

PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned
From: Alan Stephenson
Planning & Development Department Director
Date: March 23, 2022
Subject: **P.H.O. APPLICATION NO. PHO-1-22--Z-58-19-7** – Notice of Pending Actions
by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **April 20, 2022**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **March 30, 2022**.

DISTRIBUTION

Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Sina Matthes, Tony Motola), 11th Floor
Aviation (Sheldon Daisley)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Aaron Conway), 2nd Floor
Light Rail (Joel Carrasco/Special TOD Only)
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Natasha Hughes), 16th Floor
Public Transit (Michael Pierce)
Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor
Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor
Village Planner (Elias Valencia, South Mountain Village)
Village Planning Committee Chair (Tamala Daniels, South Mountain Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-22--Z-58-19

Council District: 7

Request For: Stipulation Modification

Reason for Request: Modification of Stipulation 6 regarding undergrounding and relocation of existing irrigation facilities.

Owner	Applicant	Representative
Chicanos Por La Causa 1112 East Buckeye Road Phoenix AZ 85034 (602) 257-0700 jose.martinez@cplc.org	Prince Twumasi 1112 East Buckeye Road Phoenix AZ 85034 (480) 744-1552 prince.twumasi@cplc.org	Prince Twumasi 1112 East Buckeye Road Phoenix AZ 85034 P: (480) 744-1552 F: prince.twumasi@cplc.org

Property Location: Northeast corner of 6th Avenue and Broadway Road

Zoning Map: E-8 Quarter Section: 5-27 APN: 113-07-120A Acreage: 10.90
 Village: South Mountain
 Last Hearing: CC HEARING
 Previous Opposition: No
 Date of Original City Council Action: 07/01/2020 1000 AM
 Previous PHO Actions: _____
 Zoning Vested: PUD RSIO
 Supplemental Map No.: _____
 Planning Staff: 068554

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,080.00	\$0.00	03/04/2022	21-0021210	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>04/20/2022 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	
Action: _____	Action: _____	Action: _____

CHICANOS POR LA CAUSA INC.

BROADWAY AND CENTRAL

PHO Submittal



CHICANOS
POR LA CAUSA

03/04/2022

Chicanos Por La Causa is proposing to construct a new multifamily apartment complex consisting of 161 units on 4.2 acres of vacant land between 6th and Central Avenue on Broadway Road. This project constitutes Phase I of the PUD. The original PUD area, consisting of 10.90 gross acres is shown outlined in red below.



The site was part of a 2020 Rezoning case (Z-58-19-7) and is subject to a stipulation that requires the developer to complete necessary dedications and land transfers in relation to the existing irrigation facilities prior to obtaining plat and/or civil plan review approval.

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 plat and/or civil plan review approval.

CPLC is requesting an adjustment to stipulation #6 of the approved PUD (Z-58-19-7) to read as follows:

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 plat and/or civil plan review approval. CERTIFICATE OF OCCUPANCY FOR THE DEVELOPMENT.

Rationale:

The intent of this standard language is to ensure that the city right-of-way is protected, and the future irrigation easement is not overlapping. CPLC's development team has been in constant communication with the City and SRP ahead of the Formal Site plan submittal in order to secure easement locations that satisfy both party's requirements. The 3 bodies have come to an agreement on locations that work, and the irrigation easement land transfer is scheduled to be approved during the later half of construction in order to seamlessly flow into the construction schedule.

After speaking with City of Phoenix Street Transportation staff we believe this request still meets the intent of the original stipulation and allows the project to be developed in an adequate timeframe.

Sincerely,

Prince Twumasi
Real Estate Operations, Planner
Chicanos Por La Causa, Inc. Real Estate Operations
1008 East Buckeye Rd. Phoenix AZ 85034

ORDINANCE G-6716

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-58-19-7) FROM R1-6 RSIO (SINGLE-FAMILY RESIDENCE DISTRICT, RIO SALADO INTERIM OVERLAY) AND R-5 (MULTIFAMILY RESIDENCE, RIO SALADO INTERIM OVERLAY) TO PUD RSIO (PLANNED UNIT DEVELOPMENT, RIO SALADO INTERIM OVERLAY).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 10.90 acre site located at the northeast corner of 6th Avenue and Broadway Road in a portion of Section 20, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 4.93 acres of "R1-6 RSIO" (Single-Family Residence District, Rio Salado Interim Overlay) and 5.97 acres of "R-5 RSIO" (Multifamily Residence District, Rio Salado Interim Overlay) to "PUD RSIO" (Planned Unit Development, Rio Salado Interim Overlay).

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 Broadway and Central PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 14 days of City Council approval of this request. The updated Development Narrative shall be consistent with 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 southern most connection to Broadway Road shall be constructed after the SRP facility is buried and 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 the 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 limits of the property, as determined by Planning and Development and Street Transportation Departments.
 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 Transportation Departments.
 5. The developer shall dedicate 5 feet of right-of-way for the east half of 6th 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 plat and/or civil plan review approval.
 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 700 square foot landscaped area planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover and a bollard light path or lighted art element visible from the perimeter of the site. The above shall be approved by the Planning and Development Department.

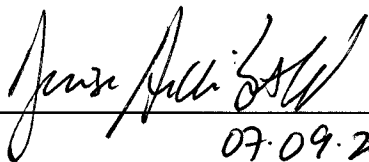
8. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all 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 or 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.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of July, 2020.

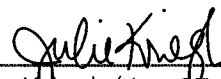

MAYOR

ATTEST:


City Clerk
07.09.2020

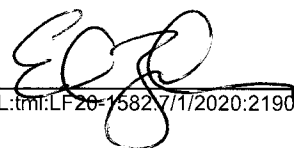


APPROVED AS TO FORM:


