

# Agenda

## City Council Formal Meeting

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Wednesday, September 20, 2023

2:30 PM

phoenix.gov

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**\*\*\*REVISED SEPT. 19, 2023\*\*\***

**Items Revised: 2, 42, 76-77;**

**Item Requested to be Continued: 75; Items Added: 78-80**

### OPTIONS TO ACCESS THIS MEETING

#### *Virtual Request to speak at a meeting:*

- **Register online** by visiting the City Council Meetings page on phoenix.gov at least 2 hours prior to the start of this meeting. Then, click on this link at the time of the meeting and join the Webex to speak: <https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=e332691c179aeec4438a8c91b38d55430>

- **Register via telephone** at 602-262-6001 at least 2 hours prior to the start of this meeting, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

#### **In-Person Requests to speak at a meeting:**

- Register in person at a kiosk located at the City Council Chambers, 200 W. Jefferson St., Phoenix, Arizona, 85003. Arrive 1 hour prior to the start of this meeting. Depending on seating availability, residents will attend and speak from the Upper Chambers, Lower Chambers or City Hall location.

- Individuals should arrive early, 1 hour prior to the start of the meeting to submit an in-person request to speak before the item is called. After the item is called, requests to speak for that item will not be accepted.

#### **At the time of the meeting:**

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable, or using the Webex link provided above.

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2558 973 6684# (for English) or 2554 285 6048# (for Spanish). Press # again when prompted for attendee ID.

- **Watch** the meeting in-person from the Upper Chambers, Lower Chambers or City Hall depending on seating availability.

**Para nuestros residentes de habla hispana:**

- **Para registrarse para hablar en español**, llame al 602-262-6001 **al menos 2 horas antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2554 285 6048#. El intérprete le indicará cuando sea su turno de hablar.

- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2554 285 6048#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

- **Para asistir a la reunión en persona**, vaya a las Cámaras del Concejo Municipal de Phoenix ubicadas en 200 W. Jefferson Street, Phoenix, AZ 85003. Llegue 1 hora antes del comienzo de la reunión. Si desea hablar, regístrese electrónicamente en uno de los quioscos, antes de que comience el tema. Una vez que se comience a discutir el tema, no se aceptarán nuevas solicitudes para hablar. Dependiendo de cuantos asientos haya disponibles, usted podría ser sentado en la parte superior de las cámaras, en el piso de abajo de las cámaras, o en el edificio municipal.



**CALL TO ORDER AND ROLL CALL****MINUTES OF MEETINGS**

- 1      **For Approval or Correction, the Minutes of the Formal Meeting on Nov. 18, 2020** Page 11

**BOARDS AND COMMISSIONS**

- \*2      **Mayor and Council Appointments to Boards and Commissions \*\*\*REVISED\*\*\*** Page 12

**LIQUOR LICENSES, BINGO, AND OFF-TRACK BETTING LICENSE APPLICATIONS**

- 3      **Liquor License - Shinme Cuisine** District 1 - Page 15
- 4      **Liquor License - Someburros** District 1 - Page 20
- 5      **Liquor License - Special Event - St. Luke Roman Catholic Parish Phoenix** District 2 - Page 24
- 6      **Liquor License - Special Event - Coronado Neighborhood Association, Inc.** District 4 - Page 25
- 7      **Liquor License - Club Classico Phoenix** District 4 - Page 26
- 8      **Liquor License - Mini Mart** District 4 - Page 31
- 9      **Liquor License - Special Event - Kiwanis Club of Ahwatukee Foundation, Inc.** District 6 - Page 37
- 10     **Liquor License - Arco AM PM** District 6 - Page 38
- 11     **Liquor License - Arizona Mutual Trading** District 7 - Page 43
- 12     **Liquor License - Footprint Center** District 7 - Page 45
- 13     **Liquor License - Special Event - Alwun House** District 8 - Page 50
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**Foundation**

- |    |  |                      |
|----|--|----------------------|
| 14 | <b>Liquor License - Special Event - Alwun House Foundation</b>   | District 8 - Page 51 |
| 15 | <b>Liquor License - Blue Cloud Distribution of Arizona, Inc.</b> | District 8 - Page 52 |
| 16 | <b>Liquor License - Aloft Hotel Phoenix Airport</b>              | District 8 - Page 54 |

**PAYMENT ORDINANCE (Ordinance S-50152) (Items 17-19)**

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|----|--|
| 17 | <b>Planning Technology, Inc.</b>   |
| 18 | <b>Charlie Pepper AZ, Inc., dba Salt Works</b>                               |
| 19 | <b>Salt River Project Agriculture Improvement and Power District dba SRP</b> |

**ADMINISTRATION**

- |    |  |  |
|----|--|--|
| 20 | <b>Proposed Ekmark Annexation - Public Hearing</b>   | District 7 - Page 61                             |
| 21 | <b>Grant of a Public Utility Easement on City-owned Property Located at 445 N. 5th St. (Ordinance S-50154)</b>   | District 8 - Page 68                             |
| 22 | <b>Acceptance and Dedication of Easements for Multi-use Trail, Sidewalk and Public Utility Purposes (Ordinance S-50169)</b>  | District 1 - Page 71<br>District 3<br>District 7 |
| 23 | <b>Acceptance of Easements for Drainage, Water and Sewer Purposes (Ordinance S-50170)</b>  | District 1 - Page 73<br>District 6<br>District 7 |
| 24 | <b>Paper Products - IFB 19-004 - Amendment (Ordinance S-50162)</b>   | Citywide - Page 75                               |
| 25 | <b>Amendments to Classification Plan (Ordinance S-5815) in Accordance with Human Resources Committee 618 Recommendations - Classification and Compensation Study Post Implementation Adjustments (Ordinance S-50187)</b> | Citywide - Page 76                               |
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- |    |   |                    |
|----|---|--------------------|
| 26 | <b>Amendments to Pay Ordinance (S-49802) in Accordance with Human Resources Committee 618 Recommendations - Classification and Compensation Study Post Implementation Adjustments (Ordinance S-50189)</b> | Citywide - Page 78 |
| 27 | <b>Request Authority to Enter Into IGA with AHCCCS to Use Pediatric Health Care Initiative Funds to Finance AHCCCS Payments to Phoenix Children's Hospital (Ordinance S-50190)</b>                        | Citywide - Page 80 |

**COMMUNITY SERVICES**

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|----|--|--|
| 28 | <b>Authorization to License Vacant City-owned Land Located at 314 and 318 N. 5th Ave. to T.B. Penick and Sons, Inc. (Ordinance S-50157)</b>                        | District 7 - Page 82   |
| 29 | <b>Property Management Services Contract for Affordable Housing Portfolio, Group C - Request for Award (Ordinance S-50171)</b>                                     | District 1 - Page 84<br>District 2<br>District 4<br>District 6<br>District 8 |
| 30 | <b>Construction Administration Services for Maryvale Parkway Terrace Rehabilitation Project Contract - RFA FY24-086-03 - Request for Award (Ordinance S-50186)</b> | District 5 - Page 86   |
| 31 | <b>Retroactive Authorization to Apply for, Accept Funding and Enter Into an Agreement with Maricopa Association of Governments (Ordinance S-50179)</b>             | District 8 - Page 88   |
| 32 | <b>Authorization to Amend Contract With Child Crisis Arizona (Ordinance S-50181)</b>   | Citywide - Page 90   |
| 33 | <b>Request Authorization to Contract with Pressure Equipment Sales, LLC for Graffiti Removal Solutions (Ordinance S-50184)</b>                                     | Citywide - Page 92   |
| 34 | <b>Acceptance of a Monument Sign Easement located on the Southwest Corner of Washington and 16th Streets (Ordinance S-50167)</b>                                   | District 8 - Page 94   |
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- 35     **Golf Vehicles Lease Agreement and Fleetcare  
Maintenance Contract - COOP-24-0004 - Request for  
Award (Ordinance S-50176)**     Citywide - Page 95

### **ECONOMIC DEVELOPMENT**

- 36     **City of Phoenix 2024 NCAA Men's Final Four Host  
Committee Sponsorship (Ordinance S-50185)**     Citywide - Page 97
- 37     **Ungerboeck Event Management System - RFA 19-002 -  
Amendment (Ordinance S-50156)**     District 7 - Page 99  
District 8
- 38     **Telescopic Seating Maintenance and Repair Contract -  
IFB PCC 23-007 - Request for Award (Ordinance  
S-50174)**     District 7 - Page 101  
District 8
- 39     **Amend Phoenix City Code - Ordinance Adoption -  
Chapter 3, Section 3-10 - Temporary Signage for City  
Major Events (Ordinance G-7166)**     Citywide - Page 103

### **PUBLIC SAFETY**

- 40     **Whelen Automotive Products - IFB 18-316 - Amendment  
(Ordinance S-50161)**     Citywide - Page 109
- 41     **Agreement for Enhanced Mutual Aid in Fire and  
Emergency Services (Ordinance S-50177)**     Out of City - Page 110
- \*42     **Authorization to Execute Agreements with Downtown  
Phoenix, Inc., and Grand Canyon University for the  
Community Assistance Program (Ordinance S-50191)  
\*\*\*REVISED\*\*\***     District 4 - Page 111  
District 7
- 43     **Donation from the Hartford Insurance Company for  
Phoenix Fire Department Community Involvement  
(Ordinance S-50188)**     Citywide - Page 113

### **TRANSPORTATION AND INFRASTRUCTURE**

- 44     **Information Technology Project Management and**     District 8 - Page 114
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**Consulting Services - RFP 18-050 - Amendment  
(Ordinance S-50160)**

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|----|---|--|
| 45 | <b>Automated Teller Machine License Agreement with Bank of America, National Association, at Phoenix Sky Harbor International Airport and Rental Car Center (Ordinance S-50168)</b> | District 8 - Page 116                              |
| 46 | <b>Airfield Information Management Contract - RFA 24-007 - Request for Award (Ordinance S-50172)</b>  | District 8 - Page 118                              |
| 47 | <b>Access Control and Alarm Monitoring System Maintenance and Support Contract - RFA 24-008 - Request for Award (Ordinance S-50173)</b>   | District 1 - Page 120<br>District 8<br>Out of City |
| 48 | <b>Electrical Services Requirements Contract - IFB 19-002 - Amendment (Ordinance S-50180)</b>   | District 1 - Page 122<br>District 8<br>Out of City |
| 49 | <b>Acquisition of Easements for Bus Stop Enhancements Along Northern Avenue, East of 27th Avenue (Ordinance S-50158)</b>  | District 5 - Page 124                              |
| 50 | <b>Public Transit Financial Advisory Services Contract PTD23-003 - Request for Award (Ordinance S-50183)</b>  | Citywide - Page 125                                |
| 51 | <b>Fleet Vehicle Accessories and Installation, Including Police Up-Fitting Contract - IFB 24-FSD-013 - Request for Award (Ordinance S-50153)</b>                                    | Citywide - Page 126                                |
| 52 | <b>Citywide General Construction - Job Order Contracting Services - Amendment - 4108JOC209 (Ordinance S-50175)</b>  | District 7 - Page 130                              |
| 53 | <b>Acquisition of Real Property for Roadway Improvements along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street (Ordinance S-50159)</b>                             | District 7 - Page 132<br>District 8                |
| 54 | <b>Amend Ordinance S-49159 for Acquisition of Real Property for Roadway Improvements at the Intersection</b>  | District 7 - Page 134                              |
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**of 5th Avenue and Chambers Street (Ordinance S-50163)**

- |    |   |   |
|----|---|---|
| 55 | <b>Parking Pay-by-Phone Agreement - Amendment (Ordinance S-50164)</b>   | District 7 - Page 135<br>District 8               |
| 56 | <b>Street Transportation Department Public Outreach and Community Engagement Services - RFQu 63-2001 - Amendment (Ordinance S-50165)</b>  | Citywide - Page 137                               |
| 57 | <b>Agreement with BNSF Railway for Safety Improvements at Two BNSF Railroad Crossings (Ordinance S-50182)</b>                             | District 4 - Page 139<br>District 5<br>District 7 |
| 58 | <b>Salt River Project Land Use and Construction Licenses for Water Services Main Replacement Project - WS85509108 (Ordinance S-50166)</b> | District 6 - Page 141                             |
| 59 | <b>Booster Pump Stations Rehabilitation and Replacement - Engineering Services Amendment - WS85100032 (Ordinance S-50178)</b>             | Citywide - Page 143                               |
| 60 | <b>Water Services Department Process Control On-Call Services (Ordinance S-50155)</b>   | Citywide - Page 145                               |

**PLANNING AND ZONING MATTERS**

- |    |   |                       |
|----|---|-----------------------|
| 61 | <b>Final Plat - SEC Bell Road &amp; 21st Avenue - PLAT 230005 - Southeast Corner of Bell Road and 21st Avenue</b>         | District 3 - Page 147 |
| 62 | <b>Final Plat - Villas at 91st Avenue - PLAT 220044 - Northwest Corner of Lower Buckeye Road and 91st Avenue</b>          | District 7 - Page 148 |
| 63 | <b>Final Plat - Dobbins Industrial Tech Park Phase 1 - PLAT 220084 - Southwest Corner of 65th Avenue and Dobbins Road</b> | District 7 - Page 149 |
| 64 | <b>Final Plat - Park 91 - PLAT 230021 - South of Buckeye Road and West of 91st Avenue</b>                                 | District 7 - Page 150 |
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| <b>City Council Formal Meeting</b> | <b>Agenda</b>   | <b>September 20, 2023</b> |
|------------------------------------|---|---------------------------|
| 65                                 | <b>Final Plat - 1802 &amp; 1820 S. 7th Street - PLAT 220066 - Southwest Corner of 7th Street and Mohave Street</b>  | District 8 - Page 151     |
| 66                                 | <b>Final Plat - Bibars Properties 1 Industrial Office Buildings - PLAT 230038 - South of Van Buren Street and East of 37th Street</b>   | District 8 - Page 152     |
| 67                                 | <b>Final Plat - 18th Street and Jones - PLAT 230051 - Southeast Corner of 18th Street and Jones Avenue</b>  | District 8 - Page 153     |
| 68                                 | <b>Abandonment of Easement - ABND 220062 - 26830 N. 33rd Ave. (Resolution 22150)</b>  | District 1 - Page 154     |
| 69                                 | <b>Abandonment of Easement - ABND 230015 - Northeast Corner of Voltaire Avenue and 69th Street (Resolution 22152)</b>   | District 2 - Page 155     |
| 70                                 | <b>Abandonment of Easement - ABND 220048 - 701 N. Central Ave. (Resolution 22151)</b>   | District 7 - Page 156     |
| 71                                 | <b>Abandonment of Easement - ABND 220051 - Northwest Corner of 91st Avenue and Lower Buckeye Road (Resolution 22149)</b>  | District 7 - Page 157     |
| 72                                 | <b>Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-23--Z-61-21-6 - Approximately 150 Feet North of the Northeast Corner of 44th Street and Earll Drive (Ordinance G-7165)</b> | District 6 - Page 158     |
| 73                                 | <b>Remove/Replace Zoning District - 35th Avenue and Elliot Road - Annexation 526 - Northwest Corner of 35th Avenue and the Elliot Road Alignment (Ordinance G-7163)</b>                         | District 8 - Page 167     |
| 74                                 | <b>Amendment to the 2018 International Building Code Section 310.4.1 - Care Facilities Within a Dwelling (Ordinance G-7162)</b>   | Citywide - Page 173       |
| *75                                | <b>(CONTINUED FROM APRIL 5 AND AUG. 28, 2023) -</b>   | District 8 - Page 175     |

**Public Hearing and Ordinance Adoption - Rezoning  
Application Z-62-22-8 - Approximately 200 Feet East of  
the Northeast Corner of 42nd Street and Edgemont  
Avenue (Ordinance G-7098) \*\*\*REQUEST TO  
CONTINUE\*\*\***

- \*76 Public Hearing and Ordinance Adoption - Rezoning  
Application Z-SP-5-23-7 - Southwest Corner of 15th  
Avenue and Jackson Street (Ordinance G-7167)  
\*\*\*REVISED\*\*\*** District 7 - Page 265
- \*77 (CONTINUED FROM SEPT. 6, 2023) - Public Hearing -  
Amend Phoenix City Code - Ordinance Adoption -  
Chapter 10, Article XVI - Short-Term Vacation Rental  
(Ordinance G-7156) \*\*\*REVISED\*\*\*** Citywide - Page 305

#### **ADD-ON ITEMS**

- \*78 Final Plat - Lumara Apartment Homes - PLAT 220060 -  
North of Happy Valley Road and East of 19th Avenue  
\*\*\*REQUEST TO ADD-ON\*\*\*** District 1 - Page 316
- \*79 Waiver of Patent Easements - ABND 230004 - 1734,  
1737, 1745 and 1748 West Desert Hollow Drive  
(Resolution 22154) \*\*\*REQUEST TO ADD-ON\*\*\*** District 1 - Page 318
- \*80 Abandonment of Alley - ABND 220068 - Lafayette  
Boulevard and Calle Rosa, North 62nd Street to  
North 64th Street (Resolution 22153) \*\*\*REQUEST TO  
ADD-ON\*\*\*** District 6 - Page 320

#### **REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

#### **000 CITIZEN COMMENTS**

#### **ADJOURN**





**For Approval or Correction, the Minutes of the Formal Meeting on Nov. 18, 2020**

**Summary**

This item transmits the minutes of the Formal Meeting of Nov. 18, 2020, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



City of Phoenix

## City Council Formal Meeting

### Report

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Agenda Date: 9/20/2023, Item No. \*2

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### **\*\*\*ITEM REVISED (SEE ATTACHED MEMO)\*\*\* Mayor and Council Appointments to Boards and Commissions**

#### **Summary**

This item transmits recommendations from the Mayor and Council for appointment or reappointment to City Boards and Commissions.

#### **Responsible Department**

This item is submitted by the Mayor's Office.

## ATTACHMENT A



### City of Phoenix

**To:** City Council  
**From:** Mayor Kate Gallego

**Date:** September 20, 2023

**Subject:** \*REVISED BOARDS AND COMMISSIONS – APPOINTEES

The purpose of this memo is to provide recommendations for appointments to the following Boards and Commissions:

#### **Fire Safety Advisory Board**

I recommend the following for appointment:

##### Derrick Morales

Mr. Morales is the Community Affairs Coordinator for QuikTrip and a resident of District 6. He fills a Petroleum Industry vacancy for a term to expire September 20, 2027.

#### **\*North Gateway Village Planning Committee**

Councilman Jim Waring recommends the following for appointment:

##### Chandra McCarty

Ms. McCarty is a Project Manager at EPS Group and a resident of District 2. She fills a vacancy for a term to expire November 19, 2024.

#### **\*Paradise Valley Village Planning Committee**

Councilman Jim Waring recommends the following for appointment:

##### Shawn Hoffman

Mr. Hoffman is a resident of District 2. He fills a vacancy for a term to expire November 19, 2024.

#### **Phoenix Arts and Culture Commission**

I recommend the following for appointment:

##### Melissa Acevedo

Ms. Acevedo is the Title X Program Manager at Mountain Park Health Center and a resident of District 5. She fills a vacancy for a term to expire September 20, 2026.

Bailey Cacciatore

Ms. Cacciatore is a Program Coordinator at Deer Valley Petroglyph Preserve and a resident of District 1. She fills a vacancy for a term to expire September 20, 2026.

Sierra Ochoa

Ms. Ochoa is a Program Coordinator at the Arizona State University Art Museum and a resident of District 2. She fills vacancy for a term to expire September 20, 2026.

Joe Rivera

Mr. Rivera is the Associate Director of Engagement at Thunderbird School of Global Management at ASU and a resident of District 6. He fills a vacancy for a term to expire September 20, 2026.

**Rehabilitation Appeals Board**

I recommend the following for appointment:

Pam Duty

Ms. Duty is the English Department Chair at Phoenix College and a resident of District 8. She fills a Neighborhoods vacancy for a term to expire September 20, 2026.

**Sister Cities Commission**

I recommend the following for appointment:

Sandy Casement

Ms. Casement is a Government Relations Advisor at Freeport-McMoRan and a resident of District 6. She fills a vacancy for a term to expire September 20, 2026.

Sally Chen

Ms. Chen is an Attorney at SL Chen and Associates PLC. She fills a vacancy for a term to expire September 20, 2026.

I recommend the following for reappointment:

Misty Cisneros-Contreras

Ms. Cisneros-Contreras will serve her first term to expire September 20, 2026.

Jennifer Doan-Richardson

Ms. Doan-Richardson will serve her second term to expire September 20, 2026.

Bruce Meyerson

Mr. Meyerson will serve his second term to expire September 20, 2026.

Karl Obergh

Mr. Obergh will serve his second term to expire September 20, 2026.



## **Liquor License - Shinme Cuisine**

Request for a liquor license. Arizona State License Application 252850.

