to find a better future. She stated that her complaint was that her company's name was slandered on the Nextdoor application. She continued that it is the homeowners that help fund education and that this project does not help the youth. She added that they are ugly one-story apartments.

Mr. Alex Moctezuma shared that he is the vice president of a small home owners association near 67th Avenue and Dobbins Road. He questioned what the project will look like in ten years and that the quality of the build is vital.

Vice Chair Glass asked what the price point will be for these units.

Mr. Tate responded that they will be rented in the range of $1,000 - $1,500 a month, the same as the units at 59th Avenue and Elliot Road. He added that the developer invests in quality materials and that they project will look good in ten years due to the design not being trendy.

MOTION
Linda Abegg made a motion to recommend approval.

Jennifer Rouse seconded the motion.

VOTE

11-0 Motion passed; with members Abegg, Ensminger, Estela, Flunoy, Harlin, Hurd, Mockus, Ortega, Rouse, Glass and Branscomb in favor.

7. **Z-115-A-99-7:** Presentation, discussion, and possible recommendation regarding a request to rezone an approximately 4.26-acre site located approximately 325 feet south of the southwest corner of 67th Avenue and Baseline Road **from** R1-6 PCD (Approved C-1 PCD) (Single-Family Residence District, Planned Community District, Approved Neighborhood Retail, Planned Community District) **to** C-2 SP PCD (Intermediate Commercial, Special Permit, Planned Community District) to allow for a self-service

storage facility and all underlying C-2 uses.

Mr. Gary Flunoy left at 9:35 PM bringing the quorum down to 10 members.

Two speaker cards were submitted in support, not wishing to speak.

Four speaker cards were submitted in support, wishing to speak.

Ms. Stockham, staff, provided an overview of the request, noting the location, the history of the site, previous stipulations and current request. She displayed an aerial map, previously approved site plan, proposed site plan, and briefly reviewed staff's recommendation and stipulations.

Mr. Greg Loper introduced himself and stated that the project is named The Collective. He stated that members of his team met with the Laveen Citizens for Responsible Development because they want to be conscientious about community concerns and design that is compatible with the community. He continued that there will be access to the site from Meadows Loop East and Baseline Road. He added that the site will be a place for the community and local businesses to store items.

Mr. Ortega asked about adding a stipulation that addresses what would happen if the project does not get built.

Mr. Mockus asked if the applicant owned the strip of land going north to Baseline Road.

Mr. Loper replied that they do.

Mr. Mockus asked what would keep the applicant from developing the property

Mr. Loper responded that the developer has done many projects like this.

Ms. Harlin asked for clarification about Stipulation 16.

Public Comment

Mr. Dan Penton thanked the applicant for working with the Laveen Citizens for Responsible Development (LCRD) and believes it is a great product for the area. He asked that the Committee recommend approval.

Mr. Jon Kimoto stated that it is a positive project, it creates a passive buffer between the commercial parcel to the north and the residences. He stated that the issue is with the existing wall.

Ms. Keating stated that typically a developer adds a wall and then has a landscaped setback. She added that there is already an existing wall.

Mr. Phil Hertel stated that the community does not want an extra wall and that the

existing wall will buffer the neighboring residential uses. He requested that his address be changed as written in the stipulation.

Mr. Vance Pierce shared that he generally likes a storage facility between homes and the commercial uses to the north and that the homes along the west side have shallower yards. He would have preferred to see a more “L”-shaped layout to buffer the residences to the west more.

Mr. Loper responded that the lighting will be wall-mounted, and motion activated except for the parking lights. He added that they development will keep light shielded from the residences.

MOTION

Linda Abegg made a motion to recommend approval with one modification and one additional stipulation as follows:

Modifications

1) Modification to Stipulation 17 to update Phil Hertel’s address to 2845 W Broadway Road.

Additional Stipulations

1) The development shall be in general conformance with the site plan and elevations date stamped December 23, 2019 as modified by the following stipulations and approved by the Planning and Development Department.

John Mockus seconded the motion.

VOTE

10-0 Motion passed; with members Abegg, Ensminger, Estela, Harlin, Hurd, Mockus, Ortega, Rouse, Glass and Branscomb in favor.

8. **INFORMATION ONLY:** Presentation and discussion regarding the 2019 Laveen Village Annual Report.

   Not heard.

9. Staff update on cases recently reviewed by the Committee.

   No updates given.

10. Committee member announcements, requests for information, follow up, or future agenda items.

    Ms. Rouse urged Committee members to get involved with the budget process.

    Ms. Abegg announced that Councilmember Garcia will attend the next meeting.

Mr. Dan Penton announced the 20th Anniversary Laveen Parade will be held on February 1st and the Laveen Barbeque will be on February 8th.

Vice Chair Glass announced that Reid Butler owns the Sachs-Webster House and is planning to revitalize the workshop.

11. **Adjournment**

The meeting was adjourned at 10:10 PM.

ATTACHMENT K

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Julianna Pierre, Planner I, Assisting

January 15, 2020

ITEM 5

DISTRICT 7

SUBJECT:

Application #:	Z-165-06-7(8) (PHO-1-19)
Zoning:	R1-8, R1-18
Location:	Northwest corner of 35th Avenue and Carver Road
Acreage:	59.48
Request:	1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007. 2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue. 3) Deletion of Stipulation 19 regarding conditional development approval. 4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base. 5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site. 6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site. 7) Deletion of Stipulation 39 regarding one-story homes along 35th Avenue. 8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.
Applicant:	Alisse Caton, Rose Law Group
Owner:	Virtua 35th LLC
Representative:	Alisse Caton, Rose Law Group

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on January 13, 2020 and recommended denial by an 11-0 vote.

DISCUSSION

35 cards submitted in opposition to the request, 7 wishing to speak.

5 cards submitted expressing no position, 3 wishing to speak.

Thomas Galvin, applicant and representative with Rose Law Group, stated that the request is a response to site topography, City requests, and to make the area buildable. He stated that he met with staff in late 2018 and was instructed to conduct a slope analysis. He stated that the proposed site plan is based upon the results of the slope analysis and comments received from City staff. He stated that the new site plan reduces density and depicts seven less lots than the stipulated plan. He added that there will be an increase in the amount of open space required. He clarified that, after conducting research, they determined that of the open space required, 50% was to be tree coverage. Adam Stranieri asked where the requirement for the tree coverage originated. Alisse Caton, with Rose Law Group, clarified that this was discussed in a previous hearing and is not a stipulation. Mr. Galvin stated that in 2007 the rezoning was approved for 22 lots on the western 40 acres and 99 lots on the eastern 20 acres. He clarified that no changes were being proposed for the western portion and that the request only impacts the eastern portion.

Mr. Galvin stated that the modification of Stipulation 1, regarding general conformance to the site plan and elevations, is intended to update plans for the R1-18 portion. The modification of Stipulation 7, regarding the landscape setback adjacent to 35th Avenue, is a direct response to the slope analysis and an effort to protect the natural hillside features by moving the lots further east. He stated that Stipulation 19, regarding conditional development approval, should be deleted because the zoning change was approved in 2007 and any reversion would violate Proposition 207. Stipulation 27, regarding height of terraced berms along the quarry cut slope base, should be modified to allow landscaping and beautification under safer conditions. He stated that the modifications of Stipulation 31, regarding raised, vertical curbs within the R1-18 portion of the site, and Stipulation 37, regarding detached sidewalks and landscape strips within the R1-8 portion of the site, are to bring the site into conformance with current City standards. He stated that Stipulation 39, regarding one-story homes along 35th Avenue, should be deleted to allow consumer choices and a variety of housing types. Mr. Galvin concluded that all their changes will provide view corridors with appropriate connectivity and meet City standards.

Mr. Stranieri asked for clarification regarding the proposal to delete the requirement for detached sidewalks. Ms. Caton stated that there would be attached sidewalks on one side of the street and pedestrian trail connectivity between the units that provides connection to amenity spaces and parking. She added that the proposal is intended to conform with the City standards, but also wants to entertain doing attached 5-foot sidewalks in addition to the trails. She clarified that detached sidewalks would not be able to be provided on the private drives and that would be offset by the provided trails.

Mr. Stranieri asked for clarification regarding the percentage of open space being provided. Mr. Caton stated that the overall open space of the R1-8 and R-18 portions

would be 23%, but the open space in the R1-8 portion would be 26%. She stated that the open space calculations include both active and passive open space. Mr. Stranieri stated that the calculation exceeded 5 times what is required in the Zoning Ordinance and asked if the applicant understood that the calculation would not include any perimeter landscape setbacks. Jeff Giles, with Clouse Engineering, stated that the 26% of open space in the R1-8 portion of the site took into account the hillside areas and a portion of the landscape setback. However, Mr. Giles noted that there were some areas that were not included in the calculation due to the slope of the site, but could still be considered open space per the City's definition.

Linda Abegg, a member of the Laveen Village Planning Committee, stated that she shared the same concerns as the community regarding Stipulation 19. She also stated that she had concerns regarding the removal of general conformance to elevations without the applicant proposing new elevations. She stated that the Laveen Village always wants to see elevations come through the Planning Hearing Officer process. She stated that the general conformance could remain with prior elevations or an additional stipulation could be added that elevations have to come back through the Planning Hearing Officer process. She stated that the Laveen Village also recommends a standard for maximum one-story buildings along arterials. She stated that there are concerns regarding having taller buildings along 35th Avenue, especially with the blind corner. She also stated that the usable open space was 12% and the total open space was 26%. She stated that the enhanced open space should be stipulated to ensure that the open space is centrally located in the community and not only the mountainside.

Mr. Stranieri stated that the subject property of the current PHO is the same as the entire property of the original rezoning case and includes both the R1-8 and R1-18 portions. He noted that the legislative edit submitted by the applicant takes out the requirement for conformance to elevations without providing new plans. He stated that concerns about materials and other design elements could be addressed in a future PHO hearing at the time that the applicant proposed conceptual building elevations.

Phil Hertel, a member of the Laveen Citizens for Responsible Development (LCRD), noted that his name and address are outdated in Stipulations 35 and 36, regarding notifications. He stated that his address has changed and should be updated in the stipulation. He stated that the applicant did not meet with the LCRD and the applicant did not receive community input during the official meeting. He stated that he also had concerns about Stipulation 19 and that the site should be reverted back to S-1. He stated the community is supportive of development in the area, but that the item should be continued or denied until the reversion is addressed.

Dan Penton, a representative from the Laveen Community Council, stated that the area is unique and the proposed development would have a negative impact on the agrarian character and heritage of the area. He stated that the Laveen Southwest Growth Study and Laveen Residential Design Guidelines represent the values of the community and guidelines for future growth in the area. He stated that the intent of these documents should not be overlooked and that the proposed development is incompatible with the area. He stated that the reversion matter should be handled first, before the item moves forward.

Dave Blake, a member of the community, stated that he is a native of Phoenix and also supported the reversion. He stated that the City should revert the zoning because the area was never developed. He stated that the area is unique and does not need high density development.

Tami Blake, a member of the community, stated that most of the properties in the area are developed with approximately one home per acre. She stated that she often rides horses and expressed concern regarding the impacts of the proposal on her ability to continue riding in the area. She noted that this is one of the last areas in the City that hasn't had higher density residential development crammed in and that the area should instead be preserved as is.

John Bzdel, a member of the community, stated that there is an ethical dilemma. He stated that City employees have a duty to prevent improper government action. He stated that the process failed in 2011 because the zoning never reverted to S-1. He stated the second process failure was the acceptance of the PHO case without noting that the zoning was never reverted. He stated that the case should be taken under advisement to speak with the City's Law Department because the ethics policy violations need to be addressed.

Jon Kimoto, a member of the public, stated that the proposed site plan falls short of the design quality expected in Laveen. He stated that the proposed plan is a grid that attempts to impose a flat land subdivision upon a unique hillside situation. He stated that the proposed plan does not take into account the contours, views, and drainage issues of the site. He stated that the stipulated plan addressed the distinctive aspects of the area and had a more attractive entry feature. He added that there was a significant landscape buffer on the previous plan and there are now concerns about the height of homes along the perimeter of the subdivision. He stated that there were also concerns about the terraced berms along the quarry cut slope base. He stated that the applicant's proposal could decrease the height of the terraced berms and negatively impact the safety of residents in the area. He also stated that the City should revert the zoning and the case should be heard before the correct judicial body. He also stated that the addresses of those named in Stipulation 35 and 36 should be updated.

Scott Johnson, a member of the public and president of the Hanger Haciendas Homeowners Association, stated that Hanger Haciendas is a private residential airport community located 2300 feet east of the subject property. He stated that the subject property has changed hands several times since 2007 and he wants to ensure that the developer is aware of the project's proximity to a private airport. He stated that the community is 38 lots on 65 acres with 30 aircraft based there. He stated that flights typically land to the east and take off to the west, placing aircraft at low altitudes in close proximity to the subject property. He added that the application should never have been accepted because the zoning was never reverted. He stated that just because the reversion was missed before does not mean that it should be overlooked now. He stated that the application should be denied and the reversion initiated.

Stephanie Hurd, a member of the Laveen Village Planning Committee, stated the VPC is a vital link between the community and City decision makers. She stated that Laveen has one of the biggest areas of undeveloped land in the City of Phoenix and the community wants development, but also wants the area to retain its character. She stated that the area should be kept at low density and the developer should take the community's wishes into account. She stated that she agreed with the community and felt the case should be put on hold until the reversion issue is addressed.

Cyd Manning, a member of the community who was involved with the original rezoning, stated that she is affected by the site every day because she can see it from both her back and front yards. She stated that contrary to the applicant's materials, the area is not blighted and there are no known environmental issues. She stated that the market does not want small homes in the Laveen area. She stated that the property has been flipped numerous times since the original rezoning case. She stated that the proposed plans are uninspired with no view corridors. She stated the City is in violation of Ordinance G-5020 which approved the rezoning and should have initiated the reversion in 2011. She stated that when she requested the City to take action on the reversion she was told that there was no time or resources to process the cases with reversion stipulations. She stated that once the reversion is taken care of, she and other members of the community are willing to sit down with the developer to discuss possible development.

Mr. Galvin stated that the stipulated site plan does not reflect S-1 zoning and that the property is not zoned S-1. He stated that their case is not requesting a zoning change and instead requesting modifications and deletions to stipulations. He clarified that he did not reject a meeting with the LCRD, but could not meet due to scheduling issues. He stated that the LCRD also cancelled a planned meeting. He stated that the applicant is willing to work with the community, but it is impossible to revert back to S-1. He stated that the area is also a patchwork of land under the City of Phoenix and Maricopa County jurisdictions. He stated that the City of Phoenix land has more dense zoning, while land under the County has remained less dense. He stated that the City is also changing, specifically this area which may become a technology and employment corridor in the future. He stated that he respects residents who want to maintain their agrarian lifestyle, but the City should also provide affordable housing for those wishing to live in Phoenix. He added that the City would not be able to revert the property due to legal issues.

Ms. Caton clarified that when they stated the site plan responded to environmental issues they meant the plan was a direct reflection of the slope analysis. She stated that they have worked with an engineer to address the technical feasibility of the plan. She also stated that the applicant is working with the developers to the south and their site plan works in tandem with the proposed site plan.

Mr. Giles stated that Stipulation 27 required berms be a minimum of eight feet in height, but he noted that there may be a safety issue for hikers or kids in the neighborhood if the berms are higher than eight feet. He stated that the modification of Stipulation 31 is intended to allow for drainage considerations. He stated that some areas will require

vertical curb while others require rolled curb, but those decisions would all be engineer driven.

Mr. Stranieri asked for clarification regarding how the proposed unit types compare to the stipulated detached villas. Mr. Giles said that the product footprint has not really changed. The product has four homes clustered together, but without a courtyard. Mr. Stranieri clarified that the stipulated elevations did not specify if they were specifically for the R1-8 or R1-18 portion of the site. He stated that since the development was the entire site, the elevations are required for conformance for the entire site. Ms. Caton stated that the community would most likely not want a villa product on the 40 acres of R1-18. Mr. Stranieri agreed and stated that it would most likely be custom home lots.

Mr. Stranieri stated that the proposed minimum 100-foot landscape setback on 35th Avenue is over 5 times what is required by the Ordinance. He stated that the reduction will allow the units to be placed farther away from the hillside areas. He stated Stipulation 27 regarding terraced berms was intended to restore the disturbed hillside. However, there was no background information in the case file to determine the origin of the requirement for terraced berms with deciduous trees. He stated that a geotechnical report would identify what the appropriate slope is to stabilize the hillside. He stated that he could not confirm that 2:1 is the appropriate slope as stipulated and no existing report was found. He stated that a native landscaping palette along with some treatment to allow restoration of the natural aesthetic of the hillside would be most appropriate. He stated that additional flexibility should be introduced through consultation with Planning and Development Department staff, submission of a geotechnical report, and review of any proposed alternatives.

Regarding Stipulation 19, Mr. Stranieri stated that the current request is not a reversion hearing and he does not have the authority to initiate a reversion during or as a recommendation of the current PHO request. He stated that the current request solely involves the applicant's request for stipulation modifications and deletions. He clarified that the original rezoning was approved by ordinance adoption and the zoning was vested with the adoption of that ordinance. He clarified that the rezoning case was accompanied by a General Plan Amendment (GPA), approved by the City Council, which updated the General Plan Land Use Map designation for the subject property to correlate with the requested zoning. He stated that GPAs are appended to the City's General Plan Map upon adoption and that he did not know of any process or procedure to revert these requests. He added that if a Proposition 207 lawsuit was raised it would not be heard under a municipal zoning hearing like the PHO, but rather in a court of law.

Ms. Manning stated that there was a letter written by a Village Planner in 2008 that initiated an action to amend the General Plan, which was heard by the Planning Commission and ratified by City Council on October 15, 2008. Mr. Stranieri said that he would look into the history of this additional GPA and how it related to the base zoning case.

Mr. Stranieri stated that Stipulation 31, regarding vertical curbs, correlated with the requirement for detached sidewalks throughout the subdivision. He stated that the Street Transportation Department recommended deletion of the stipulation because

there are existing technical details and engineering requirements for the different types of streets in the development. Curb types will be engineered depending on the type of street. Further, based on the conceptual site plan, some of the proposed streets may be developed as private drives which would allow rolled curbs.

Mr. Stranieri stated that the City has been consistent with its recent policy plans and long range planning activities to focus on shade, heat island mitigation, and pedestrian safety in new developments. He added that the City's Tree and Shade Master Plan, City Council adopted Guiding Principles for Complete Streets, and the 2015 General Plan all expand upon the principles regarding urban forestry and walkability. He noted that detached sidewalks may not be able to be implemented on the portions of the right-of-way between the clusters of homes which may be developed as private drives. He stated that the originally stipulated detached sidewalks should be provided along all streets developed as private accessways and public streets, consistent with the original approval and City policies.

Mr. Stranieri stated Stipulation 39 lacked detail regarding the maximum building height and which homes the restriction may apply to. He added that "adjacent to 35th Avenue" does not give much context to the placement of homes given the stipulated 235-foot landscape setback and primary entry feature. He stated that a more appropriate height restriction could be implemented to identify a maximum building height and apply the restriction to houses within a specified distance from the east property line.

Mr. Stranieri stated that the site is archaeologically sensitive and additional stipulations were warranted regarding City requirements for archaeological data testing.

Mr. Stranieri stated that the Street Transportation Department also indicated that 35th Avenue is in Maricopa County Department of Transportation (MCDOT) jurisdiction. He added that additional stipulations should be added to identify MCDOT's jurisdiction and ability to approve the final improvements. He stated that these stipulations would not conflict with existing right-of-way dedication stipulations because of the jurisdictional issue.

Mr. Stranieri stated that the Street Transportation Department had concerns regarding how the site plan proposes access from 35th Avenue and travel through the site to the west perimeter. He stated that a vehicle would need to make three to four turns to access the proposed future connection to the west. Ms. Caton stated that she had spoken with the Street Transportation Department and that they had come to a resolution regarding the connectivity. Mr. Stranieri stated that revisions may be made to the site plan due to the stipulations recommended by the Street Transportation Department. He stated that the recommended stipulations would be appropriately placed in conjunction with a general conformance stipulation to allow for flexibility to accommodate an appropriate street layout.

Mr. Stranieri stated that he was aware of the Laveen VPC meeting on Monday night and that there were 99 speaker cards submitted. He stated that there was over two hours of discussion and that a summary of the meeting was not yet available. He noted that he had also received more than 90 pieces of correspondence on the case. He stated that

he would like more time to review all of this material. Because of these reasons, the PHO stated that he would take the case under advisement.

FINDINGS

1) The subject property of this request includes the entire 59 acres that comprised the original rezoning case. However, the applicant only submitted plans addressing the approximately 19.4 acres of R1-8 zoned property on the eastern portion of the site, adjacent to 35th Avenue. Modifications are recommended to the applicant's request to ensure that the existing stipulations on the approximately 39.6 acres of R1-18 zoned property on the western portion of the site are not modified or deleted. Additionally, the applicant did not submit elevations with the request. The original stipulations included a general conformance requirement for building elevations. A modification is recommended to the applicant's request to require a future Planning Hearing Officer application for review of conceptual building elevations.

