

Attachment B



City of Phoenix PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-13-19-4 March 29, 2019

Encanto [Village Planning Committee](#) Hearing Date April 8, 2019
[Planning Commission](#) Hearing Date May 2, 2019

Request From: [C-2 H-R TOD-1](#) (40.51 acres)

Request To: WU Code [T6:HWR MT](#) (Walkable Urban Code, Transect 6:Height Waiver District, Transit Midtown Character Area) (40.51 acres)

Proposed Use: Mixed-use

Location: Northwest corner of Central Avenue and Catalina Drive

Owner: HPPC, LLC and HPPC II, LLC

Applicant/Representative: Withey Morris, PLC, William F. Allison

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation	Commercial		
Street Map Classification	Central Avenue	Arterial	50 to 72-foot west half
	Osborn Road	Arterial	40 to 52-foot south half
	3rd Avenue	Major Collector	40-foot east half
	Catalina Drive	Major Collector	30-foot north half
<i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Include a mix of housing types and densities where appropriate within each village that support a broad range of lifestyles.</i>			
The proposed development will provide new housing options in the village. The site is adjacent to an arterial street and along light rail transit. There are two light rail transit stations located toward the northern and southern end of the site.			

CONNECT PEOPLE AND PLACES CORE VALUE; INFILL DEVELOPMENT; LAND USE PRINCIPLE: Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.

The site is located within the Midtown Transit Oriented Development (TOD) District on Central Avenue, near two light rail transit stations and adjacent to numerous bus routes on Central Avenue. The Midtown TOD Policy Plan identified the site to be suitable for mixed use and projected the area to develop per the Regional Center place type designation. The proposal is consistent with the mixed-use vision identified in the Midtown TOD Policy Plan.

BUILD THE SUSTAINABLE CITY; TREE AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

This proposal will contribute to the tree and shade design principal as the proposed WU Code district promotes shaded pedestrian environments and requires that seventy five percent of pedestrian pathways and sidewalks be shaded.

STRENGTHEN OUR LOCAL ECONOMY; EMPLOYERS (JOB CREATION); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.

This proposal provides the opportunity for redevelopment of a suburban centric plaza to redevelop in a transit and regional center designated area that is anticipated to develop with high-rise, high-intensity development with uses that include industry cluster and office employment uses which will allow greater opportunity for new jobs in the village.

Applicable Plans, Overlays and Initiatives

[Central Avenue Beautification Plan](#) – see item No. 10 below.

[Transit Oriented Development Strategic Policy Framework](#) – see item No. 11 below.

[Midtown Transit Oriented Development Policy Plan](#) – see item Nos. 6 and 7 below.

[Tree and Shade Master Plan](#) – see item No. 12 below.

[Complete Streets Guiding Principles](#) – see item No. 13 below.

[Comprehensive Bicycle Master Plan](#) – see item No. 14 below.

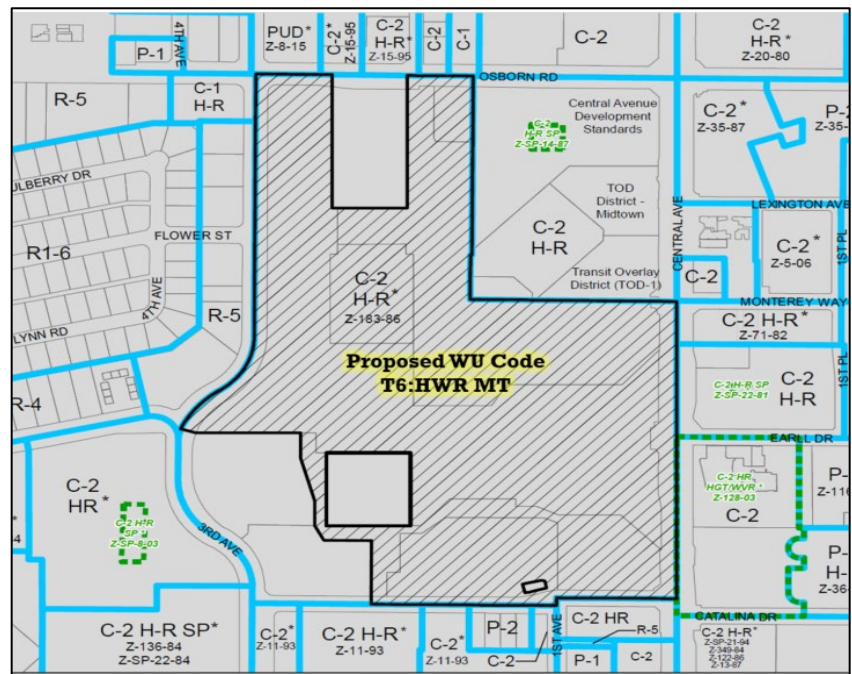
[Reimagine Phoenix](#) – see item No. 22 below.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Commercial Complex	C-2 H-R TOD-1
North	Multifamily (under construction), Hotel, Retail, Vacant Building and Office Complex.	PUD, C-2 H-R TOD-1, C-2 TOD-1, C-1 TOD-1 and C-2 H-R TOD-1
South	Office Buildings and Parking Garages	C-2 H-R TOD-1, C-2 TOD-1 and P-2 TOD-1
East	Office Buildings and Multifamily Residential	C-2 TOD-1 and C-2 HR TOD-1
West	Office Buildings, Hospital and Hotel	C-1 H-R, R-5, C-2 H-R SP TOD-1 and C-2 H-R TOD-1.