### **Summary**

#### Applicant

Sheng Yu, Agent

#### License Type

Series 12 - Restaurant

#### Location

2855 W. Cactus Road, Ste. 2

Zoning Classification: C-1

Council District: 1

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Sept. 25, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

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on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Shinme Sushi (Series 12)  
3020 S. Gilbert Road, Ste. 5, Chandler  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: None

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"With over 15 years of experience in the restaurant industry, i have gained a comrehensive Understanding of alcohol regulations, responsible service practices, and the nuances of mangagijg an establishment that serves alcohol beverages."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"Shinme Cuisine is designed to be a welcoming and responsible establishment that caters to a diverse clientele. Our primary goal is to create a safe and enjoyable environment for Patrins to socialize while adhering to the highest standards of alcohol servicex We understand the significance of responsible alcohol consumption and will imolement conprehensive training programs for our staff to ensure that all patrons are setved in accordance with legal regulations and ethical guidelines."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Shinme Cuisine  
Liquor License Map - Shinme Cuisine

#### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: SHINME CUISINE

### Liquor License

| Description         | Series | 1 Mile | 1/2 Mile |
|---------------------|--------|--------|----------|
| Liquor Store        | 9      | 3      | 1        |
| Beer and Wine Store | 10     | 4      | 2        |
| Hotel               | 11     | 1      | 0        |
| Restaurant          | 12     | 6      | 3        |
| Club                | 14     | 1      | 0        |

### Crime Data

| Description     | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|-----------------|-----------|-------------------|---------------------|
| Property Crimes | 61.49     | 156.44            | 205.2               |
| Violent Crimes  | 11.79     | 29.51             | 45.75               |

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

### Property Violation Data

| Description          | Average | 1/2 Mile Average |
|----------------------|---------|------------------|
| Parcels w/Violations | 49      | 128              |
| Total Violations     | 86      | 281              |

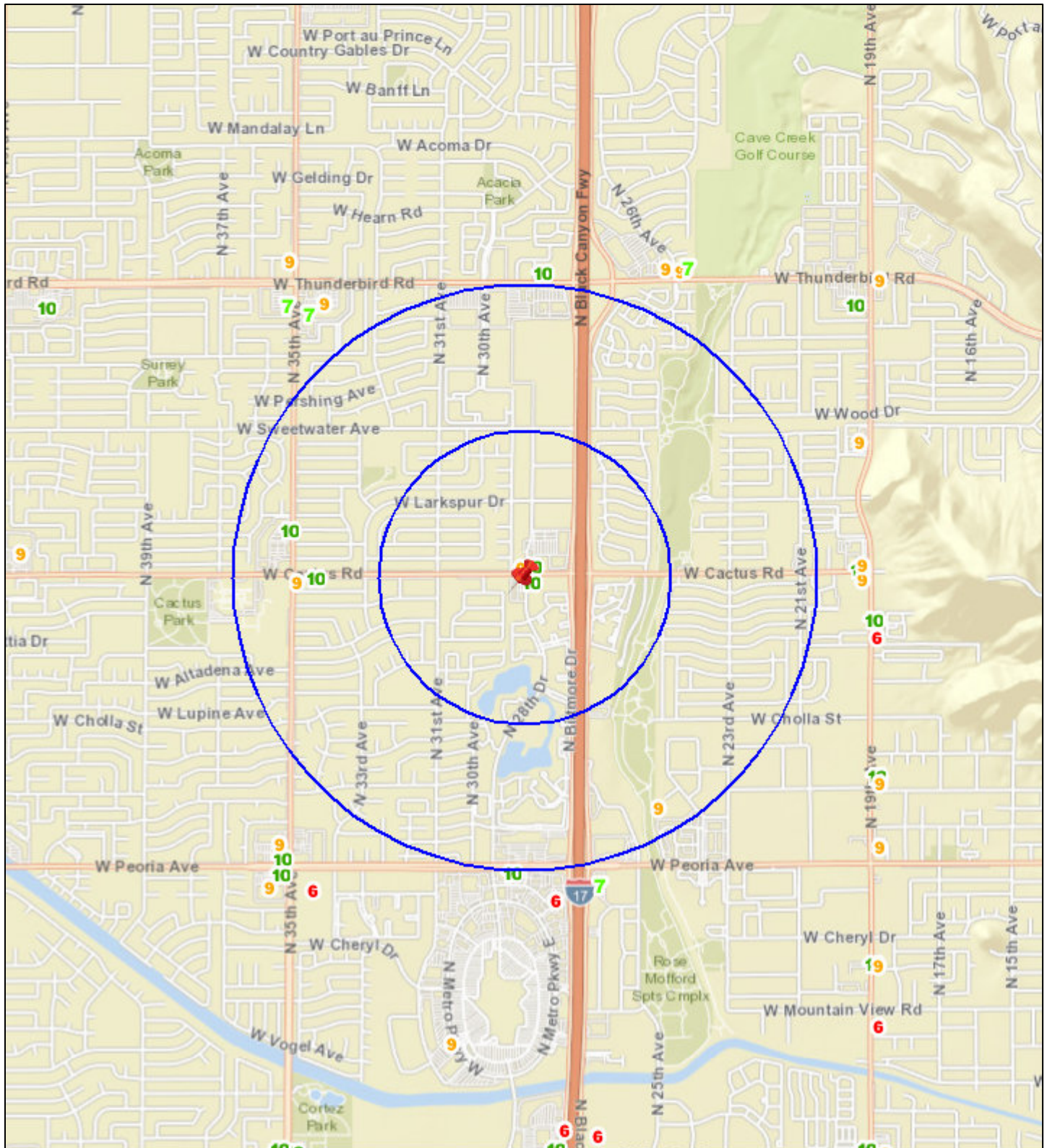
## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|------------|-----------------|----------------|---------------------|--------------------|
| 1039002    | 1483            | 36             | 13                  | 10                 |
| 1039004    | 1522            | 83             | 0                   | 5                  |
| 1040001    | 1260            | 45             | 19                  | 36                 |
| 1040003    | 1994            | 97             | 0                   | 11                 |
| 1043011    | 1780            | 83             | 0                   | 13                 |
| 1043021    | 1469            | 9              | 28                  | 7                  |
| 1043022    | 1902            | 53             | 15                  | 15                 |
| 1044011    | 2363            | 68             | 12                  | 12                 |
| 1044012    | 1594            | 19             | 9                   | 38                 |
| Average    | 0               | 61             | 13                  | 19                 |



# Liquor License Map: SHINME CUISINE

2855 W CACTUS RD



Date: 8/1/2023

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department



Report

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Agenda Date: 9/20/2023, Item No. 4

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**Liquor License - Someburros**

Request for a liquor license. Arizona State License Application 252530.

**Summary**

Applicant

Timothy Vasquez, Agent

License Type

Series 12 - Restaurant

Location

2525 W. Jomax Road

Zoning Classification: PUD

Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption as an accessory use to a restaurant. This business is currently under construction with plans to open in November 2023.

The 60-day limit for processing this application is Oct. 1, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“We train all of our employees in responsible liquor service. We also conduct regular audits to ensure they comply.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
“We would like the ability to offer our patrons of legal drinking age, adult beverages if they choose to have one with our made-from-scratch recipes that are cooked with the highest quality of ingredients.”

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Someburros

Liquor License Map - Someburros

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: SOMEBURROS

### Liquor License

| Description  | Series | 1 Mile | 1/2 Mile |
|--------------|--------|--------|----------|
| Liquor Store | 9      | 2      | 1        |
| Restaurant   | 12     | 12     | 0        |

### Crime Data

| Description     | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|-----------------|-----------|-------------------|---------------------|
| Property Crimes | 62.21     | 45.7              | 8.17                |
| Violent Crimes  | 11.92     | 2.52              | 1.16                |

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

### Property Violation Data

| Description          | Average | 1/2 Mile Average |
|----------------------|---------|------------------|
| Parcels w/Violations | 49      | 0                |
| Total Violations     | 86      | 0                |

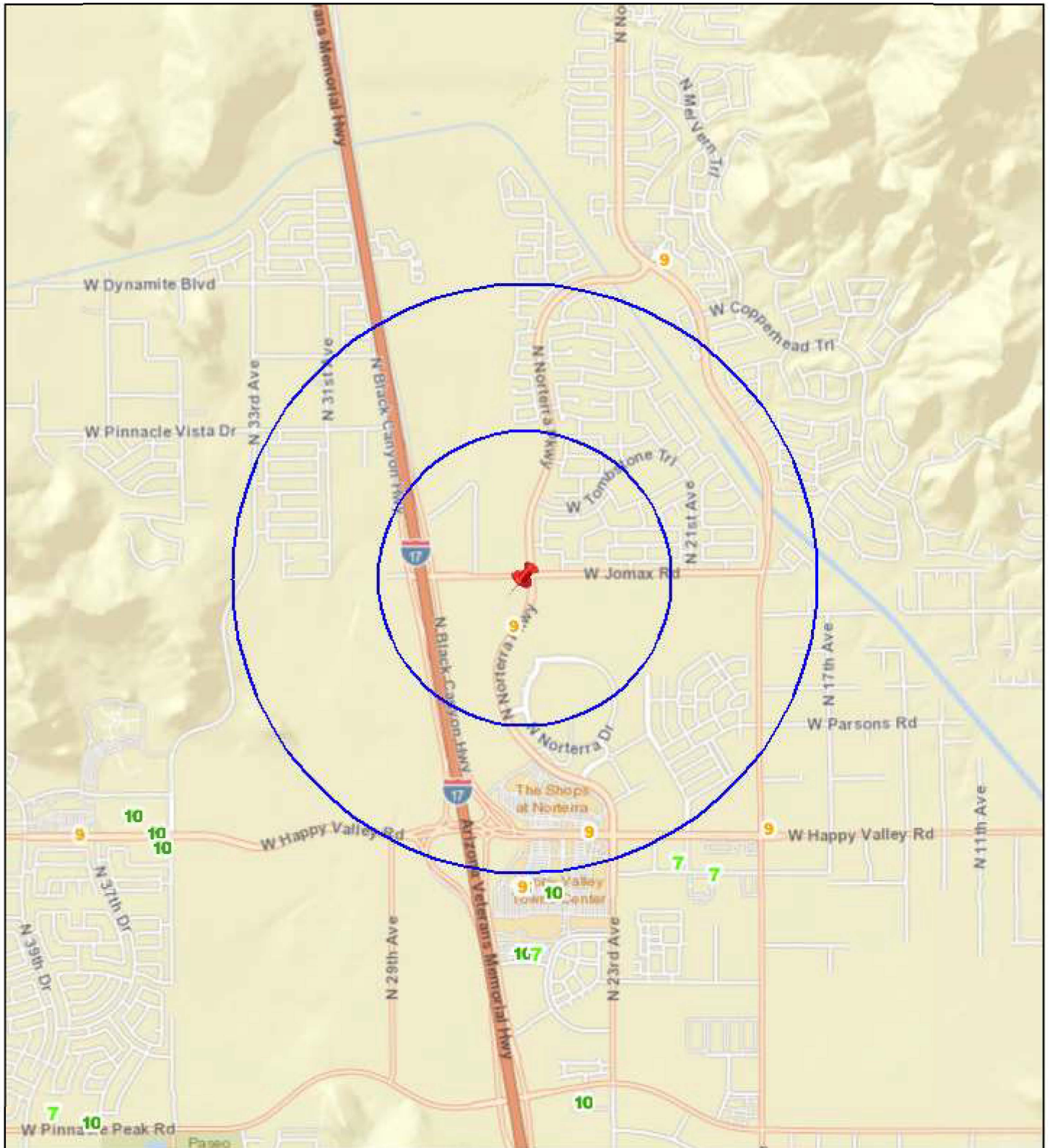
### Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|------------|-----------------|----------------|---------------------|--------------------|
| 6119001    | 1639            | 93             | 5                   | 0                  |
| 6123001    | 2199            | 54             | 6                   | 5                  |
| 6123002    | 1266            | 84             | 46                  | 12                 |
| 6123003    | 1440            | 69             | 25                  | 0                  |
| Average    | 0               | 61             | 13                  | 19                 |

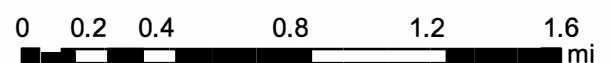


# Liquor License Map: SOMEBURROS

2525 W JOMAX RD



Date: 8/9/2023



City Clerk Department



## **Liquor License - Special Event - St. Luke Roman Catholic Parish Phoenix**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

### **Summary**

#### Applicant

Jonathan Leithmann

#### Location

19644 N. 7th Ave.

Council District: 2

#### Function

Festival

#### Date(s) - Time(s) / Expected Attendance

Oct. 20, 2023 - 4 p.m. to 11 p.m. / 350 attendees

Oct. 21, 2023 - 4 p.m. to 11 p.m. / 400 attendees

Oct. 22, 2023 - 4 p.m. to 11 p.m. / 250 attendees

#### Staff Recommendation

Staff recommends approval of this application.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



**Liquor License - Special Event - Coronado Neighborhood Association, Inc.**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

**Summary**

Applicant

Michael Anderson

Location

1717 N. 12th St.

Council District: 4

Function

Festival

Date(s) - Time(s) / Expected Attendance

Nov. 11, 2023 - 4 p.m. to 9 p.m. / 1,100 attendees

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Club Classico Phoenix**

Request for a liquor license. Arizona State License Application 6070170.

### **Summary**

#### Applicant

Angelica Contreras, Agent

#### License Type

Series 6 - Bar

#### Location

5030 W. McDowell Road, Ste. 29-30

Zoning Classification: C-2

Council District: 4

This request is for an ownership transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Oct. 3, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

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on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Bandoleros Night Club (Series 6)  
3613 E. Van Buren St., Phoenix  
Calls for police service: 5  
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have been involved in the industry for many years and have broad knowledge of the liquor rules and regulations. I currently own and operate Bandoleros Night Club for over a year with no issues or violations, which also includes the previous club I managed from 2016-2020, Club Santa Fe, in Avondale Arizona."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"I will provide an entertainment venue where the community can gather, enjoy the live bands performing and dance in a family oriented atmosphere."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Club Classico Phoenix  
Liquor License Map - Club Classico Phoenix

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

# Liquor License Data: CLUB CLASSICO PHOENIX

## Liquor License

| Description         | Series | 1 Mile | 1/2 Mile |
|---------------------|--------|--------|----------|
| Wholesaler          | 4      | 15     | 0        |
| Bar                 | 6      | 2      | 2        |
| Beer and Wine Bar   | 7      | 2      | 1        |
| Liquor Store        | 9      | 5      | 2        |
| Beer and Wine Store | 10     | 9      | 3        |
| Hotel               | 11     | 1      | 1        |
| Restaurant          | 12     | 4      | 2        |

## Crime Data

| Description     | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|-----------------|-----------|-------------------|---------------------|
| Property Crimes | 62.21     | 197.1             | 222.82              |
| Violent Crimes  | 11.92     | 50.07             | 78.34               |

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

## Property Violation Data

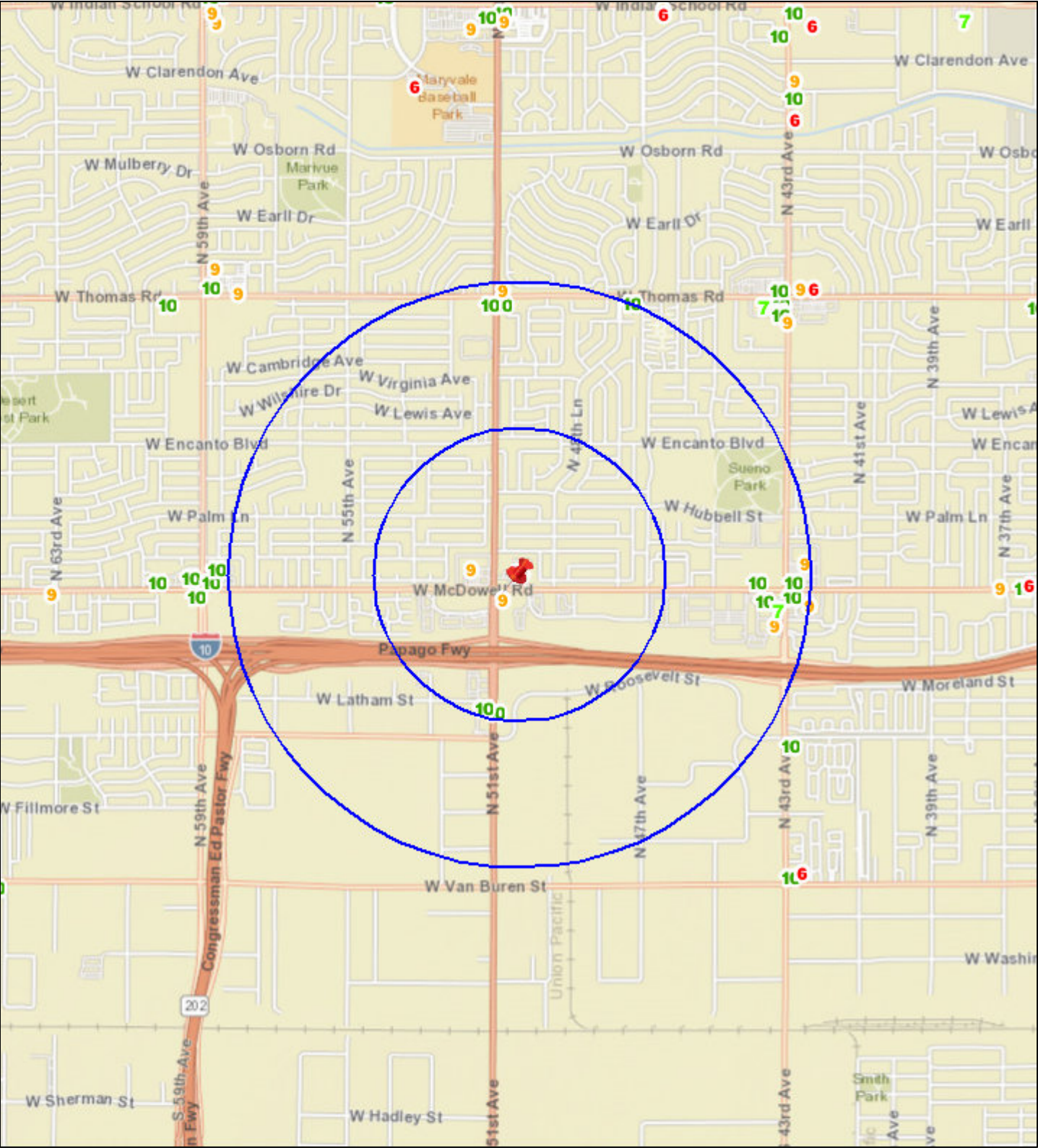
| Description          | Average | 1/2 Mile Average |
|----------------------|---------|------------------|
| Parcels w/Violations | 49      | 120              |
| Total Violations     | 86      | 201              |

## Census 2010 Data 1/2 Mile Radius

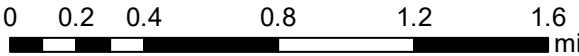
| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|------------|-----------------|----------------|---------------------|--------------------|
| 1123011    | 2466            | 11             | 19                  | 42                 |
| 1123012    | 2098            | 68             | 7                   | 47                 |
| 1123013    | 1748            | 71             | 0                   | 13                 |
| 1123021    | 1045            | 48             | 24                  | 28                 |
| 1123022    | 1551            | 48             | 25                  | 28                 |
| 1124013    | 1653            | 64             | 17                  | 20                 |
| 1124022    | 1531            | 76             | 21                  | 27                 |
| 1124023    | 1203            | 68             | 17                  | 35                 |
| 1125071    | 760             | 40             | 40                  | 36                 |
| 1125121    | 1518            | 14             | 36                  | 22                 |
| Average    | 0               | 61             | 13                  | 19                 |

# Liquor License Map: CLUB CLASSICO PHOENIX

5030 W MCDOWELL RD



Date: 8/9/2023





## **Liquor License - Mini Mart**

Request for a liquor license. Arizona State License Application 249476.

### **Summary**

#### Applicant

Nitin Gupta, Agent

#### License Type

Series 10 - Beer and Wine Store

#### Location

3502 W. Thomas Road

Zoning Classification: PSC

Council District: 4

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Sept. 30, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the

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State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Kwik Corner 5402 (Series 10)  
5402 W. Indian School Road, Phoenix  
Calls for police service: 46  
Liquor license violations: None

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have over 20 years of experience with Convenience Store and Gas Station businesses ranging from operations to management and during this time have learnt the ins and outs of handling the liquor license in a responsible manner providing due care of the laws while being mindful of the needs to the community and serving the local community to the best of my abilities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"It's a business that is already currently operational. I am purchasing the business from the current owner who has been serving the local community from this location for almost 3 years and I intend to continue the tradition of ensuring that this business continues to provide a safe and friendly environment and service to the same local community while assisting with the safety of the families living in the area by continuing to follow the liquor laws and safety protocols."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Mini Mart  
Liquor License Map - Mini Mart

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: MINI MART

### Liquor License

| Description         | Series | 1 Mile | 1/2 Mile |
|---------------------|--------|--------|----------|
| Wholesaler          | 4      | 6      | 4        |
| Bar                 | 6      | 4      | 1        |
| Beer and Wine Bar   | 7      | 4      | 2        |
| Liquor Store        | 9      | 2      | 0        |
| Beer and Wine Store | 10     | 11     | 6        |
| Restaurant          | 12     | 8      | 1        |

### Crime Data

| Description     | Average * | 1 Mile                  | 1/2 Mile                |
|-----------------|-----------|-------------------------|-------------------------|
| Property Crimes | 62.89     | <b>Average **146.25</b> | <b>Average***157.32</b> |
| Violent Crimes  | 12.05     | 31.79                   | 32.48                   |

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

### Property Violation Data

| Description          | Average | 1/2 Mile Average |
|----------------------|---------|------------------|
| Parcels w/Violations | 47      | 70               |
| Total Violations     | 83      | 138              |