2) The stipulated site plan depicted 99 detached single-family units arranged in clusters of two and four, oriented towards common courtyards. There are also seven free-standing units depicted at the northwest corner of the site partially in the hillside-designated area. The proposed conceptual site plan depicts 92 units in a similar cluster-style arrangement. However, the units have been shifted east on the property, reducing the total massing of development in the designated hillside areas. Additionally, the homes are not oriented towards courtyards and instead include larger private driveways in the front yards. There is more open space preserved in the hillside area in the northwest portion of the site. There is also more open space adjacent to the private accessways (Tract "A") which separates the homes from the streets. Because the homes are closer to 35th Avenue, there is less open space provided along the east property line. See Finding #3 for a more detailed description of the recommendation for minimum open space and Finding #4 regarding the landscape setback on 35th Avenue.

3) An additional stipulation is recommended to require the developer provide a minimum of 26% open space, of which a minimum of 12% shall be usable open space. The conceptual site plan depicts 40.47% open space. However, there is no open space exhibit and the applicant indicated that a recalculation was necessary to adequately represent provided open space in the hillside area, setbacks, and other locations. The provision of 26% open space is compatible with the rural character of the surrounding area, consistent with other recent zoning actions in the Village, and significantly exceeds existing Ordinance standards.

4) The proposed reduction of the landscape setback on 35th Avenue from 235 feet (average) to minimum 100 feet accommodates the relocation of some residential units out of the designated hillside areas, consistent with the City approved slope analysis. The preservation of the hillside area will contribute to the rural character of the site and maintain this unique natural feature of the property. See

Finding #9 regarding the restoration of the disturbed area on the abandoned gravel mine that occupies a portion of the remainder of the site.

5) Approximately 2,300 feet to the east of the subject property are the Hangar Hacienda Units One, Two, and Three subdivisions. These properties are in Maricopa County jurisdiction. These communities are oriented around an air strip utilized by residents who own private aircraft. Based on comments from a resident in this community, the typical flight path runs directly over the subject property of this request. An additional stipulation is recommended regarding notification of the aviation uses on these properties for future residents.

6) The subject property is archaeologically sensitive. Three additional stipulations are recommended which outline the City's requirements regarding data testing, data recovery, and archaeological assessments and survey.

7) The public right-of-way along 35th Avenue and a small portion along Carver Road is in Maricopa County Department of Transportation (MCDOT) jurisdiction. There is also an active drainage project along the roadway. Therefore, additional stipulations are recommended to acknowledge that MCDOT shall determine the final width and dedications needed for the portion of right-of-way adjacent to the subject property. City of Phoenix Street Transportation staff noted that in discussions with MCDOT staff, MCDOT does not have immediate concerns regarding the location of proposed retention areas shown on the conceptual site plan in regard to the drainage project.

8) Original Stipulation 19 states that approval shall be conditioned upon the development commencing within 48 months of the City Council approval. For properties with similar stipulations, the Planning and Development Department has required that a Planning Hearing Officer (PHO) action be pursued to modify or delete these conditions at the time that development is proposed, if the proposed development has exceeded the timeframe identified in the stipulation. The applicant is pursuing this process through their request for deletion of the stipulation. The modification or deletion of this stipulation through a PHO action is unrelated to the zoning reversion process which is a separate public hearing process that is described in Section 506 of the Zoning Ordinance.

   The applicant's request for deletion of original Stipulation 19 is recommended for approval. The current proposal is consistent with the City Council's original intent to see the subject property redevelop with a single-family residential land use in the R1-8 zoning district. Additionally, the request is consistent with City Council approved General Plan Amendment GPA-LV-1-08-7, which established a Residential 3.5-5 dwelling units per gross acre land use designation on the approximately 19.35 acres that comprises the R1-8 zoned portion of the property. Both the proposed conceptual site plan, as modified by this recommendation, and the existing R1-8 zoning designation are consistent with this land use designation.

9) Original Stipulation 27, requiring terraced berms planted with deciduous trees, may result in an environment that contrasts with the natural landscape of the existing hillside in the surrounding area. The stipulated terraced berm configuration is not consistent with the irregular natural landscape of the existing hillside in the surrounding area and there are no deciduous trees on hillside locations in the immediate vicinity. Proposals for fill are commonly intended to continue and promote a natural slope line, rather than creating terracing and other unnatural finishes.

   There are a variety of alternatives to the stipulated requirement for terraced berms that may be considered for the site that would result in a more natural aesthetic to the restored hillside. These include chemical treatments and coloration to remove or camouflage scarring, hydroseeding of the slope to provide a mixture of natural grasses and plants which may also stabilize the slope, and roughening the cut or restored slope to integrate pockets for additional native landscaping.

   Modified stipulation language is recommended to allow the applicant to work with City staff on an alternative approach to restoring the quarry cut slope base to promote a more natural landscape along the hillside.

10) The provision of detached sidewalks is consistent with numerous City policy plans. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the City's planning and development process. Additionally, the City Council adopted Guiding Principles for Complete Streets seeks to make Phoenix more walkable by promoting a safe and inviting pedestrian environment that encourages walkability and thermal comfort. These principles are also expressed and expanded upon throughout the 2015 General Plan.

    Therefore, the applicant's request to delete this requirement and instead stipulate a 5-foot sidewalk width is recommended for denial. However, the street layout on the proposed conceptual site plan may require the utilization of both private drives (between units) and private accessways (Tract "A"). There are different technical requirements and cross sections for these street types and it may be difficult to integrate detached sidewalks along both sides of private drives. A modification of the applicant's request is recommended to require that detached sidewalks shall be provided, as originally stipulated, along all streets that are developed as public streets or private accessways.

11) The Street Transportation Department noted that both original Stipulation 31 and the applicant's proposed modified language may create conflicts if the development is to include both attached and detached sidewalks. The City of Phoenix standard detail for detached sidewalks along private accessways requires vertical curbs. Attached sidewalks may be permitted to provide rolled curbs. Deletion of the stipulation will allow the appropriate detail to be utilized based on the final configuration of sidewalks at appropriate locations throughout the development.

12) Original Stipulation 39 required that homes along 35th Avenue would be limited to one-story. The stipulation did not specify a maximum building height. Additionally, it is unclear whether the stipulation was intended to apply to the individual units located closest to 35th Avenue or the entire clusters. The original stipulation may permit a variety of building heights and locations for height-restricted lots.

However, the intent of the stipulation was to mitigate the impacts of building height for units closest to 35th Avenue and would have impacted homes at approximately 235 feet (the stipulated average setback in original Stipulation 7). This remains a valid concern and consistent with the design of other recent projects in the Village. Therefore, the applicant's request for deletion of this stipulation is recommended for denial. An alternative stipulation is proposed that limits maximum building height to 20 feet for the 12 lots that are located within approximately 235 feet of 35th Avenue. This recommendation is intended to clarify the limitation on building height and identify the specific lots impacted.

DECISION: The Planning Hearing Officer took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

STIPULATIONS

General		
~~1.~~	~~That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~	
1.	THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
	B.	THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2.	CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.	
3.	THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
4. ~~2.~~	~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.	
5. ~~3.~~	~~That d~~Development of the R1-8 portion of the site shall not exceed a density of 99 lots.	
6.	THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 12% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
Site Design		
7. ~~4.~~	~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.	
8. ~~5.~~	~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.	
	a.	Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
	b.	Retaining wall.
9. ~~6.~~	~~That n~~No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply	

	to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.
10. ~~7.~~	~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE ~~adjacent to 35th Avenue~~ ~~shall be provided~~, as approved by the PLANNING AND Development ~~Services~~ Department.
11. ~~8.~~	~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.
12. ~~9.~~	~~That t~~Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.
Disclosures	
13. ~~10.~~	~~That p~~Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.
14.	THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.
Parks and Recreation	
15. ~~11.~~	~~That t~~The developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.
Archaeology	

16. ~~12.~~	~~That t~~The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
17.	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.
18.	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.
19.	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.
Street Transportation	
20. ~~13.~~	~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
21. ~~14.~~	~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
22.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

24. ~~15.~~	~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department prior to ~~Development Services Department~~ preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.
25. ~~16.~~	~~That t~~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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all American with Disabilities Act accessibility standards.
26. ~~17.~~	~~That t~~The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
27. ~~18.~~	~~That p~~Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development ~~Services~~ Department for the case files.
~~19.~~	~~That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~
Neighborhood	
28. ~~20.~~	~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development ~~Services~~ Department.
29. ~~21.~~	~~That a~~All two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development ~~Services~~ Department.
30. ~~22.~~	~~That c~~Concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department.

31. ~~23.~~	~~That t~~The use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
32. ~~24.~~	~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development ~~Services~~ Department.
33. ~~25.~~	~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.
34. ~~26.~~	~~That o~~On non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.
35. ~~27.~~	~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum, a~~nd shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center~~, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
36. ~~28.~~	~~That s~~Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
37. ~~29.~~	~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development ~~Services~~ Department.
38. ~~30.~~	~~That p~~Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND

	Development ~~Services~~ Department.	
39. ~~31.~~	~~That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.~~	
40. ~~32.~~	~~That a~~All HVAC units shall be ground mounted.	
41. ~~33.~~	~~That a~~All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.	
42. ~~34.~~	~~That b~~Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.	
43. ~~35.~~	~~That a~~Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:	
	a.	Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b.	Cyd Manning, P.O. Box 41234, Mesa, 85274
	c.	Judy Brown, P.O. Box 41234, Mesa, 85274
	d.	Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e.	Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f.	Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
	g.	Steven Klein, 6820 South 66th Avenue, Laveen, 85339
44. ~~36.~~	~~That t~~The following individuals shall be notified of any and all PLANNING AND Development ~~Services~~ Department ~~(DSD)~~ meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):	
	a.	Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b.	Cyd Manning, P.O. Box 41234, Mesa, 85274

	c.	Judy Brown, P.O. Box 41234, Mesa, 85274
	d.	Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e.	Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f.	Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
	g.	Steven Klein, 6820 South 66th Avenue, Laveen, 85339
45. ~~37.~~	~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of~~ 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.	
46. ~~38.~~	~~That a~~A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.	
47. ~~39.~~	~~That only one-story homes shall be located along 35th Avenue.~~ LOTS 52-61 AND 82-83, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
48. ~~40.~~	~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.	

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

ATTACHMENT L

The contents of this attachment will be a separate attachment in the City Council packet

REPORT OF PLANNING COMMISSION ACTION
May 7, 2020

ITEM NO: 10	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-19--Z-165-06-7(8)
Location:	Northwest corner of 35th Avenue and Carver Road
Request:	• Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007 • Modification of Stipulation No. 7 regarding the landscape setback adjacent to 35th Avenue • Deletion of Stipulation No. 19 regarding conditional development approval • Modification of Stipulation No. 27 regarding height of terraced berms along the quarry cut slope base • Modification of Stipulation No. 31 regarding raised, vertical curbs within the R1-18 portion of the site • Modification of Stipulation No. 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site • Deletion of Stipulation No. 39 regarding one-story homes along 35th Avenue • Technical corrections to Stipulation Nos. 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38 and 40
Acreage:	59.48
Applicant:	Jennifer Hall, Rose Law Group
Owner:	Virtua 35th, LLC
Representative:	Tom Galvin, Rose Law Group

ACTIONS:

Staff Recommendation: Denial as filed and approval with modifications and additional stipulations as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:
Laveen 1/13/2020 Denial. Vote: 11-0.
The Laveen Village Planning Committee motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

Planning Hearing Officer Recommendation:
January 15, 2020 The Planning Hearing Officer took this case under advisement.
February 13, 2020 The Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Planning Commission Recommendation: Continuance to the June 4, 2020 Planning Commission hearing, without fee.

Motion Discussion:

Commissioner Gorraiz made a MOTION to table the item to an undetermined time to allow the applicant to work on a compromise with the community. Then they can bring the case back when they are ready.

Commissioner Gorraiz stated that he would be more likely to support the side that has seemed to work out the issues and would not support the side that is not willing to work it out. That would not be reasonable.

Chairman Johnson clarified the motion. Commissioner Gorraiz moved to continue PHO-1-19--Z-165-06-7(8) to the next meeeting.

Commissioner Gorraiz responded that he does not want a set time limit.

Chairman Johnson recommended that it be moved to the next agenda and it could always be continued again.

Commissioner Gorraiz agreed to modify his motion to continue the item for one month.

Commissioner Shank asked if the motion could include a continuance without fee.

Commissioner Gorraiz agreed.

Chairman Johnson clarified the motion. Commissioner Gorraiz moved to continue PHO-1-19--Z-165-06-7(8) to the next meeeting, without fee. He asked if there was a second to the motion.

Commissioner Gaynor seconded the motion.

Racelle Escolar verified that the the next Planning Commission hearing is June 4th.

The motion passed by an 8 to 0 vote.

Motion details: Commissioner Gorraiz made a MOTION to continue PHO-1-19--Z-165-06-7(8) to the June 4, 2020 Planning Commission hearing, without fee.

Maker: Gorraiz
Second: Gaynor
Vote: 8-0
Absent: Montalvo
Opposition Present: Yes

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: City of Phoenix Planning Commission **Date:** June 4, 2020

From: Racelle Escolar
Planner III

Subject: ITEM NO. 18 (PHO-1-19--Z-165-06-7(8)) – NORTHWEST CORNER OF 35TH AVENUE AND CARVER ROAD

This memo is to provide a revised staff recommendation that addresses a revised site plan submitted by the applicant and date stamped May 26, 2020.

On May 7, 2020 the Planning Commission continued the case to the June 4, 2020 hearing to allow the applicant to work on a compromise with the community. Since the May Planning Commission hearing, the applicant conducted additional outreach and submitted a revised site plan. The applicant has proposed a new lot configuration and reduced the number of lots from 92 to 63. These site plan changes require modifications to the stipulations recommended by the Planning Hearing Officer.

The Planning Hearing Officer's recommendation regarding Stipulation 1 requires that the R1-8 development be in general conformance with the site plan date stamped November 21, 2019. The recommended revision updates this date to reflect the revised site plan date stamped May 26, 2020.

The Planning Hearing Officer's recommendation regarding Stipulation 47 limits the maximum building height to 20 feet for lots 52-61 and 82-83 as depicted on the site plan date stamped November 21, 2019. The recommended revision updates the impacted lot numbers to reflect the revised site plan date stamped May 26, 2020.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Laveen Village Planning Committee heard this case on January 13, 2020 and recommended denial by a vote of 11-0. The Laveen VPC motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

PLANNING HEARING OFFICER RECOMMENDATION

The Planning Hearing Officer heard this request on January 15, 2020 and took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Staff recommends approval per the Planning Hearing Officer recommendation with modifications to Stipulation Nos 1 and 47 as shown below in bold text:

General

~~1. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~

1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~**NOVEMBER 21, 2019**~~ **MAY 26,2020**, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:

   A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

   B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.
~~2.~~

5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of
~~3.~~ 99 lots.

6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 12% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Site Design

7. ~~4.~~ ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

8. ~~5.~~ ~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.

   a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.

   b. Retaining wall.

9. ~~6.~~ ~~That n~~No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.

10. ~~7.~~ ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE ~~adjacent to 35th Avenue shall be provided~~, as approved by the PLANNING AND Development ~~Services~~ Department.

11. ~~8.~~ ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

12. ~~9.~~ ~~That t~~Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.

Disclosures

13. ~~That p~~Prior to final site plan approval, the property owner shall record documents
~~10.~~ that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.

14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Parks and Recreation

15. ~~That t~~The developer shall dedicate a multi-use trail easement and construct a
~~11.~~ multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

16. ~~That t~~The applicant shall complete an archaeological survey report of the
~~12.~~ development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

17. 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.

18. 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.

19. 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.

Street Transportation

20. ~~13.~~ ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

21. ~~14.~~ ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

24. ~~15.~~ ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.

25. ~~16.~~ ~~That t~~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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.

26. ~~17.~~ ~~That t~~The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.

27. ~~18.~~ ~~That p~~Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development ~~Services~~ Department for the case files.

~~19. That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

Neighborhood

28. ~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and treated
~~20.~~ with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development ~~Services~~ Department.

29. ~~That a~~All two story homes, within the R1-18 portion of the site, shall be designed
~~21.~~ in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development ~~Services~~ Department.

30. ~~That c~~Concrete channels shall be designed to look natural in the desert setting
~~22.~~ through color, texture, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department.

31. ~~That t~~The use of riprap and engineered culverts shall be minimized and, where
~~23.~~ utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.

32. ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall be
~~24.~~ preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development ~~Services~~ Department.

33. ~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be
~~25.~~ designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.

34. ~~That o~~On non-hillside lots within the R1-18 portion of the development, all
~~26.~~ improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.

35. ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed
~~27.~~ along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum,~~ and shall be PLANTED

~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center~~, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

36. ~~28.~~ ~~That s~~Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.

37. ~~29.~~ ~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development ~~Services~~ Department.

38. ~~30.~~ ~~That p~~Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.

39. ~~31.~~ ~~That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.~~

40. ~~32.~~ ~~That a~~All HVAC units shall be ground mounted.

41. ~~33.~~ ~~That a~~All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.

42. ~~34.~~ ~~That b~~Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.

43. ~~35.~~ ~~That a~~Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

44. ~~That t~~The following individuals shall be notified of any and all PLANNING AND
~~36.~~ Development ~~Services~~ Department ~~(DSD)~~ meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

45. ~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE
~~37.~~ DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of~~ 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

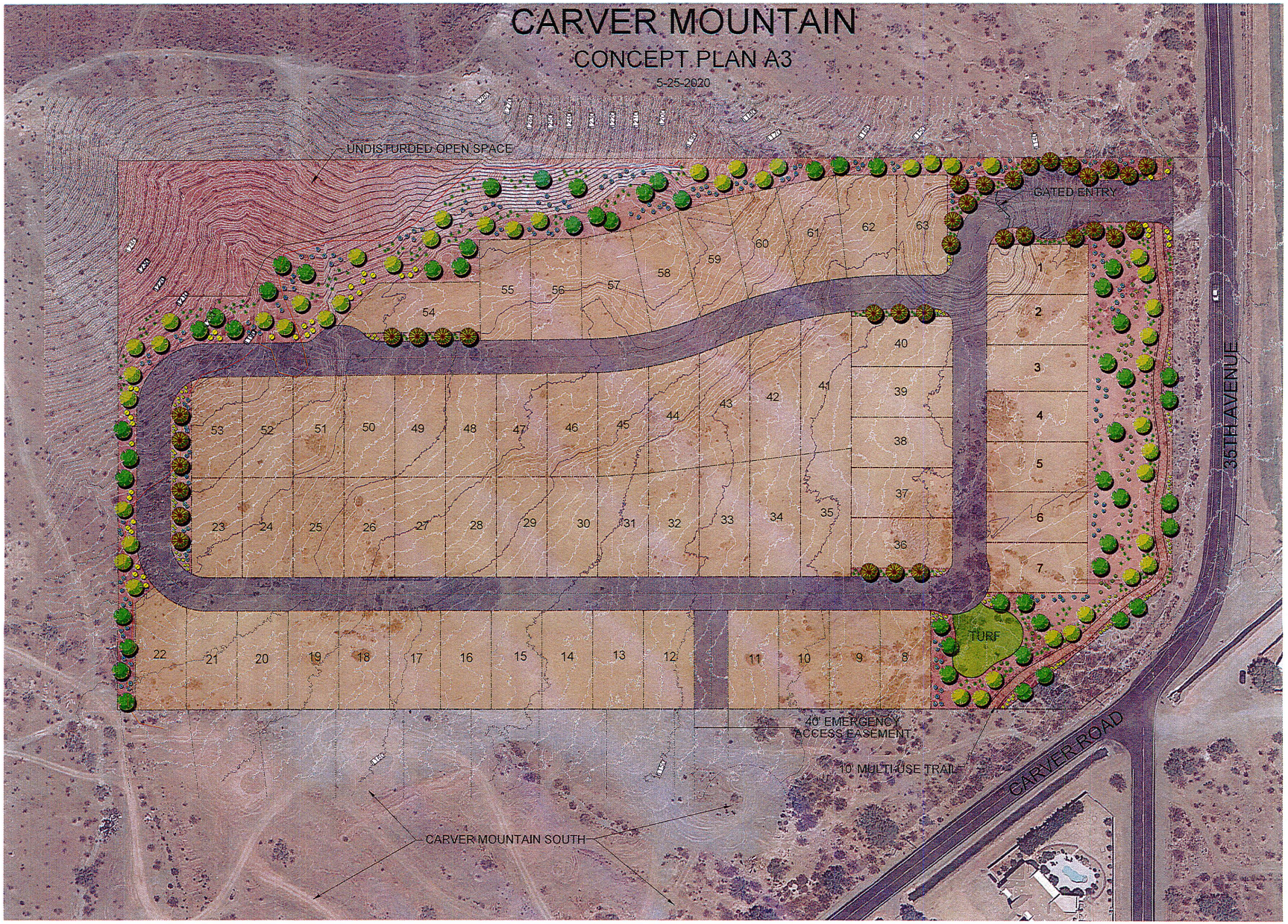
46. ~~That a~~A mix of two and three-inch caliper trees shall be provided within all
~~38.~~ required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.

47. ~~That only one-story homes shall be located along 35th Avenue.~~
~~39.~~

LOTS ~~**52-61 AND 82-83**~~ **1-7**, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~**NOVEMBER 21, 2019**~~ **MAY 26, 2020**, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

48. ~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall
~~40.~~ plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.