Background/Issues/Analysis

REQUEST

1. This request is to rezone a 40.51-acre site located at the northwest corner of Central Avenue and Catalina Drive from C-2 H-R TOD-1 (Intermediate Commercial, High-Rise and High-Density District, Interim Transit-Oriented Zoning Overlay District One) to WU Code T6:HWR MT (Walkable Urban Code, Transect 6:Height Waiver District, Transit Midtown Character Area) to allow a mixed-use development. The subject site consists of six parcels under the ownership of HPPC, LLC and HPPC II, LLC.

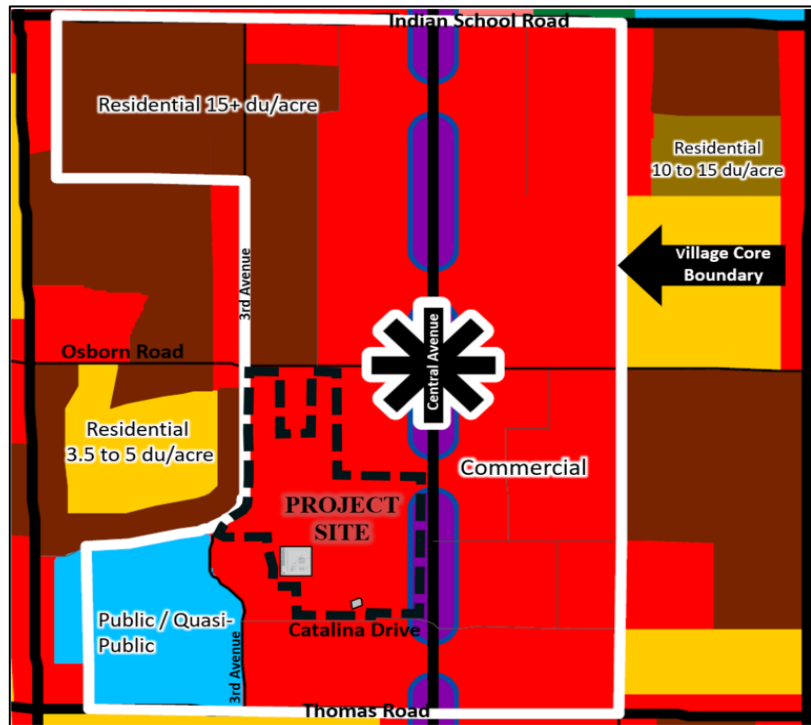


Source: City of Phoenix Planning and Development Department

GENERAL PLAN

2. The General Plan Land Use Map designation is Commercial. The proposal is consistent with the General Plan Land Use Map designation. The surrounding General Plan Land Use Map designations are Commercial, Public/Quasi Public and Residential 15+ dwelling units per acre.

The subject site is also located within the boundaries of the Encanto Village Core where concentration of tall buildings and pedestrian friendly frontages are encouraged. The proposal is consistent with the Village Core goals identified in the Encanto Core profile.



Source: City of Phoenix Planning and Development Department

SURROUNDING LAND USE AND ZONING

3. The subject site currently has a mix of uses including office, medical, commercial, restaurants and auto repair.

NORTH

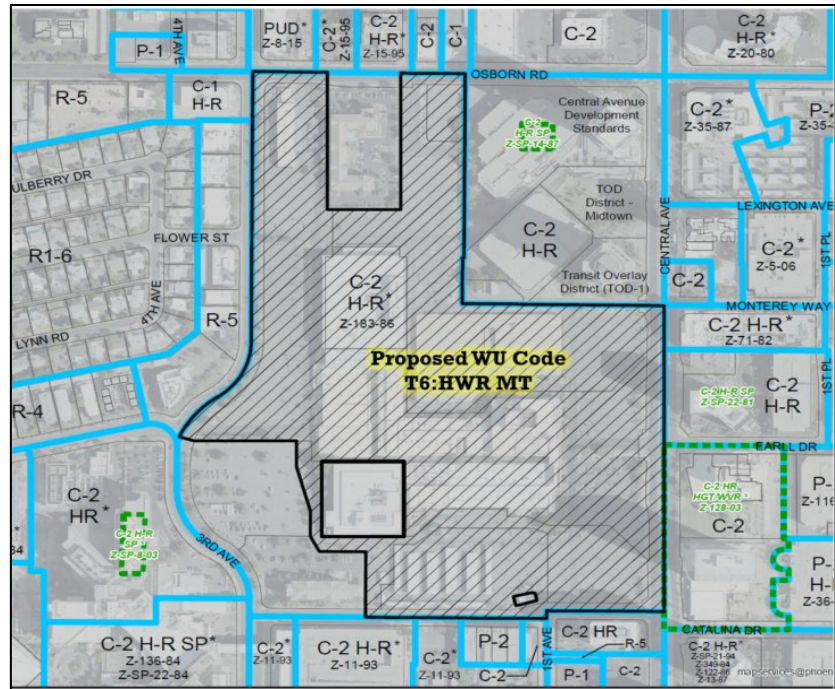
North of the subject site is an office complex zoned C-2 H-R TOD-1 (Intermediate Commercial, High-Rise and High-Density District, Interim Transit-Oriented Zoning Overlay District One), vacant office building and hotel zoned C-1 TOD-1 (Neighborhood Commercial, Interim Transit-Oriented Zoning Overlay District One), adult oriented use zoned C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One), hotel zoned C-2 H-R TOD-1 and a multifamily residential development zoned PUD (Planned Unit Development) that permits all land uses identified in the Transect T5:5 District of the Walkable Urban Code.

SOUTH

South of the subject site is a surface parking lot and Hampton Inn zoned C-2 H-R TOD-1 and an office building and parking structure zoned C-2 H-R TOD-1, C-2 TOD-1 and P-2 (Parking District).