Julie Kneegh (Jun 27, 2020 07:35 PDT) Acting City Attorney

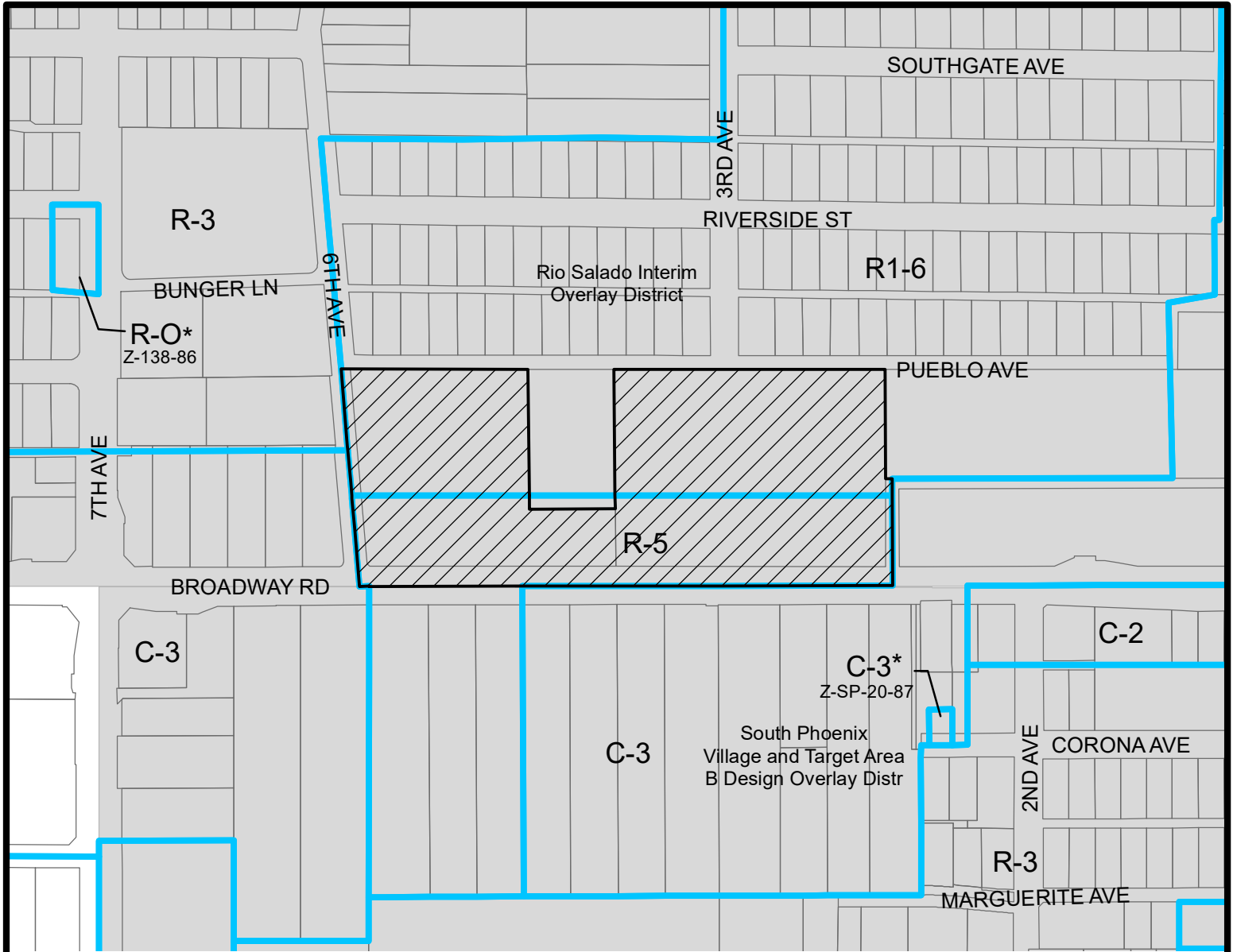
REVIEWED BY:


pml


City Manager
PL:tmf:LF20-15827/1/2020:2190985v1

Exhibits:

- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)



Miles

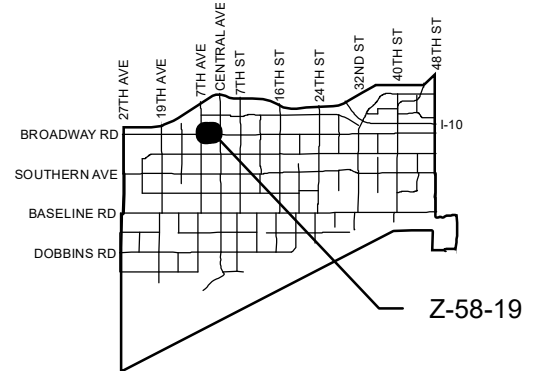
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SOUTH MOUNTAIN VILLAGE