Exhibit A:
Conceptual Site Plan date stamped May 26, 2020



CITY OF PHOENIX

MAY 26 2020

Planning & Development Department

NORTH

SCALE: 1" = 50'

0 50 100 150

Land Development Engineering, LLC
3420 East Shea Blvd, Suite 156
Phoenix, Arizona 85028
Office 602.396.5700
www.LDEaz.com

REPORT OF PLANNING COMMISSION ACTION
June 4, 2020

ITEM NO: 18	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-19--Z-165-06-7(8)
Location:	Northwest corner of 35th Avenue and Carver Road
Request:	• Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007 • Modification of Stipulation No. 7 regarding the landscape setback adjacent to 35th Avenue • Deletion of Stipulation No. 19 regarding conditional development approval • Modification of Stipulation No. 27 regarding height of terraced berms along the quarry cut slope base • Modification of Stipulation No. 31 regarding raised, vertical curbs within the R1-18 portion of the site • Modification of Stipulation No. 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site • Deletion of Stipulation No. 39 regarding one-story homes along 35th Avenue • Technical corrections to Stipulation Nos. 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38 and 40
Acreage:	59.48
Applicant:	Jennifer Hall, Rose Law Group
Owner:	Virtua 35th, LLC
Representative:	Tom Galvin, Rose Law Group

ACTIONS:

Staff Recommendation: Denial as filed and approval with modifications and additional stipulations as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:
Laveen 1/13/2020 Denial. Vote: 11-0.
The Laveen Village Planning Committee motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

Planning Hearing Officer Recommendation:
January 15, 2020 The Planning Hearing Officer took this case under advisement.
February 13, 2020 The Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Planning Commission Recommendation: Approval, per staff memo dated June 4, 2020 with a modified stipulation and direction for the applicant to modify the application prior to the City Council meeting.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve PHO-1-19--Z-165-06-7(8), per staff memo dated June 4, 2020 with a modification to Stipulation No. 6 to reduce the useable open space from 12% to 8% and direction for the applicant to modify the application prior to the City Council meeting to modify Stipulation No. 5 to reflect the number of lots on the site plan.

Maker: Busching
Second: Shank
Vote: 8-0
Absent: Howard
Opposition Present: Yes

Findings:

1. The subject property of this request includes the entire 59 acres that comprised the original rezoning case. However, the applicant only submitted plans addressing the approximately 19.4 acres of R1-8 zoned property on the eastern portion of the site, adjacent to 35th Avenue. Modifications are recommended to the applicant's request to ensure that the existing stipulations on the approximately 39.6 acres of R1-18 zoned property on the western portion of the site are not modified or deleted. Additionally, the applicant did not submit elevations with the request. The original stipulations included a general conformance requirement for building elevations. A modification is recommended to the applicant's request to require a future Planning Hearing Officer application for review of conceptual building elevations.

2. The stipulated site plan depicted 99 detached single-family units arranged in clusters of two and four, oriented towards common courtyards. There are also seven free-standing units depicted at the northwest corner of the site partially in the hillside-designated area. The proposed conceptual site plan depicts 92 units in a similar cluster-style arrangement. However, the units have been shifted east on the property, reducing the total massing of development in the designated hillside areas. Additionally, the homes are not oriented towards courtyards and instead include larger private driveways in the front yards. There is more open space preserved in the hillside area in the northwest portion of the site. There is also more open space adjacent to the private accessways (Tract "A") which separates the homes from the streets. Because the homes are closer to 35th Avenue, there is less open space provided along the east property line. See Finding #3 for a more detailed description of the recommendation for minimum open space and Finding #4 regarding the landscape setback on 35th Avenue.

3. An additional stipulation is recommended to require the developer provide a minimum of 26% open space, of which a minimum of 12% shall be usable open space. The conceptual site plan depicts 40.47% open space. However,

there is no open space exhibit and the applicant indicated that a recalculation was necessary to adequately represent provided open space in the hillside area, setbacks, and other locations. The provision of 26% open space is compatible with the rural character of the surrounding area, consistent with other recent zoning actions in the Village, and significantly exceeds existing Ordinance standards.

4. The proposed reduction of the landscape setback on 35th Avenue from 235 feet (average) to minimum 100 feet accommodates the relocation of some residential units out of the designated hillside areas, consistent with the City approved slope analysis. The preservation of the hillside area will contribute to the rural character of the site and maintain this unique natural feature of the property. See Finding #9 regarding the restoration of the disturbed area on the abandoned gravel mine that occupies a portion of the remainder of the site.

5. Approximately 2,300 feet to the east of the subject property are the Hangar Hacienda Units One, Two, and Three subdivisions. These properties are in Maricopa County jurisdiction. These communities are oriented around an air strip utilized by residents who own private aircraft. Based on comments from a resident in this community, the typical flight path runs directly over the subject property of this request. An additional stipulation is recommended regarding notification of the aviation uses on these properties for future residents.

6. The subject property is archaeologically sensitive. Three additional stipulations are recommended which outline the City's requirements regarding data testing, data recovery, and archaeological assessments and survey.

7. The public right-of-way along 35th Avenue and a small portion along Carver Road is in Maricopa County Department of Transportation (MCDOT) jurisdiction. There is also an active drainage project along the roadway. Therefore, additional stipulations are recommended to acknowledge that MCDOT shall determine the final width and dedications needed for the portion of right-of-way adjacent to the subject property. City of Phoenix Street Transportation staff noted that in discussions with MCDOT staff, MCDOT does not have immediate concerns regarding the location of proposed retention areas shown on the conceptual site plan in regard to the drainage project.

8. Original Stipulation 19 states that approval shall be conditioned upon the development commencing within 48 months of the City Council approval. For properties with similar stipulations, the Planning and Development Department has required that a Planning Hearing Officer (PHO) action be pursued to modify or delete these conditions at the time that development is proposed, if the proposed development has exceeded the timeframe identified in the stipulation. The applicant is pursuing this process through their request for deletion of the stipulation. The modification or deletion of this stipulation through a PHO action is unrelated to the zoning reversion process which is a separate public hearing process that is described in Section 506 of the Zoning Ordinance.

   The applicant's request for deletion of original Stipulation 19 is recommended for approval. The current proposal is consistent with the City Council's original

intent to see the subject property redevelop with a single-family residential land use in the R1-8 zoning district. Additionally, the request is consistent with City Council approved General Plan Amendment GPA-LV-1-08-7, which established a Residential 3.5 to 5 dwelling units per gross acre land use designation on the approximately 19.35 acres that comprises the R1-8 zoned portion of the property. Both the proposed conceptual site plan, as modified by this recommendation, and the existing R1-8 zoning designation are consistent with this land use designation.

9. Original Stipulation #27, requiring terraced berms planted with deciduous trees, may result in an environment that contrasts with the natural landscape of the existing hillside in the surrounding area. The stipulated terraced berm configuration is not consistent with the irregular natural landscape of the existing hillside in the surrounding area and there are no deciduous trees on hillside locations in the immediate vicinity. Proposals for fill are commonly intended to continue and promote a natural slope line, rather than creating terracing and other unnatural finishes.

   There are a variety of alternatives to the stipulated requirement for terraced berms that may be considered for the site that would result in a more natural aesthetic to the restored hillside. These include chemical treatments and coloration to remove or camouflage scarring, hydroseeding of the slope to provide a mixture of natural grasses and plants which may also stabilize the slope, and roughening the cut or restored slope to integrate pockets for additional native landscaping.

   Modified stipulation language is recommended to allow the applicant to work with City staff on an alternative approach to restoring the quarry cut slope base to promote a more natural landscape along the hillside.

10. The provision of detached sidewalks is consistent with numerous City policy plans. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the City's planning and development process. Additionally, the City Council adopted Guiding Principles for Complete Streets seeks to make Phoenix more walkable by promoting a safe and inviting pedestrian environment that encourages walkability and thermal comfort. These principles are also expressed and expanded upon throughout the 2015 General Plan.

    Therefore, the applicant's request to delete this requirement and instead stipulate a 5-foot sidewalk width is recommended for denial. However, the street layout on the proposed conceptual site plan may require the utilization of both private drives (between units) and private accessways (Tract "A"). There are different technical requirements and cross sections for these street types and it may be difficult to integrate detached sidewalks along both sides of private drives.

    A modification of the applicant's request is recommended to require that detached sidewalks shall be provided, as originally stipulated, along all streets that are developed as public streets or private accessways.

11. The Street Transportation Department noted that both original Stipulation 31 and the applicant's proposed modified language may create conflicts if the development is to include both attached and detached sidewalks. The City of Phoenix standard detail for detached sidewalks along private accessways requires vertical curbs. Attached sidewalks may be permitted to provide rolled curbs. Deletion of the stipulation will allow the appropriate detail to be utilized based on the final configuration of sidewalks at appropriate locations throughout the development.

12. Original Stipulation 39 required that homes along 35th Avenue would be limited to one-story. The stipulation did not specify a maximum building height. Additionally, it is unclear whether the stipulation was intended to apply to the individual units located closest to 35th Avenue or the entire clusters. The original stipulation may permit a variety of building heights and locations for height-restricted lots.

    However, the intent of the stipulation was to mitigate the impacts of building height for units closest to 35th Avenue and would have impacted homes at approximately 235 feet (the stipulated average setback in original Stipulation 7). This remains a valid concern and consistent with the design of other recent projects in the Village. Therefore, the applicant's request for deletion of this stipulation is recommended for denial. An alternative stipulation is proposed that limits maximum building height to 20 feet for the 12 lots that are located within approximately 235 feet of 35th Avenue. This recommendation is intended to clarify the limitation on building height and identify the specific lots impacted.

Stipulations:

General

~~1. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~

1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~**NOVEMBER 21, 2019**~~ **MAY 26, 2020**, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:

    A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

    B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO

THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~2.~~ 4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.

~~3.~~ 5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of 99 lots.

6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF ~~12~~ 8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Site Design

~~4.~~ 7. ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

~~5.~~ 8. ~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.

a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.

b. Retaining wall.

~~6.~~ 9. ~~That n~~No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf

recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.

~~7.~~ ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL
10. PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE ~~adjacent to 35th Avenue shall be provided~~, as approved by the PLANNING AND Development ~~Services~~ Department.

~~8.~~ ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final
11. alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

~~9.~~ ~~That t~~Those portions of spider and jeep trails which are not part of the
12. approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.

Disclosures

~~10.~~ ~~That p~~Prior to final site plan approval, the property owner shall record
13. documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.

14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Parks and Recreation

~~11.~~ ~~That t~~The developer shall dedicate a multi-use trail easement and construct a
15. multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

~~12.~~ ~~That t~~The applicant shall complete an archaeological survey report of the
16. development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

17. 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.

18. 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.

19. 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.

Street Transportation

~~13.~~ 20. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

~~14.~~ 21. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

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~~15.~~ 24. ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.

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~~19. That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

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~~21.~~ ~~That a~~All two story homes, within the R1-18 portion of the site, shall be
29. designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development ~~Services~~ Department.

~~22.~~ ~~That c~~Concrete channels shall be designed to look natural in the desert setting
30. through color, texture, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department.

~~23.~~ ~~That t~~The use of riprap and engineered culverts shall be minimized and, where
31. utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.

~~24.~~ ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall
32. be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development ~~Services~~ Department.

~~25.~~ ~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be
33. designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.

~~26.~~ ~~That o~~On non-hillside lots within the R1-18 portion of the development, all
34. improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.

~~27.~~ ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed
35. along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum,~~ and shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center~~, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~28.~~ ~~That s~~Solid block walls, except for retaining walls or privacy fencing on
36. individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.

~~29.~~ ~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by
37. the PLANNING AND Development ~~Services~~ Department.

~~30.~~ ~~That p~~Private roadways within the R1-18 portion of the site shall be provided
38. with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.

~~31.~~ ~~That private roadways within the R1-8 portion of the site shall be provided with~~
39. ~~a raised, vertical curb, as approved by the Development Services Department.~~

~~32.~~ ~~That a~~All HVAC units shall be ground mounted.
40.

~~33.~~ ~~That a~~All street lighting and wall mounted security fixtures shall be full cut off
41. lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.

~~34.~~ ~~That b~~Bollards shall be used for accent lighting at the primary access, entry
42. monument, driveways, and trail crossings, as approved by the PLANNING

AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.

~~35.~~ ~~That a~~Any request to delete or modify these stipulations SHALL be preceded
43. by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~36.~~ ~~That t~~The following individuals shall be notified of any and all PLANNING AND
44. Development ~~Services~~ Department ~~(DSD)~~ meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~37.~~ ~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE
45. DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of~~ 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

~~38.~~ ~~That a~~A mix of two and three-inch caliper trees shall be provided within all
46. required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.

~~39. That only one-story homes shall be located along 35th Avenue.~~

47. LOTS **~~52-61 AND 82-83~~ 1-7**, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED **~~NOVEMBER 21, 2019~~ MAY 26, 2020**, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~40.~~ ~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall
48. plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

Attachment F

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	**PHO-1-19--Z-165-06-7(8)** Northwest corner of 35th Avenue and Carver Road	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
APPEALED FROM:	**PC 6/4/2020**	**Cyd Manning** **480-747-0769** **sweetbeat@q.com**			
	PC DATE	*NAME / PHONE / EMAIL*			
TO PC/CC HEARING	**CC 6/24/2020**	**3220 West Ceton Drive** **Laveen, AZ 85339**			
	CC DATE	*STREET ADDRESS/CITY/STATE/ZIP*			
REASON FOR REQUEST: Sixty-three lots on 20 acres at 3.2 dwelling units per acre is incompatible land use with adjacent 40 acres and other adjacent surrounding parcels zoned R1-18, RE-35 and S-1. The R1-8 is speculative spot zoning. Disagree with the deletion of Stipulation No. 19. There is no connectivity to the 40-acre portion, the circulation is a 90-degree grid and other stipulations recommended by the Planning Hearing Officer were not included in the applicant's revised plan.					
RECEIVED BY:	Jazmine Braswell	**RECEIVED ON:**		6/9/2020	

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Leah Swanton
Vikki Cipolla-Murillo
Danielle Jordan
Applicant

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

JUN 09 2020

Planning & Development Department

The **PLANNING COMMISSION** agenda for **June 4, 2020** 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. **June 11, 2020**.

   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., **June 11, 2020**.

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. **June 11, 2020**.

   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. **June 18, 2020**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-165-06 (PHO-1-19)
APPLICATION NO.

35th Ave. + Carver Rd.
LOCATION OF APPLICATION SITE

June 4, 2020
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

Jazmine Braswell
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Cyd Manning
PRINTED NAME OF PERSON APPEALING

Cyd Manning
SIGNATURE

3220 W. Ceton Dr.
STREET ADDRESS

June 9, 2020
DATE OF SIGNATURE

Laveen, AZ 85339
CITY, STATE & ZIP CODE

480-747-0769
TELEPHONE NO.

sweetbeatcq.com
EMAIL ADDRESS

REASON FOR REQUEST 63 lots on 20 ac. at 3.2 du/a is incompatible land use w/adjacent 40 ac. + other adjacent + surrounding parcels zoned R1-18, RE-35 and S-1. The R1-8 is speculative spot zoning. Disagree with the deletion of Stip. 19. There is no connectivity to the 40-acre portion, the circulation is a 90 degree grid and other stipulations recommended by PHO were not included in applicant's revised plan.

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	**PHO-1-19--Z-165-06-7(8)** Northwest corner of 35th Avenue and Carver Road	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
APPEALED FROM:	**PC 6/4/2020**	**Lisa Vializ** **602-741-5722** **LVIALIZ@COX.NET**			
	PC DATE	*NAME / PHONE / EMAIL*			
TO PC/CC HEARING	**CC 6/24/2020**	**8921 S. 53rd Drive** **Laveen, AZ 85339**			
	CC DATE	*STREET ADDRESS/CITY/STATE/ZIP*			
REASON FOR REQUEST: 1) R1-8 zoning is speculative spot zoning. 2) Sixty-three lots on 20 acres at 3.2 dwelling units per acre is incompatible land use with the adjacent 40 acres. Surrounding zoning districts are: S-1, RE-35, and R1-18. 3) We disagree with deletion of Stipulation No. 19, personally placed in this case by then Mayor Phil Gordon to protect the community. 4) There is no connectivity to 40-acre portion. Circulation is 90-degree grid and other stipulations recommended by the Planning Hearing Officer were not included in applicant's revised plan.					
RECEIVED BY:	Jazmine Braswell	**RECEIVED ON:**		6/9/2020	

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Leah Swanton
Vikki Cipolla-Murillo
Danielle Jordan
Applicant

CITY OF PHOENIX

JUN 09 2020

Planning & Development Department

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for **June 4, 2020** 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. **June 11, 2020**.

   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., **June 11, 2020**.

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. **June 11, 2020**.

   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. **June 18, 2020**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

PHO-1-19-Z-165-06-7(8)
APPLICATION NO.

35th AVE + CARVER RD.
LOCATION OF APPLICATION SITE

6/4/20
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

Jazmine Braswell
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

LISA VIALIZ
PRINTED NAME OF PERSON APPEALING

Lisa Vializ
SIGNATURE

8921 S. 53RD DR.
STREET ADDRESS

6/9/20
DATE OF SIGNATURE

LAVEEN, AZ 85339
CITY, STATE & ZIP CODE

602-741-5722
TELEPHONE NO.

LVIALIZ@COX.NET
EMAIL ADDRESS

REASON FOR REQUEST ① R1-8 ZONING IS SPECULATIVE SPOT ZONING.
② 63 LOTS ON 20A AT 3.2 DU/A IS INCOMPATIBLE LAND USE W/ THE ADJACENT 40A. SURROUNDING ZONING DISTRICTS ARE: S-1, RE-35, & R1-18.
③ WE DISAGREE WITH DELETION OF STIPULATION 19, PERSONALLY PLACED IN THIS CASE BY THEN MAYOR PHIL GORDON TO PROTECT THE COMMUNITY.
④ THERE IS NO CONNECTIVITY TO 40A PORTION. CIRCULATION IS 90° GRID AND OTHER STIPS RECOMMENDED BY PHO WERE NOT INCLUDED IN APPLICANTS REVISED PLAN.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

Attachment G

Adam Stranieri

From: Sofia Mastikhina
Sent: Wednesday, March 4, 2020 8:14 AM
To: Julianna Pierre; Adam Stranieri
Subject: FW: Case Z-165-06 (PHO-1-19

FYI

Sofia Mastikhina
Planner II - Village Planner
City of Phoenix
Long Range Planning
Office: 602-256-5648
200 West Washington Street
Phoenix, AZ 85003

PLANNING & DEVELOPMENT
PRESERVE
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From: Ernst Bauer <ERNST.BAUER@asu.edu>
Sent: Tuesday, March 3, 2020 6:20 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19

Laveen Village Planning Committee, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for both LVPC and PHO review next week. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: "*The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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*", which includes Stipulation 19.

Stipulation 19 states "*That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.*". City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Dr. Ernst Bauer
Professor Emeritus
11581 S 28th Ave
Laveen
AZ 85339
e-mail: ernst.bauer@asu.edu
Webpage: http://ernstbauer.physics.asu.edu [ernstbauer.physics.asu.edu]

Racelle Escolar

From: Sofia Mastikhina
Sent: Monday, March 23, 2020 7:52 AM
To: Danielle M Jordan
Cc: Racelle Escolar
Subject: FW: Deny Case Z-165-06 (PHO 1-19)

Sofia Mastikhina
Planner II - Village Planner
City of Phoenix
Long Range Planning
Office: 602-256-5648
200 West Washington Street
Phoenix, AZ 85003

PLANNING & DEVELOPMENT
PRESERVE
SHAPE
BUILD

From: D M <darcy3535@gmail.com>
Sent: Saturday, March 21, 2020 4:43 PM
To: Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: Deny Case Z-165-06 (PHO 1-19)

Planning Commission Members, Planning Management and Staff,

I request you DENY Case Z-165-06 (PHO-1-19) when it comes before the Planning Commission on April 2. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter.

The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing! Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Respectfully,

Name Darcy Meyer

Address 3535 W Bohl St, Laveen Village, AZ 85339

Racelle Escolar

From: Sofia Mastikhina
Sent: Monday, March 23, 2020 7:52 AM
To: Danielle M Jordan
Cc: Racelle Escolar
Subject: FW: Case Z-165-06 (PHO-1-19)

Sofia Mastikhina
Planner II - Village Planner
City of Phoenix
Long Range Planning
Office: 602-256-5648
200 West Washington Street
Phoenix, AZ 85003

PLANNING & DEVELOPMENT
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SHAPE
BUILD

From: Sarah VanSchyndel <sarah.vanschyndel@gmail.com>
Sent: Sunday, March 22, 2020 5:58 AM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19)

Planning Commission Members, Planning Management and Staff,

Councilmen, Councilwomen and Madam Mayor;

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: “The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site’s specific physical conditions and the use district applied for by the applicant, this zoning 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”, which includes Stipulation 19.

Stipulation 19 states “That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.”. City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a

violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sarah Johns

3913 W. Carver Rd.

Laveen, AZ 85339

--
Sarah Johns

Racelle Escolar

From: Sofia Mastikhina
Sent: Monday, March 23, 2020 11:19 AM
To: Danielle M Jordan; Racelle Escolar
Subject: FW: Case Z-165-06 (PHO-1-19) - Planning Commision Hearing - April 2, 2020

Sofia Mastikhina
Planner II - Village Planner
City of Phoenix
Long Range Planning
Office: 602-256-5648
200 West Washington Street
Phoenix, AZ 85003

PLANNING & DEVELOPMENT
PRESERVE
SHAPE
BUILD

From: Scott Johnson <sjohnson@scottjce.com>
Sent: Monday, March 23, 2020 11:15 AM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Cc: 'Cyd Manning' <SweetBeat@q.com>
Subject: Case Z-165-06 (PHO-1-19) - Planning Commision Hearing - April 2, 2020

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: "*The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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*", which includes Stipulation 19.