EAST

East of the subject site, across Central Avenue, is a mixture of high-rise office and multifamily uses zoned C-2 H-R TOD-1, C-2 TOD-1 and approved zoning of C-2 H-R HGT/WVR (Intermediate Commercial, High-Rise and High-Density District, Height Waiver) and C-2 H-R SP (Intermediate Commercial, High-Rise and High-Density District, Special Permit) to allow a maximum height of 314 feet and a microwave station.



Source: City of Phoenix Planning and Development Department

East of the northeastern end of the subject site is a high-rise office complex zoned C-2 H-R TOD-1. A small portion of this site is approved C-2 H-R SP to allow a cable TV and microwave relay station.

WEST

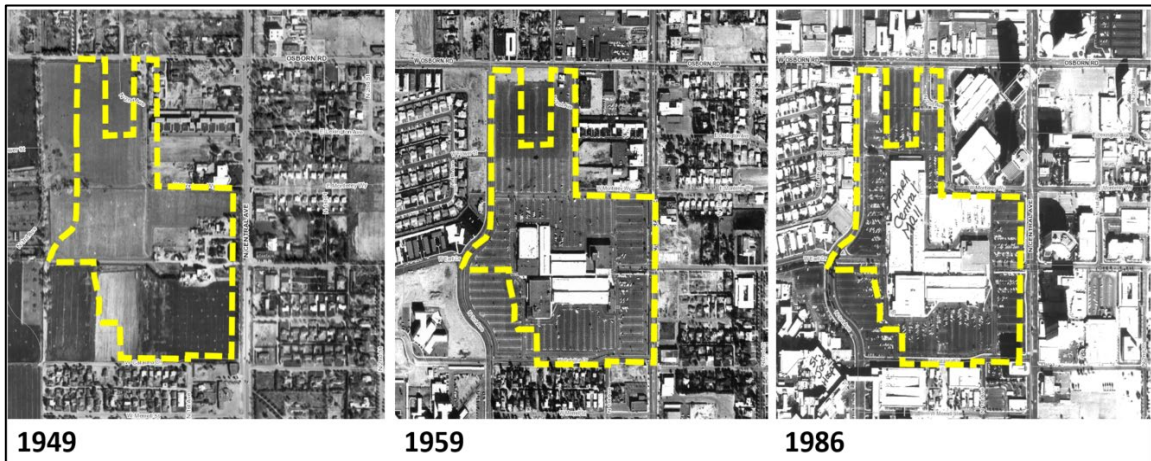
West of the subject site, across 3rd Avenue, is a cluster of office complexes zoned C-1 H-R (Neighborhood Commercial, High-Rise District) and R-5 (Multifamily Residence District). Southwest of the subject is a surface parking lot and Hampton Inn zoned C-2 H-R TOD-1. Further to the west across 3rd Avenue is a hospital zoned C-2 H-R with approval for a special permit to allow a helistop and a hospital.

4. The subject site was annexed into the city of Phoenix on March 26, 1948. During that time, the property was the site of the Central Avenue Dairy, one of the first dairy operations in the valley. Later, the property was redeveloped into a new form of commercial center



Postcard of Park Central from approximately the 1960's

development, the project was known as Park Central. The new commercial center concept consisted of a mix of retailers anchored by large department stores, a concept that was later repeated across the valley. Park Central opened in the late 1950's and was highly successful; however, development was at a peak in Phoenix and expanding rapidly which resulted in the departure of many retailers from central Phoenix including the anchor stores at Park Central. These retailers moved to other competing indoor commercial retail centers.



Source: Maricopa County Historical Aerial Photography

5. The subject site was rezoned in 1986 per Rezoning Case No. Z-183-86 to C-2 H-R (Intermediate Commercial, High-Rise District). The rezoning request was for an expansion of the shopping center into a mixed-use development that consisted of the following: 400-foot high-rise office towers along Central Avenue, 300-foot tall office tower along the northwest portion of the property, 250-foot tall multifamily residential tower along Osborn Road, 200-foot tall hotel on the southern end of the site and commercial retail space. In the coming years the site did not develop as envisioned and subsequently went through three Planning Hearing Officer (PHO) requests to alter and or modify stipulations of

the rezoning request. The PHO requests resulted in the modification of the master plans altering the maximum building heights, parking requirements, design features and other requirements established by the original rezoning proposal. The most recent PHO request was approved by City Council on February 20, 2019 for the development of a 7-story Creighton University Health Science Campus at the southeast end of the site, adjacent to Central Avenue, and a 10-story parking garage and 9-story multifamily development known as Millennium – Park Central at the southern end of the site along Catalina Drive. The request also included improvements for the first phase of the pedestrian pathway between Central Avenue and 3rd Avenue along the Earll Drive alignment.

6. site is located within the Midtown TOD (Transit Oriented Development) District, the boundaries for which are McDowell Road on the south, Indian School Road on the north 7th Street on the east and 7th Avenue on the west. The policy plan adopted for the Midtown TOD District provides a blueprint for fully achieving the transformative potential of light rail in