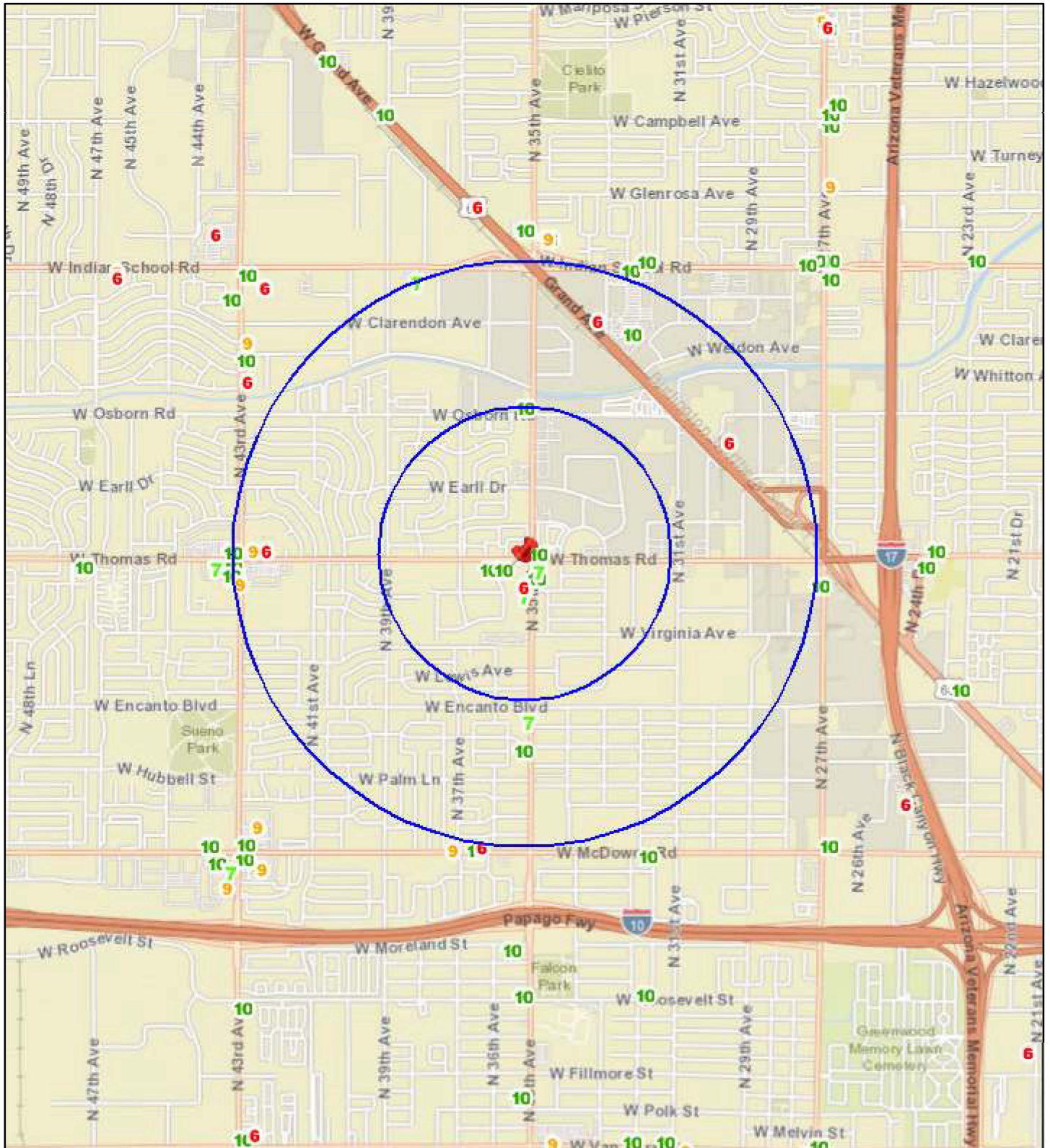


**Census 2010 Data 1/2 Mile Radius**

| <b>BlockGroup</b> | <b>2010 Population</b> | <b>Owner Occupied</b> | <b>Residential Vacancy</b> | <b>Persons in Poverty</b> |
|-------------------|------------------------|-----------------------|----------------------------|---------------------------|
| 1101001           | 1919                   | 16                    | 15                         | 58                        |
| 1101002           | 1880                   | 31                    | 18                         | 37                        |
| 1101003           | 2592                   | 65                    | 0                          | 27                        |
| 1101004           | 1252                   | 80                    | 7                          | 41                        |
| 1121001           | 989                    | 53                    | 5                          | 35                        |
| 1122011           | 2386                   | 70                    | 3                          | 37                        |
| 1169001           | 2535                   | 66                    | 12                         | 50                        |
| Average           | 0                      | 61                    | 13                         | 19                        |

# Liquor License Map: MINI MART

3502 W THOMAS RD



Date: 8/4/2023

0 0.2 0.4 0.8 1.2 1.6 mi



**Liquor License - Special Event - Kiwanis Club of Ahwatukee Foundation, Inc.**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

**Summary**

Applicant

Andrea Pettyjohn

Location

4700 E. Warner Road  
Council District: 6

Function

Festival

Date(s) - Time(s) / Expected Attendance

Oct. 7, 2023 - 5 p.m. to 9 p.m. / 100 attendees

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Arco AM PM**

Request for a liquor license. Arizona State License Application 252122.

### **Summary**

#### Applicant

Abdul Hakeem, Agent

#### License Type

Series 10 - Beer and Wine Store

#### Location

1201 E. Northern Ave.

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Sept. 24, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"As a previous owner of gas station and C-stores a bit over 10 years ago, I was very responsible and compliant with all regulations in managing my business. I am now wanting to return to this field of business management and will commit to all training required to abide by the law and State, County and City regulations to run my new business. I understand with that comes the responsibility in training all hired employees to be just as compliant to keep our community safe and be able to serve them as well."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"The community is already accustomed to purchasing their beer and wine at this Location. as the previous owner held the Same License and I as the new owner and manager would like to continue to be able to Provide the community with the same Product at their convience and local store."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Arco AM PM

Liquor License Map - Arco AM PM

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: ARCO AM PM

### Liquor License

| Description         | Series | 1 Mile | 1/2 Mile |
|---------------------|--------|--------|----------|
| Bar                 | 6      | 5      | 1        |
| Beer and Wine Bar   | 7      | 3      | 2        |
| Beer and Wine Store | 10     | 8      | 3        |
| Restaurant          | 12     | 10     | 5        |
| Club                | 14     | 2      | 1        |

### Crime Data

| Description     | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|-----------------|-----------|-------------------|---------------------|
| Property Crimes | 61.49     | 79.16             | 102.97              |
| Violent Crimes  | 11.79     | 9.79              | 15.28               |

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

### Property Violation Data

| Description          | Average | 1/2 Mile Average |
|----------------------|---------|------------------|
| Parcels w/Violations | 49      | 73               |
| Total Violations     | 86      | 119              |

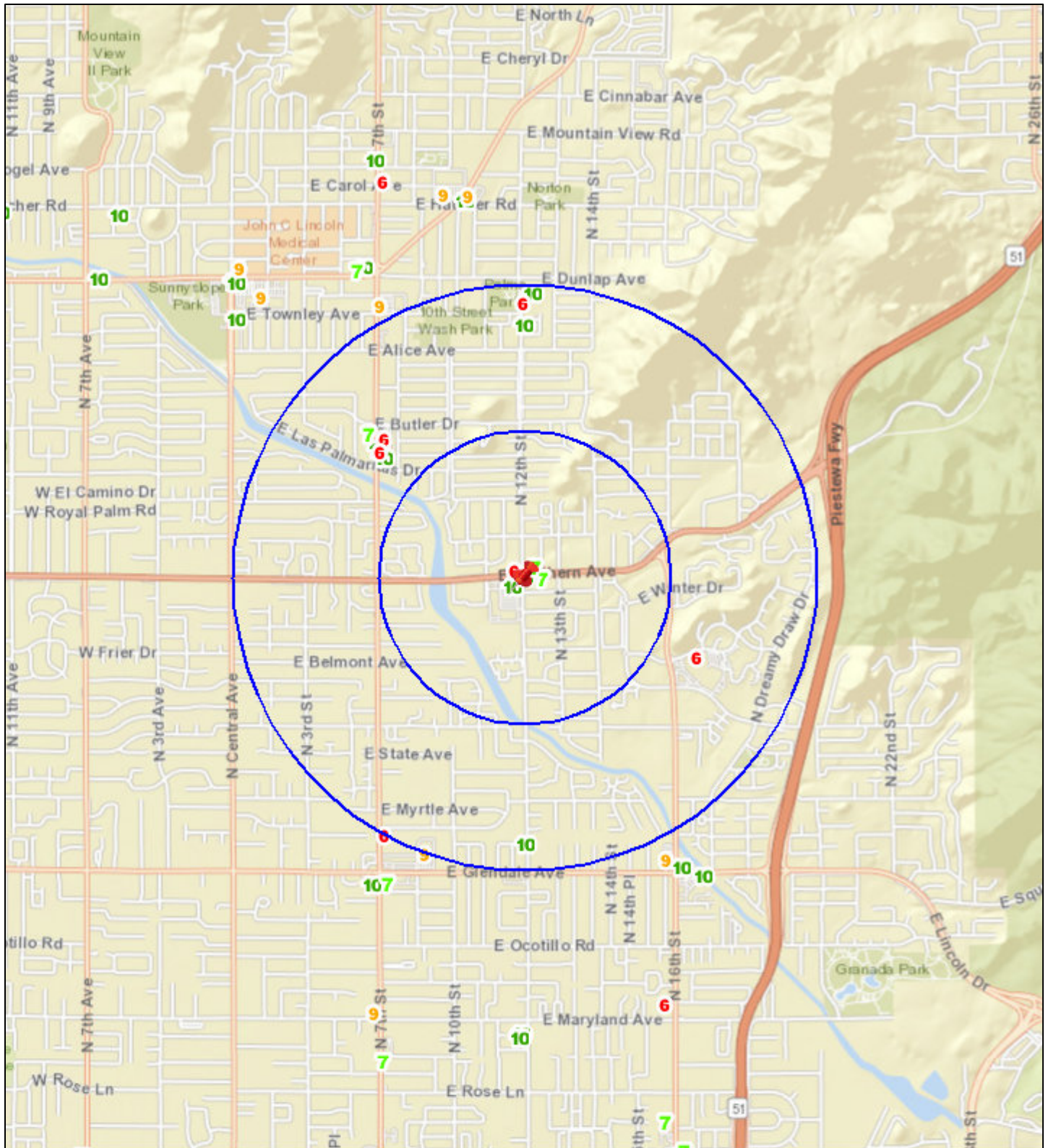
### Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|------------|-----------------|----------------|---------------------|--------------------|
| 1051023    | 1135            | 72             | 23                  | 12                 |
| 1052001    | 877             | 71             | 25                  | 24                 |
| 1052002    | 1702            | 63             | 7                   | 23                 |
| 1052004    | 2577            | 44             | 5                   | 15                 |
| 1063001    | 867             | 51             | 40                  | 17                 |
| 1063002    | 1099            | 67             | 24                  | 17                 |
| 1063003    | 1910            | 50             | 11                  | 42                 |
| Average    | 0               | 61             | 13                  | 19                 |

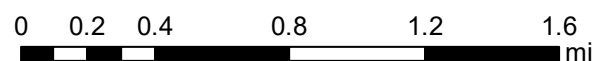


# Liquor License Map: ARCO AM PM

1201 E NORTHERN AVE



Date: 7/31/2023



City Clerk Department



## **Liquor License - Arizona Mutual Trading**

Request for a liquor license. Arizona State License Application 252473.

### **Summary**

#### Applicant

Harry Kang, Agent

#### License Type

Series 4 - Wholesaler

#### Location

5402 W. Roosevelt St., Ste. 104

Zoning Classification: A-1

Council District: 7

This request is for a new liquor license for a wholesaler. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Oct. 1, 2023.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the

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applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "I am a resident of Arizona. I will be the manager, representative, and agent of this business under the name Arizona Mutual Trading, LLC ('AMT'). AMT is a wholly-owned subsidiary of Mutual Trading Co., Inc., a California corporation ('MTC'), a national importer and distributor and multi-state wholesaler of alcohol beverages. AMT's parent MTC has operated a similar wholesaler business in California and currently holds a Wholesaler license in Arizona. MTC has been operating successfully and compliantly in California for 97 years and in Arizona for 24 years. MTC also holds federal (Alcohol & Tobacco Tax & Trade Bureau) importer and wholesaler permits in both Arizona and California. MTC also wholly-owns New York Mutual Trading, LLC, a NJ limited liability company ('NYMTC'). NYMTC operates a similar wholesaler business in New Jersey and New York for 49 years and currently holds wholesaler liquor licenses in New Jersey and New York. Also, MTC is a major shareholder in The Cherry Company Ltd, a Hawaii corporation ('Cherry Company'). Cherry Company operates a similar wholesaler business in Hawaii for 35 years and currently holds wholesaler liquor license in Hawaii."

**Staff Recommendation**

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Footprint Center**

Request for a liquor license. Arizona State License Application 6070376.

### **Summary**

#### Applicant

Jay Satenspiel, Agent

#### License Type

Series 6 - Bar

#### Location

201 E. Jefferson St.

Zoning Classification: DTC Business Core

Council District: 7

This request is for an ownership and location transfer of a liquor license for an arena. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Oct. 3, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"Ovation's possesses strong business management skills, a thorough understanding of laws, rules & regulations, a commitment to responsible alcohol service, a focus on customer satisfaction, financial stability, & a proven track record of reliability & work ethic. We are confident in our ability to manage and operate a licensed establishment effectively & responsibly."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Ovations is an industry leader in hosting and entertainment, partnering with clients to create memorable experiences for millions of visitors every year. Ovation's unmatched blend of integrated services delivers incremental value for clients through several primary areas of expertise: Venue Management, Food Services & Hospitality, and Partnerships."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Footprint Center

Liquor License Map - Footprint Center

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

# Liquor License Data: FOOTPRINT CENTER

## Liquor License

| Description         | Series | 1 Mile | 1/2 Mile |
|---------------------|--------|--------|----------|
| Producer            | 1      | 1      | 1        |
| Microbrewery        | 3      | 3      | 0        |
| Wholesaler          | 4      | 1      | 1        |
| Government          | 5      | 4      | 3        |
| Bar                 | 6      | 44     | 27       |
| Beer and Wine Bar   | 7      | 10     | 6        |
| Liquor Store        | 9      | 3      | 2        |
| Beer and Wine Store | 10     | 14     | 1        |
| Hotel               | 11     | 6      | 4        |
| Restaurant          | 12     | 98     | 49       |
| Club                | 14     | 3      | 1        |

## Crime Data

| Description     | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|-----------------|-----------|-------------------|---------------------|
| Property Crimes | 62.21     | 223.61            | 263.8               |
| Violent Crimes  | 11.92     | 63.42             | 56.47               |

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

## Property Violation Data

| Description          | Average | 1/2 Mile Average |
|----------------------|---------|------------------|
| Parcels w/Violations | 49      | 42               |
| Total Violations     | 86      | 69               |

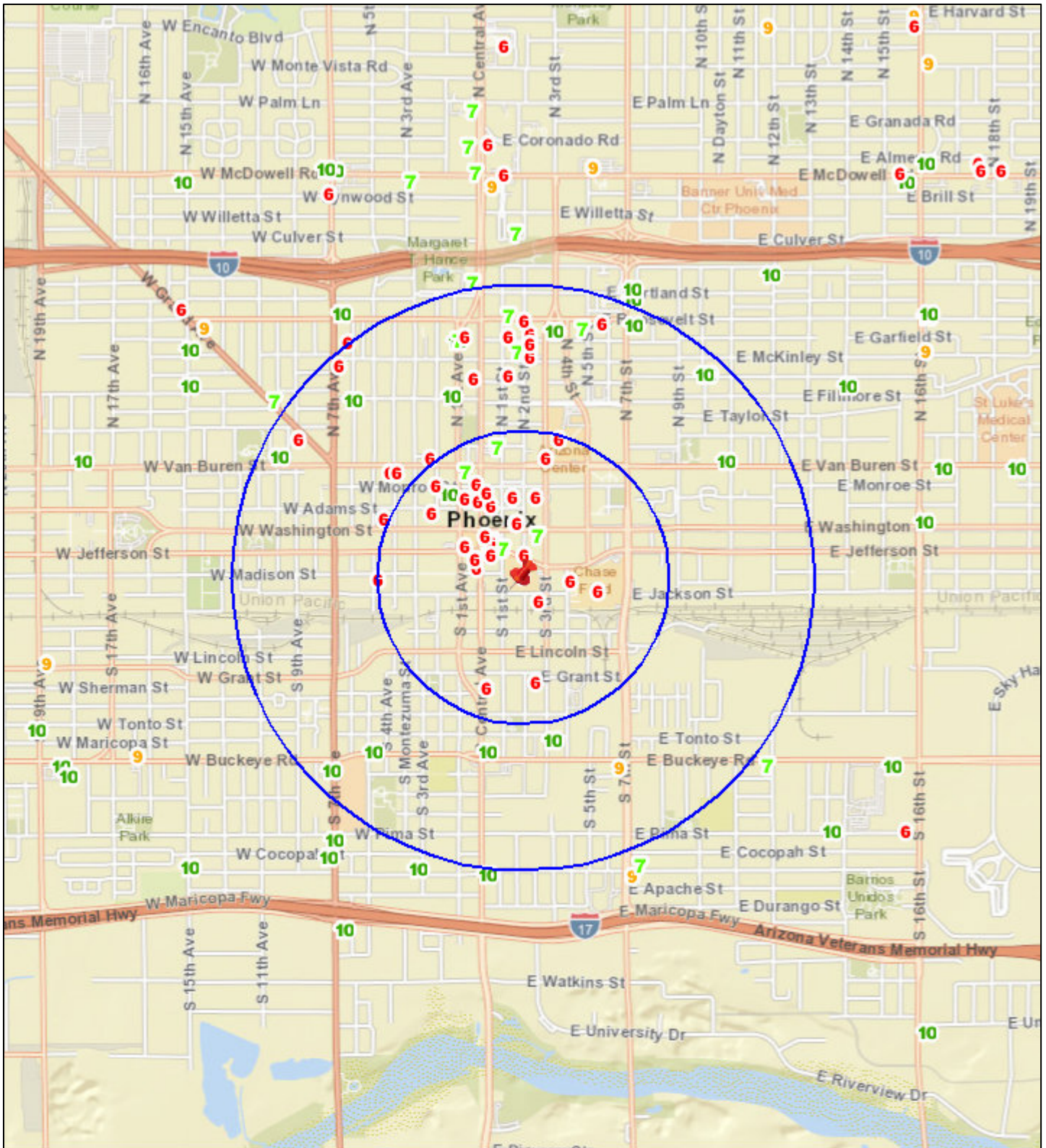
## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|------------|-----------------|----------------|---------------------|--------------------|
| 1131002    | 1242            | 3              | 7                   | 33                 |
| 1140001    | 1831            | 25             | 20                  | 47                 |
| 1140002    | 78              | 77             | 0                   | 32                 |
| 1141001    | 2299            | 16             | 37                  | 44                 |
| 1142001    | 1321            | 36             | 22                  | 50                 |
| Average    | 0               | 61             | 13                  | 19                 |

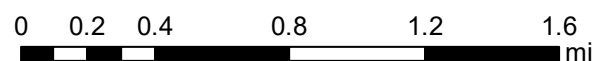


# Liquor License Map: FOOTPRINT CENTER

201 E JEFFERSON ST



Date: 8/8/2023



City Clerk Department





## **Liquor License - Special Event - Alwun House Foundation**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

### **Summary**

#### Applicant

Dana Johnson

#### Location

1209 E. Diamond St.

Council District: 8

#### Function

Art Show

#### Date(s) - Time(s) / Expected Attendance

Oct. 6, 2023 - 6 p.m. to 10:30 p.m. / 400 attendees

#### Staff Recommendation

Staff recommends approval of this application.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Special Event - Alwun House Foundation**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

### **Summary**

#### Applicant

Dana Johnson, Agent

#### Location

1204 E. Roosevelt St.  
Council District: 8

#### Function

Art Exhibit

#### Date(s) - Time(s) / Expected Attendance

Oct. 28, 2023 - 7 p.m. to 12:30 a.m. / 350 attendees

#### Staff Recommendation

Staff recommends approval of this application.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Blue Cloud Distribution of Arizona, Inc.**

Request for a liquor license. Arizona State License Application 004070021353.

### **Summary**

#### Applicant

Camila Alarcon, Agent

#### License Type

Series 4 - Wholesaler

#### Location

4242 E. Raymond St.

Zoning Classification: A-1

Council District: 8

This request is for an acquisition of control of an existing liquor license for a wholesaler. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Oct. 2, 2023.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Blue Cloud Distribution of Arizona, Inc. (Series 4)

31065 N. Cotton Lane, Goodyear

Calls for police service: N/A - not in Phoenix

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Liquor license violations: None

Blue Cloud Distribution of Arizona, Inc. (Series 4)  
3131 E. Transcon Way, Tucson  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"Applicant or its commonly-controlled entities have operated with wholesaler licenses since 2021 in various states, and since 2023 in Arizona. Applicant is committed to adhering to all applicable liquor laws."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Aloft Hotel Phoenix Airport**

Request for a liquor license. Arizona State License Application 251222.