Stipulation 19 states "*That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.*". City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you for your consideration, Scott Johnson

Scott Johnson, President
Hangar Haciendas HOA
3143 W. Avion Way
Laveen, AZ 85339
602-320-2382
sjohnson@scottjce.com

 Virus-free. www.avg.com [avg.com]
[avg.com]

Racelle Escolar

From: Sofia Mastikhina
Sent: Monday, March 23, 2020 12:19 PM
To: Racelle Escolar; Danielle M Jordan
Subject: FW: Rezoning

Sofia Mastikhina
Planner II - Village Planner
City of Phoenix
Long Range Planning
Office: 602-256-5648
200 West Washington Street
Phoenix, AZ 85003

PLANNING & DEVELOPMENT
PRESERVE
SHAPE
BUILD

From: David Vaughan <azernot2@aol.com>
Sent: Monday, March 23, 2020 12:15 PM
To: Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: Rezoning

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: "*The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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*", which includes Stipulation 19.

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Racelle Escolar

From: Sofia Mastikhina
Sent: Tuesday, March 24, 2020 12:25 PM
To: Danielle M Jordan; Racelle Escolar
Subject: FW: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Sofia Mastikhina
Planner II - Village Planner
City of Phoenix
Long Range Planning
Office: 602-256-5648
200 West Washington Street
Phoenix, AZ 85003

PLANNING & DEVELOPMENT
PRESERVE
SHAPE
BUILD

From: Steven Dougherty <steven@stevendougherty.com>
Sent: Tuesday, March 24, 2020 12:24 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Cc: Steven Dougherty <steven@stevendougherty.com>
Subject: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members, Planning Management and Staff,

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Sincerely,
Steven Dougherty
Steven@StevenDougherty.com
11222 S 39th Ln
Laveen AZ 85339
480-430-6130 Cell

CONFIDENTIALITY NOTICE - This e-mail transmission and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading, forwarding, saving or re-distributing in any manner.

Racelle Escolar

Subject: FW: Case Z-165-06 (PHO-1-19)

From: Jo Ann Valenta <jovalenta@gmail.com>
Sent: Tuesday, March 24, 2020 3:21 PM
To: PDD Zoning <zoning@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19)

Planning Commission Members, Planning Management and Staff,

I request you deny Case Z-165-06 (PHO-1-19) when it comes before the Planning Commission on April 2. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter.

The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Jo Ann Valenta

The Sanctuary at South Mountain
3224 W Carver Road
Laveen, AZ 85339

Racelle Escolar

From: Sofia Mastikhina
Sent: Wednesday, March 25, 2020 9:40 AM
To: Racelle Escolar; Danielle M Jordan
Subject: FW: Case Z-165-06 (PHO-1-19)

Sofia Mastikhina
Planner II - Village Planner
City of Phoenix
Long Range Planning
Office: 602-256-5648
200 West Washington Street
Phoenix, AZ 85003

PLANNING & DEVELOPMENT
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From: sonya fazio <sonyafazio777@gmail.com>
Sent: Wednesday, March 25, 2020 9:38 AM
To: Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19)

Sofia Mastikhina

I request you deny Case Z-165-06 (PHO-1-19) when it comes before you on January 13 and 15. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter.

The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Please do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank You for your time!

Sonya Fazio
2414 W Corral Rd
Phoenix AZ 85041

Racelle Escolar

Subject: FW:

From: PDD Zoning
Sent: Thursday, March 26, 2020 9:26 AM
To: Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Adam Stranieri <Adam.Stranieri@phoenix.gov>
Subject: FW:

From the zoning mailbox.

From: Brenda Miller <brendalynmiller@gmail.com>
Sent: Thursday, March 26, 2020 9:05 AM
To: PDD Zoning <zoning@phoenix.gov>
Subject:

Laveen Village Planning Committee, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for both LVPC and PHO review next week. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: "*The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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*", which includes Stipulation 19.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Brenda Miller
219 W. Mountain Sage Drive
Phoenix, AZ 85045

From: JK Bronson-Groen <bronson-groen@hotmail.com>
Sent: Thursday, March 26, 2020 7:44 AM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>
Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>
Subject: Case Z-165-06-07

Good morning Laveen Village Planning Committee, Planning Management and staff,

I was surprised to see this posted on 35th ave and Carver rd. Due to these unprecedented times I do not believe holding a public hearing on April 2nd is appropriate. In lieu of attending the meeting I am emailing my thoughts and opinions regarding the changes and deletions being requested.

The owner is again requesting deletion of section 19. I am requesting you deny Case Z-165-06-07 when it comes before you on April 2nd. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. Do the required and right thing. Deny Z-165-06-07 as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you for your time and assistance in this very important matter.

Kyle Bronson
503-890-7885
4034 W Carver Rd
Laveen, AZ 85339


CITY OF PHOENIX
HEARING
City Of Phoenix
PLANNING COMMISSION HEARING
HEARING DATE / TIME:
April 2, 2020
6:00 PM
LOCATION:
City Council Chambers
200 West Jefferson Street
Phoenix, AZ 85003
CASE # Z-165-06-7
Northwest corner of
35th Avenue and Carver Road
Existing Zoning: R1-8, R1-18
Acreage: 59.48
REQUEST:
1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007.
2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.
3) Deletion of Stipulation 19 regarding conditional development approval.
4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.
5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.
6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.
7) Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.
8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.
Unlawful removal or destruction of this sign is punishable by law
CONTACT: 602-262-7131
or www.phoenix.g
Zoning Services Counter

3

Sent from Kyle's iPhone

Begin forwarded message:

From: JK Bronson-Groen <bronson-groen@hotmail.com>
Date: January 13, 2020 at 9:56:09 AM MST
To: "alan.stephenson@phoenix.gov" <alan.stephenson@phoenix.gov>, "joshua.bednarek@phoenix.gov" <joshua.bednarek@phoenix.gov>, Samantha Keating <samantha.keating@phoenix.gov>, "LaveenVPC@phoenix.gov" <LaveenVPC@phoenix.gov>
Cc: "mayor.gallego@phoenix.gov" <mayor.gallego@phoenix.gov>, "council.district.7@phoenix.gov" <council.district.7@phoenix.gov>, "council.district.8@phoenix.gov" <council.district.8@phoenix.gov>, "council.district.3@phoenix.gov" <council.district.3@phoenix.gov>, "council.district.4@phoenix.gov" <council.district.4@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19)

Good Morning Laveen Village Planning Committee, Planning Management and Staff,

I am a resident on Carver Rd, our property backs the beautiful Carver Mountain. I was very concerned when I saw the rezoning notice posted on the large gravel pit at 35th ave and Carver. This area is beautiful farm country land with minimum 1 acre lots.

I am requesting you deny Case Z-165-06 (PHO-1-19) when it comes before you on January 13 and 15. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you for your time and attention to this very important matter,

Kyle Bronson
4034 W Carver Rd.
Laveen, AZ. 85339
C – 503-890-7885

Sent from Mail [go.microsoft.com] for Windows 10

Racelle Escolar

Subject: FW: Case Z-165-06 (PHO-1-19)

From: Kieran Prendergast <kieranfprendergast@gmail.com>
Sent: Thursday, March 26, 2020 2:40 PM
To: PDD Zoning <zoning@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19)

Laveen Village Planning Committee, Planning Management and Staff,

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Sincerely,
Kieran Prendergast
313 W Osborn Rd Phoenix, AZ 85013

Racelle Escolar

From: Sofia Mastikhina
Sent: Monday, March 30, 2020 8:20 AM
To: Racelle Escolar; Danielle M Jordan
Subject: Fwd: Please help

Get Outlook for iOS

From: Leah <lmariern@gmail.com>
Sent: Friday, March 27, 2020 9:02:38 AM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: Please help

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Leah Wilson

15601 S 1st Ave
Phoenix, AZ

Sent from my iPad

Racelle Escolar

Subject: FW: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

From: Heather Lott <hlott1@gmail.com>
Sent: Monday, March 30, 2020 4:27 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members, Planning Management and Staff,

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Sincerely,

Heather Lott
11610 S. 43rd Ave
Laveen, AZ 85339

Racelle Escolar

Subject: FW: Case Z-165-06 (PHO-1-19)
Attachments: DSC_8431.jpg

From: Sofia Mastikhina
Sent: Tuesday, March 31, 2020 7:23 AM
To: Racelle Escolar <racelle.escolar@phoenix.gov>; Danielle M Jordan <danielle.jordan@phoenix.gov>
Subject: Fwd: Case Z-165-06 (PHO-1-19)

Get Outlook for iOS

From: Bryan Peltzer <bpeltzer@pgg-eng.com>
Sent: Monday, March 30, 2020 5:58:40 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19)

Planning Commission Members, Planning Management and Staff,

I request you deny Case Z-165-06 (PHO-1-19) when it comes before the Planning Commission on April 2 for several reasons. They are as follows:

- The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. According to City Zoning Code 506 B.1, the City of Phoenix has a duty and obligation to initiate a hearing on the reversion of the zoning.
- The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. The area along Carver Road between 27th and 51st Avenues is very rural and comprised almost entirely of 1-acre lots. As such there is a significant amount of room between homes and the area is relatively dark at night. An attached photograph depicts the area just after twilight. Approval of zoning that would allow much denser development would create an eyesore in the community and ruin the ambiance that has developed natural should not be encouraged.
- Due to the outbreak of Covid-19, attendance at city meetings, hearings, etc. has been severely curtailed and possibly eliminated entirely with Gov. Ducey's executive orders today (March 30, 2020). These restrictions undermine the ability of concerned residents to voice (and display with their attendance numbers) their displeasure with the proposed zoning changes. Going ahead with such hearings should give reasonable people concern regarding the legitimacy of such actions.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Bryan Peltzer
3725 W. Fox Road
Laveen, Arizona 85339



Racelle Escolar

Subject: FW: 35th Avenue & Carver Proposed Building Project

From: Kingston, Suzanne <suzanne.kingston@supportivecaremedgroup.com>
Sent: Tuesday, March 31, 2020 8:52:26 AM
To: Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>
Subject: 35th Avenue & Carver Proposed Building Project

March 31, 2020

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: "*The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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*", which includes Stipulation 19.

Stipulation 19 states "*That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.*". City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Suzanne Kingston
11820 S. 38th Avenue
Laveen, AZ 85339

SECURITY/CONFIDENTIALITY WARNING: This message and any attachments are intended solely for the individual or entity to which they are addressed. This communication may contain information that is privileged, confidential, or exempt from disclosure under applicable law (e.g., personal health information, research data, financial information). If you are not the intended recipient, or the employee or person responsible for delivering the message to the intended recipient, any dissemination, distribution or copying of the communication is strictly prohibited. ***If you received the communication in error, please notify the sender immediately by replying to this message AND deleting the message and any accompanying files from your system****. If, due to the security risks, you do not wish to receive further communications via e-mail, please reply to this message and inform the sender that you do not wish to receive further e-mail from the sender.*

Racelle Escolar

From: Sofia Mastikhina
Sent: Tuesday, March 31, 2020 1:37 PM
To: Racelle Escolar; Danielle M Jordan
Subject: Fwd: Case Z-165-06 (PHO-1-19), April 2nd, 2020, 6:00 pm, Deny Re-Zoning Request

Get Outlook for iOS

From: Chris Luley <clluley@gmail.com>
Sent: Tuesday, March 31, 2020 9:32:31 AM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>
Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19), April 2nd, 2020, 6:00 pm, Deny Re-Zoning Request

Good Morning Laveen Village Planning Committee, Planning Management & Staff,

I am a resident on Carver Road in Laveen and our property is adjacent to Carver Mountain.
My wife and I have been made aware of the Re-Zoning request that you have received and are considering. Please let it be known that we are opposed to this rezoning request.

> I am requesting you deny Case Z-165-06 (PHO-1-19) when it comes before you on April 2nd, The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.
>
> [google.com]
>
> Thank you for your time and attention to this very important matter,
>
> Christopher & Amy Luley
>
> 4030 West Carver Road
>
> Laveen, Arizona (85339)

Racelle Escolar

Subject: FW: CASE Z-165-06

From: Janet Morris <janetmorriscpa@gmail.com>
Sent: Thursday, April 2, 2020 12:14 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>
Subject: RE: CASE Z-165-06

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: "*The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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*", which includes Stipulation 19.

Stipulation 19 states "*That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.*". City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Janet Morris
3624 W. Bohl Street
Laveen, AZ 85339
602.561.9939

Racelle Escolar

From: Steven Dougherty <steven@stevendougherty.com>
Sent: Monday, April 20, 2020 5:41 PM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Cc: Steven Dougherty
Subject: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
    - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
    - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
    - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
    - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Steven Dougherty
11222 S 39th LN
Laveen AZ 85339

Sincerely,
Steven Dougherty
Steven@StevenDougherty.com
480-430-6130 Cell

CONFIDENTIALITY NOTICE - This e-mail transmission and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading, forwarding, saving or re-distributing in any manner.

Racelle Escolar

From: D M <darcy3535@gmail.com>
Sent: Tuesday, April 21, 2020 8:29 PM
To: Council District 1 PCC; Council District 5 PCC; Council District 6 PCC; Council District 8 PCC; Council District 7 PCC; Council District 4; Council District 3 PCC; Council District 2 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Subject: Deny Case Z-165-06 Do the right thing!

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you DENY Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

   - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.

   - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

   - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

   - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces

also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Darcy Meyer

3535 W Bohl St

Laveen, AZ 85339

Racelle Escolar

From: Ol' West <davidinlaveen@gmail.com>
Sent: Tuesday, April 21, 2020 8:35 PM
To: Council District 1 PCC; Council District 5 PCC; Council District 6 PCC; Council District 8 PCC; Council District 7 PCC; Council District 4; Council District 3 PCC; Council District 2 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Subject: Deny Case Z-165-06 Do the right thing!

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you DENY Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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   - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

David J. Meyer

3535 W Bohl St

Laveen, AZ 85339

Racelle Escolar

From: Chris <chris@candssweeping.com>
Sent: Wednesday, April 22, 2020 9:07 AM
To: Council District 2 PCC; Council District 1 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Subject: Case Z-165-06 (PHO-1-19

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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    - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
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Christine A. Danielson
2943 W. Ceton Dr.
Laveen, AZ 85339

Racelle Escolar

From: Cyd Manning <SweetBeat@q.com>
Sent: Sunday, April 26, 2020 1:23 PM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Cc: catherine@mirandaforhouse.com
Subject: FW: Deny Case Z-165-06 (PHO-1-19) as filed

Importance: High

Forwarding the below to you as requested.

-----Original Message-----
From: Miranda For House [mailto:catherine@mirandaforhouse.com]
Sent: Sunday, April 26, 2020 11:33 AM
To: Cyd Manning
Cc: Dan Penton
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Cyd,

Can you please forward this letter to appropriate leaders? Thank you for all you are doing!

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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- Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

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acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

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2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Catherine Miranda
5412 W. Ellis Dr.
Laveen, Az 85339
480-284-2690

Racelle Escolar

From: cynthiarojas@cox.net
Sent: Sunday, April 26, 2020 11:43 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Cynthia Rojas
1819 W. Desert View Drive
Phoenix AZ 85041
602-626-7102

Racelle Escolar

From: E douglas <lizesd@gmail.com>
Sent: Sunday, April 26, 2020 9:07 PM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I would like to preface the below letter with some personal observations.

How many of you have driven to this area? Before making a decision take advantage of cheap gas and less traffic and come on down and drive from 51st Avenue across Carver to 35th Avenue. See the area on the ground, instead of relying on aerial photography.

When I moved to Laveen in 2000 all the nearby fields were zoned for one acre housing but were developed with four to six houses per acre. The city (and county) does not address the needed improvements to infrastructure, police/sheriff presence, fire department capability, surface streets, river crossings, schools, etc. Every month or two the newspaper runs an alarming article about water in the desert and yet you continue to approve high density developments throughout the city. I am dreading whatever ends up on the west side of 51st Avenue south of Olney.

With the above in mind:

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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    - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Elizabeth Douglas

4726 West Olney Avenue

Laveen, AZ 85339

Racelle Escolar

From: KIM Domovich <rwvblkwatch@gmail.com>
Sent: Sunday, April 26, 2020 11:31 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Samantha Keating; PDD Laveen VPC; Joshua Bednarek
Subject: PLEASE Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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Respectfully,

Kim and Mike Domovich

5218 West Sunland Ave

Laveen AZ 85339

[nextdoor.com]

Racelle Escolar

From: Sarah VanSchyndel <sarah.vanschyndel@gmail.com>
Sent: Sunday, April 26, 2020 10:48 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 2 PCC; Council District 1 PCC; Samantha Keating; Joshua Bednarek; Mayor Gallego; Council District 8 PCC; Council District 7 PCC; Council District 6 PCC; Council District 5 PCC; Council District 4; Council District 3 PCC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Sarah Johns
3913 W Carver Rd, Laveen Village, AZ 85339

Racelle Escolar

From: eddd2@aol.com
Sent: Sunday, April 26, 2020 1:19 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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Tina Banks

4334 W Apollo Rd

Laveen AZ 85339

Racelle Escolar

From: Vance <vancevep@gmail.com>
Sent: Sunday, April 26, 2020 11:53 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

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Vance Pierce
8216 S 42nd Ave
Laveen, AZ 85339

Racelle Escolar

From: brian hicks <handymanhicks@gmail.com>
Sent: Monday, April 27, 2020 10:53 AM
To: Council District 2 PCC; Council District 1 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Cc: sweetbeat@q.com
Subject: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Brian Hicks

4715 W Carver Rd

Laveen, AZ 85339

Racelle Escolar

From: Brian & Karie <carvercottage2018@gmail.com>
Sent: Monday, April 27, 2020 10:51 AM
To: Council District 2 PCC; Council District 1 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Cc: Cyd Manning
Subject: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

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Karie Hicks

4715 W Carver Rd

Laveen, AZ 85339

Racelle Escolar

From: Lara Andren <cheesethepit@gmail.com>
Sent: Monday, April 27, 2020 9:39 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; PDD Laveen VPC; Samantha Keating; Council District 4; Council District 5 PCC; council.district.6@phoenix.org; Council District 7 PCC; Mayor Gallego; Joshua Bednarek; Council District 8 PCC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

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CASSIE SAWYER

3621 W BOHL STREET
LAVEEN, AZ. 85339

ADDRESS — with Brent Bialik and 15 others at Laveen, Arizona.

Racelle Escolar

Subject: FW: Deny Case Z-165-06 (PHO-1-19) as filed

From: Lara Andren <cheesethepit@gmail.com>
Sent: Monday, April 27, 2020 9:43 AM
To: Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>
Cc: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; council.district.6@phoenix.org; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>
Subject: Fwd: Deny Case Z-165-06 (PHO-1-19) as filed

Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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- Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Lara Andren
3621 W BOHL STREET
LAVEEN, AZ. 85339

Racelle Escolar

From: lvializ@cox.net
Sent: Monday, April 27, 2020 11:32 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) As Filed

Importance: High

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7th, 2020. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date, the City has taken no action, despite NUMEROUS requests, which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulations:
    - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should NOT be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
    - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
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compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above.

Again, the **zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted**. In 2007, the Mayor and Council included this stipulation SPECIFICALLY to protect the neighbors and community from a high density development that DID NOT fit the area then and DOES NOT fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you,
Ivan Vializ
8921 S 53rd Dr.
Laveen, AZ 85339

Racelle Escolar

From: Rob <rockmano@aol.com>
Sent: Monday, April 27, 2020 6:01 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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Robert Olson
2809 and 2821 W. Avion Way
Laveen, AZ 85339

Racelle Escolar

From: chris johns <christopher.1.johns@outlook.com>
Sent: Tuesday, April 28, 2020 4:47 PM
To: Alan Stephenson; Racelle Escolar
Cc: Council District 2 PCC; Council District 1 PCC; Joshua Bednarek; Samantha Keating; Mayor Gallego; Council District 8 PCC; Council District 7 PCC; Council District 6 PCC; Council District 5 PCC; Council District 4; Council District 3 PCC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Chris Johns
3913 W Carver Rd, Laveen Village, AZ 85339

Racelle Escolar

From: Mike <luzader13@gmail.com>
Sent: Tuesday, April 28, 2020 9:58 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Michael Luzader
9446 S 34th Ln, Laveen

Racelle Escolar

From: Sylvia Cox <pugmobile.sly@gmail.com>
Sent: Tuesday, April 28, 2020 9:56 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Hello City of Phoenix Planning Commission,
As a 21-year resident of Laveen, I am highly opposed to any more high-density development in our area. Sadly, much of Laveen now looks like most of Phoenix. The rural feel and space that make our village so special are rapidly being destroyed. We have precious few opportunities left to preserve larger lots and open spaces. I beg of you, please work to preserve some of our rural feel by not approving more high-density development! Please adhere to the General Plan; once these spaces are developed, they will be gone forever. I am sure developers will still be able to make money, as the less-densely developed areas will be highly coveted by buyers who want some space between themselves and their neighbors.

