

## ATTACHMENT C

### REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Teresa Garcia, Planner I, Assisting

January 15, 2025

ITEM NO: 1	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-2-24--Z-58-19-7 (Continued from December 18, 2024)
Location:	Northeast corner of 6th Avenue and Broadway Road
Zoning:	PUD RSIO
Acreage:	10.9
Request:	1) Request to delete Stipulation 6 regarding undergrounding and relocation of existing irrigation facilities.
Applicant:	Prince Twumasi, Chicanos Por La Causa Inc.
Owner:	Chicanos Por La Causa Broadway and Central LIHTC LLC
Representative:	Prince Twumasi, Chicanos Por La Causa Inc.

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. On January 23, 2025, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed with a modification.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this request on January 14, 2025 and recommended denial as filed and approval with a modification by a vote of 11-3.

#### **DISCUSSION:**

Prince Twumasi, representative of Chicanos Por La Causa, stated the Applicant has already started the development of the site and their funding is contingent on the approval of his request. He noted the approval of Z-58-19-7 in 2020, allowing a PUD development for two affordable housing developments. He noted the project will offer apartments (Phase I) and townhome style homes (Phase II) consisting of 1, 2 and 3-bedroom units. He's hoping the apartment units will be on the market in March 2025. He provided an overview of the request language for PHO-1-22—Z-58-19-7, noting the deletion of Stipulation 6. The applicant noted that to satisfy the original stipulation, it would require additional dedications and/or land transfers to be completed prior to obtaining a certificate of occupancy (CofO). He indicated the current request is to delete Stipulation 6, ensuring the

ability for city staff to make technical changes so that City Right-Of-Way and other easements do not conflict with each other.

Byron Easton, Planning Hearing Officer, asked if the timeline for obtaining a certificate of occupancy would conflict with the stipulation.

Mr. Twumasi stated the land transfer will take a year and a half to complete, which conflicts with their March deadline. He also stated it will conflict with their funding for Phase I.

Mr. Easton asked if the irrigation facilities had to be undergrounded for the current buildings to be built and if Mr. Twumasi was only focused on Phase I for this case.

Mr. Twumasi confirmed the focus is on Phase I. He noted the stipulation overlays both phases of the development and city staff recommended deletion of the stipulation to allow timely administrative reviews to be conducted for the easements.

Mr. Easton asked Mr. Twumasi to confirm that undergrounding the irrigation facilities can't be done before March but will be required to start developing Phase II.

Mr. Twumasi confirmed Mr. Easton was correct.

Mr. Easton mentioned the South Mountain Village Planning Committee (VPC) meeting the night before and asked Mr. Twumasi what happened at the meeting.

Mr. Twumasi said the VPC emphasized on safety along the canal, especially with families moving into the property. He stated the VPC recommendation was denial as filed and approve a modification to Stipulation 6.

Mr. Easton asked Mr. Twumasi if he agreed with the VPC's recommendation to modify the requirement for undergrounding prior to any CofO. He pointed out that he will be unable to have the above ground irrigation facilities and a CofO for Phase II at the same time.

Mr. Twumasi stated they agree with adding the fence, but they have no authority to do that as the canal is owned by The Bureau of Reclamation and managed by SRP. He stated adding a stipulation that is contingent upon SRP to give them access to put a fence on the property in a timely manner would cause issues for them,

Mr. Easton stated he did not have adequate time to review the discussion at the VPC meeting and is unable to stipulate to the approval process of other agencies in the stipulations and therefore cannot honor the VPC recommendation to

require the fencing of the irrigation facilities. He stated he is moving to approve the recommendation of the Village Planning Committee to deny the deletion of the stipulation in its entirety but is unsure of the stipulation language related to timing of the CofO. He recommended to take the case under advisement to work with city staff on the appropriate language.

Mr. Twumasi mentioned to Mr. Easton that it is important to keep the February 19 City Council date so the apartment units can be on the market by March.

Mr. Easton took the case under advisement.

### **FINDINGS:**

- 1) The request to delete Stipulation 6 regarding undergrounding and relocation of the existing irrigation facilities owned by the Bureau of Reclamation (BofR) and managed by SRP is recommended denial as filed with a modification to add additional language to the existing stipulation. The existing irrigation facilities run along the south side of the subject property and just north of Broadway Road. The applicant is concerned with the amount of time that is being spent obtaining the necessary approval from SRP/BofR and how that is impacting their funding sources and overall project viability. The applicant requested a deletion of the entire stipulation, stating that the site planning process will ensure the undergrounding of the irrigation, and that Phase II of the development cannot proceed unless the canal is capped.

