History
The Downtown Alley Activation Classifications were created at the direction of a study group that included City of Phoenix staff, downtown stakeholders and community members. The group’s intention was to make it easy for community members, property owners or businesses to initiate activity in downtown alleys (located with the Downtown Code area, Chapter 12 of the Phoenix Zoning Ordinance).

Purpose
The spirit of the classifications and Downtown Alley Activation Program is to support a walkable, sustainable and vibrant downtown that considers pedestrians and bicyclists in addition to property owners, businesses and city service providers. This policy establishes guidelines for Downtown alley activations within City of Phoenix public alley right-of-way by providing a formal mechanism for residents, neighborhood associations and businesses to develop alley activations that enhance pedestrian use of alley right-of-way.

Definition
Downtown alley activations are improvements that convert an alley or a portion of an alley into a vibrant community space, enhance pedestrian circulation or enrich the quality of the environment. Improvements may include items such as lighting, artwork, shade screens (less than 1,000 square feet), seating, plant material, paving, or micro-retail opportunities. Utility maintenance/repair and circulation needs must function without conflict with the activation.

Background
An alley activation is made by converting an alley or a portion of an alley into an area with removable elements with an attractive seating area, shade elements or artwork display. Downtown alley activations may provide green/open spaces in an alley to help mitigate the urban heat island effect and to create new seasonal pedestrian spaces that improve the quality of life in Phoenix neighborhoods and commercial corridors. Alley activation designs are accessible and inclusive; inviting pedestrians, bicyclists, and shoppers to linger, relax, and socialize. Each alley activation may have a distinct, site specific design that reflects the neighborhood’s unique character.

Recommended Locations and Design Parameters
Downtown alley activations are urban amenities appropriate for the alley right-of-way that accommodate a variety of uses by incorporating a flexible design that is sensitive to all needs. Alley activations will only be allowed in alleys within the Downtown Code zoning district area. The following factors need to be considered while planning to submit an application for a downtown alley activation:

Location
• Should generally be located in an area that supports a high-level of pedestrian activity and/or where sufficient room exists in the alley right-of-way that accommodates a gathering area.
Applicant business or residence should have doors or windows facing the alley activation location or ensure the area is visible from street right-of-way.

**Design**
- Improvements other than paving or wall murals must provide a minimum 5-foot clearance from vertical utilities, loading zones, driveways, ramps, or accessible parking spaces; and a 15-foot minimum clearance from fire hydrants.
- Minimum 4-foot clearance for pedestrian and bicycle circulation through or adjacent to the activated space must be provided.
- Shade structures must be easily removed if access is needed by utility companies and no permanent roof structure is allowed. A minimum 14-foot clear height must be provided. It is the responsibility of the alley activation applicant to remove and replace the shade structure if utility work warrants it.
- Alley activations shall not inhibit the adequate drainage of storm water runoff.
- Alley activation must delineate seating areas using reflective “soft hit posts” or other feature that align with the end of an area that is being used for seating to protect the area from vehicles.
- If the alley activation seating is fixed, 20% of the seating should be accessible.
- Alley activation may include some vertical elements (planters, posts, anchored removable umbrellas, etc.) to be visible to pedestrian. These must not obstruct driver views if alley used for vehicle circulation.
- Alley activations should be finished with high quality, durable materials that can withstand both direct sunlight and high temperatures.
- Alley activations surfaces should be treated with a graffiti resistant coating or designed with graffiti deterrent surfaces and materials when applicable. View Downtown Alley Anti-Graffiti Recommendations. If artwork includes graffiti/mural art, applicants should document how tagging will be addressed.
- A minimum of one “Public Alley Activation” or “Private Alley Activation” sign should be installed on the ends of structures or enclosures for optimum visibility. If the activation is private, a sign with the business name may be placed in the activation area.
- Temporary enclosures (walls or planters) around seating areas should not exceed 40 inches in height.

**Alley Activation Classifications, Use and Access**

The City of Phoenix classifies alley activations into two different types; Minor (basic) and Medium (moderate investment). Each type includes all of the enhancements of the type proceeding it (i.e. circulate includes all enhancements identified in “update” as well as additional aesthetic, functional or economic enhancements).