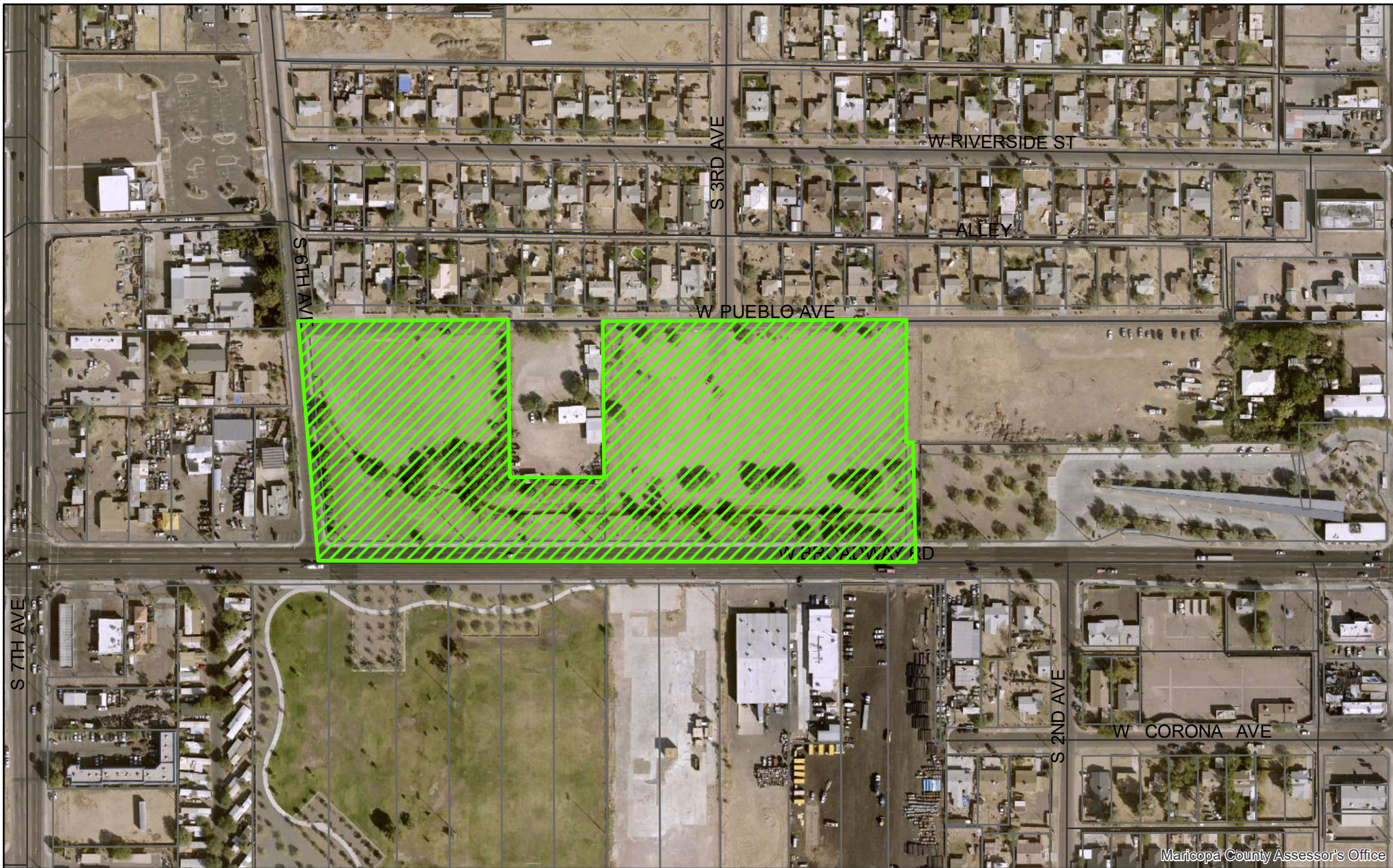
CITY COUNCIL DISTRICT: 7



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

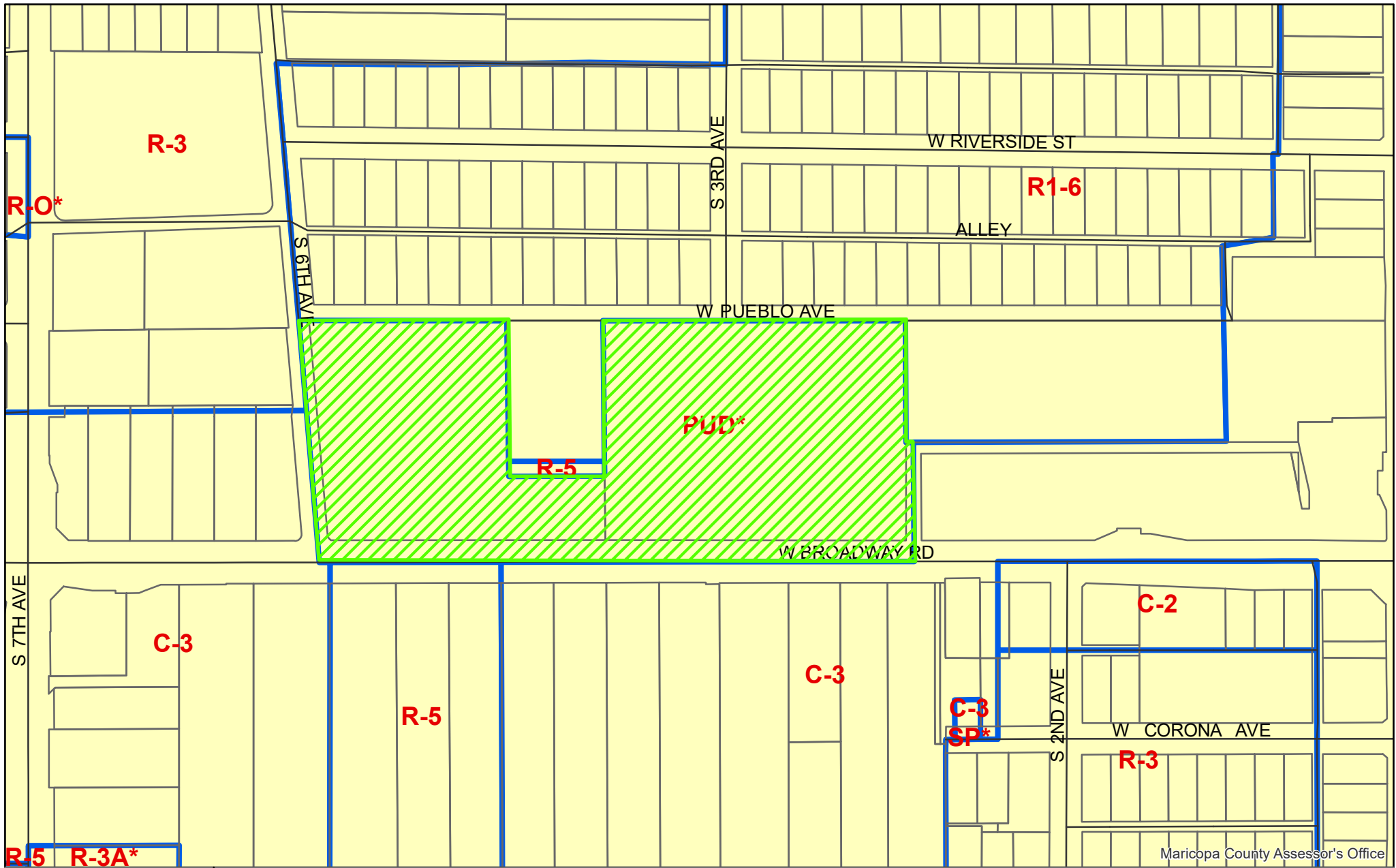


APPLICANT'S NAME: Prince Twumasi		REQUESTED CHANGE:	
APPLICATION NO. Z-58-19	DATE: 11/20/2019 REVISION DATES:	FROM: R1-6 RSIO (4.93 a.c.) R-5 RSIO (5.97 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 10.90 Acres	12/18/2019	TO: PUD RSIO (10.90 a.c.)	
AERIAL PHOTO & QUARTER SEC. NO. QS 5-27	ZONING MAP E-8		
MULTIPLES PERMITTED R1-6 RSIO, R-5 RSIO PUD RSIO	CONVENTIONAL OPTION 26, 259 No maximum	* UNITS P.R.D. OPTION 32, 311 No maximum	
* Maximum Units Allowed with P.R.D. Bonus			



PHO-1-22-Z-58-19-7

Property Location: Northeast corner of 6th Avenue and Broadway Road

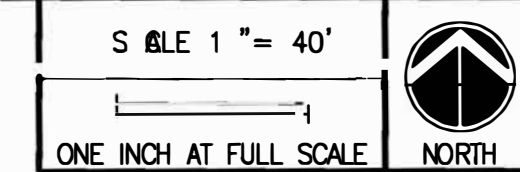


PHO-1-22--Z-58-19-7

Property Location: Northeast corner of 6th Avenue and Broadway Road

30% CIVIL IMPROVEMENTS PHASE I - PUEBLO APARTMENTS

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



OWNER

CHICANOS POR LA CAUSA
CONTACT: PRINCE TWUMASI, REAL ESTATE
OPERATIONS, PLANNER
PHONE: (602) 257-0700 x2181
EMAIL: prince.twumasi@cplc.org

APPLICANT

MERGE ARCHITECTURAL GROUP
600 N 4TH STREET, SUITE 112
PHOENIX, AZ 85004
CONTACT: CLARISA DEL CASTILLO
PHONE: (602) 635.1581 x702
EMAIL: cdc@mergeag.com