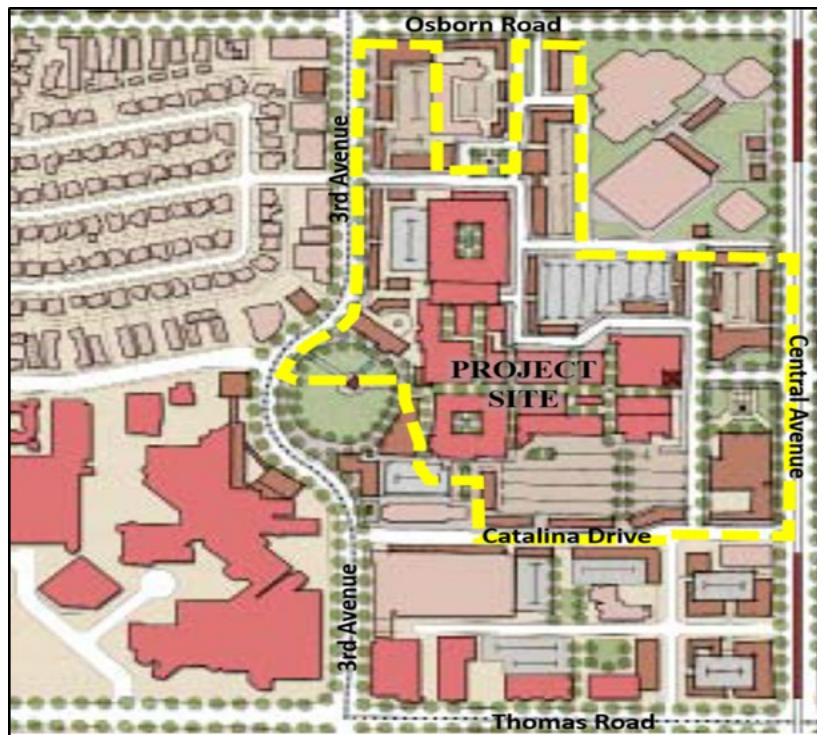
Source: City of Phoenix Planning and Development Department

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. In order to realize the implementation of the Vision and Master Plan for the Midtown TOD District, one key recommendation is the implementation of a form-based zoning code. The proposal to Walkable Urban Code furthers that vision.

The Midtown TOD Policy Plan utilized the Regional Center place type to determine the recommended scale and character of the area around the Central Avenue and Thomas Road and Central Avenue and Osborn Road light rail stations and this scale and character was illustrated in both the conceptual master plan and the conceptual zoning plan. The subject site has a suggested zoning designation of T6:22 with a maximum building height of 250 feet. The

applicant has proposed a transect of T6:HGT/WVR which does not have a maximum height limitation, but allows staff the opportunity to cap the height limit. The proposed project will memorialize the previously approved height limitations while the majority of the site is restricted to 250 feet, consistent with the T6:22 proposed district.

7. Previous zoning entitlements and the Park Central Master Plan in the Midtown TOD Plan envisioned that that the site would have enhanced open space to breakup development block sizes to increase pedestrian activity and connectivity on the site. To this end, staff has requested that three uninterrupted pedestrian pathways be provided on the site and that three open space areas with features such as art, landscaping and seating areas be provided. These are addressed in Stipulation Nos. 3 and 4. The Earll Drive alignment pedestrian pathway extends from Central Avenue to the east to 3rd Avenue to the west. In order to ensure that the Earll Drive alignment is activated with pedestrian activity and inviting frontages staff is requesting that the Earll Drive alignment conform to the secondary frontage standards of the WU Code. This is addressed in Stipulation No. 2.

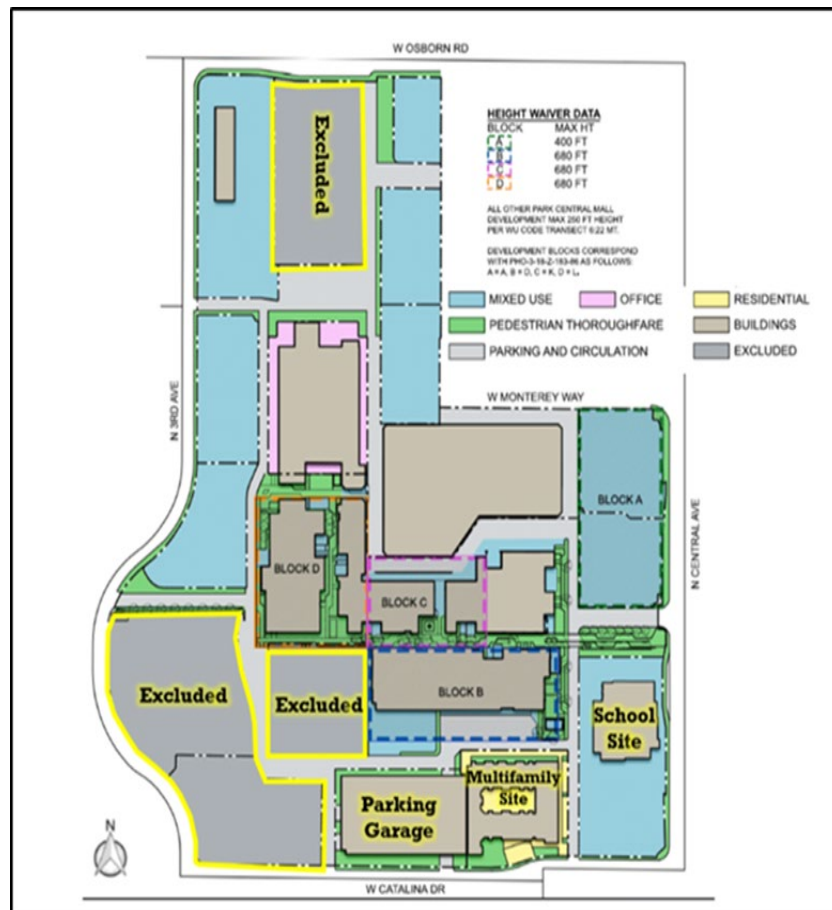


*Source: City of Phoenix Planning and Development Department
Conceptual Master Plan for Park Central Midtown TOD Plan*

The WU Code requires that a minimum of 5% open space be provided on the site, this would equate to approximately 2.02 acres. The applicant will be exceeding this standard and will propose a stipulation to reflect this during the public hearing process.

