


**City of Phoenix**

PLANNING &amp; DEVELOPMENT DEPARTMENT

## Abandonment Decision Appeal

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

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

Appellant's Name: Jordan Greenman - Greenman Law Firm  
 Address: 1621 W Willetta St City: Phoenix State: AZ Zip: 85007  
 Phone: 248-225-0428 Email: \_\_\_\_\_  
 Affiliation: Attorney - Applicant

### Appeal to City Council

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

Abandonment # **ABND** 250004 Date Heard: March 13, 2025

Located at approximately: Immediately west of 817 West Madison St

Abandonment Hearing Officer: ☐ Approved ☒ Denied

Appealing Decision: Appealing denial of ABND 250004 - See attached narrative

Appealing Stipulation: \_\_\_\_\_

Appealing Stipulation: \_\_\_\_\_

Appealing Stipulation: \_\_\_\_\_

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

Received By: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_  
 Reviewed By: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_



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May 30, 2025

Phoenix City Council  
200 West Jefferson Street  
Phoenix, Arizona 85003

**Formal Appeal of Denial of Abandonment Request – ABND 250004**

Dear Phoenix City Council,

On behalf of Ian Likwarz, Greenman Law respectfully submits this appeal of the denial of ABND 250004, which concerns the proposed abandonment of the eastern 20 feet of South 9th Avenue right-of-way adjacent to 817 West Madison Street, Phoenix, Arizona (Lot 19, Block 1, Neahr's Addition; APN 112-05-016A). The matter was originally heard on March 13, 2025, and taken under advisement, but the decision was not issued until May 15, 2025—63 days later, well beyond the typical 30-day timeframe provided for such determinations. This substantial delay created uncertainty and slowed momentum on an adaptive reuse project that aligns directly with the City's revitalization objectives for the Capitol Mall area.

**Functional Basis for the Abandonment Request**

The project in question seeks to reactivate a pre-WWII industrial warehouse by converting it into a banquet hall and community event venue, with outdoor dining and gathering space along the 9th Avenue frontage. To support this, the applicant requested the abandonment of a 20-foot-wide strip of underutilized right-of-way. This portion of 9th Avenue is significantly oversized, measuring 90 feet in total width—far beyond the 50-foot standard for local streets established in the City's 2018 Street Classification Map. The eastern half-street alone spans 45 feet, when only 25 feet is required for public functionality. Approving the abandonment would still preserve a 70-foot-wide right-of-way, which is more than sufficient to accommodate vehicular travel, public utilities, and pedestrian infrastructure.

The need for abandonment is also driven by practical site constraints. The existing building is a 1940s bow truss structure that currently lacks HVAC. Due to its age and construction type, the roof cannot support the weight of rooftop HVAC units. As a result, the project requires a dedicated structure to house the HVAC equipment on the west side of the building. The 14 feet of right-of-way proposed for abandonment would be necessary to accommodate and support this mechanical structure, which is essential to bringing the building up to modern functional standards.

**ROW Dimensions and Sidewalk Relocation Feasibility**

The purpose of the requested abandonment is not speculative. The project requires at least 15 feet of the subject area for construction of the outdoor patio space that fronts 9th Avenue. If the full 20-foot abandonment is approved, it would allow us to dedicate and build out five feet on the western portion

to reconstruct the sidewalk farther west, preserving pedestrian access while also improving public safety. The existing curb lies approximately 20 feet from the edge of the building, making sidewalk relocation feasible without affecting traffic flow or curb alignment. No vehicular lanes or curb lines would be altered in any way as a result of the abandonment. Preliminary approval for the abandonment of the eastern 28 feet of South 9th Avenue, adjacent to 817 West Madison Street, was previously granted in 2018 under case number ABND 170026. Unfortunately, the project was delayed and the approval lapsed.

### **Alignment with City Policy and Light Rail Objectives**

This adaptive reuse effort directly supports the goals of the Capitol Mall Overlay District, which calls for coordinated redevelopment that respects the area's historic character while fostering mixed-use investment and pedestrian activity. The surrounding neighborhood has long suffered from vacancy, disinvestment, and persistent social challenges. This project would introduce regular foot traffic, community events, new employment opportunities, and high-quality streetscape enhancements to a corridor that has seen little improvement in decades. The site is also located within one block of the future light rail expansion, making it an ideal location for transit-oriented development. The City has repeatedly emphasized the importance of placing walkable, mixed-use projects near the light rail line, and this proposal would contribute directly to that effort.

### **Agency and Utility Review Summary**

Importantly, this request was not rejected due to a technical deficiency or a safety concern. In fact, most City departments either supported the abandonment or had no objections. The Civil Division, Water Services, Solid Waste, Streetlights, and Public Transit all approved the request outright. The Traffic Department recommended partial approval—specifically 10 feet—conditioned on sidewalk relocation, confirming the basic viability of shifting pedestrian access westward. The Office of Customer Advocacy confirmed that the abandonment area is more than a block away from any planned light rail expansion and would not interfere with any future transit development. CenturyLink and Southwest Gas noted the presence of existing facilities but indicated a willingness to work through utility coordination processes, as is standard for abandonment cases. Cox and SRP approved without objection.

### **ADOA Approval and Planning Staff Concerns**

Further, Greenman Law has already obtained formal written approval from the Arizona Department of Administration (ADOA), which oversees the Governmental Mall area. In a letter dated March 27, 2025, ADOA confirmed that it reviewed and approved the proposed abandonment of the subject 20-foot strip and deferred to the City of Phoenix for implementation. This directly contradicts the Planning Department's assertion that the abandonment should not proceed absent ADOA support, and eliminates any ambiguity as to state-level approval of the proposal.

Despite this overwhelming technical support, the abandonment was denied based on generalized planning theories and speculative concerns about future streetscape design, rather than any practical or site-specific rationale. The City's own transportation and planning maps confirm that the right-of-way is substantially oversized. There is no identifiable or realistic public use for the subject strip, and its retention serves only to obstruct meaningful and needed redevelopment. Phoenix City Code Section 31-64 authorizes abandonment of public rights-of-way when they are no longer necessary for public use, and that standard is unquestionably met here.

### **Conclusion and Request for Reversal**

This neighborhood needs reinvestment. The City should be encouraging catalytic projects like this—especially those that preserve historic buildings and convert them into vibrant community-serving spaces. This proposal is consistent with Phoenix's Adaptive Reuse Program, with the City's General Plan, with Capitol Mall overlay goals, and with the City's long-term light rail vision. The applicant has done everything possible to coordinate with City and State staff and has responded constructively to agency feedback at every stage.

We respectfully ask that the City Council reverse the Hearing Officer's decision and approve the abandonment as requested. This project deserves the opportunity to move forward and help breathe life back into a part of the city that has waited far too long for meaningful investment. Please contact me at any time with questions or for further information.

Thank you for your time and consideration.

Sincerely,



Jordan Evan Greenman  
Greenman Law