CIVIL ENGINEER

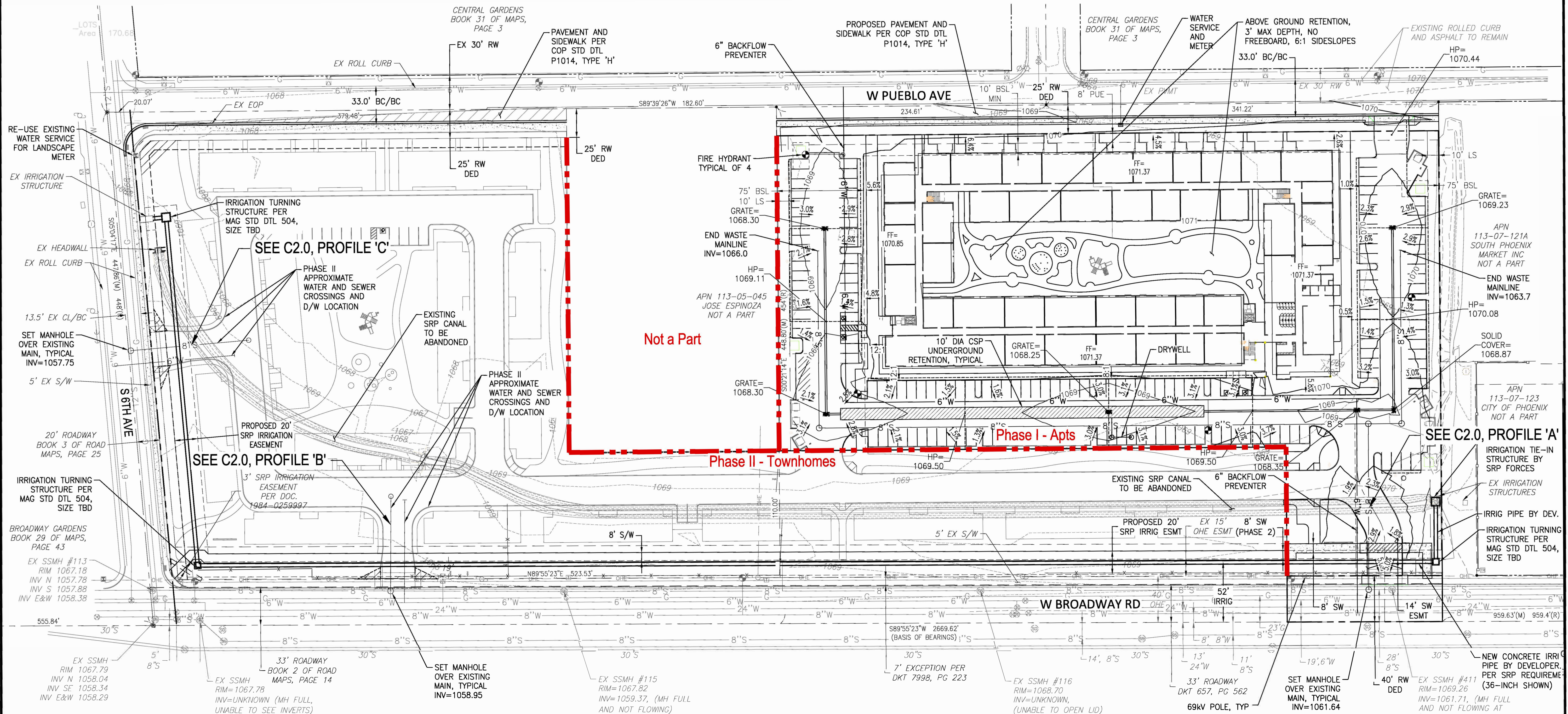
JOEL WATSON, P.E.
WATSON CIVIL ENGINEERING
3746 E OMEGA CIR
MESA, AZ 85215
PHONE: 480-330-0803
EMAIL: joelwatson@watsoncivilengineering.com

SURVEYOR

BOWMAN CONSULTING GROUP, LLC
1295 W WASHINGTON ST, #108
TEMPE, AZ 85281
CONTACT: DOUG TONEY
PHONE: (480) 629-8830
EMAIL: doug@bowman.com

BENCHMARK

PER BOMAN:
BCH/BM
7TH ST AND ELWOOD
ELEV=1078.12
COP DATUM (NGVD 29)



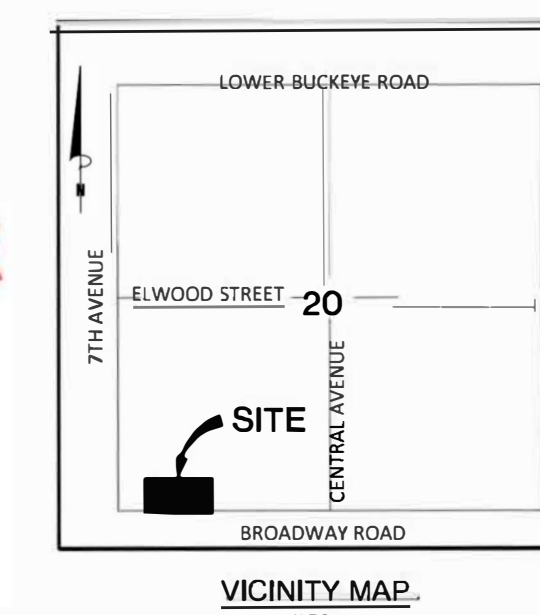
ABBREVIATIONS

AC	ASPHALT CONCRETE, ACRE	E	EAST, EASTING	N	NORTH, NORTHING	SW, S/W	SIDEWALK, SWALE, SOUTHWEST
ACP	ASPHALT CONCRETE PAVEMENT	EG	EXISTING GROUND	NIC	NOT IN CONTRACT (NOT A PART OF THE WORK)	T	TELEPHONE, TOWNSHIP
APN	ASSESSOR'S PARCEL NUMBER	ELEV	ELEVATION	NTS	NOT TO SCALE	TBM	TEMPORARY BENCHMARK
BC	BACK OF CURB	EX	EXISTING	OC	ON CENTER	TCE	TEMPORARY CONSTRUCTION
BCHH	BRASS CAP IN HANDHOLE	FF	FINISH FLOOR	P	PAVEMENT	TEMP	TEMPORARY DRAINAGE EASEMENT
BFE	BASE FLOOD ELEVATION	FG	FINISH GROUND	P CO	PORTLAND CEMENT CONCRETE	TDE	TEMPORARY
BLDG	BUILDING	FC	FACE OF CURB	PCC	PORTLAND CEMENT CONCRETE	TF	TOP OF FOOTING
BOC	BACK OF CURB	FOC	FACE OF CURB	P/L	PROPERTY LINE	TRW	TOP OF RETAINING WALL
BSL	BUILDING SETBACK LINE	FT	CUBIC FEET	PCR	PINAL COUNTY RECORDER	TW	TOP OF WALL
BTM	BOTTOM (ELEVATION)	FW	GUTTER	PUE	PUBLIC UTILITY EASEMENT	TYP	TYPICAL
C/L	CENTERLINE	HP	HIGH POINT	R	RADIUS, RANGE	VC&G	VERTICAL CURB AND GUTTER
CLR	CLEAR	HW	HIGH WATER	R/W, ROW	RIGHT OF WAY	Vp	VOLUME PROVIDED
CMP	CORRUGATED METAL PIPE	HWSE	HIGH WATER SURFACE ELEVATION	RJ	RESTRAINED JOINT	Vr	VOLUME REQUIRED
CMU	CONCRETE BLOCK	INV	INVERT	S	SLOPE, SOUTH	VNAE	VEHICLE NON-ACCESS EASEMENT
CONT	CONTINUOUS	LP	LOW POINT, LIQUID PROPANE	SF	SQUARE FEET	W	WATER, WEST
COR	CORNER	LSE	LANDSCAPE EASEMENT	SS	SANITARY SEWER	WS	WATER SURFACE
DKT	DOCKET	MAS	MASONRY				

CITY OF PHOENIX

MAR 04 2022

Planning & Development
Department



NO.	REVISION	DATE

WATSON CIVIL ENGINEERING
www.watsoncivilengineering.com
30% CIVIL IMPROVEMENTS PHASE I
PUEBLO APARTMENTS
316 W BROADWAY RD PHOENIX, AZ 85041
APN 113-07-120A
Civil Plan