PROPOSAL

8. The conceptual land use plan depicts a mixed use development that excludes portions at the southwestern end of the site as well as a center parcel at the northern end of the site, these areas are not part of the rezoning request. A specific site plan was not submitted as part of the rezoning request; therefore, a table comparing the required and proposed development standards is not provided. Future development of the subject site shall



**Park Central Land Use Exhibit,
Source: Applicant, Withey Morris, PLC**

comply with the Transect T6 development standards of the Walkable Urban Code. The recently approved PHO request for the development of Creighton University, Creighton University’s parking garage and multifamily development was approved prior to the subject rezoning request to Walkable Urban Code (WU Code); therefore, those developments shall be exempt from the WU Code standards and shall develop per the C-2 H-R TOD-1 standards and all stipulations as approved by City Council on March 20, 2019. In addition, the current development plans pay a nod to the original mid-century modern design of Park Central. As Park Central development is anticipated to be phased, staff is recommending that future developments have a cohesive design theme throughout. This is addressed in Stipulation No. 5.

9. The maximum building height permitted by a WU Code Transect District is 250-feet per T6:22. The height waiver district, T6:HGT/WVR, allows for additional height with no maximum. The zoning entitlements previously approved on the site permitted heights at 400 and 680 feet in specific block areas and 250 feet maximum height for the remainder of the site. The conceptual land use exhibit

date stamped March 28, 2019 identifies where the 400 and 680 foot tall buildings were previously approved. Staff is recommending that the maximum building height and location conform to the Park Central Conceptual Land Use Exhibit date stamped March 28, 2019 to memorialize the previously approved height limitations. This is addressed in Stipulation No. 1.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

Central Avenue Beautification Plan

10. In 1989 the Central Avenue Beautification Project was adopted by the City Council. In recognition of Central Avenue development as an ongoing process, the Central Avenue Beautification Plan and the Central Avenue Development Standards were created and are applicable to all construction and new modifications on properties bordering Central Avenue from Culver Street to Camelback Road. The subject site falls under the purview of these standards for the Central Avenue frontage. Staff has recommended that the applicant comply with the Central Avenue Development Standards. This is addressed in Stipulation No. 7.

Transit Oriented Development Strategic Policy Framework

11. The Transit Oriented Development Strategic Policy Framework is part of the city's General Plan which identified planning typologies to describe urban environments. The identified environment for the Central Avenue and Thomas Road and Central Avenue and Osborn Road light rail station areas is Regional Center. Regional Center is a place type characterized by high intensity with building heights typically from five to ten stories with incentive heights of up to 20 stories. Land uses may include supportive retail, high-rise and mid-rise living, industry cluster and office employment. The proposed project falls within the parameters of the Regional Center place type.

Tree and Shade Master Plan

12. 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. Toward that end, staff is requesting that a minimum of three uninterrupted pedestrian pathways be provided on the site. The general development standards of the WU Code require that 75 percent of sidewalks or pedestrian ways be shaded. WU Code standards will require shade and add to the tree canopy in the Village. The recommendation for uninterrupted pedestrian pathways is addressed in Stipulation No. 3.

Complete Streets Guiding Principles

13. 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. To this end, developments should offer connected and shaded pedestrian walking paths. The Midtown Character area of the WU Code requires detached sidewalks along arterial streets, limited block lengths and clear separation of pedestrian and vehicular traffic areas.

Comprehensive Bicycle Master Plan

14. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The conceptual site plan depicts bicycle parking on-site. It is recommended that two types of parking be provided on the property: secured parking for residents, and short-term rack parking for guests. Providing secure bicycle parking for residents and parking for guests of the development is supportive of multimodal travel options. Secured bicycle parking can be provided in bicycle lockers or via garage entry into each unit. The short-term bicycle racks should be an inverted-u design where both ends of the “U” are affixed to the ground and installed per the requirements of Walkable Urban Code. This provision is addressed in Stipulation No. 6.



Inverted-U bicycle rack, where both ends of the “U” reach the ground.

Secured bicycle parking can be accomplished through the use of individual lockers and/or the establishment of secure bicycle rooms.

COMMUNITY INPUT SUMMARY

15. At the time this staff report was written, staff received correspondence from one member of the public regarding the request and addressed concerns regarding construction noise.

INTERDEPARTMENTAL COMMENTS

16. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development. However, there is a potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.
17. The Aviation Department has noted that the developer shall provide notice to prospective purchasers of the existence and operational characteristics of the Phoenix Sky Harbor International Airport (PHX). This is addressed in Stipulation No. 9.

18. The Fire Department does not anticipate any problems with this case. However, they noted that the site and/or buildings shall comply with the Phoenix Fire Code.
19. The Street Transportation Department has noted that the development shall abide by the Central Avenue Beautification Standards and update all adjacent street improvements to current ADA guidelines. This is addressed in Stipulation Nos. 7 and 8.
20. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2205 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.

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. 10.
22. As part of the Reimagine Phoenix Initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. 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 proposal does not address recycling as part of the proposal.
23. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments, abandonments or other formal actions may also be required.

Findings

1. The proposal will contribute to the Midtown TOD policy plan health and housing element which envisioned active frontages along Central Avenue and mixed-use development at the site.
2. As stipulated, the pedestrian pathways will contribute to the walkability and connectivity for the Park Central area.
3. Utilization of the Walkable Urban Code will facilitate the development of another pedestrian oriented project along the light rail corridor.

4. Proposal will allow additional housing and employment options for the significant number of residents in the Midtown TOD District.