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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2. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Please do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Respectfully,
Sylvia Cox
4601 W. Crivello Ave.
Laveen, AZ 85339

Racelle Escolar

From: alexis cherie <alexischerie@gmail.com>
Sent: Wednesday, April 29, 2020 2:29 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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Alexis Barnes
4323 W Piedmont Rd, Laveen Village, AZ 85339

Racelle Escolar

Subject: FW: Deny Case Z-165-06 (PHO-1-19) as filed

From: Andrea Sigala <andrea_sigala@yahoo.com>
Sent: Wednesday, April 29, 2020 5:34 PM
To: Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>
Cc: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Andrea N. Sigala
4315 West Carver Road, Laveen AZ 85339

Sent from Yahoo Mail on Android [go.onelink.me]

Racelle Escolar

From: B F <benjamin_fisher@hotmail.com>
Sent: Wednesday, April 29, 2020 1:55 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Importance: High

Dear Planning Commission Members:

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Respectfully yours,

Benjamin W. Fisher
4745 W. Piedmont Drive
Laveen, AZ 85339-9644
602.617.6143 – Cell
benjamin_fisher@hotmail.com

Racelle Escolar

Subject: FW: Deny Case Z-165-06 (PHO-1-19) as filed

From: Janet Morris <janetmorriscpa@gmail.com>
Sent: Wednesday, April 29, 2020 12:03 PM
To: Alan Stephenson <alan.stephenson@phoenix.gov>; Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>
Subject: RE: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning. JANET D MORRIS
3624 W BOHL STREET
LAVEEN, AZ 85339

Racelle Escolar

From: Jessie McKinley <jessiemckinley602@gmail.com>
Sent: Wednesday, April 29, 2020 6:45 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed...

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve, and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Respectfully yours,

Jessie L. McKinley
4745 W. Piedmont Drive
Laveen, AZ 85339
480-648-5269
jessiemckinley602@gmail.com

--

"Dance, like no one is watching..."

Racelle Escolar

Subject: FW: Deny Case Z-165-06 (PHO-1-19) as filed

From: Steven Dougherty <steven@stevendougherty.com>
Sent: Wednesday, April 29, 2020 4:42 PM
To: Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>
Cc: Steven Dougherty <steven@stevendougherty.com>; Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

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Steven Dougherty
11222 S 39th LN
Laveen AZ 85339

Sincerely,
Steven Dougherty
Steven@StevenDougherty.com
480-430-6130 Cell

CONFIDENTIALITY NOTICE - This e-mail transmission and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading, forwarding, saving or re-distributing in any manner.

Racelle Escolar

From: Susan Quintana <s.quintana888@gmail.com>
Sent: Wednesday, April 29, 2020 9:00 AM
To: Alan Stephenson; Council District 6 PCC; Racelle Escolar
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 7 PCC; Council District 8 PCC; Joshua Bednarek; PDD Laveen VPC; Mayor Gallego; Samantha Keating
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Susan Quintana
5217 W Grenadine Rd
Laveen, AZ 85339.
--
Susan Quintana

Racelle Escolar

From: R B <kroywen@icloud.com>
Sent: Thursday, April 30, 2020 1:37 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: ESCALATE - Deny Case Z-165-06 (PHO-1-19) as filed

Good afternoon, below is a copy-paste of the same topic for which your office must have already received lots of inquiries from us Laveen residents.
Frankly, we as your constituents and fellow residents shouldn't have to be doing this over and over again - we already asked you to STOP these developers from building in our community.

Yet you continue to allow these developers to move ahead. You are not acting in the best interest of the people you are supposed to help and protect - us residents.

You continue to act in the interest of well-funded developers and that's not right.

Why do we need to keep begging you to do the right thing and make them stop?
Why do we need to keep having meetings and do letter writing campaigns about this?
We already said NO.
Then we said NO again.

We do not want this developer or any other developer to build in our area at this density level. We made this clear. Then we made it clear again.

Now we are - once again - making it clear.

So please, add this email to your growing list of pleas to stop this development. We. Do. Not. Want. It.

Thank you

-Cenk Brown
7259 S. 48TH GLN
Laveen, Arizona 85339

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Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Cenk Brown
7259 S. 48TH GLN
Laveen, AZ 85339

Racelle Escolar

From: Donna Snow <carart617@hotmail.com>
Sent: Thursday, April 30, 2020 10:19 AM
To: Racelle Escolar
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

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Sincerely,

Donna Snow
6806 W. Desert Lane
Laveen, AZ 85339

Racelle Escolar

From: Jody Monreal <mskitty1212@gmail.com>
Sent: Thursday, April 30, 2020 10:40 AM
To: Racelle Escolar; Alan Stephenson; Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
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Jody R Monreal 5327 W Allen Street Laveen, AZ 85339

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LAURA A MURPHY
4824 W ESTRELLA DR
LAVEEN, AZ 85339

Deny Case Z-165-06 (PHO-1-19) as filed

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LISA K PIKE
4824 W ESTRELLA DR
LAVEEN, AZ 85339

Racelle Escolar

From: M A <mavina480@gmail.com>
Sent: Thursday, April 30, 2020 12:27 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning. Mindy Avina 3522 W Bohl St, Laveen Village, AZ 85339

Racelle Escolar

Subject: FW: Deny Case Z-165-06 (PHO-1-19) as filed.

From: Moises Quintana <Moises.Quintana@hotmail.com>
Sent: Thursday, April 30, 2020 11:46 AM
To: Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>
Cc: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>
Subject: Deny Case Z-165-06 (PHO-1-19) as filed.

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
- Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
- Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
- Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
- Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Moises Quintana
5217 W Grenadine Rd
Laveen, AZ 85339

Get Outlook for iOS [aka.ms]

Racelle Escolar

Subject: FW: Please deny Case Z-165-06 (PHO-1-19)

From: Randy Holmes <holmes1512@gmail.com>
Sent: Thursday, April 30, 2020 1:30 PM
To: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>
Subject: Please deny Case Z-165-06 (PHO-1-19)

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Randy L Holmes
10909 S. 29th Ave
Laveen, AZ 85339

Racelle Escolar

From: ROB HARGREAVES <b737rob@msn.com>
Sent: Thursday, April 30, 2020 3:02 PM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Subject: Case Z-165-06 (PHO-1-19)

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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    - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
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    - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Robert Hargreaves
3102 W Ceton Dr.
Laveen, AZ 85339

Racelle Escolar

Subject: FW: Case Z-165-06 (PHO-1-19)

From: Kristofic, Stephanie L. <Stephanie.Kristofic@va.gov>
Sent: Thursday, April 30, 2020 1:11 PM
To: Racelle Escolar <racelle.escolar@phoenix.gov>
Subject: Case Z-165-06 (PHO-1-19)

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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    - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
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Warm regards,

Stephanie Kristofic 10826 s 30th Ave Laveen
Stephanie Kristofic BSN, RN, CDCES
Certified Diabetes Care and Education Specialist
Department of Endocrinology
Phoenix VA Health Care System
Phone: 602-277-5551 Ext 7081
Fax: 602-200-6034 Email: stephanie.kristofic@va.gov

Racelle Escolar

From: Swati Joshi <sjoshi1729@yahoo.com>
Sent: Thursday, April 30, 2020 10:57 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning. Swati Joshi
8539 S. 40th Drive
Laveen, AZ 85339

Racelle Escolar

Subject: FW: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

From: Anne McKinney <volnay@gmail.com>
Sent: Friday, May 1, 2020 1:33 PM
To: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>
Subject: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above.

    Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Anne McKinney
10827 S 30th Ave
Laveen AZ 85339

Racelle Escolar

Subject: FW: deny Case Z-165-06 (PHO-1-19)

From: Bernadette Buehlmann <bernadettebuehlmann@gmail.com>
Sent: Friday, May 1, 2020 5:03 PM
To: Racelle Escolar <racelle.escolar@phoenix.gov>
Subject: deny Case Z-165-06 (PHO-1-19)

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you,

Bernadette Buehlmann, Laveen

Racelle Escolar

From: RK <7359.apps@gmail.com>
Sent: Friday, May 1, 2020 6:40 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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PLEASE do the required and right thing.

Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Kavi Raj,

4309 W Buist Ave, Laveen, 85339

Racelle Escolar

From: Kim Kissel <k.kissel@comcast.net>
Sent: Friday, May 1, 2020 2:11 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as Filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action, which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

- Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.

- Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

- Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

- Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

I pray you, your families and colleagues are staying safe and healthy during this new season in our lives.

God Bless,
Kimberly Kissel
June Skies
5124 W Lydia Ln
Laveen AZ 85339

“For every house is built by someone, but God is the builder of everything.” Heb 3:4

Racelle Escolar

From: Matt Klein <mattklein999@gmail.com>
Sent: Friday, May 1, 2020 4:51 AM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning. Matt Klein
9812 S 46th Ln
Laveen, AZ

Racelle Escolar

From: drmelissaprice@aol.com
Sent: Friday, May 1, 2020 3:08 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Dear Planning Commission Members,
My neighbors all throughout the Laveen region and I feel that the following is so important. We are untied in the following statement because this is where we live. Personally, I have watched Laveen grow, in some ways for the better and some for the worse. Allowing the following four stipulations would clearly fall in the latter category.
As such, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Dr. Melissa Price
5333 W. Ian Dr.
Laveen, AZ 85339

Racelle Escolar

From: RK K <cars7359@gmail.com>
Sent: Friday, May 1, 2020 6:43 PM
To: Racelle Escolar; Alan Stephenson
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

• Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.

• Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

• Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

• Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above.

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

PLEASE do the required and right thing.

Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Rohini Kun,

4309 W Buist Ave, Laveen, 85339

Racelle Escolar

From: Cyd Manning <SweetBeat@q.com>
Sent: Saturday, May 2, 2020 4:01 PM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Z-165-06 (PHO-1-19) at May 7 Planning Commission

Importance: High

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning to revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that was incompatible with the area then and remains incompatible today. The inaction since the time stipulation expired in 2011 has wronged the community of Laveen as we expected the zoning reversion to occur. The City needs and should want to do the right thing. This Commission and Council have the obligation, duty and authority to act and honor the zoning reversion.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
    - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
    - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
    - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
    - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Cyd Manning
3220 W. Ceton Drive
sweetbeat@q.com

Racelle Escolar

From: EMAIL TEAM <garyinlaveen@yahoo.com>
Sent: Saturday, May 2, 2020 10:36 AM
To: Council District 1 PCC; council.distict.2@phoenix.gov; coucil.district.3@phoenix.gov; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; laveenpc@phoenix.gov; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Subject: Quarry Case Z-165-06-7 (PHO-1-19)_1-15-20PHO.PDF

Hello All,
I request you deny the Case # above. And I am opposed to Stipulations 1, 10, 19, 35, 43 and 44.
Please take into consideration our Community life style when making your decision-we would like to keep it semi-rural.
Sincerly,
Gary Jordan
3603 W. Shawnee Dr.
Laveen, Az 85339

Racelle Escolar

From: C Gunderson <carrsgun@gmail.com>
Sent: Sunday, May 3, 2020 8:36 PM
To: Alan Stephenson; Racelle Escolar
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Regards,

Carolyn Gunderson
3514 W Cheyenne Dr.
Laveen, AZ85339

Racelle Escolar

From: Deirdre Sparling <dspard@icloud.com>
Sent: Sunday, May 3, 2020 7:59 AM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Subject: Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
    - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
    - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
    - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Deirdre Sparling
9819 S. 20th Ave
Phoenix, 85041

Racelle Escolar

From: Donna Schober <donna.schober@gmail.com>
Sent: Sunday, May 3, 2020 11:27 AM
To: Council District 8 PCC; Council District 3 PCC; Alan Stephenson; Council District 4; Council District 7 PCC; Joshua Bednarek; Council District 1 PCC; Council District 2 PCC; Council District 5 PCC; Council District 6 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Samantha Keating
Subject: CASE Z-165-06 (PHO-1-19)

Planning Commission Members,
We request that you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City enforces ordinance G-5020 which requires that the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

With regard to the Planning Hearing Officer (PHO) recommendations we are opposed to these four stipulations:

Deletion of original Stipulation 19 (zoning reversion).

Stipulation 1: The original plan is far superior to the applicant's current proposal. The original plan suits site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain.

Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. This will serve as a needed buffer to screen the higher density and 2-story buildings and provide better buffering surrounding the large acre plus parcels with custom homes.

Stipulation 35: The terraced berms should remain. This will help stabilize the slopes.

Stipulations 43 and 44: Please add our names to the notification stipulations so we will be notified of any future actions.

We support the PHO's recommendations for the remaining stipulations NOT noted above.

We have lived in Laveen, close to this land, for over 20 years. This is an area where large lots and custom homes live. Where homeowners and others take advantage of the mountain views and wide open spaces.

Please do the right thing. Deny Case Z-165-06 (PHO-1-19) as filed. Don't break faith and trust with the residents of this community.

Sincerely,

Donna J. Schober
Marvin A. Sondag
10840 S 30th Ave
Laveen, AZ 85339
602.237.4887

Racelle Escolar

From: Elizabeth Banta <ebanta3938@gmail.com>
Sent: Sunday, May 3, 2020 12:28 PM
To: Racelle Escolar
Subject: Denial strongly requested for Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I am a member of the area greatly and negatively affected by Case Z-165-06 (PHO-1-19). So much of Greater Phoenix contains high density, cookie-cutter communities. Please preserve a unique jewel in our Valley by denying Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

   - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.

   - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

   - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

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also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,
Elizabeth K Banta
3938 W Kayenta Trail
Laveen, AZ 85339
480-353-6019

Racelle Escolar

From: Jamie Gunderson <jamiegun@gmail.com>
Sent: Sunday, May 3, 2020 8:23 PM
To: Alan Stephenson; Racelle Escolar
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Regards,

Jamie Gunderson
3514 W Cheyenne Drive
Laveen, AZ 85339

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Margaret H. Anderson
2010 W Olney Ave.
Phoenix, AZ 85041

Racelle Escolar

Subject: FW: Oppose case Z-165-06 (PHO-1-19)

From: Nicole Glasgow <nicole.glasgow821@gmail.com>
Sent: Sunday, May 3, 2020 2:19 PM
To: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>
Subject: Oppose case Z-165-06 (PHO-1-19)

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
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3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Nicole Glasgow
3717 west Carver Rd
Laveen, AZ 85339

Racelle Escolar

From: Paul Banta <pwbantaz@gmail.com>
Sent: Sunday, May 3, 2020 12:53 PM
To: Racelle Escolar
Subject: Request to deny Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I live near the area addressed by Case Z-165-06 (PHO-1-19). I understand that a development company can make more money by getting a low density property re-zoned to high density; but that alone does not seem like a sufficient reason to allow the change. And, if this property is so easily re-zoned, how will you be able to deny the owners of the other properties in the area? This location does not have the roads to support high density development. There is lots of vacant land between this location and central Phoenix. Please fill that up first. Better, revitalize some of the decayed and run-down areas instead of just going farther out.

Please deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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   - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

- **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

- **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,
Paul W Banta
3938 W Kayenta Trail
Laveen, AZ 85339
480-353-6014

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Randy Beyer
2010 W Olney Ave.
Phoenix, AZ 85041

Racelle Escolar

Subject: FW: Oppose case Z-165-06 (PHO-1-19)

From: Nicole Glasgow <blue_eyes821@aol.com>
Sent: Sunday, May 3, 2020 5:32 PM
To: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>
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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thomas Glasgow
3717 west Carver Rd
Laveen, AZ 85339

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
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Tiffany Beyer
2010 W Olney Ave.
Phoenix, AZ 85041



Racelle Escolar

From: David Baker <david@beinphoenix.com>
Sent: Monday, May 4, 2020 11:02 AM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Alan Stephenson; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Cc: David Baker
Subject: Item 10 - PHO -1-19-Z-165--06-7(8)

Hello Folks,

Quick, simple note. Regarding the above mentioned development.

Myself, my wife, my kids and all our neighbors over here in the Sunset Cove and Carver Foothill area, DO NOT want this higher density development. Please do the right thing, keep the zoning at R-43, which is the plan for the area. It is a rural, horse property/acreage area…….not a developed area.

Thank you,

David Baker
Keller Williams Realty Phoenix
Cell:602.373.6345
E-mail: david@beinPhoenix.com
Visit my websites at
http://www.PhoenixLaveenHomes.com [phoenixlaveenhomes.com]
http://www.LaveenRealEstate.co [laveenrealestate.co]
http://www.LaveenAz85339.com [laveenaz85339.com]
http://www.CasasLaveen.com [casaslaveen.com]
http://www.Laveenhomesforsale.net [laveenhomesforsale.net]

Subscribe today to my YOUTUBE Channel
https://www.youtube.com/user/dabaker2121 [youtube.com]
"Like" me on Facebook at *Phoenix Residential Real Estate [facebook.com]*

Racelle Escolar

Subject: FW: Case Z-165-06

From: gjnorton0744@gmail.com <gjnorton0744@gmail.com>
Sent: Monday, May 4, 2020 10:33 AM
To: Racelle Escolar <racelle.escolar@phoenix.gov>
Subject: Case Z-165-06

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Gloria Norton
10823 S 29 Ave
Laveen, Az 85339

Racelle Escolar

From: Linda Abegg <linda.abegg@gmail.com>
Sent: Monday, May 4, 2020 11:42 AM
To: Racelle Escolar
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating
Subject: Laveen Case

Good Morning,
I am a Laveen resident and member of the Laveen Village Planning Committee. I ask that this case be denied and that the reversion stipulation be maintained.

We always talk about having a balance in Laveen housing. This area is at Carver Rd is one of the few rural, low density areas left. It deserves to keep its character, especially considering all the high density already approved in Laveen.

Furthermore, the community has done its part to participate in the public hearing process. The original compromise with the reversion stipulation should be honored.

Thank you,

Linda Abegg
5407 W Winston Dr

Racelle Escolar

Subject: FW: Request to deny case Z-165-06 PHO-1-19 as filed

From: Margaret Anderson <mhanderson007@gmail.com>
Sent: Monday, May 4, 2020 3:05 PM
To: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>
Subject: Request to deny case Z-165-06 PHO-1-19 as filed

To: Planning Commission Members
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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    - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Vanessa Anderson
2010 W Olney Ave.
Phoenix, AZ 85041

Vanessa Anderson

Racelle Escolar

Subject: FW: All Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

From: Bret Burchard <bretburchard3@yahoo.com>
Sent: Tuesday, May 5, 2020 3:43 PM
To: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; laveenpvc@phoenix.gov
Subject: All Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

Planning Commission Members,

I, along with my Laveen neighbors request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date, the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1). I am adamantly opposed to these four stipulations:

- **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead, it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
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2). Stipulation 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3). I am supportive of PHO's recommendations for the remaining stipulations NOT noted above.

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from high density development that did not fit the area then, and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversions action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,
Bret Burchard
11244 S. 35th Ave.
Laveen, AZ 85339

Racelle Escolar

Subject: FW: Deny Case Z-165-06 (PHO-1-19) as filed

From: Irma Cazarez <irmacazarez@gmail.com>
Sent: Tuesday, May 5, 2020 3:26 PM
To: Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>
Cc: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

• Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead, it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.

• Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

• Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

• Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you,

Irma Cazarez

3517 W Shawnee Drive, Laveen, AZ 85339

Racelle Escolar

From: Judy Brown <DT_Jbrown@q.com>
Sent: Tuesday, May 5, 2020 2:28 PM
To: Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Cc: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego
Subject: Case Z-165-06 (PHO-1-19)

Importance: High

Greetings all:

I please request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance.

This case should have been a done deal in 2011, with a reversion back to S-1. I have heard all of the stories why the City hasn't done reversions. Since 2011, twelve times the reversion process has been brought up in LVPC Minutes. At least one time this case number was mentioned in the minutes prior to the current owner purchasing the property. The stories vary in how the City of Phoenix refuses to do their job. It is a little hard to grasp a $26,000,000 surplus in last year's budget and yet, no additional staff can be found to correct the wrongs on old zoning cases still sitting out there.

I'm not opposed to development. There is a time and place for everything. Honesty, integrity and fair business dealings are core values I was brought up on. I personally don't have the resources to fight the legalese or City for compliance with the law. As I see it, he with the most money or threats wins. That is just not right.

I have been involved in this case since day one when the original owner bought a piece of property for way too much money. With the help of Councilman Lingner and a prestigious law firm, the owner proceeded to cram a concept down the throats of residents in our community to make a buck. He was in way over his head on expenses and by trumping up the condition of the property and the costs associated with making it buildable; the foundation was formed for the argument that higher density was warranted. The original owner spent over 5 million for the red herring and the community knew he was going to flip.

We went through that process in 2007. A deal was brokered with Mayor Gordan to protect the community if building did not occur within 48 months. That is the stipulation #19 – Reversion of the zoning back to S-1. This way the new owner would have a clean slate to work with the neighborhood. Stipulation #19, #10, #35, #43, #44 at the very least should be kept in the PHO's recent ruling.

The new owner is not a developer and bought the property cheap, $18, 333 per acre or $ .42 psf. That is a total of $366,660 for the twenty acres in this discussion. The Rose Law Group tried the story of blight, dangerous ordinance, threating Prop. 207, and submitting an off the shelf inferior flatland building envelop community that just doesn't fit with the surroundings. It is aesthetically unappealing and is not the right fit for our community, the proposed planned unit community, or the original General Plan.

I am a minority, not papered with degrees or pedigree. I am a simple resident of this community that I love. We are a diverse community with different socioeconomic backgrounds, ethnicities, and orientations. What makes this area of Laveen special are the people that live here. We respect each other and our surroundings. We respect the wildlife, open

spaces, and equestrian lifestyle. Twenty years ago I uprooted from Tempe to live under the crown jewel of South Mountain. What is being proposed on the above mentioned property is a disservice to current and future residents with regards to density.