### **Summary**

#### Applicant

Amy Nations, Agent

#### License Type

Series 11 - Hotel/Motel

#### Location

4450 E. Washington St.

Zoning Classification: C-2 M-R TOD-1

Council District: 8

This request is for a new liquor license for a Hotel. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Oct. 3, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

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on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Westin La Paloma Resort & Country Club (Series 6)  
3660 + 3800 E. Sunrise Drive, Tucson  
Calls for police service: N/A, not in Phoenix  
Liquor license violations: None

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"I serve as an executive of multiple entities that hold liquor licenses across the United States."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"The hotel is near Phoenix Airport which provides comfortable lodging and services to guests and business people visiting the area. The hotel provides easy access to top local attractions like the Sun Devil Stadium, the Phoenix Zoo and Desert Botanical Gardens and offers event space for upcoming meetings and special occasions."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Aloft Hotel Phoenix Airport  
Liquor License Map - Aloft Hotel Phoenix Airport

#### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

# Liquor License Data: ALOFT HOTEL PHOENIX AIRPORT

## Liquor License

| Description         | Series | 1 Mile | 1/2 Mile |
|---------------------|--------|--------|----------|
| Microbrewery        | 3      | 1      | 1        |
| Bar                 | 6      | 2      | 0        |
| Beer and Wine Bar   | 7      | 3      | 1        |
| Conveyance          | 8      | 2      | 0        |
| Liquor Store        | 9      | 2      | 0        |
| Beer and Wine Store | 10     | 6      | 3        |
| Hotel               | 11     | 6      | 4        |
| Restaurant          | 12     | 3      | 1        |

## Crime Data

| Description     | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|-----------------|-----------|-------------------|---------------------|
| Property Crimes | 62.21     | 84.71             | 109.12              |
| Violent Crimes  | 11.92     | 17.03             | 24.52               |

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

## Property Violation Data

| Description          | Average | 1/2 Mile Average |
|----------------------|---------|------------------|
| Parcels w/Violations | 49      | 23               |
| Total Violations     | 86      | 46               |

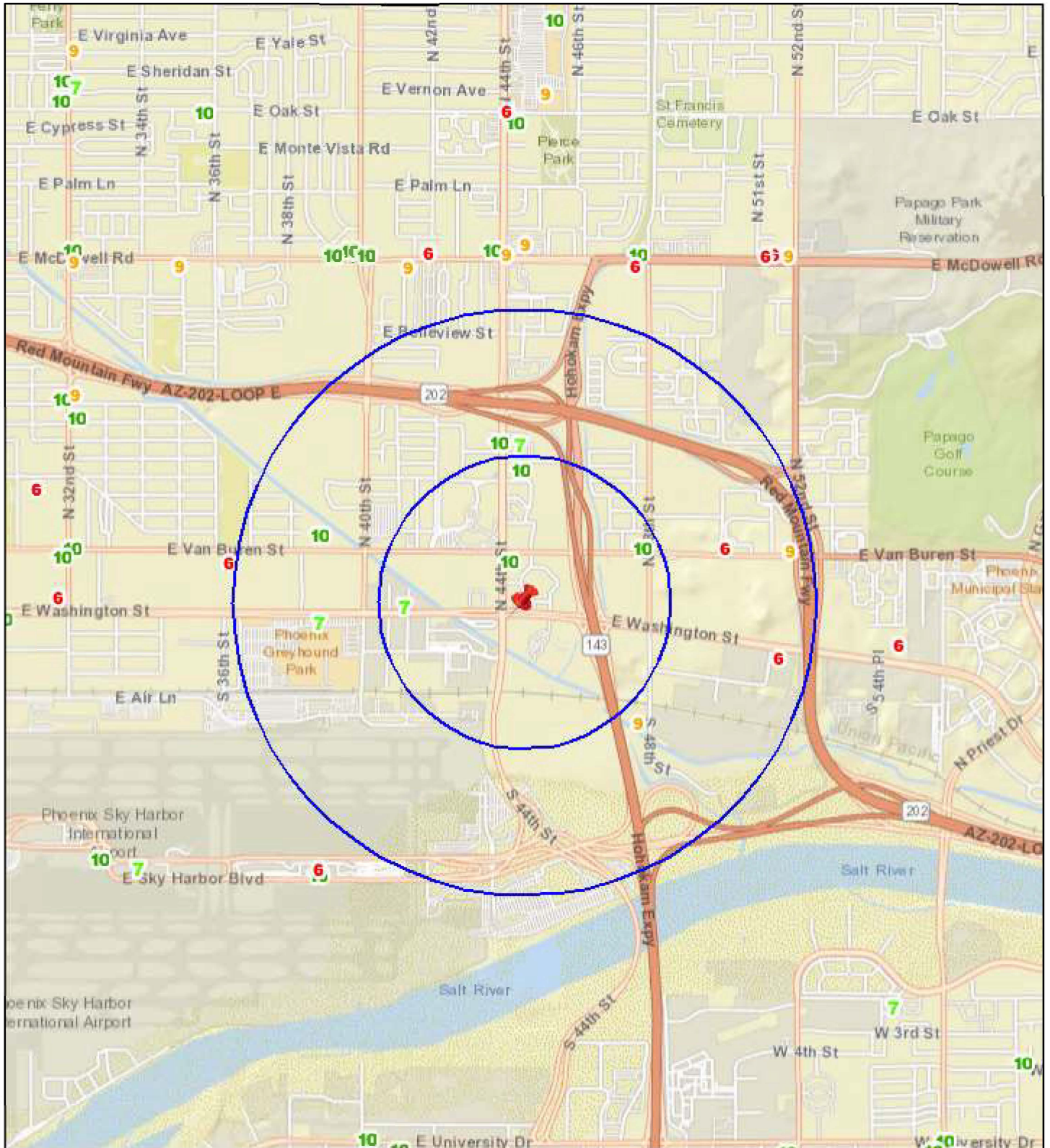
**Census 2010 Data 1/2 Mile Radius**

| <b>BlockGroup</b> | <b>2010 Population</b> | <b>Owner Occupied</b> | <b>Residential Vacancy</b> | <b>Persons in Poverty</b> |
|-------------------|------------------------|-----------------------|----------------------------|---------------------------|
| 1112031           | 1003                   | 0                     | 24                         | 37                        |
| 1137002           | 1578                   | 21                    | 11                         | 59                        |
| 1137003           | 1101                   | 31                    | 18                         | 11                        |
| 1138011           | 1007                   | 13                    | 30                         | 31                        |
| 1138021           | 0                      | 0                     | 0                          | 0                         |
| Average           | 0                      | 61                    | 13                         | 19                        |



# Liquor License Map: ALOFT HOTEL PHOENIX AIRPORT

4450 E WASHINGTON ST



Date: 8/9/2023

0 0.2 0.4 0.8 1.2 1.6 mi



## City Council Formal Meeting

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**Agenda Date:** 9/20/2023, **Item Nos.** 17-19

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### **PAYMENT ORDINANCE (Ordinance S-50152) (Items 17-19)**

*Ordinance S-50152 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.*

**17 Planning Technology, Inc.**

For \$96,000 in payment authority for a new contract, entered on or about Dec. 1, 2023, for a term of five years to provide Airspace Analysis Services for the Aviation Department. This contract will provide specialized software which helps Aviation staff review proposed development on and off Phoenix Sky Harbor International Airport, Phoenix Deer Valley, and Phoenix Goodyear Airport (Airports) to determine if a construction project will pose hazards or obstructions to the aircraft flight path that the Aviation Department is required to protect. Objects protruding into Airports' aeronautical surfaces can significantly affect Airports' capacity by requiring changes to the airport minima. The service will include airspace surfaces that are unique for aircraft operation in Instrument Flight Rules conditions to each runway at the City's Airports.

**18 Charlie Pepper AZ, Inc., dba Salt Works**

For \$22,500 in additional payment authority for Contract 158216 for salt minerals to be used in water softening systems for the Phoenix Convention Center Department (PCCD). PCCD will be added to the Water Services Department contract valid through April 28, 2028.

19     **Salt River Project Agriculture Improvement and Power  
District dba SRP**

For \$15,800 in payment authority to Salt River Project Agriculture Improvement and Power District, dba SRP, for design and construction of electrical facilities for 4049 N. 67th Ave. (67th Avenue and Indian School Road) signalized intersection T3390319.WV. Relocation of the pole and power was required to operate this traffic signal for Street Transportation project ST89340584-4.



## Proposed Ekmark Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed Ekmark Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

### Summary

The annexation was requested by Jennifer Hall with the Rose Law Group for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

### Public Outreach

Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

### Location

The proposed annexation area includes parcel 104-84-008G and 104-84-008B, located at 77th Avenue and Alta Vista Road (**Attachment B**). The annexation area is approximately 18.972 acres (0.0296 sq. mi.) and population estimate is three individuals.

Council District: 7

### Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Attachment A

### CITY COUNCIL REPORT

**TO:** Alan Stephenson  
Deputy City Manager

**FROM:** Joshua Bednarek  
Planning and Development Director

**SUBJECT:** Request for Updated Task Force Analysis: 75th Avenue and Alta Vista Road

This report recommends the **approval** of the proposed annexation of **18.97** acres located at approximately 1,966 feet west of the southwest corner of 75th Avenue and the Alta Vista Road alignment from Maricopa County: APN # 104-84-008G, 104-84-008B

#### THE REQUEST:

The applicant is requesting to annex approximately 18.97 acres approximately 1,966 feet west of the southwest corner of 75th Avenue and the Alta Vista Road alignment from Maricopa County. The applicant is requesting the annexation with the intention to develop 108 single-family residences and rezone the site.

#### OTHER INFORMATION:

|  |  |
|--|--|
| Planning Village:                                    | Laveen   |
| General Plan Designation:                            | Residential 3.5 to 5 du/acre, Commerce/Business Park, and Parks/Open Space - Publicly Owned.   |
| Current County Zoning District                       | RU-43  |
| Equivalent Zoning District:                          | S-1  |
| Proposed Zoning District:                            | R1-6   |
| Current Land Use Conditions                          |  |
| On Site:   | Vacant, mobile home and barns.   |
| To the North:  | Maricopa County jurisdiction, zoned RU-43, Vacant, Floodplain  |
| To the South:  | City of Phoenix jurisdiction, zoned S-1, Single-Family Residential   |
| To the West:   | Maricopa County jurisdiction, zoned RU-43, Vacant, Mobile-Homes  |
| To the East:   | City of Phoenix jurisdiction, zoned S-1, Single-Family Residential<br>Maricopa County jurisdiction, zoned RU-43, Single-Family Residential |
| Maricopa County History of Non-Conformities Present? | NONE PRESENT   |

#### MARICIPA COUNTY ZONING CASE HISTORY

|             |     |
|-------------|-----|
| 104-84-008G | N/A |
| 104-84008B  | N/A |

#### ALTERNATIVES:

- Option A - Annex the land as requested:

The City of Phoenix will control rezoning requests in this area to ensure conformance with the General Plan Land Use Map. The city of Phoenix will capture property tax, utility tax, state shared revenue, and impact fees when applicable.

- Option B - Deny the request for annexation:

If annexed later, this site would have been developed under County zoning and development standards that may not be consistent with the General Plan, Land Use Map, zoning, and development standards.

#### RECOMMENDATION:

Located adjacent to City of Phoenix lands, this annexation is supported by the 2015 General Plan, particularly the Land Use goal for land uses and development standards for unincorporated land, under Policies 1 and 2. This annexation is recommended for approval. Approval of annexation does not constitute recommendation for future rezoning actions.

## SUPPORTING INFORMATION:

### I. Water and Sewer Service

The Water Services Department has reviewed the request for:

APN's 104-84-008G and 104-84-008B

Approximately 19.09 acres

Q.S.# 2-10

Water Pressure Zone 0S

Water

8-inch DIP water main within 77th Glen

Sewer

8-inch VCP sewer main within W Glass Lane

The proposed parcels can likely be served by the City's water and/or sewer system pending capacity review and approval. This review will be done at the time of preliminary site plan approval. Design and construction of any infrastructure will be the responsibility of the developer. Specifics regarding potential main extension requirements would be discussed and determined at a pre-app meeting after annexation.

This development may be subject to Conservation Measures for New Development during rezoning process as adopted by the City of Phoenix.

It is the City's intent to provide water and sewer service. However, the requirements and assurances for water and sewer service are determined during the site plan application review, or the building permit approval and may be subject to future restrictions as a result of CAP water shortage measures. Please be advised that capacity is a dynamic condition that can change over time due to a variety of factors.

### II. Fire Protection

|  |  |      |    |      |
|--|--|------|----|------|
| Servicing Station:                         | Phoenix Fire Station 59, 1111 S. 65th Avenue |      |    |      |
| Station Capacity Level, Current:           | N/A  |      |    |      |
| Station Capacity Level, After Annexation:  | Unknown                                      |      |    |      |
| Current Response Time:                     | 7  | Min. | 15 | Sec. |
| City Average Response Time:                | 5  | Min. | 0  | Sec. |
| Difference from Typical Response Time:     | -1   | Min. | 39 | Sec. |
| Number of Service Calls Expected:          | 39   |      |    |      |
| Average Cost per Service Call:             | <u>\$727</u>                                 |      |    |      |
| Estimated Total Annual Fire Service Costs: | <b>\$28,430</b>                              |      |    |      |

III. Police Protection

|  |  |
|--|--|
| Servicing Station:                           | Maryvale / Estrella Mountain Precinct<br>2111 S 99th Ave<br>Tolleson, AZ 85353<br>602-495-5003 |
| Number Of New Officers Required:             | 0.27   |
| Number Of New Patrol Cars Required:          | <u>0.16</u>  |
| Estimated Total Annual Police Service Costs: | <b>\$50,833</b>  |

IV. Refuse Collection

|   |                 |
|---|-----------------|
| Number of New Containers Required:          | 108             |
| Cost for Refuse Containers, Each:           | \$59.90         |
| Cost for Recycling Containers, Each:        | <u>\$59.90</u>  |
| Total Start-Up Costs for Refuse Collection: | <b>\$12,938</b> |

V. Street Maintenance

|  |                |
|--|----------------|
| Average Cost per Acre For Street Maintenance:    | <u>\$131</u>   |
| Estimated Total Annual Street Maintenance Costs: | <b>\$2,479</b> |

VI. Public Transit

|                   |   |
|-------------------|---|
| Servicing Routes: | There are no servicing bus routes in the annexation area. |
|-------------------|---|

VII. Parks and Recreation

|  |                 |
|--|-----------------|
| Neighborhood Park Demand in Acres:       | 1.00            |
| Community Park Demand in Acres:          | 0.53            |
| District Park Demand in Acres:           | 0.53            |
| Total Park Demand in Acres:              | 2.06            |
| Cost Per Acre, Annual Maintenance:       | <u>\$17,000</u> |
| Total Annual Parks and Recreation Costs: | <b>\$34,990</b> |

VIII. Schools

|  |                                    |
|--|------------------------------------|
| Elementary School District:                | Laveen Elementary School District  |
| High School District:                      | Phoenix Union High School District |
| Total Expected Elementary School Students: | 66                                 |
| Total Expected High School Students:       | 38                                 |
| Total Expected New Students:               | 104                                |



IX. Revenues

|                                     |   |                  |
|-------------------------------------|---|------------------|
|                                     | Expected Total Impact Fees at Buildout: | \$1,583,649      |
| Beginning Next<br>Fiscal Year       | Property Tax Income*:                   | \$1,650          |
|                                     | Utility Fee Income:                     | \$13,500         |
|                                     | State Shared Revenue:                   | \$121,129        |
|                                     | Solid Waste:                            | \$47,896         |
|                                     | Sales Tax Generated:                    | <u>Unknown</u>   |
|                                     | Total Tax Related Income, Annually**:   | <b>\$184,175</b> |
| Beginning 2023-<br>2024 Fiscal Year | Property Tax Income*:                   | \$1,650          |
|                                     | Utility Fee Income:                     | \$13,500         |
|                                     | State Shared Revenue:                   | \$121,129        |
|                                     | Solid Waste:                            | \$47,896         |
|                                     | Sales Tax Generated:                    | <u>Unknown</u>   |
|                                     | Total Tax Related Income, Annually**:   | <b>\$184,175</b> |

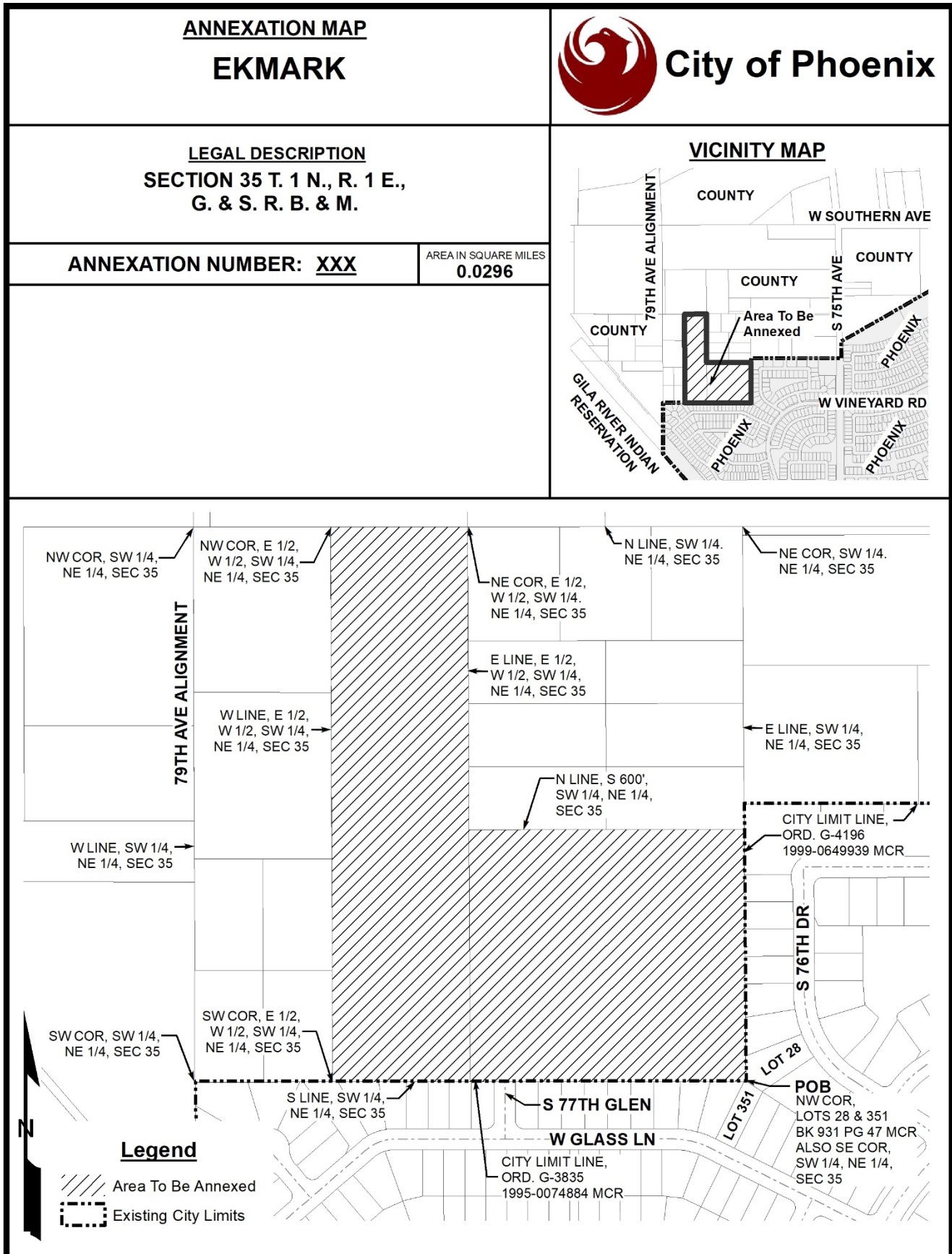
X. Total Costs

|   |                    |
|---|--------------------|
| Revenue, First Year Only:                       | \$1,767,824        |
| Revenue, Year Two:                              | \$184,175          |
| Revenue, 2020 and Beyond:                       | \$184,175          |
| Expenses, First Year Only:                      | \$129,671          |
| Expenses, Year Two and Beyond:                  | \$116,732          |
| <b>Total Annual Revenue, First Year**:</b>      | <b>\$1,638,153</b> |
| <b>Total Annual Revenue, 2023 and Beyond**:</b> | <b>\$67,443</b>    |

*\*The above referenced **Property Tax Income** numbers are based on vacant parcels only, it does not refer to future development which will vary depending on number of lots and individual square footage.*

*\*\***Total Tax Related Income** and **Total Annual Revenues** will vary depending on project scope and size, the timing of permit issuance and build-out.*

# Attachment B





**Grant of a Public Utility Easement on City-owned Property Located at 445 N. 5th St. (Ordinance S-50154)**

Request the City Council to grant a public utility easement for consideration of \$1 and/or other valuable consideration, for utility service to a City-owned property in the Arizona Public Service Company service area; further ordering the ordinance recorded.

**Summary**

The public utility easement provides services to the International Genomics Consortium and Translational Genomics Research Institute (IGC/T-Gen) Headquarters for project ED10000011 located at located at 445 N. 5th St.

This public utility easement is more fully described in the legal description ("Easement Premises") to be recorded with this ordinance and will be granted to all public service corporations (collectively "Grantee") providing utility service to Genomics Campus in perpetuity, so long as the Grantee uses the Easement Premises for the purposes herein specified, subject to the following terms and conditions:

- A. Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."
- B. Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed

and which do not interfere with or endanger any of the Grantee Facilities.

Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

- C. Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state, and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate or maintain the Grantee Facilities.
- D. Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 12 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures, or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs or other obstruction within said areas.
- E. Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any work or use by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, concrete, and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.
- F. Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: 1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and 2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.
- G. Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.
- H. Grantee shall not have the right to transfer, convey or assign its interests in this

easement to any individual, corporation or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any rights granted herein at address listed below.

- I. Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located:
  - 1) on a site that includes Aviation Department facilities; 2) water and wastewater treatment facilities; 3) Police Department headquarters located at 620 W. Washington St.; 4) Fire Department headquarters located at 150 S. 12th St.; 5) City Hall located at 200 W. Washington St.; 6) City Court Building located at 300 W. Washington St.; 7) Calvin C. Goode Building located at 251 W. Washington St.; 8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or 9) in a secured or fenced area.

**Location**

445 N. 5th St., within Maricopa County Assessor parcel number 111-46-155.  
Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager John Chan and the Community and Economic Development and Finance departments.



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Agenda Date: 9/20/2023, Item No. 22

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**Acceptance and Dedication of Easements for Multi-use Trail, Sidewalk and Public Utility Purposes (Ordinance S-50169)**

Request for the City Council to accept and dedicate easements for multi-use trail, sidewalk and public utility purposes; further ordering the ordinance recorded.

**Summary**

Accepting the property interests below meets the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: DV Parcel A-1 Owner, LP, its successor and assigns

Purpose: Multi-use Trail

Location: 23625 N. 19th Ave.

File: FN 230007

Council District: 1

Easement (b)

Applicant: DV Parcel A-1 Owner, LP, its successor and assigns

Purpose: Sidewalk

Location: 23625 N. 19th Ave.

File: FN 230007

Council District: 1

Easement (c)

Applicant: 13839 N. 12th St., LLC, its successor and assigns

Purpose: Public Utility

Location: 13839 N. 12th St.

File: FN 230072

Council District: 3

Easement (d)

Applicant: A.S.E. Management, LLC, its successor and assigns

Purpose: Public Utility

Location: 715 N. Black Canyon Highway

File: FN 230039

Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



**Acceptance of Easements for Drainage, Water and Sewer Purposes (Ordinance S-50170)**

Request for the City Council to accept easements for drainage, water and sewer purposes; further ordering the ordinance recorded.

**Summary**

Accepting the property interests below meets the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: DV Parcel A-1 Owner, LP, its successor and assigns

Purpose: Drainage

Location: 23625 N. 19th Ave.

File: FN 230007

Council District: 1

Easement (b)

Applicant: The Spengler Condominiums Homeowners Association, its successor and assigns

Purpose: Water

Location: 5525 E. Thomas Road

File: FN 230066

Council District: 6

Easement (c)

Applicant: Williams Family Living 1996 Trust, dated Sept. 6, 1996, also known as the June QTIP Trust; Williams Family Living 1996 Trust, its successor and assigns

Purpose: Sewer

Location: 6710 W. Dobbins Road

File: FN 230056

Council District: 7



**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



## **Paper Products - IFB 19-004 - Amendment (Ordinance S-50162)**

Request to authorize the City Manager, or his designee, to execute amendments to Contracts 148607 with Veritiv Operating Company and 148608 with Kelly Spicers, Inc. to extend Contract terms and allow additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$550,000.

### **Summary**

These contracts will provide a large variety of paper types used by the Print, Design, and Mail Services section of the City Clerk Department to produce community awareness, training and other critical business communications for all City departments. Examples of common projects include flyers, brochures, postcards and other media used to inform the public about City events, programs and services, as well as legal forms, statements, licenses and invoices for the Police, Fire, City Clerk, Municipal Court and Law departments.