Stipulations

1. Building height shall be limited to the maximum heights identified on the Park Central Conceptual Land Use Exhibit date stamped March 28, 2019. The remainder of the site shall be limited to a maximum height of 250 feet.
2. The Earll Drive alignment between 1st Avenue and 3rd Avenue shall be treated as a secondary frontage and comply with the secondary frontage standards of the T6 District of the City of Phoenix Walkable Urban Code.
3. The development shall provide uninterrupted pedestrian pathways (driveways, loading and service berths excluded) at the following locations:
 - a. Central Avenue and 3rd Avenue via the Earll Drive alignment and Catalina Drive.
 - b. Catalina Drive and Monterey Way via the 1st Avenue alignment.
 - c. Osborn Road and Earl Drive via 2nd Avenue.
4. Open space areas shall conform to Section 1310 of the Phoenix Zoning Ordinance. The open space areas shall provide at a minimum decorative paving, landscaping, shade elements, trash receptacles, art and artistic elements and seating areas and shall be located at the following locations:
 - a. Central Avenue and the Earll Drive alignment.
 - b. 2nd Place and the Earll Drive alignment.
 - c. 3rd Avenue and the Earll Drive alignment.
5. Building elevations shall have a cohesive design theme throughout the development, as approved by the Planning and Development Department.
6. Bicycle parking shall be provided as follows:
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. 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 1307.H of the Phoenix Zoning Ordinance.

- c. A minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.
7. The Central Avenue frontage shall comply with the Central Avenue Development Standards.
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 developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operation characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
10. 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

Maja Brkovic

March 27, 2019

Team Leader

Samantha Keating

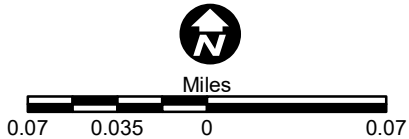
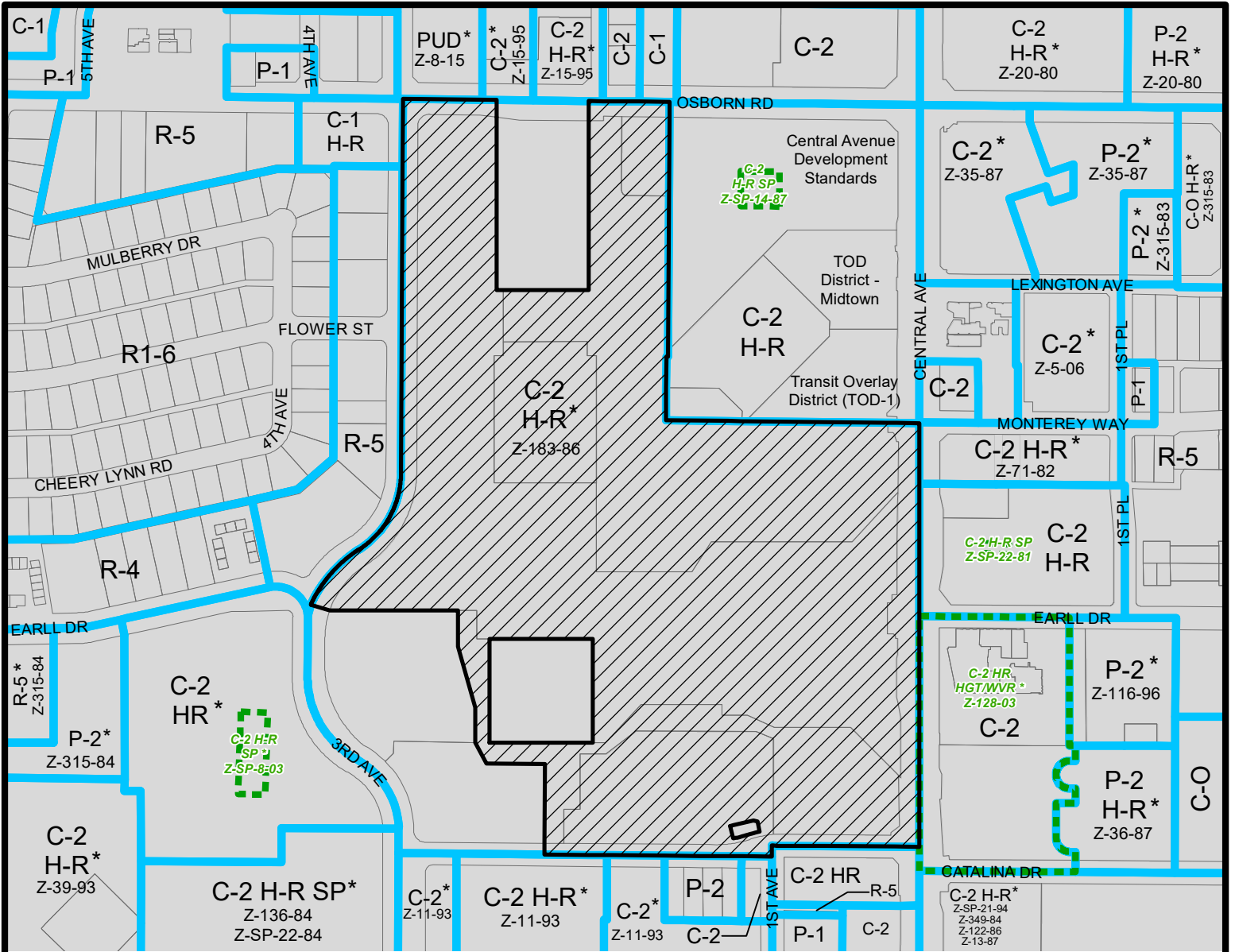
Exhibits