Trust me, I'm no Karen, this is just wrong. We need to work together to do the right thing for the community. Please deny Case Z-165-06 (PHO-1-19) as filed on May 7, 2020 and execute the zoning reversion.

Kind regards,

Judy Brown
602.363.1312
3220 W. Ceton Drive
Laveen, AZ 85339

Racelle Escolar

Subject: FW: Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

From: Tayler Bell <taylerbell691@yahoo.com>
Sent: Tuesday, May 5, 2020 3:25 PM
To: Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Bret Burchard <bretburchard3@yahoo.com>
Subject: Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

Planning Commission Members,
I, along with my Laveen neighbors request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date, the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1). I am adamantly opposed to these four stipulations:

- **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead, it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
- **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
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2). Stipulation 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3). I am supportive of PHO's recommendations for the remaining stipulations NOT noted above.

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from high density development that did not fit the area then, and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversions action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,
Tayler Burchard
11244 S. 35th Ave.
Laveen, AZ 85339

Dear Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7, 2020. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City of Phoenix has taken no action which is in violation of city zoning ordinance, a profoundly serious matter.

Regarding the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulations:
    - Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.

    - Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours provide smoother connection to the R1-18 portion to the west and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Terry Klein
4012 W. Carver Rd
Laveen, AZ 85339

Racelle Escolar

From: Bret Burchard <bretburchard3@yahoo.com>
Sent: Friday, May 8, 2020 10:12 AM
To: Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating; PDD Laveen VPC
Subject: Follow Up to Council Meeting - May 7

Mr. Chair and Members,

My name is Bret Burchard and I live at 11244 S 35th Ave in Laveen. I attended - virtually - last night's meeting, specifically as it related to the development project on Carver mountain. First, I want to thank you for enduring the pains of hosting a meeting virtually. I know it wasn't easy for you, but under the circumstances I was able to attend while sitting on the swing on my front porch, which has an unobstructed, picturesque view of the Phoenix skyline. While you all were diligently hearing all sides of every argument, I was watching the Super Moon rise over South Mountain. Not to rub it in :-)

A year and a half ago my wife and I overpaid for a modified trailer as our first home because it had a 900-square-foot front patio with panoramic views and no one encroaching on either side. The first thing any visitor does when arriving at our house is pull out their camera to take pictures.

Part of our view looks directly at the east side of Carver Mountain, the highest density portion of the development in question. Like Mrs. Irma Cazarez mentioned in her comments during the meeting, this is a uniquely quiet area of Laveen Village, where neighbors take care of each other. During the meeting our dog was standing guard, chasing coyotes out of the front yard. As I tried to fall asleep last night I couldn't get out of my head the idea of 92 houses crammed at the bottom of our hill. There aren't 92 houses within the eight walking blocks of our neighborhood! The current pandemic situation has substantially increased the amount of traffic up our dead end road since we moved in, already making it more dangerous for Irma's kids to skateboard, the Schroeder's kids to ride their scooters, Katherine's grandkids to learn to ride a bike, Mackenzie to walk her five dogs, and G dog's casual patrol of the nighttime wildlife. What will 92 more homes, three blocks away add on top of that?

I specifically want to commend Commissioner Busching for taking the time to drive out here and see the area for herself. It is certainly unique. Even since we moved in 18 months ago there have been improvements made in the surrounding area with the extension of the 202, the Sprouts and adjacent shops, and high-density development projects. We are excited about all of it improving the quality of our life here. Commissioner Busching's point of view is correct though. This is just not the place for one of those developments. Come see for yourself.

I understand you sent the case back to the developer and the Laveen community for further discussion and compromise. I would like to caution you in your judgement process, however. There was a comment made in conjunction with the motion that suggested favor would be shown to the side that concedes the most in the next iteration of the proposal. Logically, that doesn't make sense. Hypothetically, if we concede to all of the developer's stipulations, does that mean you will support our opposition in the next meeting? Let me be clear, I am not speaking on behalf of the entire Laveen community. I just went to bed puzzled by this logic.

Secondly, and finally, I don't believe one of the Commissioner's questions was adequately addressed. He can correct me if I'm wrong, but I believe he was asking if there was actually a 48-month trigger on a previous compromise that wasn't honored. I believe it was Ms. Manning who made the Commission aware of this clause that should have automatically reverted the property back to previous zoning if it wasn't developed within 48 months of the agreement - which it wasn't. I hope the Commission can clear up this misunderstanding amongst the members. It seems to me as the two parties work toward more compromises, the Commission needs to also review the documents and its scope of authority to help facilitate the correct course of action. There seemed to be a lot of confusion on what you were and were not able to enforce, or even what you were exactly voting on, and I don't believe the video conferencing setup assisted in clarity.

I understand you are in a very difficult position. This is a tough case to decide. The difficulty of this should spur us on to more diligent study. My suggestion to you is come take a drive down 35th Ave. Feel free to stop by our porch (it's the one with the red roof) and take a look. G dog doesn't bite and you can see the whole neighborhood from where we sit. And ask yourself, "Does it make sense? Does it fit?"

Oh yeah, and don't forget to bring your camera.

Respectfully,

Bret Burchard

Racelle Escolar

From: Cyd Manning <SweetBeat@q.com>
Sent: Monday, May 11, 2020 7:43 PM
To: Racelle Escolar
Cc: Alan Stephenson; Adriana Garcia Maximiliano
Subject: Planning Commission Meeting May 7, 2020 and Z-165-06 (PHO-1-19) Item 10

Importance: High

Hi Racelle,
Please provide this letter to the Planning Commission members and Staff, as well as include it in the case file. Thank you very much.

Best regards,
Cyd

***

Planning Commission Members and Staff,
I am writing to you today regarding the subject case heard during the May 7 Planning Commission meeting, specifically to provide feedback on the new virtual process, address a few issues and correct a factual error made by the applicant's representative. I respectfully request this correspondence be added to the official case file.

Regarding feedback on the new virtual meeting process, I would like to first thank Racelle Escolar and Vikki Cipolla-Murillo for their excellent work coordinating all the participation and presentation details for public input. They thoroughly and patiently answered questions, tested the system and ensured those without technology who wanted to speak were able to do so. I would also like to thank Chairman Johnson for a job well done facilitating the session. The meeting wasn't without challenges, but ran pretty smoothly for the first virtual Planning Commission meeting.

Commissioner Gaynor expressed dissatisfaction with submission of written comments into the chat window of the WebEx meeting. I want to be clear that I intended no disrespect to the Commission or disruption to the process and I apologize if that action offended anyone. I absolutely respect the public hearing process and rules of order. I believe that a factual error is an appropriate reason to raise a hand in order to be called upon. Thus, I utilized the raise hand feature to correct a factual error made by Mr. Galvin and waited several minutes to be called upon. After waiting, I submitted the written request and ultimately provided the correction so it would become part of the record. Please reference the below screen capture. I have firsthand knowledge that the applicant did not agree to a request by Councilmember Garcia to meet with the neighbors regarding this case.

There are two issues of great concern that occurred during the meeting:

1. With all due respect, the Commission's request of the applicant's representative, Mr. Galvin, to provide an answer regarding the Commission's authority on zoning reversions may have the appearance of bias.
    - Staff clearly advised the Commission and stated that zoning reversion would be a separate action to initiate a case to be heard as an upcoming agenda item due to posting requirements. Staff also advised that the commission has the power to initiate a reversion if they want to do it.
    - The community request has been and still is clearly consistent with what Staff advised. Again that request has been and is to deny this current case as filed. Then, immediately initiate and ultimately approve a zoning reversion case back to S-1 along with a companion action to revise the General Plan back to 0-1 which aligns with the S-1 zoning.
    - Clearly the Commission discussion, before this question was posed to Mr. Galvin, displayed understanding and agreement of the process to initiate a case for action on a reversion.

- Mr. Galvin's opinion on reversion clouded the discussion and the community was denied equal opportunity to address the question after respectfully submitting a raised hand, waiting with no recognition and then submitting the request in writing. Please reference the below screen capture.
- Had the community been able to respond, I would have re-stated Staff's explanation and referenced the applicable City zoning ordinance (Chapter 5, Section 506, B.1 through B.3) as well as ARS Article 6.1 Municipal Zoning, 9-462.
- Even though the community was not afforded equal opportunity to answer the Commission's question, authorized City personnel are the appropriate entities who should be providing answers to the process and Commission's powers.

2. The lack of adequately addressing Commissioner McCabe's question regarding the time stipulation expiration as a clause previously adopted by Ordinance clouded the discussion.
   - Unfortunately Staff did not directly or clearly provide the actual language of Ordinance G-5020, Stipulation 19 which states: "*That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.*".
   - This Ordinance condition of zoning approval expired in October of 2011. A required entitlement expiration should be enforced.
   - Staff did advise the Commission of the process to initiate a zoning reversion case, which is exactly what the community has asked for many times since 2011, up to and including in this May 7 meeting.

I respectfully request Ordinance G-5020, which was adopted by the City Council on October 10, 2007, and the minutes from that meeting be provided to and reviewed by all Commissioners. In addition, I respectfully request review of GPA-LV-1-08-7 – Resolution 20714. This case resulted from neighborhood requests of the City to act on their policy of creating consistency between the General Plan and zoning classification. There is a letter in this case file from the Planning Director at that time that states the action was taken to " *create consistency between the Land Use Map and the approved R1-8 zoning and to avoid creating a precedent for higher densities on the surrounding parcels*.". This neighborhood requested City action was to ensure that an applicant wasn't going to try and increase the R1-8 zoning **before** it could be reverted in 2011.

Your review of the above records will provide valuable context. If you also review the overwhelming number of letters in opposition to this case, you will see there are many of us from 2007 that are still residents today. Again, we welcome development and want and expect it to be consistent land use with the existing neighborhoods.

I sincerely appreciate Commissioner Busching's action of getting a first-hand look at the area to truly understand the unique community, large lots and spacing that we want to preserve. The type of low density in this specific area of Laveen has been carefully planned that way for well over two decades. Furthermore, low density zoning is appropriate land use in this area and low density zoning classifications are very underrepresented in Laveen. The video of our area is only 42 seconds long and can be played directly from this Dropbox
link: https://www.dropbox.com/s/0tfmz2e6htiasqd/Laveen.mp4?dl=0 [dropbox.com]

I would welcome and respectfully request a conversation or meeting with each individual member of the Commission. I was significantly involved in the original case and would be happy to answer any questions. In addition, I'd be pleased to host a tour of the area for anyone who would like to do so.

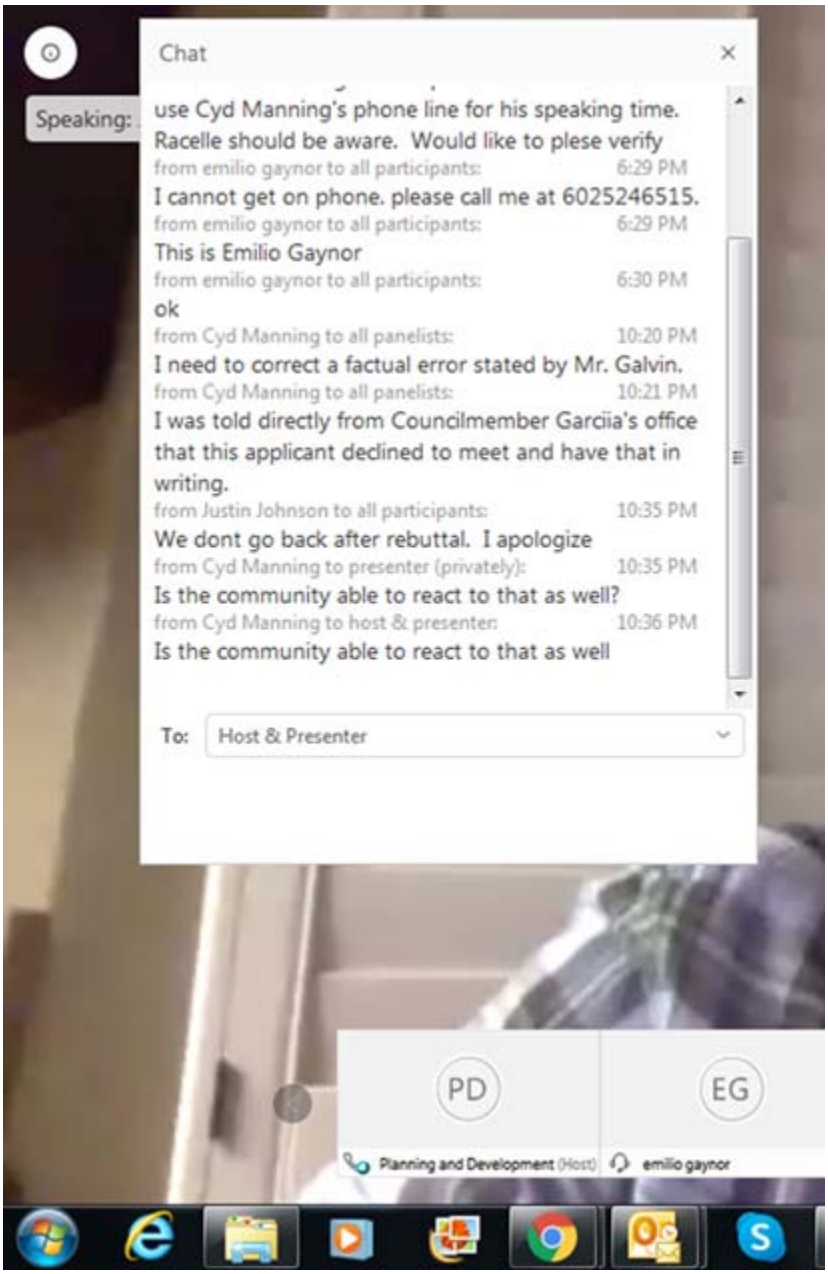
I understand this is a difficult case for everyone involved. It truly is very unfortunate that enforcement of this reversion entitlement was overlooked or missed over the last 9+ years, even though the community requested it be done. The fact of the matter is it is still valid today and the City has a duty and obligation to enforce it.

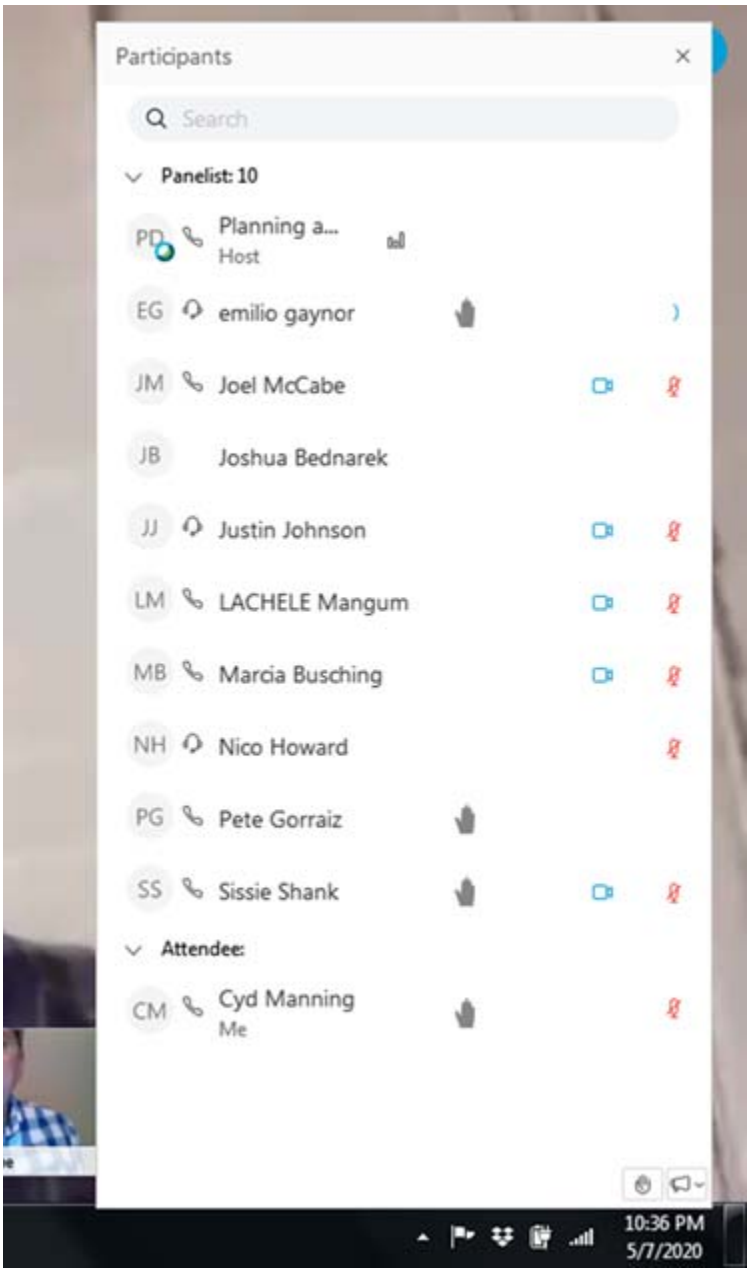
I sincerely appreciate your time and careful review and consideration of all information.

Respectfully,
Cyd Manning

3220 W. Ceton Drive
480.747.0769
sweetbeat@q.com

Attached screen capture as referenced above:


Chat
Speaking:
use Cyd Manning's phone line for his speaking time. Racelle should be aware. Would like to plese verify
from emilio gaynor to all participants: 6:29 PM
I cannot get on phone. please call me at 6025246515.
from emilio gaynor to all participants: 6:29 PM
This is Emilio Gaynor
from emilio gaynor to all participants: 6:30 PM
ok
from Cyd Manning to all panelists: 10:20 PM
I need to correct a factual error stated by Mr. Galvin.
from Cyd Manning to all panelists: 10:21 PM
I was told directly from Councilmember Garciia's office that this applicant declined to meet and have that in writing.
from Justin Johnson to all participants: 10:35 PM
We dont go back after rebuttal. I apologize
from Cyd Manning to presenter (privately): 10:35 PM
Is the community able to react to that as well?
from Cyd Manning to host & presenter: 10:36 PM
Is the community able to react to that as well
To: Host & Presenter
PD
EG
Planning and Development (Host)
emilio gaynor


Participants
Search
Panelist: 10
PD Planning a... Host
EG emilio gaynor
JM Joel McCabe
JB Joshua Bednarek
JJ Justin Johnson
LM LACHELE Mangum
MB Marcia Busching
NH Nico Howard
PG Pete Gorraiz
SS Sissie Shank
Attendee:
CM Cyd Manning Me
10:36 PM
5/7/2020

May 20, 2020

To: Phoenix Planning Commission

Subject: Meeting held 6PM, May 7, 2020 re: Z-165-05-(PHO-1-19)

Thank you for providing me the opportunity on during the May 7, 2020 Planning Commission meeting to speak for 60 seconds regarding the subject case.

First, I would like to remind the Planning Commission of its role….and I quote from your Charter below and would draw your attention to the ***bolded*** print:

The Planning Commission makes recommendations to the City Council on *all matters that might be referred to it by the City Council concerning or relating to a comprehensive plan of City building and improvement and recommends to the City Council, from time to time, amendments to the City Charter, ordinances providing for the purchase of sites for City buildings; opening, widening or other changes in streets and other public ways, and the ornamentation of such sites, streets, grounds and other public places; and such other* ***ordinances as it may deem necessary and proper in the premises and that may tend in connection with such comprehensive plan to promote the public health, comfort, safety, convenience, utility and welfare.*** *The Planning Commission is also authorized to confer and advise with other similar City planning commissions or county planning commissions.*

It became very obvious that during the subject meeting that several members were uncomfortable with the issue at stake here, the S1 Zoning Reversion specifically called out in Stipulation #19 which states, and I quote:

That ***approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance****. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.*

Near the end of meeting the question to Staff was asked “has any action be taken to revert this case” and the answer was “no”. Herein lies the problem, no action has been taken by the City of Phoenix because of Senior Leadership (specifically Alan Stephenson and his Deputy Joshua Bednarek) have unwisely, unethically and likely illegally chosen not to enforce Reversion which is a current documented process required in Zoning Ordinance Section 506, paragraph B 1 for this case.

Before seeking legal action on behalf of the Community I am providing EVERY opportunity for the City of Phoenix to help remedy the lack of Senior Leadership Personal Accountability for enforcement of the previously referenced Reversion Policy. Due to the current Covid-19 situation a face to face meeting is unpractical so I have contacted via e-mail and telecon Leigh Ann Mauger, Sr. Internal Auditor, City of Phoenix - Audit Department and she has initiated a case to investigate whether the allegations that I have made regarding the City’s refusal to follow documented Policies and Procedures (specifically Section 506 paragraph B1) have merit or basis. I provided a copy of the meeting minutes that I had with Joshua Bednarek as the basis for my claims. I am also providing you with a copy of this document for your review.

And as a side note, it was unethical of this Committee to solicit input from only one Party regarding your discussion of the merits of the case if the Commission elected to deny this case.

In addition, Mr. Gavin incorrectly provided the Commission with inaccurate and deceiving information regarding Prop 207…..the Current Landowner was REQUIRED to sign a waiver giving up ALL rights to Prop 207 when they purchased the property so they have no future claims against Prop 207 if the property reverts to S1 or any other zoning. When the Landowner had Mr. Gavin's Law Firm perform their due diligence prior to purchasing this property, they would have discovered this.