**Minor Alley Activation Classification**
Includes elements that focus on cleanliness, aesthetics and safety. Typical upgrades include murals on building facades and existing screen walls, moveable chairs for temporary public seating, as well as artwork and landscape pots that are easily removed if access is needed and installing lighting for increased safety.
Medium Alley Activation Classification
Include additional aesthetic elements to make pedestrians feel more welcome and comfortable in the alley. These additions may include new or enhanced entrances to existing businesses, new micro-retail opportunities facing the alley with the sole/primary entrances on the alley, and ornamental fencing at undeveloped lots, banners, artwork, shade screens and other visual elements that still accommodate full vehicular movement through the space.

Medium Alley Activation
Include micro-retail opportunities associated with an abutting business, removable ornamental fencing along vacant lots, banners, artwork, shade screens, lights and other visual elements that accommodate full vehicular movement through the space. Alley activations involving gathering spaces can be done in one of two ways: open seating for the public, or private seating controlled by the adjacent business and used for serving food and non-alcoholic beverages. Alley activations with seating adjacent to residences must include open seating for the public. Alley activations can also be used as part of a separate temporary use or special event permit. Access to an alley activation shall be maintained during the business hours of the sponsoring adjacent business or, in residential area, during the time frames designated on the alley activation encroachment permit for Medium Alley Activations. Vehicular access will be maintained for trash collection, utilities and emergency response purposes.

Application Process
Following is the sequence of steps for alley activation approval and installation:
A. Identify location for proposed alley activation.
B. Submit a Downtown Alley Activation Fact Finding Application to city staff to determine if the location is appropriate for an alley activation. The Fact-Finding Application must include a dimensioned drawing of proposed alley activation showing entire length of the alley right-of-way and include intersections and any utilities, driveways, loading zones, ramps, fire hydrants, and manholes. Applicant must provide project description, site plan graphic and details (minimum 11”x17” sheets are acceptable if all information is legible).
C. The Fact-Finding Application is free and will be reviewed by staff from Planning & Development, Street Transportation, Public Works, Water Services Department and Arizona Public Services (APS).
D. Minor Activation: Once the location and scope of work has been approved (or approved with stipulations) by staff from Planning & Development, Street Transportation, Public Works Water Services Departments and Arizona Public Services (APS), work may commence immediately. A Maintenance agreement must be completed if improvements encroach into the alley right-of-way.
E. Medium Activation: Once the location and proposed improvements have been approved (or approved with stipulations) by City staff, the applicant must submit all necessary construction plans to the Planning & Development Department Payment and Submittal counter located on the 2nd floor of City Hall. The Medium Alley Activation Application fee ($500) is due prior to submittal of any construction documents.
   • City will review the alley activation construction/layout plans and supporting documents and if approved, create the necessary permit(s).
• City will include utility companies in the review process to identify utility vehicle
clearance is adequate, etc.
• Applicant must provide a certificate of insurance prior to release of any permits.
• Applicant must provide a completed maintenance agreement.
• Applicant must pay applicable fees (includes cash bond for emergency removal of an
alley activation, annual alley right-of-way rental fee if private, and any additional fees for
alley right-of-way work required to accommodate the activation).
• Applicant must obtain construction and encroachment permits.
• Applicant must obtain inspection approval and certificate of completion prior to opening
alley activation to the public.

F. Construct alley activation in accordance with approved plans and in coordination with
Street Transportation Department for traffic management, Public Works Department solid
waste collection, Water Services Department, Fire Department emergency response and
applicable utility companies. Obtain Certificate of Completion from Planning and
Development inspection staff if Medium Activation.

Alley Activation Encroachment Permit and Insurance Requirements
An Alley Activation encroachment permit is required for encroachments in public alley right-of-
way for Medium Activations. Encroachments are surface or aerial use encroachments.
Encroachments in the alley right-of-way must be covered by liability insurance. The insurance
certificate shall satisfy the following:

A. A completed insurance certificate must be submitted prior to release of any permits. The
applicant is responsible for maintaining a current policy and submitting the updated policy
on an annual basis to the City. Applicant’s failure to supply current insurance
documentation shall result in the permit being revoked.