Sketch Map

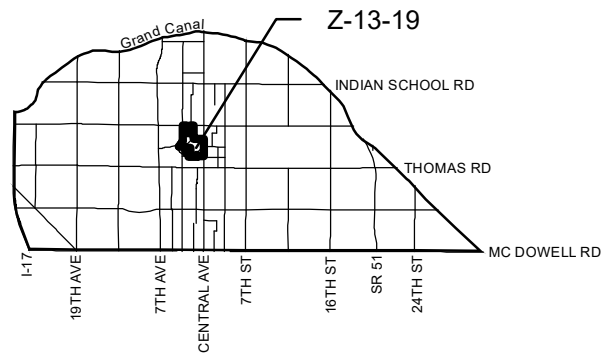
Aerial Map

Conceptual Land Use Exhibit date stamped March 28, 2019

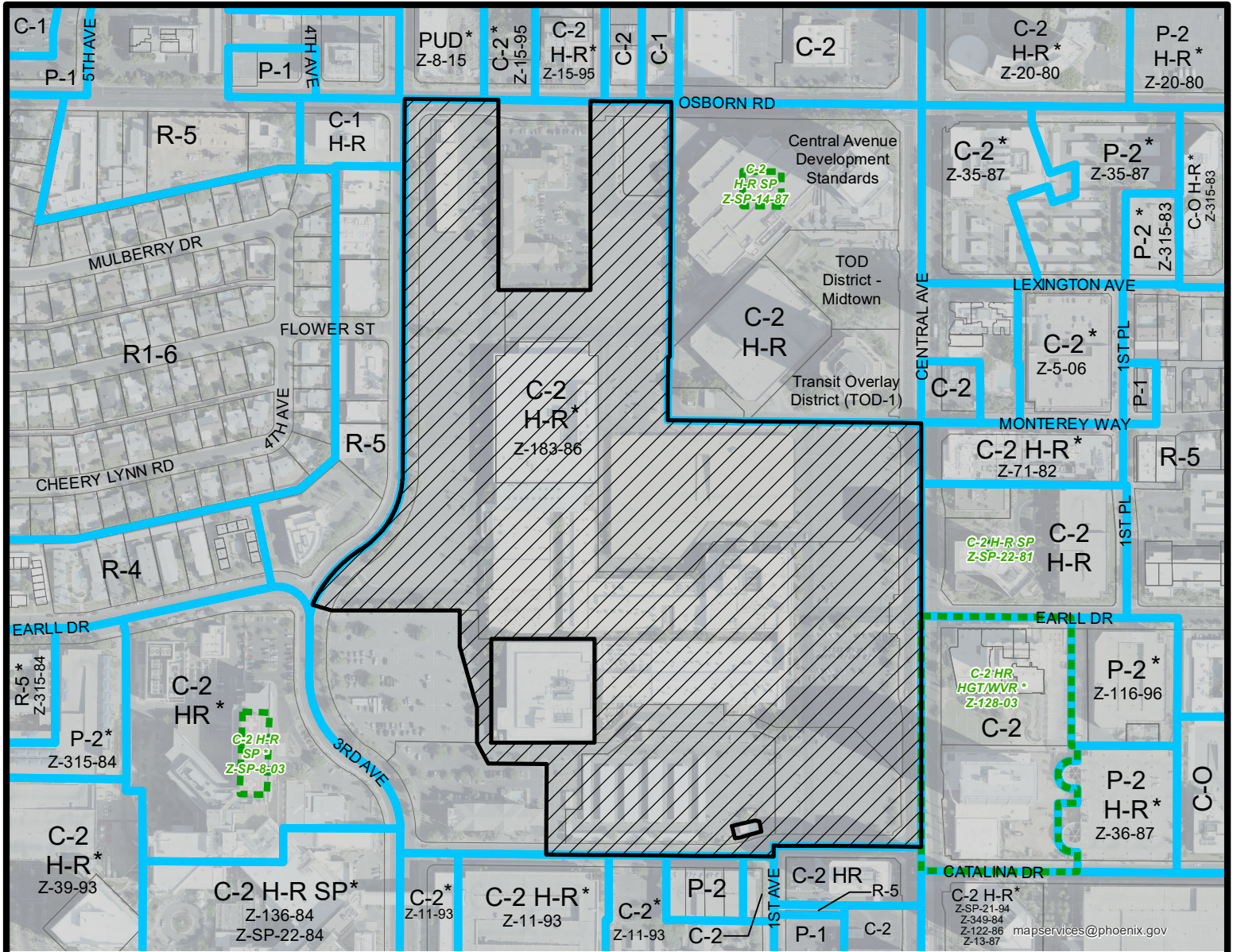
Community Correspondence



ENCANTO VILLAGE
CITY COUNCIL DISTRICT: 4



APPLICANT'S NAME: Withey Morris, PLC/William F. Allison		REQUESTED CHANGE: FROM: C-2 H-R TOD-1 (40.51 a.c.)	
APPLICATION NO. Z-13-19	DATE: 3/15/2019 <small>REVISION DATES:</small>	TO: WU Code T6:HWR MT (40.51 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 40.51 Acres	<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 15-27		
MULTIPLES PERMITTED C-2 H-R TOD-1 WU Code T6:HWR MT	CONVENTIONAL OPTION 5,882 No Maximum		* UNITS P.R.D. OPTION 705 N/A
* Maximum Units Allowed with P.R.D. Bonus			



Miles

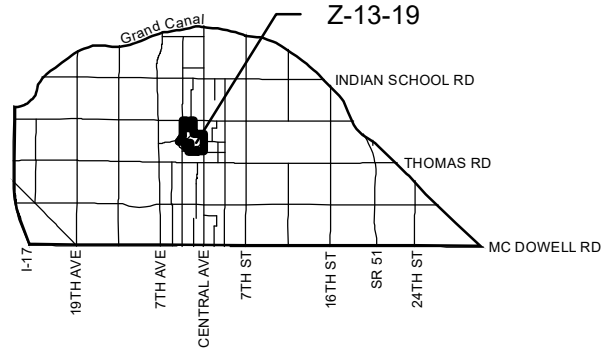
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ENCANTO VILLAGE