While I respect the decision that you made in an effort to have the Developer and Community "work together" for an equitable solution I will implore the Commission one last time….when it is time to forward this case to the City Counsel, take the ethical and morally correct action, tell the City Council the simple facts regarding this case and recommend the following:

1. This case should have never have been brought forward…..why? Because the City of Phoenix has chosen not to follow its own Policies and procedures specifically for Reversion because if it did, back in 2011 (48 months after the initial zoning approval) this case should have been up for reversion and it was never initiated. Remember, Reversion is another Public Process and it is not a guaranteed reversion in this case back to S1, the "Reversion Process" is a series of Public hearings to rezone the land back but it might not be accepted (likelihood is low)!
2. Based on item 1 above do no recommend approval, deny this case.
3. Create a recommendation that the City of Phoenix follow its internal processes and procedures and initiate Reversion Action in this case.

I look forward to seeing what this Commission determines the correct course of action is for this specific case because as the Leaders of this Commission you are held to a higher standard than rank and file employees….you are accountable for what you know and more importantly what you should have known….and now that you are personally aware of the alleged claims of the City of Phoenix not following its processes and procedures (and I would ask that you personally verify this on your own, do not take my word for it) I sincerely hope that this Commission takes the correct steps by deciding not to be complicit with the City of Phoenix knowing full well that this case should have never existed!

Thank you for your time.

Sincerely,

John M. Bzdel
253-549-6826
bzdel@earthlink.net

Meeting Minutes with Joshua Bednarek re: Z-165-05-(PHO-1-19)

1-23/2020, 9AM at Mr. Bednarek's office

Answers to my questions:

- Why was there no action taken in 2011 to "revert" the properties back to S1?
    - Since the early 2010's, the City of Phoenix has reduced the number of available Staff Personal in the Planning/Zoning Department that would handle this type of activity from 11 people to 5. With the staff shortage the focus and priorities of the Department changed to reflect available staffing.
    - There isn't a mechanism to automatically do this.
- I asked "is Zoning Ordinance Section 506, paragraph B 1." Is still a valid and current procedure?
    - Joshua stated the City of Phoenix no longer looks at the reversion process as a necessary process because they City believes that the original "intent" to rezone is still valid and affords the current property owner(s) the opportunity to further develop the property based on the City Council's intended use.
        - I then asked Joshua to read the above paragraph aloud where I underlined …"an application shall be initiated by the Planning Commission to revert zoning to its former classification, unless an extension of time has been granted prior to the expiration of the period specified by the schedule of the development". He was familiar with this language.
            - I asked Joshua to make sure that I fully understood his previous comments based on this procedural language and asked him that even though it is a requirement in the documented City's Procedures to perform the reversion, that ***the City has knowingly chosen not to follow the procedure?***
                - Joshua waffled a bit and reiterated staffing shortages again and that the City's philosophy is a bit different today based on his above comment that they want to afford Property owners full development rights via Prop 207. I verified with Joshua that a waiver does exist on this subject property signed by the current Property Owner that waives Prop 207 and he then agreed that the property owner had no rights based on Prop 207.
        - I asked Joshua what he believes that the Liability may be if the City specifically chooses not to follow or enforce their written processes and procedures? He stated that he wasn't a Lawyer or from the Law Department so he could fully

answer that question. He went on to state that in this situation, where there are stipulations attached to Properties, that it is no different than someone who violates a weed ordinance or stipulation….the City doesn't have the resources to address it.

- I shared City of Phoenix memo dated October 12, 2010 from Derek D. Horn to Planning Commission Members and asked if this process that was outlined is still current?
    - Joshua stated that the City does not have the resources to undertake the process and as stated previously, the focus on reversion and the philosophy behind it is different today.
        - I asked if I was to review the Metric's Deck reviewed by Alan at his Staff Meetings would I see any of the Department metrics include reversion?
            - Joshua stated no that no metrics would be available today for the reversion process because it is not tracked, monitored or reviewed.
- I shared that the Community was concerned that the due to the City's focus on not following it's documented process and procedure that this indicates a bias and it does not afford ALL stakeholders the opportunity to voice concerns regarding City processes that "should have been followed" and are not.
    - Joshua didn't fully understand this because he believes Zoning/Planning processes via the PHO as in this case are available to hear Community input. I reiterated that the PHO process is clearly for addressing stipulations ONLY and NOT a rezoning discussion and that Adam Stranier (the PHO in this case) made this VERY clear. Joshua went on to say that even if the City followed a reversion process, as in this case, that it still has to go through the Public Posting processes and that "automatic" reversion isn't a guarantee because the current property owner has an input as well as the Community and the City Council.
    - I then counter this response and asked a "hypothetical" question…"in this case, if the City of Phoenix denied Z-165-05-(PHO-1-19) and noted that the City would prefer to use the Reversion Process to address the Property Owners concerns as well as those of the Community and City Council, aren't ALL stakeholders better served since the potential outcome has the benefit of ALL stakeholders' inputs and the City would ALSO be compliant with it's documented processes and procedures"? I also added that the current property owner could also create/add/delete/propose whatever they want because the flood gate is open…a clear benefit for them as well.
        - Joshua had to think about this for a moment before responding and indicated that this could be a viable path. Based on his comment I asked him if he was ready to commit for the City that he would do this in this specific case and he quickly responded that he could not influence the opinion/outcome of the PHO officer in this case.
            - I then asked if he should run this past Legal as an opportunity to be compliant with documented processes and procedures in the event that

this case gets legally challenged and he responded that he didn't think so.

- Joshua stated that even if the PHO ruled in favor of the subject case that any stakeholder has 7 days to appeal the decision to the City Council and could propose the "hypothetical" question to the City Council that I did to Joshua.

- I asked if I could suggest this "hypothetical" path to the PHO in this case?
  - Joshua stated that he could only take comments that were made public at the hearing and not after the fact.
    - I countered with "Adam stated that he needed to take this under advisement and review all relevant facts and data…..isn't the potential path I proposed one of them?
      - Joshua countered with he (the PHO) could come to that same conclusion.

Unfortunately we ran out of time and our meeting concluded.

John Bzdel

253-549-6826

Racelle Escolar

From: D M <darcy3535@gmail.com>
Sent: Saturday, June 6, 2020 7:12 PM
To: PDD Laveen VPC; Racelle Escolar; Joshua Bednarek; Alan Stephenson
Subject: To Council Members re: Quarry Case Decision 165 - 06

Follow Up Flag: Follow up
Due By: Tuesday, June 9, 2020 4:00 PM
Flag Status: Completed

Good afternoon,
I was present online at the planning meeting on Thurs June 4 and wanted to tell you what a disappointment the commission's decision was to approve the Quarry Case Z-165-06.
After all the patting on the back you did of yourselves and appreciating all of us for our passion, your decision was still wrong.
If any of you lived on the south side of the Quarry you would be fighting to oppose the type of density that was approved.
I'm actually surprised with the amount of opposition that this had, not more of your members came around to see our area. It really goes to show that if it doesn't affect you personally, then the party with the most money wins.
And, because there has been no past case in prior zoning reversions, it doesn't mean that the committee has a right to overlook and not enforce the intent.
I'm disheartened by your committee's decision but I'm thankful for great neighbors that will continue to appeal this for our community.

Darcy Meyer
3535 W Bohl St
Laveen, AZ 85339

ATTACHMENT H

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM A
Staff Report: PHO-1-19--Z-165-06-7(8)
June 25, 2020

LOCATION: Northwest corner of 35th Avenue and Carver Road

APPLICANT: Jennifer Hall, Rose Law Group

REPRESENTATIVE: Tom Galvin, Rose Law Group

OWNER: Virtua 35th, LLC

REQUEST:

1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007.

2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.

3) Deletion of Stipulation 19 regarding conditional development approval.

4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.

5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.

6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.

7) Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.

8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.

9) Modification of original Stipulation 3 (proposed Stipulation 5) regarding maximum number of lots in the R1-8 portion of the site.

STAFF RECOMMENDATION: Approval, per the Planning Commission recommendation with a modification.

On January 13, 2020, the Laveen Village Planning Committee recommended denial of the request by an 11 to 0 vote. Their motion also included a request that the Planning Hearing Officer (PHO) recommend to the Planning Commission to initiate a zoning reversion for the site.

On January 15, 2020, the PHO took this case under advisement. On February 13, 2020, the PHO took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

On May 7, 2020, the Planning Commission continued the request to the June 4, 2020 Planning Commission hearing by an 8 to 0 vote. The continuance was granted to allow the applicant to work on a compromise with the community.

The applicant met with community members and revised their plan from 92 lots as shown on the site plan date stamped November 21, 2019 to 63 lots as shown on the site plan date stamped May 26, 2020. The changes on the revised site plan required modifications to the stipulations recommended by the PHO.

A staff memo was issued prior to the Planning Commission hearing that addressed the revised site plan and recommended modifications to Stipulation No. 1 regarding general conformance to a site plan and Stipulation No. 47 regarding specific lots to be limited to a maximum of 20 feet in height. The modification to Stipulation No. 1 requires that the R1-8 portion of the development be in general conformance with the revised site plan date stamped May 26, 2020. The modification to Stipulation No. 47 updates the specific lot numbers that are to be limited to 20 feet in height.

On June 7, 2020, the Planning Commission recommended approval, per the staff memo dated June 4, 2020 with a modified stipulation by an 8 to 0 vote. Commissioner Busching, who made the motion, also directed the applicant to modify the application prior to the City Council meeting to modify Stipulation No. 5 (originally Stipulation No. 3) to reflect the number of lots on the revised site plan. Her motion included a modification to Stipulation No. 6 to reduce the useable open space from 12 percent (which was recommended by the PHO) to 8 percent to reflect the open space provided on the revised site plan.

The applicant has revised their application to modify Stipulation No. 5 (originally No. 3) as directed by the Planning Commission. The stipulation currently limits the number of units on the R1-8 portion of the site to 99 lots. The applicant is now requesting to modify the stipulation to limit the number of lots to 63 to be consistent with their revised site plan.

Staff is supportive of this modification and recommends approval of the PHO request per the Planning Commission recommendation with the modification as requested by the applicant. The stipulations below reflect the revised staff recommendation.

STIPULATIONS

General

~~1.~~ ~~That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~

1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:

   A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

   B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. THE R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~2.~~ 4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.

~~3.~~ 5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of ~~**99**~~ **63** lots.

6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF ~~12~~ 8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Site Design

~~4.~~ 7. ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

~~5.~~ 8. ~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.

a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.

b. Retaining wall.

~~6.~~ 9. ~~That n~~No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.

~~7.~~ 10. ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE ~~adjacent to 35th Avenue shall be provided~~, as approved by the PLANNING AND Development ~~Services~~ Department.

~~8.~~ 11. ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.

~~9.~~ 12. ~~That t~~Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.

Disclosures

~~10.~~ ~~That p~~Prior to final site plan approval, the property owner shall record
13. documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.

14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Parks and Recreation

~~11.~~ ~~That t~~The developer shall dedicate a multi-use trail easement and construct a
15. multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

Archaeology

~~12.~~ ~~That t~~The applicant shall complete an archaeological survey report of the
16. development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

17. 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.

18. 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.

19. 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.

Street Transportation

~~13.~~ 20. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

~~14.~~ 21. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~15.~~ 24. ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.

~~16.~~ 25. ~~That t~~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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.

~~17.~~ 26. ~~That t~~The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation

Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.

~~18.~~ ~~That p~~Prior to preliminary site plan approval, the landowner shall execute a
27. Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development ~~Services~~ Department for the case files.

~~19. That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

Neighborhood

~~20.~~ ~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and
28. treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development ~~Services~~ Department.

~~21.~~ ~~That a~~All two story homes, within the R1-18 portion of the site, shall be
29. designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development ~~Services~~ Department.

~~22.~~ ~~That c~~Concrete channels shall be designed to look natural in the desert setting
30. through color, texture, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department.

~~23.~~ ~~That t~~The use of riprap and engineered culverts shall be minimized and, where
31. utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development ~~Services~~ Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.

~~24.~~ ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall
32. be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development ~~Services~~ Department.

~~25.~~ ~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be
33. designed with obtuse angles, rather than right angles or acute angles, as

approved by the PLANNING AND Development ~~Services~~ Department.

~~26.~~ ~~That o~~On non-hillside lots within the R1-18 portion of the development, all
34. improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.

~~27.~~ ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed
35. along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum, a~~nd shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center~~, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~28.~~ ~~That s~~Solid block walls, except for retaining walls or privacy fencing on
36. individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.

~~29.~~ ~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by
37. the PLANNING AND Development ~~Services~~ Department.

~~30.~~ ~~That p~~Private roadways within the R1-18 portion of the site shall be provided
38. with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.

~~31.~~ ~~That private roadways within the R1-8 portion of the site shall be provided with~~
39. ~~a raised, vertical curb, as approved by the Development Services Department.~~

~~32.~~ ~~That a~~All HVAC units shall be ground mounted.
40.

~~33.~~ ~~That a~~All street lighting and wall mounted security fixtures shall be full cut off
41. lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.

~~34.~~ ~~That b~~Bollards shall be used for accent lighting at the primary access, entry
42. monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.

~~35.~~ ~~That a~~Any request to delete or modify these stipulations SHALL be preceded
43. by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~36.~~ ~~That t~~The following individuals shall be notified of any and all PLANNING AND
44. Development ~~Services~~ Department ~~(DSD)~~ meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):

a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339

b. Cyd Manning, P.O. Box 41234, Mesa, 85274

c. Judy Brown, P.O. Box 41234, Mesa, 85274

d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339

e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339

f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041

g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~37.~~ ~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE
45. DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide

landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of~~ 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

~~38.~~ 46. ~~That a~~A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.

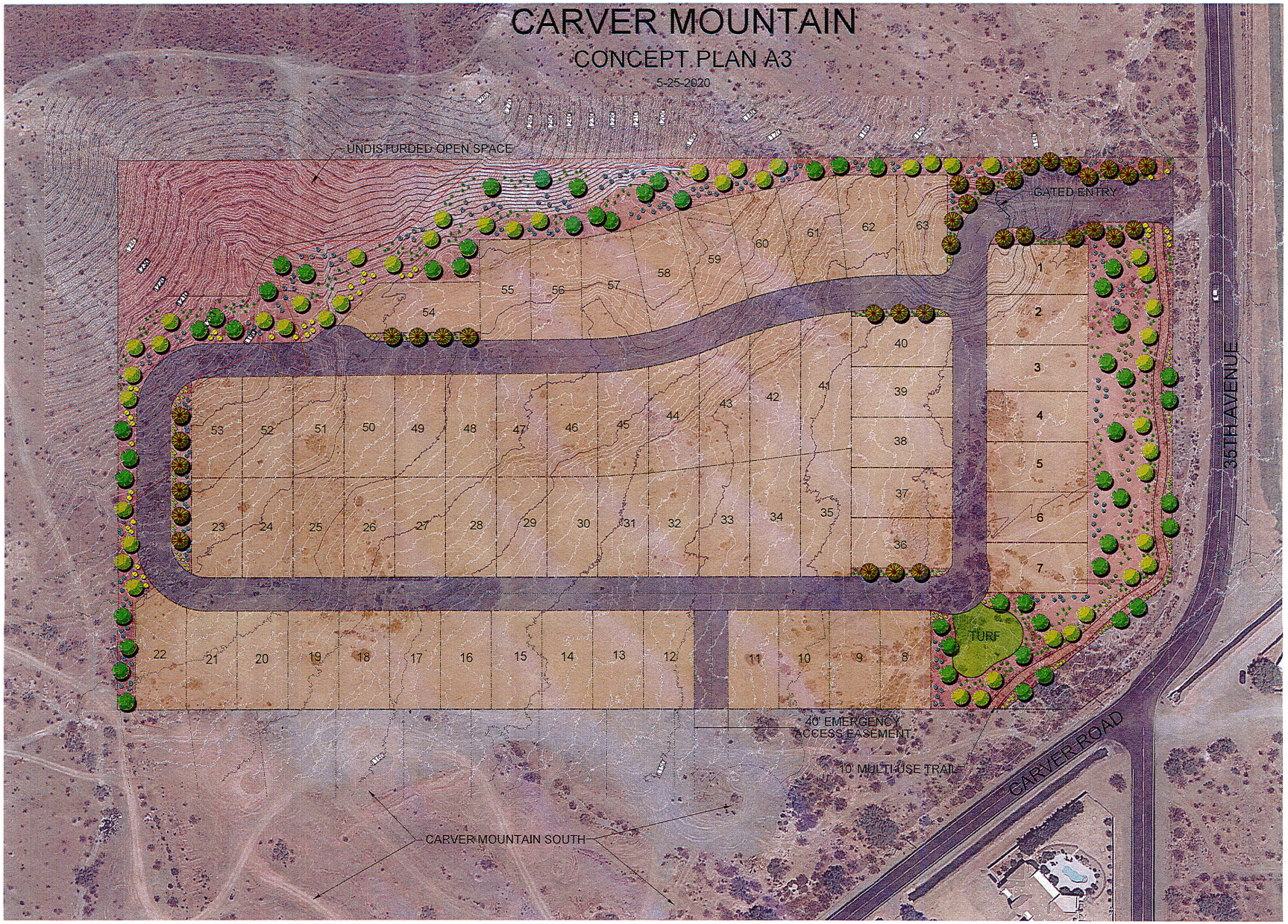
~~39.~~ ~~That only one-story homes shall be located along 35th Avenue.~~

47. LOTS ~~52-61 AND 82-83~~ 1-7, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~40.~~ 48. ~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.

Exhibit

Site Plan date stamped May 26, 2020



CITY OF PHOENIX

MAY 26 2020

Planning & Development Department

NORTH

SCALE: 1" = 50'

0 50 100 150

Land Development Engineering, LLC
3420 East Shea Blvd, Suite 156
Phoenix, Arizona 85028
Office 602.396.5700
www.LDEaz.com

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mayor & City Council **Date:** July 1, 2020

From: Alan Stephenson
Planning and Development Director

Subject: CONTINUANCE OF ITEM 72 ON THE JULY 1, 2020 FORMAL AGENDA – REZONING APPLICATION PHO-1-19 - - Z-165-06-7(8) – NORTHWEST CORNER OF 35TH AVENUE AND CARVER ROAD

Item 72, is a request to hold a public hearing on the Planning Hearing Officer application PHO-1-19 - - Z-165-06-7(8) to modify and delete stipulations associated with the original rezoning approval at the northwest corner of 35th Avenue and Carver Road.

The applicant has requested a continuance to the August 26, 2020 City Council Formal Meeting to allow additional time to review and respond to a proposal submitted by the community.

Staff recommends the request be continued to the August 26, 2020 City Council Formal Meeting.

Approved: Mario Paniagua 7-1-20
Mario Paniagua, Deputy City Manager

City of Phoenix

Report

Agenda Date: 4/7/2021, **Item No.** 116

Consideration of Citizen Petitions

This report provides the City Council with four citizen petitions regarding public safety submitted by: Heather Hamel (**Attachment A**); Derek Begay (**Attachment B**); Phyllis Tyson **(Attachment C)**; and Will Knight (**Attachment D**). The Land Use and Livability Subcommittee forwarded these petitions to the full City Council for consideration on March 17, 2021.

Summary

The four citizen petitions each contain essentially the same 26 "whereas" statements. Each petition then includes a different specific request for action by the City Council. The "whereas" statements primarily contain allegations and opinions, with few specific facts, which makes it difficult for staff to respond to the allegations or make recommendations. Multiple investigations are in progress regarding protests and related events and the allegations that have arisen from these events.

Petition A - Heather Hamel

Ms. Hamel submitted a petition for the "City Council to: Launch an ethics investigation, independent of the Phoenix Police Department and the Maricopa County Attorney's Office, into the policies and practices of the Tactical Response Unit and corresponding failure of leadership by Chief Jeri Williams and Phoenix Police command staff with respect to the aforementioned protests and events."

Several investigations have been started regarding protests and surrounding events and allegations. A majority vote of the City Council may direct staff to initiate or conduct further investigations. At the March 17, 2021 Formal City Council meeting, the City Council approved entering into a contract with 21CP Solutions, LLC to provide a comprehensive and independent assessment of the Phoenix Police Department’s Tactical Response Unit’s training and response to First Amendment-related activities, including but not limited to, demonstrations and protests. The comprehensive and independent assessment will also focus on the Police Department’s Field Training Officer program.

Petition B - Derek Begay

Mr. Begay submitted a petition for the "City Council to: Create a reparations fund for all

individuals directly impacted by the Phoenix Police Department's use of excessive force at protests."

Chapter 42 of the City Code establishes a trust fund for the purpose of paying all liability claims against the City. State law requires that a notice of claim be submitted to the City for consideration of any claims against the City, including excessive force claims. The Code also provides a procedure for submitting a notice of claim, consideration of the claims, and payment of claims for which the City is liable. The existing fund and process apply to claims of excessive force against the Police Department. Since a process already exists that applies to all claims, establishment of a separate fund and process for claims of excessive force is unnecessary and would be inconsistent with the City Code.

Petition C - Phillis Tyson
Ms. Tyson submitted a petition for the "City Council to: Create a reparations fund for all individuals directly impacted by the Phoenix Police Department's practice of politically and falsely prosecuting protesters."