### **Contract Term**

Upon approval the contracts will be extended through Sept. 30, 2024, with an option to extend through Sept. 30, 2025.

### **Financial Impact**

Upon approval of \$550,000 in additional funds, the revised aggregate value of the contracts will not exceed \$1,550,000. Funds are available in the City Clerk Department's budget.

### **Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Paper Products Contract 148607 (Ordinance S-45029) on Oct. 3, 2018.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



**Amendments to Classification Plan (Ordinance S-5815) in Accordance with Human Resources Committee 618 Recommendations - Classification and Compensation Study Post Implementation Adjustments (Ordinance S-50187)**

The following amendments to the Classification Plan (Ordinance S-5815) are proposed in accordance with the recommendations of Human Resources Committee 618, effective Oct. 2, 2023. The proposal will also require modifications to the City's Pay Ordinance (S-49802), which will be processed under a separate ordinance.

Modify the classification of Public Defender (NC), Job Code: 10230, Salary Plan: 018, Grade/Range: 922, Labor Unit Code: 008, Benefit Category: 009, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Benefit Category: 010.

Modify the assignment of Court Supervisor\*Interpreter, Job Code: 00621, Salary Plan: 001, Grade/Range: 055, Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Administrative Support, FLSA Status: Exempt to Grade/Range: 056.

Modify the classification of Urban Forestry Technician, Job Code: 40030, Salary Plan: 002, Grade/Range: 132, Labor Unit Code: 001, Benefit Category: 001, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade/Range: 143.

Modify the classification of Exec Asst to Mayor (NC), Job Code: 06070, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

Modify the classification of Senior Exec Asst/City Manager (NC), Job Code: 06140, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

**Summary**

The Classification and Compensation study was implemented rapidly to address a systemic staffing and labor market crisis throughout the City. Adjustments to grade and salary ranges are necessary as the City adapts to the new pay structures that took effect on Aug. 7, 2023. These recommendations balance internal alignment with

external market focus.

**Concurrence/Previous Council Action**

- City Council provided approval to repeal Ordinance S-47689 and adopt Ordinance S-49802 to implement the new rates and compensation associated with the classification and compensation study on May 31, 2023.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



**Amendments to Pay Ordinance (S-49802) in Accordance with Human Resources Committee 618 Recommendations - Classification and Compensation Study Post Implementation Adjustments (Ordinance S-50189)**

The following amendments to the Pay Ordinance (S-49802) are proposed in accordance with the recommendations of Human Resources Committee 618, effective Oct. 2, 2023. The proposal will also require modifications to the City's Classification Plan (Ordinance S-5815), which will be processed under a separate ordinance.

Modify the classification of Public Defender (NC), Job Code: 10230, Salary Plan: 018, Grade/Range: 922, Labor Unit Code: 008, Benefit Category: 009, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Benefit Category: 010.

Modify the assignment of Court Supervisor\*Interpreter, Job Code: 00621, Salary Plan: 001, Grade/Range: 055, Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Administrative Support, FLSA Status: Exempt to Grade/Range: 056.

Modify the classification of Urban Forestry Technician, Job Code: 40030, Salary Plan: 002, Grade/Range: 132, Labor Unit Code: 001, Benefit Category: 001, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade/Range: 143.

Modify the classification of Exec Asst to Mayor (NC), Job Code: 06070, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

Modify the classification of Senior Exec Asst/City Manager (NC), Job Code: 06140, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

**Summary**

The Classification and Compensation study was implemented rapidly to address a systemic staffing and labor market crisis throughout the City. Adjustments to grade and salary ranges are necessary as the City adapts to the new pay structures that took effect on Aug. 7, 2023. These recommendations balance internal alignment with

external market focus.

**Concurrence/Previous Council Action**

- City Council provided approval to repeal Ordinance S-47689 and adopt Ordinance S-49802 to implement the new rates and compensation associated with the classification and compensation study on May 31, 2023.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



**Request Authority to Enter Into IGA with AHCCCS to Use Pediatric Health Care Initiative Funds to Finance AHCCCS Payments to Phoenix Children's Hospital (Ordinance S-50190)**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Health Care Cost Containment System (AHCCCS) to implement the provisions of Ordinance S-45435 to allow the funding of the nonfederal share of certain AHCCCS payments to eligible children's hospitals within the City of Phoenix, namely Phoenix Children's Hospital (PCH), from the Pediatric Health Care Initiative Fund. Also request that the City Treasurer be authorized to accept and the City Controller be authorized to disburse the funds.

**Summary**

In March 2019, the City of Phoenix passed Ordinance S-45435 extending authorization for the Pediatric Health Care Initiative to allow donated funds to finance a broader scope of AHCCCS payments to PCH, after the original program financed by the City ended. At the time of passage, there was not a clear opportunity for use of the City's funds and so the ordinance did not include authority to enter into an intergovernmental agreement with AHCCCS. Given the challenges PCH is facing as a result of COVID-19, AHCCCS is seeking federal approval for enhanced payments to PCH. PCH has lost revenue totaling \$32 million in the last month and has not, up to this point, received federal assistance through the Coronavirus Aid Relief and Economic Security (CARES) Act because relief for hospitals has been distributed through the Medicare program (in which PCH, as a children's hospital, does not participate). There is an opportunity for the Pediatric Health Care Initiative Fund to help finance these and other AHCCCS payments, as outlined in Ordinance S-45435, for the duration of the ordinance. The City's funds will be of particular benefit, as the federal government has increased its matching rate for AHCCCS services; PCH will receive \$4 for every \$1 provided by the City. An IGA is required to enable the City to transfer the funds to AHCCCS for this purpose, and to outline the terms of AHCCCS' use of those funds.

**Concurrence/Previous Council Action**

- City Council approved Ordinance S-41038 on July 2, 2014.
- City Council approved Ordinance S-45435 on March 6, 2019.

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Law and Finance departments.





**Authorization to License Vacant City-owned Land Located at 314 and 318 N. 5th Ave. to T.B. Penick and Sons, Inc. (Ordinance S-50157)**

Request to authorize the City Manager, or his designee, to enter into a construction staging license with T.B. Penick and Sons, Inc. (T.B. Penick), across a portion of vacant City-owned parcels located at 314 and 318 N. 5th Ave. for temporary construction staging needs. Further request authorization for the City Treasurer to accept all funds related to this item.

**Summary**

T.B. Penick will license approximately 13,900 square feet of vacant City-owned land at 314 and 318 N. 5th Ave., for construction staging purposes for the construction of a nearby apartment building by a private developer. The license fee is \$174,000, plus applicable taxes, for a one-year term which is within the range of market rents as determined by the Real Estate Division.

T.B. Penick is responsible for all costs related to use of the land under the license, including restoration of the site upon expiration. The license will include insurance and indemnity provisions acceptable to the City's Risk Management Division and City Attorney. The license may be canceled pursuant to Arizona Revised Statutes section 38-511. The license may contain other terms and conditions deemed necessary by the City.

**Contract Term**

The license term is one year. The license may be extended on a month-to-month basis, not to exceed twelve months.

**Financial Impact**

Revenue during the one-year term will be \$174,000, plus applicable taxes. Revenue during any extension will be \$14,500 per month, plus applicable taxes.

**Location**

314 and 318 N. 5th Ave., identified by Maricopa County Assessor parcel numbers 111-41-082 and 111-41-084.

Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Housing and Finance departments.



**Property Management Services Contract for Affordable Housing Portfolio, Group C - Request for Award (Ordinance S-50171)**

Request to authorize the City Manager, or his designee, to enter into a contract with MEB Affordable Management Services, LLC (MEB) to provide property management services for the City of Phoenix Housing Department's Affordable Housing Portfolio, Group C (Camelback Properties, Paradise Greens, Yale Court, Red Mountain Springs and Desert Meadows). Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value including all option years will not exceed \$6.4 million. There is no impact to the General Fund.

**Summary**

The City of Phoenix Housing Department, Asset Management Division requires 3rd party property management services in connection with the continued operations of Group C consisting of five multifamily rental developments that are a subset of the Affordable Housing Portfolio (Portfolio) located in Phoenix, Arizona.

The City-owned Portfolio consists of 16 multifamily residential housing properties with 1,214 rental units that provide affordable housing to low-to-moderate income residents. This contract is for Group C consisting of five of those properties with an aggregate of 426 rental units.

**Procurement Information**

Request for Proposals FY24-086-1 (DRW) for Property Management Services for Affordable Housing Portfolio, Group C was conducted in accordance with Administrative Regulation 3.10.

Five vendors submitted proposals by the deadline of July 13, 2023, and all were deemed responsive and responsible. An evaluation panel, comprised of three City staff, evaluated the submitted proposals. Proposals received points in the following categories: Method of Approach (300 Points), Experience and Qualifications of Firm and Key Personnel (450 Points), Price (150 Points), and References (100 Points). The maximum possible score for each proposal in each group was 1,000 points. The final scores for the proposals received are as follows:

- |   |            |
|---|------------|
| • MEB Affordable Management Services, LLC | 785 Points |
| • D.B. Chamberlin & Associates            | 781 Points |
| • Consolidated Asset Management, Inc.     | 760 Points |
| • Dunlap and Magee                        | 629 Points |
| • Envolve Client Services AZ, LLC         | 625 Points |

After reaching a consensus, the evaluation panel recommends award to MEB Affordable Management Services, LLC. The Housing Department concurs with the evaluation panel's decision and recommends awarding the property management services contract to MEB.

### **Contract Term**

The initial three-year contract term will begin on or about Oct. 31, 2023, and end on Oct. 30, 2026. Provisions of the contract include an option to extend the term of the contract up to two additional years, which may be exercised in the discretion of the City Manager or designee.

### **Financial Impact**

The aggregate contract value, including all option years, will not exceed \$6.4 million (including applicable taxes) with an estimated annual expenditure of \$1.3 million. Contract costs related to staffing and management fees will be funded by the rental revenue generated by Group C properties. There is no impact to the General Fund.

### **Location**

Desert Meadows: 16819 N. 42nd Ave., District 1  
Paradise Greens: 16001 N. 25th St., District 2  
Camelback Greens: 5102 N. 11th Ave., District 4  
Camelback Village - Senior: 5102 N. 11th Ave., District 4  
Red Mountain Springs: 1652 N. 52th St., District 6  
Yale Court: 2524 N. 31st St. and 3034 E. Yale St., District 8  
Council Districts: 1, 2, 4, 6 and 8

### **Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.



**Construction Administration Services for Maryvale Parkway Terrace Rehabilitation Project Contract - RFA FY24-086-03 - Request for Award (Ordinance S-50186)**

Request to authorize the City Manager, or his designee, to enter into a contract with Architectural Resource Team (ART) to provide construction administration for the Housing Department's Maryvale Parkway Terrace Rehabilitation Project. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$171,050.

**Summary**

This contract will provide construction administration including monthly meeting attendance, Request For Information reviews, General Contractor and Consultant coordination, punch list walks, and final completion review along with various other duties to ensure the rehabilitation of the senior public housing apartments is completed according to plan and budget.

**Procurement Information**

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Without Competition/Special Circumstances Alternative. The architect was originally procured through the City's Job Order Contract On-Call Services list. ART has extensive knowledge of the project since it developed the building plans, scope of work and specifications. There were not enough funds on the contract to complete this project since it was originally procured as a citywide contract.

**Contract Term**

The contract will begin on or about Aug. 1, 2023, for a one-year term with no options to extend.

**Financial Impact**

The aggregate contract value will not exceed \$171,050 for the one-year aggregate term. There is no impact on the General Fund. Funding is available in the Housing Capital Improvement Program budget.

**Concurrence/Previous Council Action**

City Council previously approved this request for Citywide Architectural On-Call Services for calendar years 2022-23, Contract 155420 (Ordinance S-48044), on Oct. 27, 2021.

**Location**

4545 N. Maryvale Parkway  
Council District: 5

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Housing Department.



**Retroactive Authorization to Apply for, Accept Funding and Enter Into an Agreement with Maricopa Association of Governments (Ordinance S-50179)**

Request to authorize the City Manager, or his designee, to retroactively apply for, accept funding and enter into an agreement with the Maricopa Association of Governments (MAG) for the FY 2024 Enhanced Shelter Opportunities funding in an amount not to exceed \$200,000. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

In partnership with the Paradise Valley Town Council, MAG was provided an appropriation of \$200,000 for regional homeless initiatives to support homelessness beds and service. MAG issued a Request for Proposals and accepted applications from qualified agencies to receive \$200,000 to provide emergency shelter and services to individuals experiencing homelessness. The Office of Homeless Solutions applied for funding in the amount of \$200,000 to ensure continued availability of operations and support services for the Rio Fresco Healing Center (Center), a 117-room shelter operated by Community Bridges, Inc. (CBI). The Center leverages CBI's Full Continuum of Care by providing intense supportive services through case management, behavioral health services, individualized housing plans and opportunities for employment.

This retroactive approval is requested due to the timing of the application period and gathering of the detailed information required. Notification of the funding opportunity was provided to staff on July 3, 2023, with the application due July 24, 2023. On Aug. 23, 2023, staff was notified that the City of Phoenix was awarded funding in the amount of \$200,000 to support shelter operations at Rio Fresco Healing Center.

**Contract Term**

The award funding period is for 10 months beginning on or about Aug. 24, 2023, and ending on or about June 30, 2024.

**Financial Impact**

Funding will be provided by MAG with no matching funds required. There is no impact to the General Fund.

**Location**

2425 S. 24th St.

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.





## **Authorization to Amend Contract With Child Crisis Arizona (Ordinance S-50181)**

Request to authorize the City Manager, or his designee, to amend Contract 154921 with Child Crisis Arizona (CCA) to extend the term of the contract through June 30, 2024, and add \$70,000 in Community Development Block Grant (CDBG) funding and \$130,000 in Emergency Solutions Grant-CV (ESG-CV) funding. Further request authorization for the City Controller to disburse all funds related to this item. Funds are available from CDBG and ESG-CV.

### **Summary**

CCA provides residential, emergency shelter for homeless minor children between the ages of four and 12 years. The children in CCA's care have been removed from their families for the crimes of abuse and/or neglect. Services provided include: immediate shelter, food, clothing, health and educational care.

The additional CDBG and ESG-CV funding will allow CCA to continue replacement of playground and/or other equipment.

### **Contract Term**

The extended contract term will be Oct. 1, 2023, through June 30, 2024.

### **Financial Impact**

The total value of the contract will not exceed \$1,396,459. Funding is available from CDBG and ESG-CV from the U.S. Department of Housing and Urban Development. There is no impact to the General Fund.

### **Concurrence/Previous Council Action**

- The City Council approved Contract 154921 (Ordinance S-47793) on July 1, 2021.
- The City Council approved a contract extension for 154921 (Ordinance S-48975) on Sept. 7, 2022.
- The City Council approved the addition of CDBG funding for 154921 (Ordinance S-49472) on March 1, 2023.

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



**Request Authorization to Contract with Pressure Equipment Sales, LLC for Graffiti Removal Solutions (Ordinance S-50184)**

Request authorization for the City Manager, or his designee, to enter into a contract with Pressure Equipment Sales, LLC to provide graffiti removal solutions for the Neighborhood Services Department. Further request to authorize the City Controller to disburse all funds related to this item.

**Summary**

The Neighborhood Services Department (NSD) Graffiti Busters program is responsible for abating graffiti from a variety of surfaces throughout the City of Phoenix. Program staff employ methods and tools to achieve this goal, including the utilization of color-matched paint, power washing, and the application of specialized chemicals designed to remove graffiti from non-painted, porous surfaces such as masonry, block, brick, metal, and concrete. Elephant Snot is the preferred graffiti removal product, by NSD's experienced Graffiti Busters team due to its quality and performance.

On June 4, 2020, the NSD invited qualified offerors to submit bids (NSD-IFB-20-006) for the Elephant Snot graffiti removal product. On June 18, 2020, bids for Elephant Snot were received from Clean Sweep Pressure Washing, Inc. and Pressure Equipment Sales, LLC. Clean Sweep Pressure Washing, Inc. was selected and entered into a contract with the city on Nov. 15, 2020. In March of 2023, Clean Sweep Pressure Washing, Inc. terminated their contract with the city.

In August, NSD received sole-source determination approval from the Finance Department to enter into a five-year contract with Pressure Equipment Sales, LLC, the only vendor in Arizona currently authorized by the manufacturer to sell the Elephant Snot product, and the second vendor to submit an offer to the competitive procurement (NSD-IFB-20-006) issued by the NSD in June of 2020.

**Contract Term**

The contract term will be one year, commencing on or about Sept. 1, 2023, with four one-year options to extend. The total contract cost is not to exceed \$80,000.

**Financial Impact**

The total value of the contract will not exceed \$80,000 over five years. The contract will be funded through the General Fund and the U.S. Department of Housing and Urban Development Community Development Block Grant.

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services Department.



**Acceptance of a Monument Sign Easement located on the Southwest Corner of Washington and 16th Streets (Ordinance S-50167)**

Request for the City Council to accept a monument sign easement from Washington Pointe, LLC; further ordering the ordinance recorded.

**Summary**

The approximate 42 square foot monument sign easement, at the southwest corner of Washington and 16th streets, was donated by Washington Pointe, LLC, for identification of the Eastlake Park neighborhood.

The easement to be accepted is located within Maricopa County Assessor's parcel number 116-48-076, further described in the legal description to be recorded with the ordinance.

**Location**

Southwest corner of Washington and 16th streets.

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services and Finance departments.



**Golf Vehicles Lease Agreement and Fleetcare Maintenance Contract - COOP-24-0004 - Request for Award (Ordinance S-50176)**

Request to authorize the City Manager, or his designee, to enter into a contract with Club Car, LLC, and De Lage Landen Financial Services, Inc, dba DLL Finance, to provide a Golf Vehicles Lease Agreement and Fleetcare Maintenance for the Parks and Recreation Department. Further request an exception to the indemnity and assumption of liability provisions of Phoenix City Code section 42-18. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$2,750,000.

**Summary**

This contract will provide Parks and Recreation Department with a new fleet of golf cart vehicles to successfully support daily operations for the City's municipal golf courses. The golf courses will require approximately 270 vehicles to fully serve patrons and staff. The COOP agreement will provide a 60-month lease of new golf cart vehicles and include preventative maintenance and repair services for all carts.

**Procurement Information**

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Alternative Competition. Parks and Recreation Department staff compared two national government cooperative agreements and the OMNIA National Cooperative Agreement offered the best cost and provides full services to the City of Phoenix. This contract was awarded through a process consistent with the City's procurement requirements as set forth in the Phoenix City Code, Chapter 43, and best aligns with the City of Phoenix's Terms and Conditions and overall needs.

**Contract Term**

The contract will begin on or about Oct. 1, 2023, for a five-year term with no options to extend.

**Financial Impact**

The aggregate contract value for will not exceed \$2,750,000 for the five-year aggregate term.

Funding is available in the Parks and Recreation Department's Golf Special Revenue Fund.

**Responsible Department**

This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation Department.



## **City of Phoenix 2024 NCAA Men's Final Four Host Committee Sponsorship (Ordinance S-50185)**

Request to authorize the City Manager, or his designee, to enter into a one-year sponsorship agreement with the Phoenix Final Four Local Organizing Committee, in an amount not to exceed \$500,000, for the support of hosting responsibilities for the 2024 NCAA Men's Final Four. Funding is available in the Downtown Community Reinvestment Fund. Further request to authorize the City Controller to disburse funds under the terms of the agreement.

### **Summary**

The Community and Economic Development Department is seeking to enter into an agreement to sponsor the Phoenix Final Four Local Organizing Committee and its activities to host the 2024 NCAA Men's Final Four in Phoenix in April 2024. As a sponsor, the City will work with the host committee to determine event venue locations, be included in marketing materials, and collaborate to improve opportunities for Phoenix businesses to participate in the Business Connect and the CEO Forum programs related to Final Four events. The 2024 NCAA Men's national semifinal and championship games will be played at the State Farm Stadium in Glendale, Arizona, with major fan-related events, lodging and meeting activities associated with the tournament being held in Phoenix.

In 2017, Phoenix last hosted the Final Four ancillary and community events in conjunction with the Phoenix Local Organizing Committee and Arizona State University (Host Institution). The 2017 Phoenix Final Four was the first to be held in the West in 22 years and was the second highest attended in Final Four history. Final Four Fan Fest activities at the Phoenix Convention Center attracted more than 50,000 people; 135,000 attended the March Madness Music Festival at Margaret T. Hance Park; and 6,000 participated in the Final Four Dribble at Heritage and Science Park. The Final Four games were watched by nearly 23 million viewers in 176 countries, with 2,200 media members in town to cover the games and related events.

As part of the ongoing familiarization (FAM) tour activities, staff will be returning at the next Council meeting with plans to host a Women's National Basketball Association (WNBA) All Star Game FAM tour in 2024 to further highlight Phoenix to leading



corporate decision makers.

**Contract Term**

The term of the one-year contract will begin on or about Nov. 1, 2023.

**Financial Impact**

The total sponsorship contract will not exceed \$500,000. Funding is available in the Downtown Community Reinvestment Fund.

**Responsible Department**

This item is recommended by Deputy City Manager John Chan and the Community and Economic Development Department.



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**Ungerboeck Event Management System - RFA 19-002 - Amendment (Ordinance S-50156)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 152382 with Ungerboeck Systems International Inc. (USI) to purchase software licenses for event booking and management software for the Phoenix Convention Center Department (PCCD). Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$220,000.

**Summary**

In 2006, PCCD invested in USI, the leading convention industry event space booking and management system application, and aligned its business processes around it. The USI application is critical to the operations of the Phoenix Convention Center, Symphony Hall, and the Orpheum Theatre. The system is used for all facets of the event booking and management process including, but not limited to, sales leads, detailed event information, financial transactions and use agreements. PCCD's destination marketing partner, the Greater Phoenix Convention and Visitors Bureau, also utilizes USI to access booking information.

The original contract procured 200 user licenses and numerous USI software features. However, to sustain optimal usage of the system, the department needed to install software enhancements and procure additional user licenses, items not included in the original contract.

PCCD is requesting an additional \$220,000 to ensure continued access to the event management system and to prevent negative impacts on the department's ability to conduct business.

This item has been reviewed and approved by the Information Technology Services Department.

**Contract Term**

The contract term remains unchanged, ending on May 31, 2025.