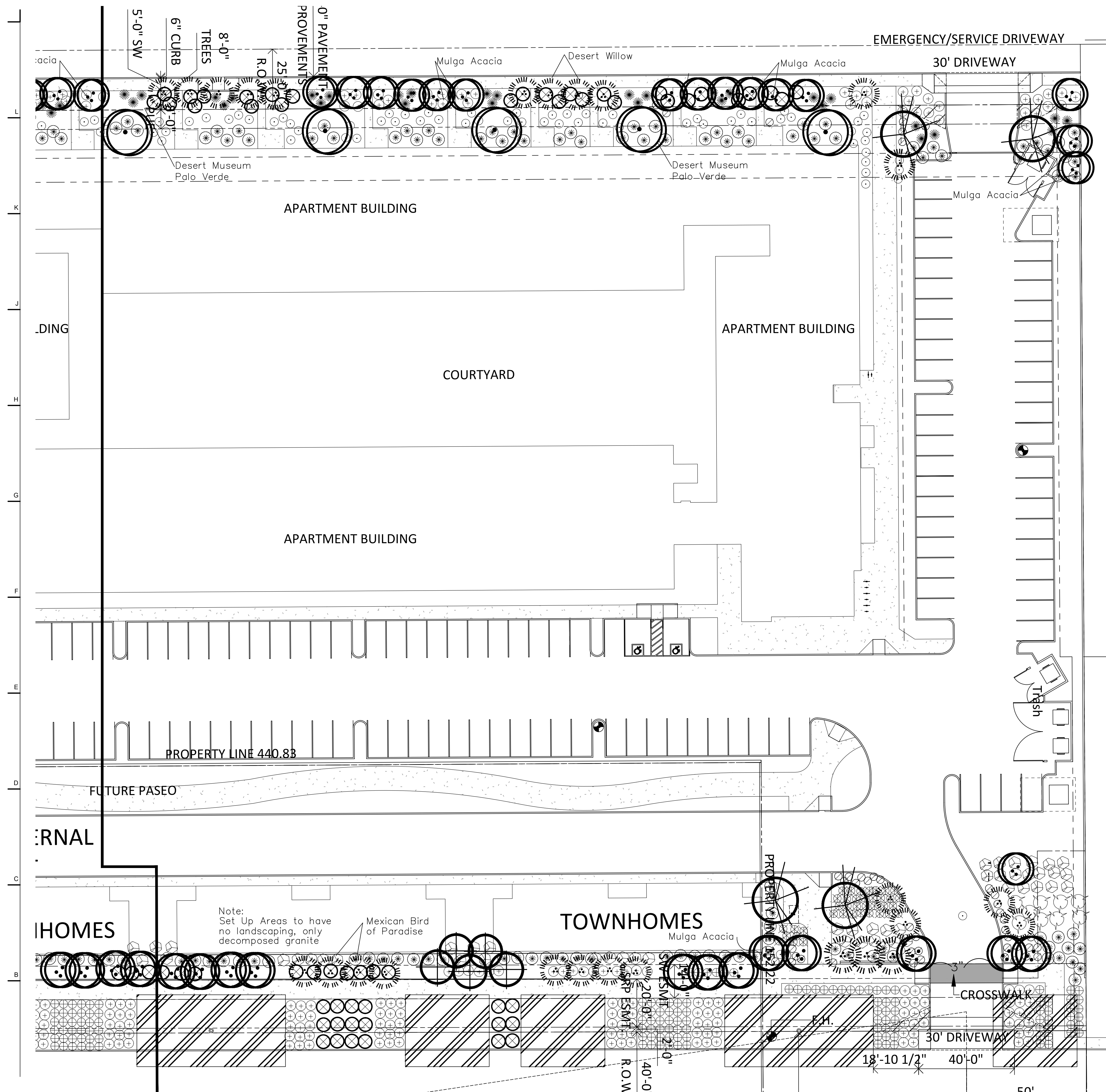
WCE PROJECT NO. 20091	DESIGNED BY: JW	SHEET 1 OF 2	DRAWING C1.0
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DATE: 2/24/22 C:\USERS\JOELW\GOOGLE DRIVE\WATSON ENGINEERING\PROJECTS\20091 PUEBLO APTS - PHX\9-CAD\20091 PUEBLO SRP CIVIL PLAN.DWG

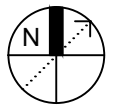
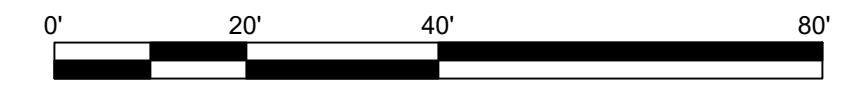
PHO-1-22--Z-58-19-7

Proposed Civil Plan

Hearing Date: April 20, 2022



CONCEPT LANDSCAPE PLAN




PLANT MATERIAL LEGEND

KEY	SYMBOL	BOTANICAL//COMMON NAME	SIZE	(Height, Canopy, & Caliper)
TREES				
		Acacia aneura	1" Cal	7' 4' 1"
		Mulga	2" Cal	9' 6' 2"
			3" Cal	10' 8' 2"
			Double-Staked Typ.	
		Acacia stenophylla	1" Cal	9' 4' 1"
		Shoestring Acacia	Double-Staked Typ.	
		Parkinsonia hybrid 'Desert Museum'	1" Cal	7.5' 4' 1"
		Desert Museum Palo Verde	2" Cal	10' 8' 2"
			Double-Staked Typ.	
		Chilopsis linearis	1" Cal	7' 4' 1"
		Desert Willow	2" Cal	9' 6' 3"
			3" Cal	10' 8' 3"
			Double-Staked Typ.	
		Caesalpinia mexicana	1" Cal	8' 4' 1"
		Mexican Bird of Paradise	3" Cal	10' 8' 3"
			Double-Staked Typ.	
		Prosopis hybrid 'Phoenix'	1" Cal	8' 4' 1"
		Thornless Hybrid Mesquite	2" Cal	9' 8' 2"
			Double-Staked Typ.	
		Quercus virginiana	1" Cal	8' 3' 1"
		Heritage Live Oak	2" Cal	10' 6' 2"
			Double-Staked Typ.	
LARGE SHRUBS				
		Eremophila 'Valentine'	5 Gallon	
		Valentine Bush		
		Leucophyllum langmaniae	5 Gallon	
		Rio Bravo Texas Ranger		
		Nerium o. 'Petite Pink'	5 Gallon	
		Petite Pink Oleander		
MEDIUM AND SMALL SHRUBS				
		Calliandra californica	5 Gallon	
		Baja Red Fairy Duster		
		Carissa grandiflora	5 Gallon	
		Green Carpet Natal Plum		
		Leucophyllum zygophyllum	5 Gallon	
		Blue Ranger		
		Muhlenbergia capillaris 'Regal Mist'	5 Gallon	
		Regal Mist Deer Grass		
		Ruellia penularis	5 Gallon	
		Baja Ruellia		
GROUNDCOVERS				
		Convolvulus cneorum	1 Gallon	
		Bush Morning Glory		
		Lantana m. 'New Gold'	1 Gallon	
		New Gold Lantana		
		Rosmarinus officinalis 'Prostratus'	5 Gallon	
		Dwarf Rosemary		
GROUNDCOVERS (UNDER POWER LINES AND ROW)				
		Muhlenbergia rigida "Nashville"	1 Gallon	
		Nashville Deer Grass		
		Lantana m. 'New Gold'	1 Gallon	
		New Gold Lantana		
		Myoporum parvifolium	1 Gallon	
		Myoporum		
ACCENTS				
		Bougainvillea 'Torch Glow'	5 Gallon	
		Torch Glow Bougainvillea		
		Caesalpinia pulcherrima	5 Gallon	
		Red Bird of Paradise		
		Hesperaloe parviflora	5 Gallon	
		Red Yucca		
LANDSCAPE MATERIALS				
		Decomposed Granite	1/2" size screened	
		Desert Gold	2" Deep	
		Concrete Header	4" x 6", Curbstyle	
		Midiron Bermuda	2" Deep	
		Sod		