The City's existing Risk Management fund and notice of claim process described for Petition B also applies to these types of claims against the Police Department. Since a process already exists that applies to these claims, establishment of a separate fund and process for these claims is unnecessary and would be inconsistent with the City Code.

Petition D - Will Knight
Mr. Knight submitted a petition for the "City Council to: Establish enforceable guidelines and meaningful disciplinary measures to prevent law enforcement officials, at any level, from providing false information in Form IV probable cause statements, police reports, or under oath to secure criminal charges against protesters exercising their First Amendment rights."

The City has existing policies and disciplinary measures applicable to all employees that specifically prohibit personnel from providing false information in connection with their duties. These include an Ethics Policy and disciplinary provisions in Rule 21 of Personnel Rules (Rule 21b12 and 21b18). The Police Department also has established policies that prohibit this type of conduct. Being truthful, not making false reports and other expectations of employee conduct are outlined in Operations Order 3.13 - Rules and Regulations. Disciplinary action for these and other types of policy violations are addressed in Operations Order 3.18a - Discipline Policy. Additionally, there are existing state statutes (ARS 13-2702-Perjury and ARS 13-2703-False Swearing) and federal law that prohibit knowingly providing false statements or

testimony that are applicable to law enforcement officials.

Concurrence/Previous Council Action

This item was heard at the Land Use and Livability Subcommittee on March 17, 2021 and these four citizen petitions were forwarded to the full City Council for consideration by a vote of 3-1.

Responsible Department

This item is submitted by the City Manager's Office.

Attachment A

CITIZEN'S PETITION TO PHOENIX CITY COUNCIL

WHEREAS, the Phoenix Police Department, under the leadership of Chief Jeri Williams, has engaged in a widespread practice of politically motivated surveillance, violence, and arrests of social justice activists; and

WHEREAS, in August 2017, the Phoenix Police Department's Tactical Response Unit engaged in mass civil rights violations against attendees of an Anti-Trump rally that resulted in numerous serious injuries and the violent suppression of thousands of individuals' free speech rights; and

WHEREAS, the Phoenix Police Department's Tactical Response Unit is responsible for creating, keeping, and sharing a Neo-Nazi inspired "challenge coin" to commemorate and celebrate police violence against Phoenix residents expressing their First Amendment rights at the Anti-Trump Rally; and

WHEREAS, Sergeant Doug McBride oversees and manages the Tactical Response Unit;

WHEREAS, United States District Court records indicate that Chief Jeri Williams and Phoenix Police command staff has known about the Nazi-inspired challenge coin since at least August 2019, when she was deposed under oath as part of the 2017 Anti-Trump Rally civil rights lawsuit;

WHEREAS, the Phoenix City Council failed to act to hold Chief Jeri Williams and Phoenix Police Department's Tactical Response Unit accountable for physical harm and civil rights violations in 2017, thereby permitting such unconstitutional conduct to continue unchecked;

WHEREAS, Phoenix Police officers engaged in the political prosecution of Black Lives Matter organizer, Jamaar Williams in 2019 by lying, in police reports, Form IVs submitted to the Court, and under oath, about Mr. Williams' purportedly assaulting two Phoenix police officers; and

WHEREAS, the Maricopa County Superior Court dismissed the criminal case against Jamaar Williams for lack of probable cause;

WHEREAS, Chief Jeri Williams lied to Phoenix City Council about the evidence that existed to successfully prosecute Jamaar Williams; and

WHEREAS, Phoenix City Council did not hold the officers who lied to prosecute a political opponent accountable for their unconstitutional activities

WHEREAS, Phoenix City Council instead retaliated against Jamaar Williams and removed him from his committee assignments related to police reform in the City of Phoenix; and

WHEREAS, Phoenix City Council's continued failure to hold Chief Jeri Williams and the Phoenix Police Department accountable for mistreatment of protesters and political opponents resulted in continued harm;

WHEREAS, Phoenix Police officers used unconstitutional and excessive force, including tear gas, pepper spray, rubber bullets, and bean bag rounds, against non-violent protesters on May 28, 2020 - May 31, 2020; and

WHEREAS, this use of force was particularly dangerous during a deadly pandemic spread through the expulsion of respiratory droplets because tear gas and pepper-spray cause individuals to expel respiratory droplets by coughing and sneezing; and

WHEREAS, Phoenix Police officers illegally arrested 354 individuals protesting the murders of George Floyd and Dion Johnson between May 28, 2020 - May 31, 2020; and

WHEREAS, many of these arrests were secured using illegal cut-and-paste probable cause statements; and

WHEREAS, many of these cases were dismissed for lack of probable cause; and

WHEREAS, Phoenix City Council refused to hold the officers and command staff involved in the "cut-and-paste" operation responsible; and

WHEREAS, Chief Jeri Williams and Phoenix Police command staff allowed Tactical Response Unit officers to be trained and coached by the Maricopa County Attorney's First Responder's Bureau; and

WHEREAS, after the training by MCAO, Maricopa Superior Court records show officers within the Tactical Response Unit made numerous false arrests and lied in police reports, Form IVs, and under oath about "crimes" allegedly committed

by individuals protesting police violence in order to punish Black Lives Matter protesters;

WHEREAS, Tactical Response Unit Sergeant Doug McBride offered false and misleading testimony to a Grand Jury about a fictional gang "ACAB" in order to punish Black Lives Matter protesters; and

WHEREAS, Chief Jeri Williams has engaged in a pattern of misrepresenting her knowledge of the Department's tactic and pattern of engaging in political prosecutions;

WHEREAS, Chief Jeri Williams misrepresented her knowledge of the Neo-Nazi inspired coin to the residents of Phoenix similar to the way in which she claimed to be unaware of commemorative tattoos among officers while chief of police in Oxnard, CA; and

WHEREAS, the Maricopa County Attorney's Office dismissed fifteen protest cases "in the interest of justice"; and

WHEREAS, the remaining cases against protesters suffer from the same lack of evidence, evidence of police bias, and misconduct; and

WHEREAS, the Phoenix City Council failed to pass and fund meaningful, independent investigatory civilian oversight of the Phoenix Police Department.

Pursuant to Chapter IV, Section 22 of the Phoenix City Charter, I, Heather Hamel, a citizen and resident of the City of Phoenix, hereby petition the Phoenix City Council to:

Launch an ethics investigation, independent of the Phoenix Police Department and the Maricopa County Attorney's Office, into the policies and practices of the Tactical Response Unit and corresponding failure of leadership by Chief Jerri Williams and Phoenix Police command staff with respect to the aforementioned protests and events.

Attachment B

From: Derek Begay <DerekBegay@live.com>
Sent: Tuesday, February 16, 2021 10:55 PM
To: Council Packet Mailbox CLK
Subject: CITIZEN'S PETITION TO PHOENIX CITY COUNCIL

WHEREAS, the Phoenix Police Department, under the leadership of Chief Jeri Williams, has engaged in a widespread practice of politically motivated surveillance, violence, and arrests of social justice activists; and

WHEREAS, in August 2017, the Phoenix Police Department's Tactical Response Unit engaged in mass civil rights violations against attendees of an Anti-Trump rally that resulted in numerous serious injuries and the violent suppression of thousands of individuals' free speech rights; and

WHEREAS, the Phoenix Police Department's Tactical Response Unit is responsible for creating, keeping, and sharing a Neo-Nazi inspired "challenge coin" to commemorate and celebrate police violence against Phoenix residents expressing their First Amendment rights at the Anti-Trump Rally; and

WHEREAS, Sergeant Doug McBride oversees and manages the Tactical Response Unit;

WHEREAS, United States District Court records indicate that Chief Jeri Williams and Phoenix Police command staff has known about the Nazi-inspired challenge coin since at least August 2019, when she was deposed under oath as part of the 2017 Anti-Trump Rally civil rights lawsuit;

WHEREAS, the Phoenix City Council failed to act to hold Chief Jeri Williams and Phoenix Police Department's Tactical Response Unit accountable for physical harm and civil rights violations in 2017, thereby permitting such unconstitutional conduct to continue unchecked;

WHEREAS, Phoenix Police officers engaged in the political prosecution of Black Lives Matter organizer, Jamaar Williams in 2019 by lying, in police reports, Form IVs submitted to the Court, and under oath, about Mr. Williams' purportedly assaulting two Phoenix police officers; and

WHEREAS, the Maricopa County Superior Court dismissed the criminal case against Jamaar Williams for lack of probable cause;

WHEREAS, Chief Jeri Williams lied to Phoenix City Council about the evidence that existed to successfully prosecute Jamaar Williams; and

WHEREAS, Phoenix City Council did not hold the officers who lied to prosecute a political opponent accountable for their unconstitutional activities

WHEREAS, Phoenix City Council instead retaliated against Jamaar Williams and removed him from his committee assignments related to police reform in the City of Phoenix; and

WHEREAS, Phoenix City Council's continued failure to hold Chief Jeri Williams and the Phoenix Police Department accountable for mistreatment of protesters and political opponents resulted in continued harm;

WHEREAS, Phoenix Police officers used unconstitutional and excessive force, including tear gas, pepper spray, rubber bullets, and bean bag rounds, against non-violent protesters on May 28, 2020 - May 31, 2020; and

WHEREAS, this use of force was particularly dangerous during a deadly pandemic spread through the expulsion of respiratory droplets because tear gas and pepper-spray cause individuals to expel respiratory droplets by coughing and sneezing; and

WHEREAS, Phoenix Police officers illegally arrested 354 individuals protesting the murders of George Floyd and Dion Johnson between May 28, 2020 - May 31, 2020; and

WHEREAS, many of these arrests were secured using illegal cut-and-paste probable cause statements; and

WHEREAS, many of these cases were dismissed for lack of probable cause; and

WHEREAS, Phoenix City Council refused to hold the officers and command staff involved in the “cut-and-paste” operation responsible; and

WHEREAS, Chief Jeri Williams and Phoenix Police command staff allowed Tactical Response Unit officers to be trained and coached by the Maricopa County Attorney’s First Responder’s Bureau; and

WHEREAS, after the training by MCAO, Maricopa Superior Court records show officers within the Tactical Response Unit made numerous false arrests and lied in police reports, Form IVs, and under oath about “crimes” allegedly committed by individuals protesting police violence in order to punish Black Lives Matter protesters;

WHEREAS, Tactical Response Unit Sergeant Doug McBride offered false and misleading testimony to a Grand Jury about a fictional gang “ACAB” in order to punish Black Lives Matter protesters; and

WHEREAS, Chief Jeri Williams has engaged in a pattern of misrepresenting her knowledge of the Department’s tactic and pattern of engaging in political prosecutions;

WHEREAS, Chief Jeri Williams misrepresented her knowledge of the Neo-Nazi inspired coin to the residents of Phoenix similar to the way in which she claimed to be unaware of commemorative tattoos among officers while chief of police in Oxnard, CA; and

WHEREAS, the Maricopa County Attorney’s Office dismissed fifteen protest cases “in the interest of justice”; and

WHEREAS, the remaining cases against protesters suffer from the same lack of evidence, evidence of police bias, and misconduct; and

WHEREAS, the Phoenix City Council failed to pass and fund meaningful, independent investigatory civilian oversight of the Phoenix Police Department.

Pursuant to Chapter IV, Section 22 of the Phoenix City Charter, I, Derek Begay, a citizen and resident of the City of Phoenix, hereby petition the City Council to: Create a reparations fund for all individuals directly impacted by the Phoenix Police Department’s use of excessive force at protests

Sincerely,

Derek Begay

Attachment C

From: P RaShell Tyson <phillisrtyson@gmail.com>
Sent: Tuesday, February 16, 2021 8:14 PM
To: Council Packet Mailbox CLK
Subject: CITIZEN'S PETITION TO PHOENIX CITY COUNCIL

WHEREAS, the Phoenix Police Department, under the leadership of Chief Jeri Williams, has engaged in a widespread practice of politically motivated surveillance, violence, and arrests of social justice activists; and

WHEREAS, in August 2017, the Phoenix Police Department's Tactical Response Unit engaged in mass civil rights violations against attendees of an Anti-Trump rally that resulted in numerous serious injuries and the violent suppression of thousands of individuals' free speech rights; and

WHEREAS, the Phoenix Police Department's Tactical Response Unit is responsible for creating, keeping, and sharing a Neo-Nazi inspired "challenge coin" to commemorate and celebrate police violence against Phoenix residents expressing their First Amendment rights at the Anti-Trump Rally; and

WHEREAS, Sergeant Doug McBride oversees and manages the Tactical Response Unit;

WHEREAS, United States District Court records indicate that Chief Jeri Williams and Phoenix Police command staff has known about the Nazi-inspired challenge coin since at least August 2019, when she was deposed under oath as part of the 2017 Anti-Trump Rally civil rights lawsuit;

WHEREAS, the Phoenix City Council failed to act to hold Chief Jeri Williams and Phoenix Police Department's Tactical Response Unit accountable for physical harm and civil rights violations in 2017, thereby permitting such unconstitutional conduct to continue unchecked;

WHEREAS, Phoenix Police officers engaged in the political prosecution of Black Lives Matter organizer, Jamaar Williams in 2019 by lying, in police reports, Form IVs submitted to the Court, and under oath, about Mr. Williams' purportedly assaulting two Phoenix police officers; and

WHEREAS, the Maricopa County Superior Court dismissed the criminal case against Jamaar Williams for lack of probable cause;

WHEREAS, Chief Jeri Williams lied to Phoenix City Council about the evidence that existed to successfully prosecute Jamaar Williams; and

WHEREAS, Phoenix City Council did not hold the officers who lied to prosecute a political opponent accountable for their unconstitutional activities

WHEREAS, Phoenix City Council instead retaliated against Jamaar Williams and removed him from his committee assignments related to police reform in the City of Phoenix; and

WHEREAS, Phoenix City Council's continued failure to hold Chief Jeri Williams and the Phoenix Police Department accountable for mistreatment of protesters and political opponents resulted in continued harm;

WHEREAS, Phoenix Police officers used unconstitutional and excessive force, including tear gas, pepper spray, rubber bullets, and bean bag rounds, against non-violent protesters on May 28, 2020 - May 31, 2020; and

WHEREAS, this use of force was particularly dangerous during a deadly pandemic spread through the expulsion of respiratory droplets because tear gas and pepper-spray cause individuals to expel respiratory droplets by coughing and sneezing; and

WHEREAS, Phoenix Police officers illegally arrested 354 individuals protesting the murders of George Floyd and Dion Johnson between May 28, 2020 - May 31, 2020; and

WHEREAS, many of these arrests were secured using illegal cut-and-paste probable cause statements; and

WHEREAS, many of these cases were dismissed for lack of probable cause; and

WHEREAS, Phoenix City Council refused to hold the officers and command staff involved in the “cut-and-paste” operation responsible; and

WHEREAS, Chief Jeri Williams and Phoenix Police command staff allowed Tactical Response Unit officers to be trained and coached by the Maricopa County Attorney’s First Responder’s Bureau; and

WHEREAS, after the training by MCAO, Maricopa Superior Court records show officers within the Tactical Response Unit made numerous false arrests and lied in police reports, Form IVs, and under oath about “crimes” allegedly committed by individuals protesting police violence in order to punish Black Lives Matter protesters;

WHEREAS, Tactical Response Unit Sergeant Doug McBride offered false and misleading testimony to a Grand Jury about a fictional gang “ACAB” in order to punish Black Lives Matter protesters; and

WHEREAS, Chief Jeri Williams has engaged in a pattern of misrepresenting her knowledge of the Department’s tactic and pattern of engaging in political prosecutions;

WHEREAS, Chief Jeri Williams misrepresented her knowledge of the Neo-Nazi inspired coin to the residents of Phoenix similar to the way in which she claimed to be unaware of commemorative tattoos among officers while chief of police in Oxnard, CA; and

WHEREAS, the Maricopa County Attorney’s Office dismissed fifteen protest cases “in the interest of justice”; and

WHEREAS, the remaining cases against protesters suffer from the same lack of evidence, evidence of police bias, and misconduct; and

WHEREAS, the Phoenix City Council failed to pass and fund meaningful, independent investigatory civilian oversight of the Phoenix Police Department.

Pursuant to Chapter IV, Section 22 of the Phoenix City Charter, I, Phillis Tyson, a citizen and resident of the City of Phoenix, hereby petition the City Council to: Create a reparations fund for all individuals directly impacted by the Phoenix Police Department’s practice of politically and falsely prosecuting protesters

Sincerely,
Phillis R Tyson

Attachment D

CITIZEN'S PETITION TO PHOENIX CITY COUNCIL

WHEREAS, the Phoenix Police Department, under the leadership of Chief Jeri Williams, has engaged in a widespread practice of politically motivated surveillance, violence, and arrests of social justice activists; and

WHEREAS, in August 2017, the Phoenix Police Department's Tactical Response Unit engaged in mass civil rights violations against attendees of an anti-Trump rally (the "2017 Rally") that resulted in numerous serious injuries and the violent suppression of thousands of individuals' First Amendment rights; and

WHEREAS, the Phoenix Police Department's Tactical Response Unit is responsible for creating, keeping, and sharing a Neo-Nazi inspired "challenge coin" to commemorate and celebrate police violence against Phoenix residents expressing their First Amendment rights at the 2017 Rally; and

WHEREAS, Phoenix Police Sergeant Doug McBride oversees and manages the Tactical Response Unit; and

WHEREAS, United States District Court records indicate that Chief Jeri Williams and Phoenix Police command staff have known about the Nazi-inspired challenge coin since at least August 2019, when Chief Jeri Williams was deposed under oath as part of a civil rights lawsuit arising from the events of the 2017 Rally; and

WHEREAS, the Phoenix City Council failed to hold Chief Jeri Williams, the Phoenix Police Department, and the Phoenix Police Department's Tactical Response Unit accountable for physical harm and civil rights violations in 2017, thereby permitting such unconstitutional conduct to continue unchecked;

WHEREAS, Phoenix Police officers engaged in the political prosecution of Black Lives Matter organizer Jamaar Williams in 2019 by providing knowingly false information in police reports, Form IVs submitted to the Maricopa County Superior Court (the "Superior Court"), and under oath, falsely alleging that Mr. Williams assaulted two Phoenix police officers; and

WHEREAS, the Superior Court dismissed the criminal case against Mr. Williams for lack of probable cause; and

WHEREAS, Chief Jeri Williams provided false statements to the Phoenix City Council about the evidence that allegedly existed to legally prosecute Mr. Williams; and

WHEREAS, the Phoenix City Council failed to hold its own law enforcement officials accountable for unconstitutionally misrepresenting facts in an effort to prosecute a perceived political opponent; and

WHEREAS, the Phoenix City Council instead retaliated against Mr. Williams and removed him from his committee assignments related to police reform in the City of Phoenix; and

WHEREAS, the Phoenix City Council's ongoing failure to hold Chief Jeri Williams and the Phoenix Police Department accountable for mistreatment of protesters and political opponents continues to result in harm; and

WHEREAS, Phoenix Police officers used unconstitutional and excessive force, including tear gas, pepper spray, rubber bullets, and bean bag rounds against non-violent protesters between May 28–31, 2020; and

WHEREAS, this use of force was particularly dangerous during a deadly respiratory pandemic because tear gas and pepper-spray cause individuals to expel droplets by coughing and sneezing; and

WHEREAS, Phoenix Police officers illegally arrested 354 individuals protesting the murders of George Floyd and Dion Johnson between May 28–31, 2020; and

WHEREAS, many of these arrests were secured using illegal cut-and-paste probable cause statements; and

WHEREAS, many of these cases were dismissed for lack of probable cause; and

WHEREAS, the Phoenix City Council refused to hold the Phoenix Police officers and command staff involved in the "cut-and-paste" operation responsible; and

WHEREAS, Chief Jeri Williams and Phoenix Police command staff allowed Tactical Response Unit officers to be trained and coached by the Maricopa County Attorney's Office ("MCAO") First Responders' Bureau; and

WHEREAS, after the training by MCAO, Superior Court records show officers within the Tactical Response Unit made numerous false arrests and provably false statements in police reports, Form IVs, and under oath about "crimes" allegedly committed by individuals protesting police violence in order to punish Black Lives Matter protesters; and

WHEREAS, Tactical Response Unit Sgt. McBride offered false and misleading testimony to a Grand Jury about fictional gang "ACAB" to punish Black Lives Matter protesters; and

WHEREAS, Chief Jeri Williams has engaged in a pattern of misrepresenting her knowledge of the Phoenix Police Department's tactic and pattern of engaging in political prosecutions; and

WHEREAS, Chief Jeri Williams misrepresented her knowledge of the Neo-Nazi inspired "challenge coin" to the residents of Phoenix similar to the way in which she denied knowledge of commemorative tattoos among her subordinate law enforcement officers while she served as chief of police in Oxnard, CA; and

WHEREAS, on February 12, 2021, the MCAO dismissed fifteen protest cases "in the interest of justice": and

WHEREAS, the remaining cases against protesters suffer from the same police bias, misconduct, and lack of evidence; and

WHEREAS, the Phoenix City Council failed to pass and fund meaningful, independent civilian oversight with investigative authority and discretion over the Phoenix Police Department.

PURSUANT TO Chapter IV, Section 22 of the Phoenix City Charter, I, William H. Knight, a citizen and resident of the City of Phoenix, hereby petition the Phoenix City Council to:

Establish enforceable guidelines and meaningful disciplinary measures to prevent law enforcement officials, at any level, from providing false information in Form IV probable cause statements, police reports, or under oath to secure criminal charges against protesters exercising their First Amendment rights.