**Financial Impact**

Upon approval of \$220,000 in additional funds, the revised aggregate value of the contract will not exceed \$900,000. Funds are available in the Phoenix Convention Center Department's operating budget.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Ungerboeck Event Management System Contract 152382, Ordinance S-46585 on May 6, 2020.

**Location**

Council Districts: 7 and 8

**Responsible Department**

This item is submitted by Deputy City Manager John Chan and the Phoenix Convention Center Department.



**Telescopic Seating Maintenance and Repair Contract - IFB PCC 23-007 - Request for Award (Ordinance S-50174)**

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Courtlines, Inc., to provide telescopic seating maintenance and repair services for the Phoenix Convention Center Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$125,000.

**Summary**

This contract will provide telescopic seating services at the Phoenix Convention Center Department (PCCD). PCCD has a telescopic seating system with a capacity of 1,207 fixed seats. The seating system, purchased in 2006, requires preventive maintenance, repairs and servicing on an as-needed basis. Contracted services will ensure the equipment is safe and operational when used by clients for citywide and other events.

**Procurement Information**

An Invitation for Bid was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a bid deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder

Arizona Courtlines, Inc.: \$19,872.

**Contract Term**

The contract will begin on or about Nov. 1, 2023, for a five-year term with no options to extend.

**Financial Impact**

The contract value will not exceed \$125,000.

Funding is available in the Phoenix Convention Center Department's operating budget.

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**Location**

General Location: Phoenix Convention Center

Council Districts: 7 and 8

**Responsible Department**

This item is submitted by Deputy City Manager John Chan and the Phoenix Convention Center Department.



**Amend Phoenix City Code - Ordinance Adoption - Chapter 3, Section 3-10 - Temporary Signage for City Major Events (Ordinance G-7166)**

Request City Council adopt an amendment to the City Code Chapter 3, section 3-10 related to Temporary Signage for City Major Events to establish temporary signage rights for Major Event Organizers producing Major Events in the downtown area.

**Summary**

The intent of the proposed amendment is to establish temporary signage rights for Major Event Organizers producing Major Events in the downtown area contingent upon: 1) the City of Phoenix submitting or participating in a bid proposal to host a Major Event; 2) the Major Event being successfully awarded to the City and/or region; and 3) the Major Event will attract significant media coverage that promotes Phoenix to national or international audiences and is projected to generate at least \$30 million in overall economic impact.

Large-scale events, such as an NFL Super Bowl or NCAA Final Four, hosted in Phoenix supports the City's visitor industry, brings significant media exposure, and generates substantial economic impact due to the national or international significance of the events and ancillary activities. Generally, the opportunity to serve as a host community involves a competitive bid process whereby the City may submit a proposal to be a host city and/or participate as part of a regional bid. Typical to the bid process, prospective host cities declare support for the event through various mechanisms including the granting of certain signage rights to the Major Event Organizer allowing event related décor and/or sponsor advertising devices (including banners, building wraps, and similar devices) that are otherwise prohibited by city codes or zoning ordinances.

If the City is the successful bidder awarded to host a Major Event, the Major Event Organizer, or its designee, may submit an application for temporary signage through the Planning and Development Department. The second step in the process includes submittal of a detailed project plan for approval by the City. Individual sign permit applications within the designated Major Events Area as shown in **Attachment B** would then be permitted consistent with the approved plan.

Staff recommends approval of the proposed amendment to the City Code Chapter 3, section 3-10 related to Temporary Signage for City Major Events.

**Responsible Department**

This item is submitted by Deputy City Managers Alan Stephenson and John Chan, and the Planning and Development and Phoenix Convention Center departments.

## Attachment A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### **Sec. 3-10 Temporary Signage for City Major Events**

A. In this section, unless the context otherwise requires:

*“Director”* means the Planning and Development Director or his or her designee.

*“Major Event Organizer”* means an entity with prior experience that can be the lead organizer of a Major Event.

*“Major Event”* means a public event or a series of public events held within the Major Event Area and 1) that attracts significant national or international media coverage and 2) that is awarded to the City through a bidding process; and 3) that either has generated or is projected to generate at least \$30 million in overall economic impact, such as through tourism activities and visitor spending directly attributable to the event.

*“Major Event Area”* means the area east of 7th Avenue, west of 7th Street, south of McDowell Road, and north of Lincoln Street.

B. A Major Event Organizer wishing to erect, install, or place within the Major Event Area temporary signs that are not otherwise permitted by the City Code must submit an application for temporary signage with the Planning and Development Department at least 180 days before the start of the Major Event. The Application must be on the form provided by the Planning and Development Department and contains the following information:

1. Major Event Organizer’s name
2. Name of the Major Event
3. The name of the Major Event Organizer’s representative authorized to file the application
4. Dates and times of the Major Event
5. Name, phone number, and email of a person responsible for the application
6. Independent analysis that the event will generate at least \$30 million in overall economic impact



7. Any other relevant information requested by the Planning and Development Department.

C. The Director will review the temporary signage application to determine compliance with requirements in Subsection B of the Section. The Director will approve or deny the application within 45 days of receiving the application. The application is deemed denied if the Director does not approve the application within 45 days of receiving the application.

D. An approved Major Event Organizer or its designee must submit to the Director, no later than 90 days prior to the Major Event, a detailed project sign plan application containing the following information:

1. Site plans, building elevations, or photo simulation that shows the placement of the signs and architectural lighting where temporary signs will be erected or placed within the Major Event Area.

2. Graphic rendering of the temporary signs depicting their lettering, illumination, color, shape, area, and height.

3. Details regarding any proposed animation or changeable messages, including the duration of each message and intensity of illumination.

4. Proposed hours for illumination of the temporary signs.

5. Proposed placement dates of the temporary signs.

6. Payment of a detailed project sign plan fee in Appendix A of the Zoning Ordinance of the City of Phoenix.

7. Any other relevant information requested by the Planning and Development Department.

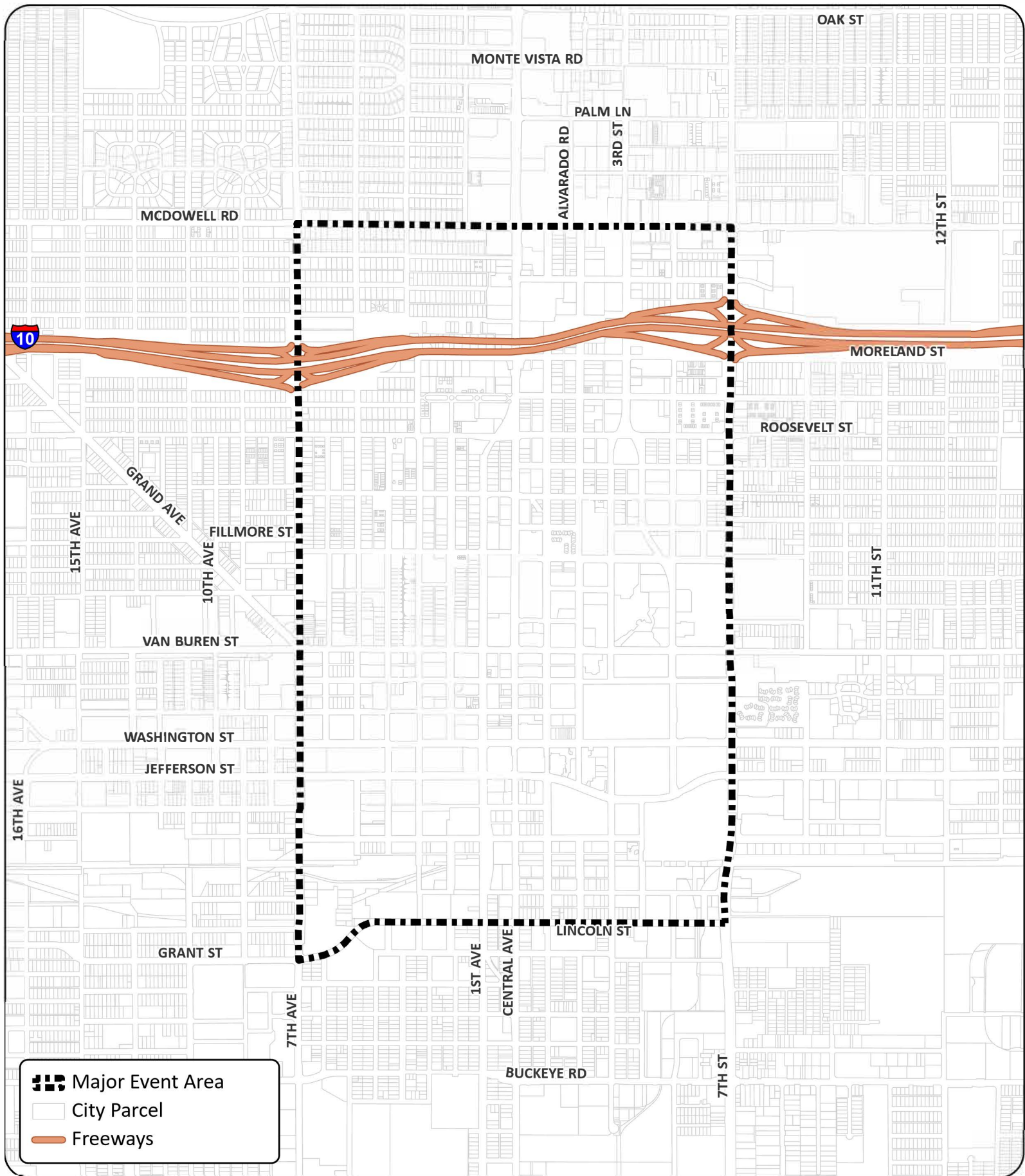
E. The Director will review and render a decision on an application within 15 working days of receipt of a completed detailed project sign plan application. The Director will approve such application only if the proposed temporary signs comply with the following:

1. Do not include portable “A” frame signs, pennants, streamers, or other similar devices.

2. Do not encroach into public right-of-way or other traffic visibility zones at corners or driveways.

3. Balloon signs are securely fastened, set back from the property line at least one foot for each foot of the balloon height measured from the abutting street level, and do not project above the roofline.
  4. Banners are secured to a solid structure and have a minimum clearance of eight feet above grade if placed above an area open for the common or general public use. The banner must withstand wind pressure from any direction and does not project above the roofline.
  5. Illuminated and animated signs must be turned off between the hours of 1 am and 8 am.
  6. The durability of the material proposed for the temporary sign, banner, or architectural lighting is appropriate for the intended life span of the sign, banner, flag, or architectural lighting.
  7. Complies with all applicable codes and ordinances, including the Construction Code and Fire Prevention Code.
  8. Does not constitute a danger to the public health, safety, and welfare.
  9. Does not create a nuisance and visual clutter to the Major Event Area.
- F. No temporary sign permitted by the detailed project sign plan can be erected, installed, or placed without first obtaining the required sign permit. The type, location, and duration of the temporary sign must be consistent with the approved detailed project sign plan.

# ATTACHMENT B





## **Whelen Automotive Products - IFB 18-316 - Amendment (Ordinance S-50161)**

Request to authorize the City Manager, or his designee, to execute amendment to Contract 148506 with Kenco OR LLC, dba LSH Lights to extend Contract term and allow additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$50,000.

### **Summary**

This contract will provide the Fire Department with emergency lighting and associated products for fire apparatus and for use at emergency scenes. The emergency lighting on the apparatus warns other drivers that an emergency vehicle is approaching or is stopped for an emergency. Lighting at an emergency scene is critical in ensuring the safety of firefighters, the public and patients.

### **Contract Term**

Upon approval the contract will be extended through Sept. 30, 2024, with an option to extend through Sept. 30, 2025.

### **Financial Impact**

Upon approval of \$50,000 in additional funds, the revised aggregate value of the contract will not exceed \$465,000. Funds are available in the Fire Department's budget.

### **Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Whelen Automotive Products Contract 148506 (Ordinance S-44990) on Sept. 19, 2018.
- Whelen Automotive Products Contract 148506 (Ordinance S-49081) on Oct. 26, 2022.

### **Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



**Agreement for Enhanced Mutual Aid in Fire and Emergency Services (Ordinance S-50177)**

Request City Council authorization for the City Manager, or his designee, to enter into an agreement with the United States of America by the Secretary of the Air Force for enhanced mutual aid in fire and emergency services. Further request authorization for the City Treasurer to accept all funds related to this item.

**Summary**

This agreement aims to clearly identify the responsibilities and actions for emergency service delivery between the Phoenix Fire Department and Luke Air Force Base. Luke Air Force Base is a significant training base for the United States Air Force. The Phoenix Fire Department has had a longstanding relationship with Luke Air Force Base. Mutual aid agreements are common practice among fire departments across the United States. The primary role of this agreement is to facilitate assistance across jurisdictional boundaries if the emergency incident overwhelms the primary authority having jurisdiction. Either party may request fire protection equipment and personnel be dispatched by the other in the event of such an emergency.

**Contract Term**

The term of the agreement shall commence upon execution and continue for a term of five years.

**Financial Impact**

It is not the intent for either party to seek reimbursement for providing mutual aid; however, each party is permitted to seek reimbursement for expenses and losses over normal operational costs incurred in the provision of mutual aid.

**Location**

Council District: Out of City

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



**\*\*\*ITEM REVISED (SEE ATTACHED MEMO)\*\*\* Authorization to Execute Agreements with Downtown Phoenix, Inc., and Grand Canyon University for the Community Assistance Program (Ordinance S-50191)**

Request to authorize the City Manager, or his designee, to execute agreements with Downtown Phoenix, Inc., and Grand Canyon University for office space to support two separate satellite locations of the Community Assistance Program. Further request authorization for the City Controller to disburse all funds related to this item.

Additionally, request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the agreements of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18 for this specific use.

**Summary**

The City's Community Assistance Program (CAP) was allocated \$15 million in Fiscal Year 2021-22 for the expansion of CAP to enhance accountability, responsiveness, transparency, and public trust in responding to mental and behavioral health calls for service. In expanding outreach, the multidisciplinary team identified an alternative model to delivering crisis services through partnerships with community-based organizations to improve service and response times. Fire has identified two sites for placement of a Behavioral Health Unit and supervisory staff within the community to allow for quicker response times and increased community engagement.

The first space, in partnership with Downtown Phoenix, Inc., (DPI) will be near the corner of Central Avenue and Washington Street. DPI is establishing a community resource hub at Cityscape which will include the following community partners: Valley Metro, Community Bridges, Inc., and Downtown Phoenix Ambassadors. The space will be provided at no cost and will include parking for the crisis van.

The second space, in partnership with Grand Canyon University (GCU), will be located in the 27th Avenue Corridor. GCU will lease approximately 2,500 square feet of office space to support CAP and the 27th Avenue Corridor Community Safety Plan. Annual base rent for a gross lease is \$30 per square foot, plus applicable taxes, which is within the range of market rents as determined by the Real Estate Division. Additional

fees for replacement access keys, if needed, will apply.

Each agreement is subject to cancellation pursuant to Arizona Revised Statutes (A.R.S.) 38-511. Each agreement may contain insurance and indemnification acceptable to the City's Risk Management Division and the Law Department, and may contain other terms and conditions deemed necessary by the City.

**Contract Term**

The initial term for each agreement is two years, beginning on or about Oct. 1, 2023, through Sept. 30, 2025, and will continue on a month-to-month basis thereafter with a provision to terminate upon 30-day written notification.

**Financial Impact**

There is no financial impact for the DPI agreement.

The initial two-year agreement with GCU will not exceed \$151,000, plus applicable taxes, which includes rent and variable costs related to use.

**Location**

Near North Central Avenue and West Washington Street  
Council District: 7

2657 W. Camelback Road  
Council District: 4

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the Fire and Finance departments.



## City of Phoenix

**To:** Ginger Spencer  
Deputy City Manager

**Date:** September 18, 2023

**From:** Dolores Ernst  
Program Manager

**Subject:** CORRECTION TO ITEM 42 ON SEPT. 20, 2023, FORMAL AGENDA  
AUTHORIZATION TO EXECUTE AGREEMENTS WITH DOWNTOWN  
PHOENIX, INC., AND GRAND CANYON UNIVERSITY FOR THE  
COMMUNITY ASSISTANCE PROGRAM

The purpose of this memo is to modify the action requested. The modifications include:

1. Update to the square footage of leased premises with Grand Canyon University from 2,500 to 3,616 square feet.
2. Update to the Financial Impact for the two-year lease term with Grand Canyon University from \$151,000 to \$220,000.

**APPROVED:**

  
\_\_\_\_\_  
Ginger Spencer  
Deputy City Manager





**Donation from the Hartford Insurance Company for Phoenix Fire Department Community Involvement (Ordinance S-50188)**

Request authorization for the City Manager, or his designee, to accept a donation of \$10,000 from the Hartford Insurance Company for the Phoenix Fire Department's Community Involvement Section for use in safety education. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this donation. If not approved, the donation would be declined.

**Summary**

The Hartford Insurance Company wishes to express their appreciation for the Phoenix Fire Department's service by donating \$10,000 to the Department. The donation will be used to enhance community safety through fire safety education, including but not limited to the installation and distribution of smoke detection devices.

This request adheres to the Fire Department's charitable donations process.

**Financial Impact**

This donation does not require any matching funds. The funds will be used in accordance with City policies.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



**Information Technology Project Management and Consulting Services - RFP 18-050 - Amendment (Ordinance S-50160)**

Request to authorize the City Manager, or his designee, to amend Contract 148622 with Barich, Inc. for Information Technology (IT) Project Management and Consulting Services to extend the term of the contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will be up to \$4,200,000.

**Summary**

The contract provides IT project management and consulting services for the planning, design, and implementation of IT projects for the Aviation Department. The current contractor, Barich, Inc., is actively involved in several complex multi-year projects, including distributed antenna system, audio paging system replacement, environmental management information system, SharePoint upgrade, employee parking and green business partner initiative, Federal Aviation Administration Part 139 tracking and reporting tool, and the Customs and Border Protection biometric exit program. Because many of these projects are in the critical implementation stage, it is imperative to continue working with Barich and its assigned project staff to complete the implementation and launch of these projects. Transitioning to a new contractor in the middle of these projects would create disruptions, delay service launch, and negatively impact many airport stakeholders. Aviation is diligently working with Barich to complete key projects by the requested new expiration date. Additional funds are necessary to continue working with Barich for the proposed two-year extension.

This item has been reviewed and approved by the Information Technology Services Department.

**Contract Term**

The contract extension is two years for a seven-year contract term.

**Financial Impact**

Additional funds in the amount of \$4,200,000 will increase the value of the contract up to \$12,200,000 for the seven-year contract term. Funds are available in the Aviation Department's budget.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- IT Project Management and Consulting Services Contract 148622 (Ordinance S-45062) on Sept. 25, 2018.

**Location**

Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



**Automated Teller Machine License Agreement with Bank of America, National Association, at Phoenix Sky Harbor International Airport and Rental Car Center (Ordinance S-50168)**

Request to authorize the City Manager, or his designee, to enter into a license agreement with Bank of America, National Association (Bank of America) to continue to provide Automated Teller Machine (ATM) services at Phoenix Sky Harbor International Airport (PHX) and the Rental Car Center (RCC). Further request to authorize the City Treasurer to accept all funds related to this item. The gross sales for ATM services are estimated to generate \$249,996 to the City over the term of the license agreement.

**Summary**

The City Council authorized ATM Concession Agreement 146614 with Bank of America in December 2017 to provide ATM services at PHX and RCC. This contract expired Dec. 31, 2022. A temporary six-month license agreement was executed in January 2023 to ensure ATM services were available to airport customers while a new solicitation was being developed. The temporary license agreement expired on June 30, 2023, before the completion of the new solicitation process. Staff is requesting authorization to enter into a license agreement with Bank of America on a month-to-month basis for up to 12 months or until a vendor is selected and awarded a new concessions contract from the City's solicitation process, whichever comes first. The 12 month term of the license agreement will be effective July 1, 2023.

**Contract Term**

The term of the license will be month-to-month for up to 12 months and will begin on July 1, 2023.

**Financial Impact**

Bank of America will pay an estimated \$20,833 per month, which will result in approximately \$249,996 revenue to the City over the term of the license.

**Location**

Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road  
Council District: 8

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**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



**Airfield Information Management Contract - RFA 24-007 - Request for Award (Ordinance S-50172)**

Request to authorize the City Manager, or his designee, to enter into a contract with Saab Inc. to provide an airfield information management and collaborative decision making software subscription through ongoing implementation of the Aerobahn suite of products at Phoenix Sky Harbor International Airport (Airport). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$1,950,000.

**Summary**

The contract will provide for ongoing licensing and operation and maintenance of the Aerobahn system that assists with Airport operational decision making, gate utilization management, gathering of performance statistics, and managing irregular operations at the Airport. The Aerobahn system tracks aircraft on Airport runways and taxiways to enhance safety, efficiency, situational awareness, and support playback of real-time surveillance data. This capability is instrumental in managing diversions, researching airfield incursions, identifying operational trends, and implementing new procedures that mitigate delays and enhance airfield safety. The Aerobahn suite of products includes Aerobahn Surface Manager, Global Flight Manager, Vehicle Tracking, and Airport Status Dashboard.

This item has been reviewed and approved by the Information Technology Services Department.

**Procurement Information**

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition.

**Contract Term**

The term of the contract will begin on or about Oct. 1, 2023. The term is five years with no options to extend.

**Financial Impact**

The contract value will be up to \$1,950,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

**Location**

Phoenix Sky Harbor International Airport. 2485 E. Buckeye Road, Phoenix Ariz.  
Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



**Access Control and Alarm Monitoring System Maintenance and Support  
Contract - RFA 24-008 - Request for Award (Ordinance S-50173)**

Request to authorize the City Manager, or his designee, to enter into a contract with Honeywell International, Inc. (Honeywell) to provide annual maintenance and support, software enhancement, and equipment upgrade for the Access Control and Alarm Monitoring System (ACAMS) and related systems throughout Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport (Airports). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to \$8,200,000.

**Summary**

The contract will provide the Aviation Department with ongoing critical maintenance and technical support of the ACAMS and mitigate potential security risk for the Airports. ACAMS consists of physical security access portals (gates, doors, elevators, etc.) that allow approximately 25,000 badged airport workers access to restricted areas of the Airports to perform their jobs on a daily basis.