CITY COUNCIL DISTRICT: 4



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: **Withey Morris, PLC/William F. Allison**

APPLICATION NO. **Z-13-19**

DATE: **3/15/2019**
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

40.51 Acres

AERIAL PHOTO & QUARTER SEC. NO.
QS 15-27

ZONING MAP
G-8

REQUESTED CHANGE:
FROM: **C-2 H-R TOD-1 (40.51 a.c.)**

TO: **WU Code T6:HWR MT (40.51 a.c.)**

MULTIPLES PERMITTED

C-2 H-R TOD-1

WU Code T6:HWR MT

CONVENTIONAL OPTION

5,882

No Maximum

*** UNITS P.R.D. OPTION**

705

N/A

* **Maximum Units Allowed with P.R.D. Bonus**

W OSBORN RD

HEIGHT WAIVER DATA

BLOCK	MAX HT
A	400 FT
B	680 FT
C	680 FT
D	680 FT

ALL OTHER PARK CENTRAL MALL DEVELOPMENT MAX 250 FT HEIGHT PER WU CODE TRANSECT 6:22 MT.

DEVELOPMENT BLOCKS CORRESPOND WITH PHO-3-18-Z-183-86 AS FOLLOWS: A = A, B = D, C = K, D = L.



W MONTEREY WAY

N 3RD AVE

N CENTRAL AVE

BLOCK A

BLOCK D

BLOCK C

BLOCK B

W CATALINA DR

CITY OF PHOENIX

MAR 28 2019

Planning & Development
Department

- MIXED USE
- RESIDENTIAL
- OFFICE
- PEDESTRIAN THOROUGHFARE
- BUILDINGS
- EXCLUDED
- PARKING AND CIRCULATION

PARK CENTRAL CONCEPTUAL LAND USE EXHIBIT

From: [Rich Brozenec](#)
To: [Maja Brkovic](#); jessi@witheymorris.com; [William F. Allison](#)
Subject: RE: Rezoning Application Z-13-19 for Park Central Mall
Date: Thursday, March 14, 2019 12:52:03 PM

I recently received a letter from Withey Morris, the representative for Park Central. While I am unable to attend the upcoming meeting, I do wish to pass along my comments as a proxy to my attendance.

I moved to 1 E. Lexington two years ago and live only six months (November - May) here each year. Each time I stay here, I have had serious issues with construction in my neighborhood.

In December of 2016, at 2:00am I was awakened by a blinding light shining in my bedroom and a loud pumping noise. I looked out my window and saw concrete being pumped onto a roof at the Edison Midtown project on Monterey Way. I was astonished and called 911. The officer receiving my call said he would notify the "first available" police car to investigate and asked for my contact information. The police never came. I contacted the Phoenix Planning Department and filed a complaint with them. They said the contractor did not have a permit to pour at night. Two weeks later, Edison did it again. The Phoenix city council approved the night pours. This was my first introduction to the power of Phoenix contractors.

Early in the morning of March 10, 2018 I was again awakened by a series of what sounded like explosions. I could see work lights across Central Avenue at Park Central. When I contacted the Planning Department I was told I should have called their "after-hours construction noise complaint program" phone number. Later that day, they did send an inspector to the site and told them not to jack hammer before 7am like they did that morning for hours. No fines.

On November 13, 2018 at 10:15pm someone was hammering, non-stop on steel girders at Park Central. This went on for over 30 minutes. I called the after hours complaint line and left a message and sent an email complaint. Unbelievably, I received the following reply:

"Because there are no residential properties within 500 feet of the specific work area, this project has been granted an Extended Hours Work Permit. The permit states that they are allowed to work 24 hours a day Monday-Saturday. "

In other words, the contractor can make as much noise as they want, for as long as they want, any time they want with the city of Phoenix Planning Department's approval. The fact is that Edison Midtown condos are less than 500 feet from the construction site. The Building Department is measurement challenged.

At the end of January 2019, each night and throughout the early morning I could hear and feel a low frequency vibration in my condo. Our condo had done some cooling pump repairs and I contacted our building manager, condo president and building engineer to investigate this issue. Our pump runs 24/7 and we could not explain the

noise, just at night. This went on for days until I noticed that the contractor at Park Central had a series of four bright work lights attached to a generator being run by a gas/diesel motor with a useless muffler. They leave it running all night regardless of whether work is being performed. This was the source of that noise.

At our monthly HOA meetings, Park Central is a repeated topic of conversation where other residents have voiced their complaints and frustration with Phoenix government as well. Fortunately, our board member held a fundraiser for then candidate Gallego. Perhaps we will have access to a sympathetic advocate in the future.

Given my experiences with Park Central, the Phoenix Planning (Claire Simeone Stern, Jason Blakley, Don Brown) and Police Departments as well as Councilwoman Laura Pastor all of which firmly and unwavering support the contractors mentioned over any resident complaint, I again offer my condemnation of this project. Park Central represents the worst of neighbors; totally inconsiderate of the surrounding residents in favor of their own self-interests. The Planning Department, at every step, makes excuses and justifications for the contractors, when those same contractors repeatedly operate without permits or against building codes. Likewise, the Phoenix Police department has never, not once, responded to repeated calls. As for Laura Pastor, she too bends over backward to support contractors and disregards her constituency complaints. I have no doubt these same government officials will behave as in the past should future construction at Park Central work at night.

It is for these reasons, I condemn the Park Central project.

Rich Brozenec