SEAL

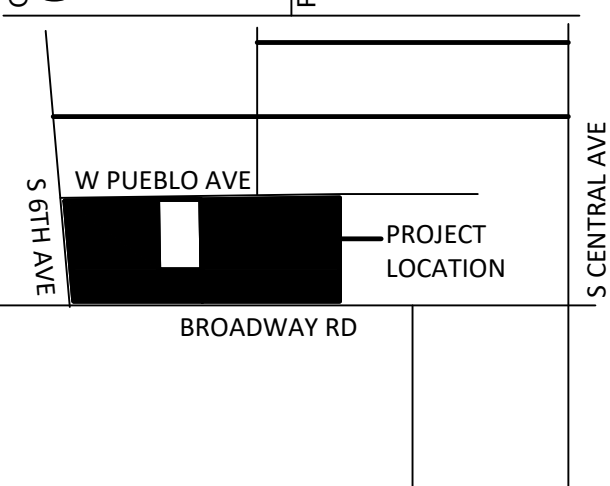


P. 06/30/2022

OWNER INFORMATION
CHICANOS POR LA CAUSA

BROADWAY AND CENTRAL DEVELOPMENT

316 W & 356 W BROADWAY RD., PHOENIX, AZ 85041



REVISION		
NUMBER	DESCRIPTION	DATE

PROJECT NO. _____
COPYRIGHT _____

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CONCEPT LANDSCAPE PLAN

DATE	10.04.21
SHEET	1

L1.3

City Council Results for July 1, 2020

ITEM 66	District 6	Abandonment of Right-of-Way - V190071A - 3233 E. Camelback Road (Resolution 21847)	Adopted
ITEM 67	District 6	Abandonment of Right-of-Way - V190091A - Northeast Corner of 3rd Street and Keim Drive (Resolution 21845)	Adopted
ITEM 69	District 1	Amend City Code - Ordinance Adoption - Rezoning Application Z-15-19-1 (Francis and Sons PUD) - Northeast Corner of 35th Avenue and Thunderbird Road (Ordinance G-6715)	Adopted
ITEM 70	District 2	Amend City Code - Ordinance Adoption - Rezoning Application Z-61-19-2 (Embrey Kierland North PUD) - Approximately 350 Feet North of the Northwest Corner of Scottsdale Road and Tierra Buena Lane (Ordinance G-6717)	Adopted
ITEM 71	District 7	Amend City Code - Ordinance Adoption - Rezoning Application Z-58-19-7 (Chicanos Por La Causa PUD) - Northeast Corner of 6th Avenue and Broadway Road (Ordinance G-6716)	Approved
ITEM 72	District 8	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)	Continued to the August 26, 2020 City Council Formal Meeting.
ITEM 77	District 6	Request Authorization to Amend Contract 152138 to Increase Payment Authority for Chiller Replacement at UMOM New Day Centers Inc. (Ordinance S-46851)	Adopted

REZONING CASES

Item # 10
Application #: **Z-58-19-7 (Chicanos Por La Causa PUD)**
From: R1-6 RSIO and R-5 RSIO
To: PUD RSIO
Acreage: 10.90
Location: Northeast corner of 6th Avenue and Broadway Road
Proposal: Planned Unit Development to allow single-family and multifamily residential
Applicant: Prince Twumasi
Owner: Chicanos Por La Causa
Representative: Prince Twumasi

Commissioner Gaynor recused himself during this item due to a conflict of interest.

Ms. Racelle Escolar stated that Item No. 10 is Z-58-19-7 (Chicanos Por La Causa PUD), a request to rezone 10.90 acres located at the northeast corner of 6th Avenue and Broadway Road from R1-6 (Single-Family Residence District) in the RSIO (Rio Salado Interim Overlay District) and R-5 (Multifamily Residence District) RSIO, to PUD (Planned Unit Development) RSIO to allow single-family and multifamily residential.

The South Mountain Village Planning Committee recommended denial by a 9-3 vote.

Staff recommends approval per the Addendum A Staff Report, with the addition of the standard Proposition 207 waiver of claims stipulation as follows:

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.

The Addendum addresses modifications to two stipulations as requested by the applicant. Stipulations were added to require the realignment of a public accessway through the site; and a stipulation was modified to allow refuse collection access.

Additionally, staff has requested two additional stipulations: One is regarding the landscape setback along 6th Avenue and the other clarifies a reference to an exhibit.

These modifications are outlined in the Addendum which was provided in the packets and is available online.

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Chairman Johnson stated that Mr. Victor Vidales asked to speak in concern for the project. He gave him three minutes to express his concerns, followed by the applicant's three minutes for rebuttal.

Mr. Victor Vidales stated that he is a small business and property owner. He was speaking on behalf of South Phoenix Convening whose mission is to protect, preserve and unify the cultural commerce and community of South Phoenix. The Convening does not support the rezoning case, as it is currently proposed. He stated that there are 35 members and he would share a snapshot of about 12 perspectives of their members. Their members believe that the amount of affordable housing that Chicanos Por La Causa (CPLC) is willing to provide is not nearly enough for the Broadway neighborhood whose two-thirds of renters are in the 30 percent, 50 percent of the average median income. They have members who also teach in Cesar Chavez Elementary School and in the community neighborhoods where 100 percent of the families qualify for free and reduced breakfast and lunch. Families are already wrestling with displacement due to rent inflation, and they do not see how this plan, as it is, will prevent or even slow down displacement from this community.

Mr. Vidales stated that some believe that the public engagement CPLC has done never had true intentions from the beginning to serve the most vulnerable in their community of South Phoenix. He stated that the community is under a lot of pressure, more than ever before, with the billion-dollar investment of light rail, COVID-19 and the continuous attacks on the immigrant population. They will be responsible and are accountable for the decisions as well as setting up others with a transportation structure that reflects the community for future generations. At this point in time, they are opposed to this project and will be until it serves the majority of their most vulnerable population in the community. He believes that there definitely should have been more community engagement prior to the inception of this project; and there should have been more pre-work done by CPLC to determine proper methods of financing and partnership to help them get satisfactory levels of affordable housing.