ACAMS is integrated with the Airports' Identity Management System. Both systems are integral to managing all aspects of airport security badging, access control, and alarm response to meet regulatory requirements prescribed by the Transportation Security Administration. ACAMS integrates with Digital Video Manager (DVM) to utilize security cameras for video call-up in conjunction with secure portal alarms for expedited alarm incident resolution.

This item has been reviewed and approved by the Information Technology Services Department.

**Procurement Information**

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition. The existing ACAMS has significant remaining useful life and does not require major life cycle replacements. It is in the best interest of the City to continue contracting with Honeywell to provide maintenance and technical support for the system. Honeywell is the only service provider authorized to maintain and support



their proprietary system. Issuing a solicitation for a new system would be cost prohibitive as it would require complete replacement of the existing system over a period of five years with an estimated implementation cost over \$20 million.

**Contract Term**

The contract will begin on or about Oct. 1, 2023, for a seven-year term with no options to extend.

**Financial Impact**

The contract value will be up to \$8,200,000 for the seven-year contract term.

Funding is available in the Aviation Department's operating budget.

**Location**

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road;  
Phoenix Deer Valley Airport, 702 W. Deer Valley Road;  
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.  
Council Districts: 1, 8, and Out of City

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



**Electrical Services Requirements Contract - IFB 19-002 - Amendment (Ordinance S-50180)**

Request to authorize the City Manager, or his designee, to assign Contract 149383 (Contract) from H & B Electric, Inc. to Kind Electric, LLC, an Arizona limited liability company. Further request to authorize the City Manager, or his designee, to execute an assignment of the Contract, as necessary and within the City Council-approved expenditure authority. Additionally, request to authorize the City Manager, or his designee, to continue to use Ordinance S-45380 for Contracts 149382 and 149383. Any remaining funds authorized by previous City Council action, including S-45380, may be applied to the Contract.

**Summary**

The Contract will provide electrical labor, materials, supplies, and equipment on an as-needed basis for Phoenix Sky Harbor International Airport, Phoenix Goodyear Airport, and Phoenix Deer Valley Airport. If approved, H & B Electric, Inc., as assignor, will assign the Contract to Kind Electric, LLC, as assignee, effective Sept. 20, 2023.

**Contract Term**

The Contract term remains unchanged, expiring on Feb. 19, 2024.

**Financial Impact**

The aggregate value of the Contract will remain unchanged and no additional funds are needed.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Electrical Services Requirements Contract 149383 (Ordinance S-45380) on Feb. 20, 2019.

**Location**

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.;  
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.;  
Phoenix Deer Valley Airport, 702 W. Deer Valley Road.  
Council Districts: 1, 8 and Out of City

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**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.



**Acquisition of Easements for Bus Stop Enhancements Along Northern Avenue, East of 27th Avenue (Ordinance S-50158)**

Request to authorize the City Manager, or his designee, to acquire easements required by donation, purchase within the City's appraised value or by the power of eminent domain for bus stop enhancements along Northern Avenue, east of 27th Avenue. Further request to authorize the City Controller to disburse all funds related to this item.

**Summary**

Acquisition is required to enhance the existing bus stop along the southern side of Northern Avenue, east of 27th Avenue. Bus stop enhancements include a transit pad and shelter in compliance with American with Disabilities Act (ADA). The City recently received complaints regarding limited ADA accessibility for the bus stop at this location. Making this bus stop ADA compliant requires acquisition of this proposed easement.

The parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel numbers 157-29-001 located at 7835 N. 27th Ave., and 157-29-002A located at 2627 W. Northern Ave.

**Financial Impact**

Funding is available in the Public Transit Department's Capital Improvement Program budget.

**Location**

Along the southern side of Northern Avenue, east of 27th Avenue.  
Council District: 5

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit and Finance departments.



**Public Transit Financial Advisory Services Contract PTD23-003 - Request for Award (Ordinance S-50183)**

Request to authorize the City Manager, or his designee, to enter into a contract with PFM Financial Advisors LLC to provide financial advisory services for the Public Transit Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$260,000 over the 10-year life of the contract.

**Summary**

This contract will provide financial advisory services to periodically update the Transportation 2050 Plan (T2050) financial planning model used by City staff to monitor the financial results of plan activities and forecasting future revenues, expenditures, and fund balances to reflect current financial conditions. The financial planning model is critical to the delivery of T2050 improvements, considering upcoming changes to regional transportation funding. The firm also provides expertise in federal transportation loan and grant programs, as well as advisory services for financing solutions.

**Procurement Information**

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition.

**Contract Term**

The contract will begin on or about Oct. 1, 2023 for a 10-year term.

**Financial Impact**

The contract value will not exceed \$260,000. Funding is available in the T2050 fund.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.



**Fleet Vehicle Accessories and Installation, Including Police Up-Fitting Contract - IFB 24-FSD-013 - Request for Award (Ordinance S-50153)**

Request to authorize the City Manager, or his designee, to enter into separate contracts with Airwave Communications Enterprises, Arizona Emergency Products, Inc., Hyper Customs, LLC dba Arizona Truck Pros, Automotive Custom Lighting, LLC, Don Chalmers Ford Inc. dba MHQ of Arizona, J.B. Poindexter & Co, Inc. dba Reading Truck Equipment, Kenco OR, LLC dba LSH Lights, Pride Outfitting, LLC, to provide fleet vehicle accessories and installation, as well as vehicle up-fitting. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$17,214,600.

**Summary**

The Public Works Department is responsible for maintaining a fleet of 7,300 vehicles and pieces of equipment and up-fits vehicles for departments Citywide and this contract will provide the ability to purchase and install accessories. The Aviation Department also manages their fleet of about 450 vehicles and will use for the same purpose. These contracts provide for essential up-fitting and vehicle installations for City fleet including tool boxes, bed liners, lift gates, auxiliary lighting, prisoner cages, etc. Due to the volume and variety of up-fitting requirements, an outside provider has been used historically to manage these services.

**Procurement Information**

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10. The Public Works Department, Procurement Section received nine offers over the various two groups, with eight deemed responsive and responsible. Group I - Police Up-fitting; Group II - Fleet Accessories to include bid items for Lighting, Push Bumpers, Truck Accessories, Cargo Management Systems, Lift Gates, Truck Cranes and Bed Covers. Group I - Police Up-fitting was based on a total cost of seven Police vehicle up-fits, with Group II having vendors provide a percentage discount or mark-up on accessories. Due to the high volume of fleet vehicles needing accessories and up-fitting, it is recommended that all bids received be awarded to manage the volume and expedite service for customers. Groups are awarded as follows:

**Group I** - Airwave Communications Enterprises, Arizona Emergency Products, Inc., MHQ of Arizona, LSH Lights, Pride Outfitting, LLC

**Group II**

Bid Item 1- Airwave Communications Enterprises, Arizona Emergency Products, Inc., Arizona Truck Pros, Automotive Custom Lighting, LLC, MHQ of Arizona, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC

Bid Item 2 - Airwave Communications Enterprises, Arizona Emergency Products, Inc., Arizona Truck Pros, Automotive Custom Lighting, LLC, MHQ of Arizona, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC

Bid Item 3 - Airwave Communications Enterprises, Arizona Emergency Products, Inc., Arizona Truck Pros, Automotive Custom Lighting, LLC, MHQ of Arizona, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC

Bid Item 4 - Arizona Emergency Products, Inc., Arizona Truck Pros, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC

Bid Item 5 - Arizona Emergency Products, Inc., Arizona Truck Pros, Reading Truck Equipment, Pride Outfitting, LLC

Bid Item 6 - Reading Truck Equipment, Pride Outfitting, LLC

See **Attachment A** for full bid recommendations.

**Contract Term**

The contracts will begin on or about Oct. 1, 2023 for an initial three-year term with two one-year options to extend in increments of up to one year, for a total contract term of five years.

**Financial Impact**

The value of the contracts will not exceed \$17,214,600.

Funds are available in the Aviation and Public Works departments' budgets.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua, and the Aviation and Public Works departments.

**FLEET VEHICLE ACCESSORIES AND INSTALLATION, INCLUDING POLICE VEHICLE UP-FITTING REQUIREMENTS CONTRACT**

[illegible]



| GROUP II - BID ITEM 5 - LIFT GATES   | Airwave Communications Enterprises | Arizona Emergency Products | Arizona Truck Pros     | Automotive Custom Lighting, LLC | Chalmers Fod Inc. dba MHQ of Arizona | J.B. Poindexter & Co, Inc DBA Reading Truck Equipment | KENCO OR, LLC dba LSH LIGHTS | PRIDE OUTFITTING, LLC |
|--------------------------------------|------------------------------------|----------------------------|------------------------|---------------------------------|--------------------------------------|---|------------------------------|-----------------------|
| RECOMMENDED                          |                                    | X                          | X                      |                                 |                                      | X   |                              | X                     |
| MAXON                                | NO BID                             | 0%                         | 25% PLUS DEALER        | NO BID                          | NO BID                               | 31%   | NO BID                       | 3%                    |
| WATCO                                | NO BID                             | 0%                         | NO BID                 | NO BID                          | NO BID                               | 32%   | NO BID                       | NO BID                |
| VVV                                  | NO BID                             | 0%                         | NO BID                 | NO BID                          | NO BID                               | 35%   | NO BID                       | 3%                    |
| EAGLE LIFT                           | NO BID                             | 0%                         | NO BID                 | NO BID                          | NO BID                               | NO BID  | NO BID                       | NO BID                |
| ALTERNATE                            |                                    |                            |                        |                                 |                                      | 28% PALFINGER   |                              |                       |
| GROUP II - BID ITEM 6 - TRUCK CRANES |                                    |                            |                        |                                 |                                      |   |                              |                       |
| RECOMMENDED                          |                                    |                            |                        |                                 |                                      | X   |                              | X                     |
| AUTO CRANE                           | NO BID                             | NO BID                     | NO BID                 | NO BID                          | NO BID                               | 32%   | NO BID                       | NO BID                |
| LIFTMOORE                            | NO BID                             | NO BID                     | NO BID                 | NO BID                          | NO BID                               | 32%   | NO BID                       | NO BID                |
| RKI                                  | NO BID                             | NO BID                     | NO BID                 | NO BID                          | NO BID                               | 53%   | NO BID                       | NO BID                |
| ALTERNATE                            |                                    |                            |                        |                                 |                                      | 29% STELLAR   |                              | 5% STELLAR            |
| ALTERNATE                            |                                    |                            |                        |                                 |                                      | 32% SPITZLIFT MANUF.                                  |                              |                       |
| ALTERNATE                            |                                    |                            |                        |                                 |                                      | 30% WESTERN MULE CRANE                                |                              |                       |
| GROUP II - BID ITEM 7 - BED COVERS   |                                    |                            |                        |                                 |                                      |   |                              |                       |
| RECOMMENDED                          |                                    | X                          | X                      |                                 |                                      | X   | X                            | X                     |
| CAMPER SHELL - ALUMINUM              | NO BID                             | 0%                         | 35% PLUS DEALER        | NO BID                          | NO BID                               | 42.50%  | 2%                           | 3%                    |
| CAMPER SHELL - STEEL                 | NO BID                             | 0%                         | RETAIL MAP PRICING     | NO BID                          | NO BID                               | 42.50%  | 2%                           | 3%                    |
| CAMPER SHELL - FIBERGLASS            | NO BID                             | 0%                         | 35% PLUS DEALER        | NO BID                          | NO BID                               | 42.50%  | 2%                           | 3%                    |
| TONNEAU COVER                        | NO BID                             | 0%                         | MAP PRICING            | NO BID                          | NO BID                               | 42.50%  | 2%                           | 3%                    |
| H.D.ROLL-UP BED COVER                | NO BID                             | 0%                         | 10% LESS MSRP          | NO BID                          | NO BID                               | 53%   | 2%                           | 6%                    |
| ALTERNATE                            |                                    |                            | MAP PRICING UNDERCOVER |                                 |                                      | 53% ROLL-N-LOCK                                       | 12% BAK INDUSTRIES           |                       |



**Citywide General Construction - Job Order Contracting Services - Amendment - 4108JOC209 (Ordinance S-50175)**

Request to authorize the City Manager, or his designee, to execute an amendment to Master Agreement 156753 with McCarthy Building Companies, Inc. to provide continued General Construction Job Order Contracting Services for capital projects citywide and to authorize execution of a Job Order Agreement in an amount not to exceed \$8 million for the 27th Avenue Transfer Station Material Recovery Facility Upgrade project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item.

**Summary**

The purpose of this project is to upgrade the existing Material Recovery Facility (MRF). The facility was originally commissioned in 1998 and additions to the facility and limited upgrades were made in 2013, but the essential equipment and associated facility infrastructure remained the same. Over 20 years of use as municipal recycling facility has caused significant wear on the MRF area infrastructure, and revolutionary advances in automated recycling equipment during that time has led to the need for a significant upgrade in the area intended to house the new state-of-the-art equipment currently contracted with Machinex. Installation will happen in the fall of 2023 with a start up in the spring of 2024.

This amendment is necessary to provide all the infrastructure upgrades to support the new operation. The upgrades include: a new electrical distribution system; extensive structural concrete systems and large-scale floor replacements; mechanical system upgrades; fire alarm system modifications; and complete lighting system modifications. Use of a Job Order Contract (JOC) construction services contract allows the City to address the specialized aspects of the project and timeline requirements to ensure that the facility experiences minimal down time to recycling operations. This amendment will allow for issuance of a job order agreement to McCarthy Building Companies, Inc. for an amount not to exceed \$8 million for the 27th Avenue Transfer Station MRF Replacement project.

### **Contract Term**

The term of the Master Agreement remains unchanged. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

### **Financial Impact**

The initial Master Agreement for Job Order Contracting Services was approved for an amount not to exceed \$15 million, including all subcontractor and reimbursable costs. This amount remains unchanged.

Funding for this amendment is available in the Public Works Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any job order agreements. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

### **Concurrence/Previous Council Action**

- The City Council passed JOC Master Agreement 156753 (Ordinance S-48850) on July 1, 2022.
- The City Council passed Amendment 1 (Ordinance S-49602) on April 19, 2023.

### **Location**

3060 S. 27th Ave.  
Council District: 7

### **Responsible Department**

This item is submitted by Deputy City Managers Alan Stephenson and Mario Paniagua, the Public Works Department and the City Engineer.



## **Acquisition of Real Property for Roadway Improvements along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street (Ordinance S-50159)**

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for roadway improvements along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street. Further request to authorize dedication of land with roadway and/or public improvements to public use for right of way purposes via separate recording instrument. Additionally, request to authorize the City Controller to disburse all funds related to this item.

### **Summary**

The acquisition of real property is required for the construction of roadway improvements to enhance roadway and sidewalk conditions for pedestrians, bicyclists and vehicular traffic. Improvements include Americans with Disabilities Act (ADA) compliant sidewalks, street lighting, curbs and gutters.

The parcels affected by this project are identified in **Attachment A**.

### **Financial Impact**

Funding is available in the Street Transportation Department's Capital Improvement Program budget.

### **Location**

Along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street.  
Council Districts: 7 and 8

### **Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation and Finance departments.

**ATTACHMENT A**  
**Property Identification**

**City of Phoenix Street Improvement Project:** ST87750154 - Acquisition of Real Property for Roadway Improvements Along Alta Vista Road and Encinas Lane From 26th Avenue to 19th Street.

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

| <b>APN</b>  | <b>Address / Location</b> |
|-------------|---------------------------|
| 114-01-013  | 6246 S. 7th St.           |
| 114-01-015  | 551 E. Southern Ave.      |
| 114-01-018B | 314 E. Alta Vista Rd.     |
| 114-01-019A | 336 E. Alta Vista Rd.     |
| 114-02-008  | 122 E. Alta Vista Rd.     |
| 114-02-009  | 116 E. Alta Vista Rd.     |
| 114-02-017  | 212 E. Alta Vista Rd.     |
| 114-02-039  | 226 E. Alta Vista Rd.     |
| 114-02-061  | 22 E. Alta Vista Rd.      |
| 114-02-074A | 6247 S. 1st St.           |
| 114-07-102A | 6401 S. Central Ave.      |
| 114-07-103  | 201 E. Alta Vista Rd.     |
| 114-07-105  | 211 E. Alta Vista Rd.     |
| 114-07-106A | 219 E. Alta Vista Rd.     |



**Amend Ordinance S-49159 for Acquisition of Real Property for Roadway Improvements at the Intersection of 5th Avenue and Chambers Street (Ordinance S-50163)**

Request the City Council amend Ordinance S-49159 for authorization to acquire additional real property and related property interests required for roadway improvements at the intersection of 5th Avenue and Chambers Street.

**Summary**

Ordinance S-49159 authorized the acquisition of real property and related property interests for the widening and installation of roadway improvements at the intersection of 5th Avenue and Chambers Street. Two parcels affected by acquisition were not identified during preliminary design and are necessary to accommodate project construction. All other conditions and stipulations previously stated in Ordinance S-49159 remain the same.

The additional parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel numbers 113-38-032 located at 508 W. Sunland Ave., and 113-38-042G located at 514 W. Sunland Ave.

**Financial Impact**

Funding is available in the Streets Transportation Department's Capital Improvement Program budget.

**Concurrence/Previous Council Action**

Ordinance S-49159 was adopted on Nov. 16, 2023.

**Location**

Intersection of 5th Avenue and Chambers Street.  
Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation and Finance departments.



## **Parking Pay-by-Phone Agreement - Amendment (Ordinance S-50164)**

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146492 with ParkMobile, LLC to extend the contract term. Further request to authorize the City Treasurer to accept all funds related to this ordinance. No additional funds are needed; request to continue using Ordinance S-43909.

### **Summary**

This contract provides for Parking Pay-by-Phone services for individuals who wish to pay for parking meters in the downtown area using a smart phone. The existing contract will expire Nov. 30, 2023. Additional time is needed in order to allow the Street Transportation Department to develop a new revenue contract solicitation without interruption in service. The scope of work for services is being expanded to incorporate enforcement functionalities to reduce the need for a law enforcement officer to have to go into a different software program to see if a parking meter has been paid, deploy enhancements, and collect data and incorporate into a parking master plan. This service is critical to the City's efforts to provide parking options in the downtown area.

### **Contract Term**

Upon approval, the contract will be extended through June 30, 2024, with an option to extend through June 30, 2025.

### **Financial Impact**

This is a revenue-generating contract. The estimated annual income is approximately \$575,000 from credit card based transactions via smart phone. There is no financial cost to the City. Convenience fees are paid by the end user paid directly to the Pay-by-Phone services contractor. No additional funds are needed.

### **Concurrence/Previous Council Action**

The City Council previously approved Parking Pay-by-Phone Agreement 146492 (Ordinance S-43909) on Sept. 20, 2017.

### **Location**

The parking meters are located in downtown Phoenix.  
Council Districts: 7 and 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation Department.





**Street Transportation Department Public Outreach and Community Engagement Services - RFQu 63-2001 - Amendment (Ordinance S-50165)**

Request to authorize the City Manager, or his designee, to execute an amendment to Contracts 151323 with Gunn Communications, Inc.; 151324 with HDR Engineering, Inc.; 151322 with InRoads Info, Inc.; 151325 with REISTER Sonoran, LLC; 151326 with Urias Communications, LLC; and 151327 with Your Project Marketing and Outreach, LLC to allow additional expenditures for public outreach and community engagement services on an as-needed basis for the Street Transportation Department. The additional expenditures will not exceed \$600,000. Further request to authorize the City Controller to disburse all funds related to this item.

**Summary**

The Street Transportation Department uses contracted public engagement firms to assist with capital improvement projects and projects that affect large numbers of parcels. Enhanced public engagement helps shape projects and create awareness for people who may be temporarily affected by the construction. The current contracts allow us to effectively problem-solve, obtain temporary construction easements, provide public notification, prepare public meeting materials and operate project hotlines. Additionally, the contracted firms provide graphic design and multimedia support to help us reach broad and diverse audiences regarding transportation-related programs, projects and services.

The current contracts provide public outreach and community engagement services such as effective message development, use of multiple media formats including graphic and oral communications to broad and diverse audiences regarding street transportation related issues, programs and projects. The existing contracts will expire Jan. 31, 2025.

Additional funds are needed to support added initiatives associated with increased grant funding from the Governor's Office of Highway Safety, as well as expanded outreach on programs such as the Vision Zero Roadway Safety Action Plan, Active Transportation, Shared Micromobility, and CoolPavement.

**Contract Term**

The term of the existing contracts will remain unchanged and end on Jan. 31, 2025.

**Financial Impact**

This amendment will increase the authorization for these agreements by an additional \$600,000 for a new total aggregate not-to-exceed value of \$2.1 million. Funds are available in the Street Transportation Department's Capital Improvement Budget.

**Concurrence/Previous Council Action**

The City Council previously reviewed Public Outreach and Community Engagement RFQu 63-2001 (Ordinance S-46184) on Nov. 20, 2019.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation Department.



## **Agreement with BNSF Railway for Safety Improvements at Two BNSF Railroad Crossings (Ordinance S-50182)**

Request authorization for the City Manager, or his designee, to enter into an Agreement with BNSF Railway for the City to design and construct safety improvements at two intersections with BNSF railroad crossings: 43rd Avenue and Camelback Road, and 19th Avenue and McDowell Road. Further request the City Council to grant an exception pursuant to Phoenix City Code section 42-20 to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code section 42-18. Further request the City Controller to disburse all funds related to this item.

### **Summary**

The project will upgrade two large railroad crossings to provide medians and gate arms to prevent vehicles from stopping on the tracks when a train is approaching the crossing. These crossings are not currently protected by gate arms; they only have cantilever signals. This creates a situation where cars and trucks routinely stop on the tracks while waiting for the traffic signal to change, leading to collisions along the tracks. This project has a mutual benefit for both BNSF Railway and the City by utilizing both technology and modifications to the right-of-way to improve safety. The project was awarded FY2021 Consolidated Rail Infrastructure and Safety Improvements grant program funds by the Federal Railroad Administration (FRA).

### **Contract Term**

The agreement will be effective on the date it is executed by all the governing organizations and shall remain in effect until all stipulations previously indicated have been satisfied.

