

2017 September 25

Mayor Stanton & City Council
200 W. Washington St.
Phoenix, AZ 85003



RE: Appeal of V170033C

Dear Mayor & Council:

The Urban Phoenix Project represents those within the light rail corridor who strive for a Central Phoenix in which walking, biking, and public transit are as convenient and comfortable as driving. Achieving this requires a commitment to the best practices in urban design from both developers and the City.

We hereby appeal the abandonment hearing officer's decision made on September 7, 2017 regarding V170033C, which approved the abandonment of what is commonly known as the "Barrister Alley" just east of Central Avenue between Jefferson and Madison Streets. Our rationale is two-fold.

First, the Downtown Abandonment Criteria were clearly not met. The abandonment hearing officer's decision downplayed and ignored these criteria, despite being passed by Council last year. Specifically three of the five criteria have been violated with this decision:

Criterion #2) *Abandonment of alleys should be avoided, and occur only in special circumstances where equivalent off-street service facilities are provided, and where such abandonment does not result in a need for on-street servicing/loading.*

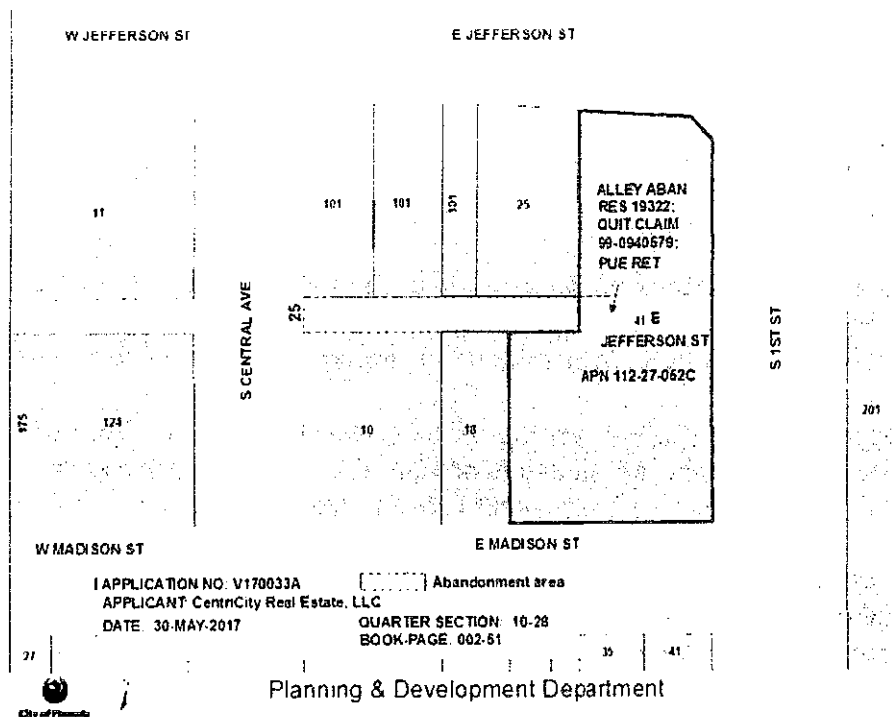
While the abandonment hearing officer recognized that some utility functions would still be performed through the abandoned alley, he neglected to take note of the fact that some utility functions would now be accessed from Madison (a "Pedestrian Street" per Chapter 12 of the zoning ordinance). This violates criterion #2.

Criterion #3) *Alley abandonments should only be approved when they result in fewer driveways along Pedestrian Streets while promoting a pedestrian friendly block pattern (City of Phoenix Zoning Ordinance Section 1207.K).*

The abandonment hearing officer's decision simply ignored this criterion, as the new driveway on Madison (a "Pedestrian Street") for the utility access clearly violates it. The hearing officer's stipulation 2.b permitting yet another new driveway on Madison further violates this criterion.

Criterion #5) *Alley abandonments that would negatively impact the development viability of surrounding properties within the same development block should not be approved.*

Parcel 18 in the below map would be negatively impacted by the loss of alley access. Their only option for vehicular, utility, or trash access would now be through the front of the property, which would render this parcel practically impossible to develop without significant and harmful variances. Any development resulting from such variances wouldn't be the type of transit-oriented urban development that Council has been trying to achieve in downtown.



Finally, our second rationale is that this RFP was considered, granted, and shared with the community as a project that did not abandon the alley. To now abandon the alley is a material change to the site plan and the proposal granted under the RFP. This in and of itself presents some disquieting impressions upon the RFP process. Furthermore, the terms of the RFP required "consistency with the Downtown Code and all other applicable regulations, guidelines, and adopted plans." The abandonment of alleys and the addition of driveways is absolutely not in accordance with that clause.

Upon these considerations, and to maintain the integrity of the RFP process and the Council-approved Downtown Abandonment Criteria, we hope you will overturn the abandonment hearing officer's decision and reject application V170033C.

Respectfully,

Sean D. Sweat
President, The Urban Phoenix Project