Mr. Vidales stated that this is a start in a marathon that will be the future development of what they refer to as their home, South Phoenix. He stated that he understands this may appear as a lost battle, but in the long term it will help them in building relationships with CPLC and others so that they can help to impact any future project that may come to the table. On behalf of the community, he asked for a continuance to the next regularly scheduled meeting to work on differences with the developer and the community to reach an agreement, before final approval by the Planning Commission. He thanked them for their time.

Chairman Johnson asked if there were questions for the speaker. There were none. He stressed to Mr. Vidales that the Planning Commission's decision is simply a recommendation, with the exception of a continuance. The ultimate say on this case will be determined by the Phoenix City Council at their next meeting. He thanked him for participating in the process. He called the applicant to speak.

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Ms. Ashley Marsh of Tiffany and Bosco law firm stated she was accompanied by Herman Reyes, the Executive Vice-President of Real Estate Operation for Chicanos Por La Causa, Nick Metz, the Vice-President of Real Estate Development, Evelyn Guerrero, the Director of Development and their architect, Christa Del Casio, of Merge Architecture. She stated that she appreciated the Planning Commission's time and would highlight that this is a high-quality subsidized development of a vacant piece of land. It is a vacant parcel and seeks to bring two affordable housing options to the community. One would be a Phase I apartment complex, a for rent product from studio to three-bedroom, targeting at 60 percent area medium income with the hope of creating a mixed-income community. Part of the problem with affordable housing developments is that entitlements are needed to chase subsidies. There is no one in town that does it better than Chicanos Por La Causa. They have their arms in so many different areas. Social justice projects and housing is just one of them. The Phase II is a 64-unit, for sale, townhouse product. It is an ownership opportunity to bring three-bedroom homes with two-car garages at a subsidized area medium income. This could be a market-rate development. It is adjacent to a future light rail, next to the Ed Pastor station. They are very excited to bring transit-oriented projects with the incorporation of Pueblo at Paseos, keeping in mind that there is residential to the north. CPLC has put together a subsidized affordable product that not only takes into account the future of transit that is coming through and creating a TOD friendly project, but also threading the needle with single-family residential development to the north, limiting height, density, and access to their northern neighbors.

Ms. Marsh stated that this is a great project. CPLC has worked very hard to create careful stipulations on the case to go ahead and thread the needle between the single-family residential to the north and the TOD project. They have seen a significant amount of outreach in this case. Before CPLC filed, they went door-to-door and left behind flyers to get feedback from people who are most impacted. That is their neighbors. They sent notification letters to property owners and to the physical address as well, to reach not just those who own the property, but also those that are living there. They have had several neighborhood meetings. They have set up a website and continue to talk to stakeholders. After the Village Planning Committee meeting in May, CPLC and their team reached out to more than 15 different community organizations. They received support letters from organizations such as U-Mom, Lift, Native American Connections, and Greater Phoenix, and more. The point she was making was that CPLC is a community partner. It is bringing a subsidized project to this area that needs it desperately and is unable to thread the needle between honoring the single-family residential to the north and incorporating a TOD project. Therefore, they were respectfully requesting support from the Planning Commission and would accept any questions.

Chairman Johnson thanked her and called on Commissioner McCabe.

Commissioner McCabe asked how many units there were, and how many of those are affordable for the development.

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Ms. Marsh stated that 100 percent of the units will be affordable at 60 percent, per CPLC.

Commissioner McCabe thanked her for the clarification. He stated that the Phoenix Housing Department reported their findings on the number of affordable units needed in Phoenix. Over one-third of all City of Phoenix households are cost-burdened with either the rent or a mortgage payment. That plan identified approximately 100,000 units of affordable housing. This development does not solve that, but it starts to go a long way toward providing affordable units within the community.

Chairman Johnson asked if there were any further questions for Ms. Marsh. There were none. He called up Patti Trites to speak in support.

Ms. Patti Trites stated that she lives in the South Mountain area. She endorses the project and is currently the Chair of the South Mountain Village Planning Committee and President of the South Mountain, Calvin Hills Homeowners Association (HOA). She stated that she was speaking as a citizen of Phoenix. She thinks this project is perfect for South Mountain. Since this case came up in May 2020, the applicant has continued outreach and contacted over 15 independent groups. To the point made by Commissioner McCabe, the City of Phoenix did do the presentation to their Village and in that presentation, it stated that over 160,000 affordable workforce housing units were needed. According to the City of Phoenix's housing report, both workforce and affordable shortages were present. This project is located near the future light rail and incorporates transit features, and it fills a housing need. Some of the reasons she likes this project are because 1) the project is developed and managed by CPLC; 2) there are units for rental and units for sale. She strongly believes that people need a hand up to move to a better rental, and also a hand up to understand what it takes to purchase a home and how to maintain it. Moving and homeownership is not inexpensive. This property is going to be maintained and the occupants educated on that homeownership and what that means, by CPLC. This is one of the reasons why she has taken the time to endorse this project to the Planning Commission.

Ms. Trites stated that CPLC is committed to the long-term investment, fulfilling the special needs of the community. South Mountain has a lot of mixed incomes; it needs low-income and medium-income housing, per the City's report. This is a workforce housing need and she strongly believes that it meets the special needs for the specific segment in the population, and she endorses it. Ms. Trites believes that they will manage it, make it look good through the future and improve that current vacant lot.

Chairman Johnson asked if there were questions for Ms. Trites or for staff, or internal discussion.

Commissioner Howard commented that he was echoing the speaker's comments. Affordable housing is such a difficult thing currently. There are so few units available. Part of the reason for that is economically it is very difficult to make these projects pencil. He applauds Chicanos Por La Causa for doing this project. He stated that a lot

of guys apply for the nine percent tax credits under the Y-Text Statute and they are unsuccessful. When you can see a four percent tax credit developer that is able to do these projects well, he thought that it was a real service to the community, and he appreciates what they are doing.

Vice-Chairwoman Shank commented that when she first read this case, she was extremely surprised that the Village denied it. She thinks that this area is an area that needs low-income housing. She thinks that it provides a lot of what that area desperately needs. She did not know the difference between how much low-income housing one can get with a mix of housing; however, she thinks this is a great mix.

Commissioner Busching echoed what Chairwoman Trites, Commissioner Howard and Vice-Chairwoman Shank stated earlier. She was befuddled by her fellow Village members that thought this was not a good project. She believes it is a great project and is fully in support of it.

Vice-Chairwoman Shank MOTIONED to approve Z-58-19-7, per the Addendum A Staff Report, with the additional stipulation as previously read into the record.

Commissioner Montalvo SECONDED the motion.

Commissioner Montalvo stated that he thought it was a good project for the area.

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 8-0-1 (Conflict: Gaynor).

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 Department within 14 days of City Council approval of this request. The updated Development Narrative shall be consistent with 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:
 - a.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 SOUTHERN MOST CONNECTION TO BROADWAY ROAD SHALL BE CONSTRUCTED AFTER THE SRP FACILITY IS BURIED AND EASEMENTS ISSUES RESOLVED, NO LATER THAN THE DEVELOPMENT OF THE TOWNHOMES DEPICTED ON EXHIBIT E.