I do not believe it prudent to delete the entire stipulation because it was intended to ensure the timely undergrounding of the irrigation canal so that site safety is achieved, and necessary improvements are completed. I agree with the South Mountain Village recommendation to modify the existing stipulation to require the relocation of the canal prior to obtaining Certificate of Occupancy for Phase II of the development. I believe this will give the applicant adequate time to work with SRP to underground the canal prior to commencing development on Parcel II and should not impact funding for Phase I.

Please note, the remainder of the modification to Stipulation 6 recommended by the VPC cannot be adopted. The City of Phoenix cannot stipulate the approval of an outside agency in regard to the fencing of the irrigation canal.

**STIPULATIONS:**

STIPULATIONS:		
1.	An updated Development Narrative for the Broadway and Central PUD reflecting the changes approved through this request shall be submitted to the Planning and Development within 14 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped April 24, 2020 as modified by the following stipulations.	
a.	Page 1:	
1)	Add "Hearing Draft: April 24, 2020"	
2)	Add "City Council adopted: [Insert Adoption date]"	
b.	Page 7:	
1)	Replace text with the following: Where buildings are adjacent to a pedestrian accessway, a frontage type shall be required. If frontage does not contain an entrance, units adjacent to a pedestrian accessway shall be designed with windows and/or balconies overlooking the accessway.	
c.	Pages 6 and 7:	
1)	Add the following text in Section 1304 General Site Development Standards: The western most paseo may deviate from the 3rd Avenue alignment up to 175 feet if the deviation is marked by pedestrian oriented wayfinding; the southernmost connection to Broadway Road shall be constructed after the SRP facility is buried an easements issues resolved, no later than the development of the townhomes depicted on Exhibit E.	
d.	Page 8:	
1)	Replace text in Section 1309 Landscape Standards, 6th Avenue and Pueblo Avenue frontage, with the following: Shall be planted with large canopy, single trunk, shade trees placed a minimum of 20 feet on center or in equivalent groupings installed between the sidewalk and buildings. The trees allowed in the planting area may be adjusted or removed based on input from SRP or the Water Services Department.	

	2)	Replace text in Section 1309 Landscape Standards, Broadway Road, with the following: The sidewalk and tree diagram contained in Exhibit C of this PUD shall apply. Planting details are provided in Section 1312 character areas of this table. The trees allowed in the planting area may be adjusted based on input from SRP or the Water Services Department; however, the requirement for trees shall not be removed.
	e.	Replace Exhibit E with the Site Plan date stamped May 21, 2020.
2	The developer shall provide a total of 32 feet of paving with curb, gutter, a minimum five-foot wide sidewalk and streetlighting along Pueblo Avenue and facilitate the pavement along the “out parcel” (APN 113-05-045). If the developer is unable to procure the “out parcel” for the local street pavement requirement, the development shall not have access along the entirety of Pueblo Avenue except for one combined access point for emergency and refuse collection only at the eastern limit of the property, as determined by Planning and Development and Street Transportation Department.	
3.	The developer shall dedicate 25 feet of right-of-way for the south half of Pueblo Avenue, as approved by the Planning and Development Department.	
4.	The developer shall dedicate a 14-foot Sidewalk Easement along Broadway Road, for the entire length of the development, to accommodate a detached sidewalk and shade trees adjacent to the sidewalk, as approved by the Planning and Development and Street Departments.	
5.	The developer shall dedicate 5 feet of right-of-way for the east half of 6 <sup>th</sup> Avenue, as approved by the Street Transportation Department.	
6.	Existing irrigation facilities along 6th Avenue and Broadway Road are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate facilities. Relocations that require additional dedications or land transfer require completion prior to obtaining a certificate of occupancy for PHASE 2 OF the development.	
7.	The developer shall provide enhanced internal pedestrian circulation with a primary access point at the intersection of 6th Avenue and Broadway Road. The access point shall be enhanced with a minimum of 700 square foot landscaped area planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover and bollard light path or lighted area element visible from the perimeter of the site. The above	

	shall be approved by the Planning and Development Department.
8.	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.
9.	The applicant shall submit a Traffic Impact Study/Statement 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 Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting 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, Design Section.
10.	The developer shall record a Notice to 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 of tenants of the property.
11.	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.
12.	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.

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