B. Declare the limits of coverage: Single family-owned residential use $300,000; all other
uses $2,000,000.

C. The City of Phoenix must be named as an additional insured on applicant’s insurance
policy. The applicant will be required to save and hold harmless the City of Phoenix.

An Alley Activation encroachment permit requires the right-of-way be used only in accordance
with the purposes and plans as approved by the City. The permit is subject to an annual fee
and does not convey exclusive rights to the alley right-of-way. The permit is subject to all laws,
ordinances, codes, and other regulations and cannot be issued in violation of the intent of such
laws, ordinances, codes, and regulations. The applicant has no recourse against the City for
any loss, costs, expenses, or damages arising out of any of the conditions or provisions of the
permit.

Alley Activation encroachment permits are non-transferable. Change of ownership will require
notification to the City and the new property owner will be responsible for entering into a new
permit. If a new permit is not recorded, the property owner will be responsible for removing the
encroachment at their cost. The permit is revocable by either the City or the applicant.
Notification and proof of encroachment removal must be made prior to revocation. The
encroachment shall be removed within 30 days of revocation of the permit.
Public Outreach/ Neighborhood Support (Medium Activation)
Applicant is required to send notification letters to all property owners that have property located along the full length of the alley right-of-way. The letter must describe the proposed improvements and include a contact name, phone number and email address. A copy of the notification letter and a list of all property owners that were sent the information must be provided. A completed petition with signatures of property owners abutting the activation and a minimum of 51% of the remaining property owners adjacent to the alley right-of-way that extends from street right-of-way to street-right-of-way in support of the activation must be provided with the Fact-Finding Application. View Downtown Alley Medium Activation Petition.

Medium Activation Fee Schedule (No fees required for Minor Activations)

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td><strong>Initial Fees</strong></td>
<td></td>
</tr>
<tr>
<td>Initial Fact Finding for location approval</td>
<td>Free</td>
</tr>
<tr>
<td>Application/Permit Fee</td>
<td>$500</td>
</tr>
<tr>
<td>Cash Bond for Emergency Removal</td>
<td>$500</td>
</tr>
<tr>
<td><strong>Ongoing Annual Fees</strong></td>
<td></td>
</tr>
<tr>
<td>Encroachment Permit Fee (renewed annually)</td>
<td>$380</td>
</tr>
<tr>
<td>Rental Fee for Private Alley Activations</td>
<td>$10 per square foot</td>
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</tbody>
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Relocation, Removal, and Termination of the Agreement
The alley activation permit for Medium Activations will not be revoked for a minimum of three years unless certain unforeseen conditions occur. In the event of such an emergency, the applicant shall, upon request of the City, relocate the alley activation, and/or remove the alley activation, including any furniture and structures, either publicly or privately owned. The applicant will absorb all costs and expenses necessary for performance of such relocation/removal work. Both the City and applicant may terminate the Alley Activation encroachment permit upon thirty (30) days written notice to the non-terminating party at any time, with or without cause. Applicant shall be required to vacate the alley activation and leave space in a clean condition, clear of all property and debris, and restore the alley activation area to the satisfaction of the City within thirty (30) days after termination. At that time, the applicant may request a refund of the bond posted at time of construction. If applicant fails to relocate and/or remove the alley activation and restore the area to its original condition, the City shall have the right and privilege to use the applicant's bond to remove the alley activation and restore the area to its original condition.

Maintenance, Monitoring and Enforcement
The alley activation must be well maintained, clean, and kept in good repair in compliance with any maintenance agreement signed by the applicant. City staff will monitor and enforce proper maintenance and appropriate use of activations. Applicant will be advised if an alley activation is found to be out of compliance with maintenance agreement and/or allowable uses. Misuse of the alley activation, safety issues, and/or lack of maintenance will be grounds for the City to revoke the permit and require removal of the alley activation.