D. PAGE 8:

- a.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 THE BUILDINGS. THE TREES ALLOWED IN THE PLANTING AREA MAY BE ADJUSTED OR REMOVED BASED ON INPUT FROM SRP OR THE WATER SERVICES DEPARTMENT.
- b.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 MY 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

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Pueblo Avenue except for ONE COMBINED ACCESS POINT FOR emergency AND REFUSE COLLECTION ONLY AT THE EASTERN LIMITS OF THE PROPERTY, ~~access only~~ as determined by Planning and Development and Street Transportation Departments.

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 Transportation Departments.
5. The developer shall dedicate five feet of right-of-way for the east half of 6th 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 plat and/or civil plan review approval.
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 700 square foot landscaped area planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover and a bollard light path or lighted art 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.

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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 or 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.

MOTION

Ms. Shepard made a motion to approve the item with the recommended stipulations per the Addendum A staff report. **Ms. Busching** seconded the motion.

VOTE:

14-0 Motion passes; Unanimous vote.

- 6) **Z-58-19-7:** Presentation, discussion, and possible recommendation regarding a request to rezone 10.90 acres located at the northeast corner of 6th Avenue and Broadway Road **from** R1-6 RSIO (Single-Family Residence District, Rio Salado Interim Overlay) and R-5 RSIO (Multifamily Residence District, Rio Salado Interim Overlay) **to** PUD RSIO (Planned Unit Development, Rio Salado Interim Overlay) to allow for single-family and multifamily development.

During the virtual meeting staff received information from an individual wishing to speak in regards to the case.

Member Said left the meeting, thus bringing the quorum to 13 members.

Mr. Enrique Bojorquez, staff, provided a presentation on the proposed rezoning case. Staff recommends approval, subject to stipulations. Furthermore, staff went over proposed amendments by the applicant affecting two stipulations, as these changes pertain to a Paseo that crosses the property north to south and access along Pueblo Avenue. He then invited the applicant to present their information presentation with the committee.

Ms. Ashley Zimmerman Marsh, of Tiffany and Bosco, introduced herself and the Chicanos Por La Causa team.

Mr. German Reyes, of Chicanos Por La Causa, went over the history of the organization and how this organization has established roots in South Phoenix. He then presented on the impact, both monetary and social, of this organization on the communities they serve across the Southwestern United States and northern Mexico. An explanation on the community services offered, including housing, was provided in addition to going over the social returns of the programs offered.

Ms. Zimmerman then provided an overview of the project site. An overview of the neighborhood outreach was provided, in addition to the request for modifications to two stipulations relating to a Paseo and access along the north

of the property. Further explanation was provided on the site layout and building elevations, ending with a summary of the project.

Chairwoman Trittes asked for comments from the committee.

Mr. Aguilar expressed concerns with the level of outreach conducted and asked whether the previous concerns from groups in the community had been addressed.

Ms. Zimmerman responded that there were ongoing dialogues with those groups to address any concerns.

Mr. Aguilar expressed disappointment with this.

Ms. Daniels mentioned that she was not in support of the project with the stipulation modifications.

Ms. Alvarez shared that she did not see the changes that the committee had asked from the applicant previously.

Mr. Brooks seconds the concerns shared by Mr. Aguilar previously.

Mr. Brownell shared that he is part of the SoPho and Light Rail Steering Committee, but opposes this project due to other's concerns and the lack of affordability proposed.

Ms. Daniels agreed with everyone else that the project does not address previous concerns expressed by the committee.

Ms. Shepard expressed that she cannot support this project.

Ms. Muriel Smith mentioned that she cannot support this project due to previous concerns.

Mr. Shelly Smith expressed concerns with the location of apartments in this "high blight" area.

Ms. Busching shared that she is in favor of the project as it furthers the goals for this area.

Chairwoman Trittes repeated her previous comment that there is a need for thousands of housing units in the City of Phoenix. She felt that lots of outreach was done by the applicant.

Ms. Zimmerman went over the public notification process that was conducted, including the early outreach and resources that Chicanos Por La Causa will offer to future tenants or home owners.

Mr. Reyes then went over the benefits of this project, including being a mixed income community.

Chairwoman Trittes opened the public comment portion of the meeting.

Mr. Victor Vidales, member of the public, described the project's affordability being offered and supports mixed income communities. He then expressed that the applicant did not took an offer to meet with an organization, Community Development Corporation in the community. He would like for the applicant to meet with this stakeholder.

Chairwoman Trittes asked for other comments from the committee.

Mr. Aguilar expressed concern with the applicant not meeting with other groups in the community.

Mr. Brownell mentioned that he fears this project will lead to the future displacement of residents in the area.

Mr. Brooks shared that he was in favor of continuing the case.

Mr. Nic Smith, of Chicanos Por La Causa, requested for clarification on the direction from the Committee. He added being in support of reaching out to other organizations.

Mr. Brownell made a motion to continue the case.

Mr. Brooks seconded the motion to continue the case.

Ms. Daniels suggested continuing the case.

Chairwoman Trittes requested clarification on the motion that was presented.

Mr. Joel Carrasco, staff with the City of Phoenix, provided clarification on what the motion to continue would do as the case moves to the Planning Commission.

Ms. Zimmerman shared that her client is unable to support a motion to continue the case.

Mr. Aguilar suggested a consideration to withdraw the motion to continue the case and instead consider a motion to deny.

Mr. Brownell and **Mr. Brooks** withdrew their motions to continue the case.

MOTION

Mr. Aguilar made a motion to deny this item. **Ms. Daniels** seconded the motion.

VOTE:

9-3-1 Motion passes with Ms. Alvarez abstaining; Members Shepard, Busching and Trites voted against.

Ms. Said left the meeting at 7:22pm, thus did not participate in the vote.

- 7) **Z-49-19-8:** Presentation, discussion, and possible recommendation regarding a request to rezone 14.16 acres located approximately 175 feet north of the northwest corner of 19th Avenue and Southern Avenue **from** PSC (Planned Shopping Center) **to** C-2 HGT/WVR DNS/WVR (Intermediate Commercial, Height Waiver, Density Waiver) to allow multifamily residential.

Four email messages were received, two from individuals supportive of the case and two from individuals in opposition, and wishing to speak.

Chairwoman Trittes announced that member Muriel Smith was recusing herself. She asked staff to read her written statement in regards to this case.

Mr. Bojorquez, staff, read the statement by Ms. Smith then provided a presentation on the proposed rezoning case. Staff recommends approval, subject to stipulations. He then invited the applicant to present their information presentation with the committee.

Mr. Russell Condas, of Dominion Inc., went over a presentation on the Dominion company then going over the proposed project. An overview of the site plan was provided, followed by a discussion on public outreach, including partnerships that were made or are underway. The development strengths were indicated in addition to how public concerns were addressed. It was explained that the property was zoned commercial, but this was never developed after many decades of sitting vacant. The area amenities were listed and an explanation of the economic impact of this project was given. Crime and traffic concerns were addressed, in addition to the affordability of this project at 60-percent area medium income. An amended site plan was shown and explained, then the presentation ended.

Chairwoman Trittes asked for comments from the committee.