### **Financial Impact**

The City will reimburse the actual costs and expenses that BNSF Railway incurs in performing their work related to the project in an amount not to exceed \$100,000. The total cost of the project including design, construction, and administration is \$10,120,937. The FRA-awarded grant will contribute up to 70 percent of the total project cost, not to exceed \$7,084,656. The non-federal contribution is comprised of local match funds available in the Street Transportation Department's Capital

Improvement Program budget valued at \$3,036,281. Any additional expenses required beyond that provided in the Agreement to complete the project will be the funded by the City of Phoenix.

**Location**

43rd Avenue and Camelback Road, and 19th Avenue and McDowell Road.  
Council Districts: 4, 5 and 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation Department.



**Salt River Project Land Use and Construction Licenses for Water Services Main Replacement Project - WS85509108 (Ordinance S-50166)**

Request to authorize the City Manager, or his designee, to enter into both a Land Use License and a Construction License with Salt River Project for work associated with City of Phoenix Project WS85509108 - Water Main Replacement Project located in an area bounded by Bethany Home to Camelback roads, 24th to 32nd streets. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18.

**Summary**

The Water Services Department is installing a new 12 inch water main in the area bounded by Bethany Home to Camelback roads and 24th to 32nd streets. The purpose of the Salt River Project (SRP) Land Use License is to allow the City to construct and maintain the new waterline along the Arizona Canal. The purpose of the SRP Construction License is to allow the waterline to cross under existing SRP Irrigation facilities. The work associated with this license is in conjunction with City Project WS85509108.

**Contract Term**

The term of the Land Use License shall be for 15 years beginning Oct. 1, 2023, and ending Sept. 30, 2038. The term of the Construction License is one year, effective when the City begins construction on or about Sept. 5, 2023.

**Financial Impact**

There is no financial impact to the City of Phoenix for these licenses.

**Location**

Bethany Home Road to Camelback Road and 24th Street to 32nd Street  
Council District: 6

**Responsible Department**

This item is submitted by Deputy City Managers Alan Stephenson and Ginger Spencer, the Water Services Department and the City Engineer.



## **Booster Pump Stations Rehabilitation and Replacement - Engineering Services Amendment - WS85100032 (Ordinance S-50178)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150121 with Wilson Engineers, LLC, to provide additional Engineering Services for the Booster Pump Stations Rehabilitation and Replacement project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed \$300,000.

### **Summary**

The purpose of this project is to rehabilitate or replace six booster pump stations (BPS), including summarizing and prioritizing the BPS as part of the capital improvement projects over the next several years. The proposed sites will require extensive coordination with Operations and other divisions, including potentially performing construction activities in parallel at multiple sites within a tight construction schedule.

This amendment is necessary because additional time is needed to complete construction administration and inspection services for the electrical rehabilitation at BPS 1-B3. This amendment will provide additional funds and time to the agreement.

### **Contract Term**

The term of the agreement amendment is three years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

### **Financial Impact**

- The initial agreement for Engineering Services was approved for an amount not to exceed \$1,475,000, including all subconsultant and reimbursable costs.
- This amendment will increase the agreement by an additional \$300,000, for a new total amount not to exceed \$1,775,000, including all subconsultant and

reimbursable costs.

Funding for this amendment is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

**Concurrence/Previous Council Action**

The City Council approved:

- Engineering Services Agreement 150121 (Ordinance S-45709) on June 5, 2019.

**Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department and the City Engineer.





**Water Services Department Process Control On-Call Services (Ordinance S-50155)**

Request to authorize the City Manager, or his designee, to enter into separate agreements with the three consultants listed below, to provide Process Control On-Call services citywide for the Water Services Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed \$9 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

**Summary**

The On-Call consultants will be responsible for providing On-Call Process Control services that include, but are not limited to: design of process control systems, including integration into current control systems, and adding or upgrading instrumentation and control elements; design of the refurbishment or replacement of electrical and process control panels, remote terminal units, programmable logic controllers and remote input/output panels; design for electrical distribution systems improvements; design of conduit and duct bank installations for power and control wiring and fiber optic cables; design services to install perimeter walls, antenna and camera poles, concrete pads, sunshield canopies and other physical infrastructure necessary for the installation of process control equipment and electronic security systems; and provide construction administration and inspection services citywide.

## **Procurement Information**

The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Nine firms submitted proposals and are listed below:

### Selected Firms

Rank 1: Black & Veatch Corporation

Rank 2: Arcadis U.S., Inc.

Rank 3: OZ Engineering, LLC

### Additional Proposers

Rank 4: Wilson Engineers, LLC

Rank 5: Brown and Caldwell, Inc.

Rank 6: EIC Engineers, LLC

Rank 7: Kimley-Horn and Associates, Inc.

Rank 8: Gannett Fleming, Inc.

Rank 9: Quantum Integrated Solutions

## **Contract Term**

The term of each agreement is up to five years, or up to \$3 million, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

## **Financial Impact**

The agreement value for each of the On-Call consultants will not exceed \$3 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed \$9 million.

Funding is available in the Water Services Department's Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any On-Call task order of \$100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

## **Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department and the City Engineer.



**Final Plat - SEC Bell Road & 21st Avenue - PLAT 230005 - Southeast Corner of Bell Road and 21st Avenue**

Plat: 230005  
Project: 18-1329  
Name of Plat: SEC Bell Road & 21st Avenue  
Owner: Sunbelt Bell 17, LP  
Engineer: James M. Williamson, RLS  
Request: A Two-Lot Commercial Plat  
Reviewed by Staff: Aug. 18, 2023  
Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the southeast corner of Bell Road and 21st Avenue  
Council District: 3

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - Villas at 91st Avenue - PLAT 220044 - Northwest Corner of Lower Buckeye Road and 91st Avenue**

Plat: 220044  
Project: 21-963  
Name of Plat: Villas at 91st Avenue  
Owner: STT 91st & Lower Buckeye, LLC  
Engineer: Colin D. Harvey, RLS  
Request: A Two-Lot Commercial Plat  
Reviewed by Staff: Aug. 21, 2023  
Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 220051. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

**Location**

Generally located at the northwest corner of Lower Buckeye Road and 91st Avenue  
Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



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Agenda Date: 9/20/2023, Item No. 63

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**Final Plat - Dobbins Industrial Tech Park Phase 1 - PLAT 220084 - Southwest Corner of 65th Avenue and Dobbins Road**

Plat: 220084

Project: 21-4899

Name of Plat: Dobbins Industrial Tech Park Phase 1

Owner: Scannell Properties # 508, LLC

Engineer: Michael A. Banta, RLS

Request: A Four-Lot Commercial Plat

Reviewed by Staff: Aug. 17, 2023

Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the southwest corner of 65th Avenue and Dobbins Road

Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - Park 91 - PLAT 230021 - South of Buckeye Road and West of 91st Avenue**

Plat: 230021  
Project: 21-5780  
Name of Plat: Park 91  
Owner: Martens Park 91 Land, LLC  
Engineer: Chad Huber, RLS  
Request: A One-Lot Commercial Plat  
Reviewed by Staff: Aug. 21, 2023  
Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located south of Buckeye Road and west of 91st Avenue  
Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - 1802 & 1820 S. 7th Street - PLAT 220066 - Southwest Corner of 7th Street and Mohave Street**

Plat: 220066

Project: 21-3713

Name of Plat: 1802 & 1820 S. 7th Street

Owner: LMJ Motel Holdings, Inc., F/K/A E-Z Motels, Inc.

Engineer: David S. Klein, RLS

Request: A Three-Lot Commercial Plat

Reviewed by Staff: Aug. 17, 2023

Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the southwest corner of 7th Street and Mohave Street

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - Bibars Properties 1 Industrial Office Buildings - PLAT 230038 - South of Van Buren Street and East of 37th Street**

Plat: 230038

Project: 20-3566

Name of Plat: Bibars Properties 1 Industrial Office Buildings

Owner: Masyno Washington Company, LLC

Engineer: Anthony N. Zaugg, RLS

Request: A Two-Lot Commercial Plat

Reviewed by Staff: Aug. 18, 2023

Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located south of Van Buren Street and east of 37th Street

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.





**Final Plat - 18th Street and Jones - PLAT 230051 - Southeast Corner of 18th Street and Jones Avenue**

Plat: 230051  
Project: 21-4997  
Name of Plat: 18th Street and Jones  
Owner: Phoenix Jones Partners, LLC  
Engineer: Troy A. Ray, RLS  
Request: A Two-Lot Commercial Plat  
Reviewed by Staff: Aug. 18, 2023  
Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the southeast corner of 18th Street and Jones Avenue  
Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Abandonment of Easement - ABND 220062 - 26830 N. 33rd Ave. (Resolution 22150)**

Abandonment: ABND 220062

Project: 18-3074

Applicant: Adam Miller

Request: To abandon the drainage easements described in DOC 2006-0349955 Maricopa County Recorder.

Date of Decision/Hearing: Aug. 11, 2023

**Location**

26830 N. 33rd Ave.

Council District: 1

**Financial Impact**

Pursuant to Phoenix City Code Article 5, section 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Abandonment of Easement - ABND 230015 - Northeast Corner of Voltaire Avenue and 69th Street (Resolution 22152)**

Abandonment: ABND 230015

Project: 02-788

Applicant: Andrea Vakneen

Request: To abandon the equestrian easements between Thunderbird and Voltaire from 69th and 70th streets, as well as between 6922 E. Voltaire Ave. and 6932 E. Voltaire Ave.

Date of Decision/Hearing: April 6, 2023

**Location**

Northeast corner of Voltaire Avenue and 69th Street

Council District: 2

**Financial Impact**

Pursuant to Phoenix City Code Article 5, section 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Abandonment of Easement - ABND 220048 - 701 N. Central Ave. (Resolution 22151)**

Abandonment: ABND 220048

Project: 22-2533

Applicant: Vela Development Partners

Request: To abandon the eight-foot public utility easement adjacent to the south, west and north property lines, as well as the eight-foot sidewalk easement and landscape easement adjacent to the west property line of the parcel identified by Assessor Parcel Number 111-43-150.

Date of Decision/Hearing: Oct. 13, 2022

**Location**

701 N. Central Ave.

Council District: 7

**Financial Impact**

Pursuant to Phoenix City Code Article 5, section 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Abandonment of Easement - ABND 220051 - Northwest Corner of 91st Avenue and Lower Buckeye Road (Resolution 22149)**

Abandonment: ABND 220051

Project: 21-966

Applicant: David Bohn

Request: To abandon portions of the existing drainage easement as illustrated by the attached exhibit.

Date of Decision/Hearing: Feb. 8, 2023

**Summary**

The resolution of the abandonment and PLAT 220044 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

**Location**

Northwest corner of 91st Avenue and Lower Buckeye Road

Council District: 7

**Financial Impact**

Pursuant to Phoenix City Code Article 5, section 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

None. No consideration fee was required as a part of this easement abandonment, although filling fees were paid.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



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Agenda Date: 9/20/2023, Item No. 72

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**Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-23--Z-61-21-6 - Approximately 150 Feet North of the Northeast Corner of 44th Street and Earll Drive (Ordinance G-7165)**

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 16, 2023.

**Summary**

Application: PHO-1-23--Z-61-21-6

Existing Zoning: R-O

Acreage: 1.15

Applicant: Berry Riddell LLC c/o Wendy Riddell

Owner: Thomas Ryan Holdings LLC

Representative: Wendy Riddell

**Proposal:**

1. Request to modify Stipulation 1 regarding general conformance with the site plan and elevations date stamped Sept. 2, 2021.
2. Request to modify Stipulation 1.A regarding building height.
3. Request to modify Stipulation 8 regarding signage.
4. Request to modify Stipulation 9 regarding bicycle parking location.
5. Request to modify Stipulation 11 regarding pedestrian pathways.
6. Request to modify Stipulation 14 regarding shared access drives.
7. Request to delete Stipulation 15 permitting a maximum of one driveway on 44th Street.

VPC Action: The Camelback East Village Planning Committee heard this request on June 6, 2023, and recommended denial by a vote of 10-2.

PHO Action: The Planning Hearing Officer recommended approval.

**Location**

Approximately 150 feet north of the northeast corner of 44th Street and Earll Drive  
Council District: 6

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Parcel Address: N/A

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-61-21-6 PREVIOUSLY APPROVED BY  
ORDINANCE G-6955.

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

SECTION 1. The zoning stipulations applicable located approximately  
150 feet north of the northeast corner of 44th Street and Earll Drive in a portion of  
Section 30, Township 2 North, Range 4, East, as described more specifically in  
Attachment “A”, are hereby modified to read as set forth below.

#### STIPULATIONS:

1. The development shall be in general conformance with the site plan and  
elevations date stamped AUGUST 16, 2023 ~~September 2, 2024~~, with  
specific regard to the following and as approved by the Planning and  
Development Department.
  - a. There shall be a maximum building height of 1 story and 15 feet.
  - b. The development shall be at a scale and intensity that reflects  
adjacent residential uses and incorporates architectural features and  
detailing that are consistent and compatible with existing residential  
uses in the surrounding area.
2. There shall be a minimum 20-foot landscape setback along 44th Street for  
both properties.
3. The required landscape setback along 44th Street shall include large



canopy shade trees 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover shall provide minimum 75 percent live cover at maturity, as approved by the Planning and Development Department.

4. The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
  - b. Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.
5. The required landscape setback along the northern property line of the northern parcel shall be planted with minimum 2-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
6. A minimum 5-foot landscape setback shall be required along the eastern property line. This setback shall be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from adjacent single-family residences to the east, as approved by the Planning and Development Department.
7. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.
8. There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.
9. A minimum of four bicycle parking spaces shall be provided through inverted U and/or artistic racks located near building entrances for each of the existing buildings. These parking spaces shall be installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

10. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
11. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
12. The developer shall dedicate a minimum 10-foot-wide sidewalk easement and construct the east side of 44th Street, as approved by the Planning and Development Department.
13. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide landscape area located between the back of curb and sidewalk, as approved by the Planning and Development Department.
14. The developer shall record a cross-access agreement for any shared access drives along 44th Street, as approved by the Planning and Development Department.
15. There shall be a maximum of one driveway along 44th Street.
16. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
17. 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.
18. 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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6955 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6955 and as modified in

Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 20th day of September, 2023.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-23--Z-61-21-6

A Portion of the Southeast Quarter of Section 30, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona

Legal Description – APN 127-07-031:

The South 70 feet of Lot 29 and the North 60 feet of Lot 30, of SUNBEAM UNIT NO. 2, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 42 of Maps, Page 33.

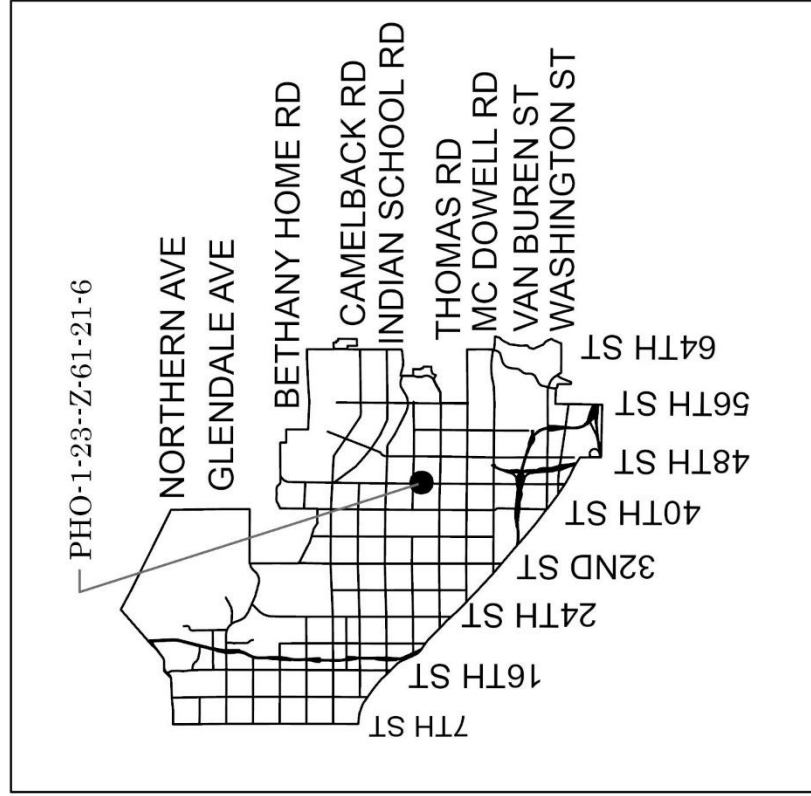
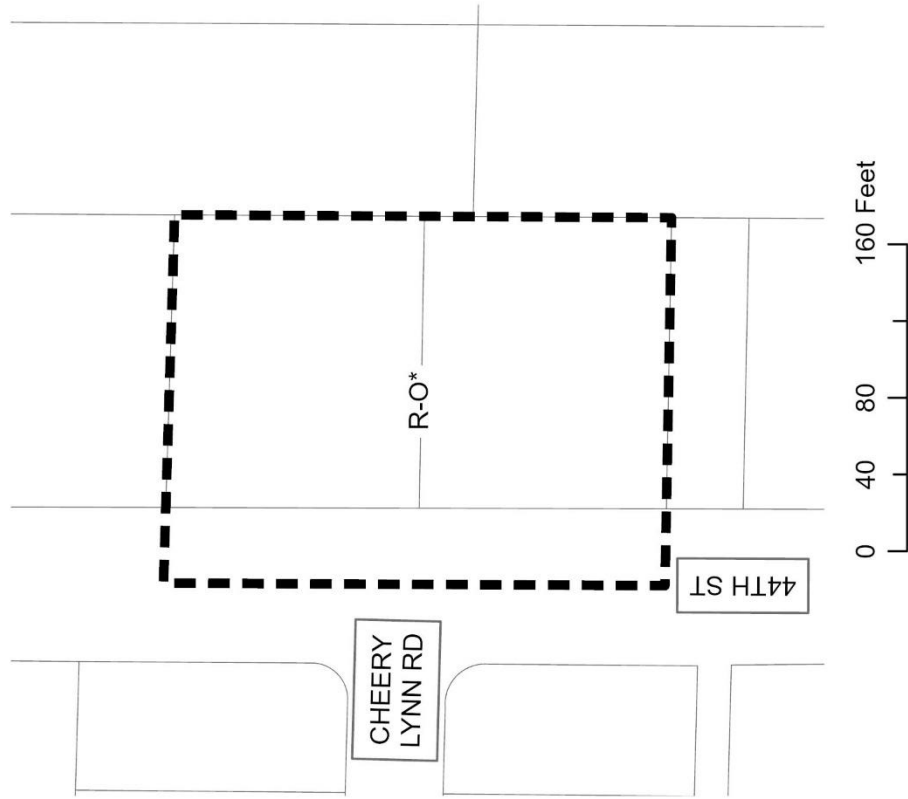
Legal Description – APN 127-07-030:

Lot 28 and the North 86 feet of Lot 29, SUNBEAM UNIT No. 2, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 42 of Maps, Page 33

# ORDINANCE LOCATION MAP

Zoning Case Number: PHO-1-23--Z-61-21-6  
Zoning Overlay: N/A  
Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: ■■■■



NOT TO SCALE





**Remove/Replace Zoning District - 35th Avenue and Elliot Road - Annexation 526 - Northwest Corner of 35th Avenue and the Elliot Road Alignment (Ordinance G-7163)**

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by removing the Maricopa County R-3 zoning district and replacing it with the City of Phoenix R-3 zoning district on property at the location described below, which was annexed into the City of Phoenix on June 28, 2023, by Ordinance S-50028.

**Location**

Northwest corner of 35th Avenue and the Elliot Road Alignment  
Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE ANNEXED PARCEL DESCRIBED HEREIN (35TH AVENUE AND ELLIOT ROAD ANNEXATION, NO. 526) FROM COUNTY R-3 TO CITY'S R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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WHEREAS, on June 28, 2023, via Ordinance S-50028, the City of Phoenix annexed an approximately 2.63-acre property located at the northwest corner of 35th Avenue and the Elliot Road alignment, in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in "Exhibit A" and incorporated herein by this reference; and,

WHEREAS, as required by A.R.S. § 9-471.L, the City of Phoenix is required to adopt zoning districts on the subject parcel to permit uses and densities no greater than those allowed by the prior County zoning district; and,

WHEREAS, immediately prior to annexation the zoning applicable to this territory was Maricopa County's R-3 zoning district; and

WHEREAS, the City's R-3 (Multifamily Residence District) zoning district is equivalent to Maricopa County's R-3 zoning district;



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

SECTION 1. The approximately 2.63-acre property located at the northwest corner of 35th Avenue and the Elliot Road alignment, in a portion of Section 10, Township 1 South, Range 2 East, which is described in “Exhibit A” and depicted in “Exhibit B” has been annexed to the City of Phoenix, and the present corporate limits of the City have been extended and increased to include such property.

SECTION 2. Pursuant to A.R.S. §9-471(L), the property depicted in Exhibit B is hereby removed from Maricopa County's R-3 zoning district and placed into the City's R-3 (Multifamily Residence District) zoning district. This zoning designation shall take effect thirty days after this Ordinance is adopted, without further action by the City Council, and

SECTION 3. The City Clerk shall cause a copy of this Ordinance, together with “Exhibit A” and “Exhibit B” to be filed and recorded in the Records of the Office of the Maricopa County Recorder, and

SECTION 4. 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 5. 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 20th day of September, 2023.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie Kriegh, City Attorney

By:

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REVIEWED BY:

---

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

35TH AVENUE AND ELLIOT ROAD ANNEXATION  
Legal Description  
Exhibit A

That part of the Northeast quarter of Section 10, Township 1 South, Range 2 East, G&SRB&M, Maricopa County, Arizona as conveyed by Document No. 2012-0704807 in the office of the recorder of Maricopa County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 10;  
thence South 00 degrees 12 minutes 54 seconds East, along the East line of the Northeast quarter of said Section 10, a distance of 957.80 feet to a point on the boundary annexed by City of Phoenix Ordinance No. G-2996, recorded in Document No. 1987-0322046 in the office of the recorder of Maricopa County, Arizona, said point also being the TRUE POINT OF BEGINNING;  
thence, departing said boundary of Ordinance No. G-2996, South 00 degrees 12 minutes 54 seconds East along the East line of the Northeast quarter of said Section 10, a distance of 495.03 feet to a point on the North right of way of the Western Canal;  
thence South 89 degrees 39 minutes 12 seconds West along said North right of way line, a distance of 291.79 feet to a point on said boundary of Ordinance G-2996;  
thence along the following 6 courses of said boundary of Ordinance No. G-2996;  
thence North 10 degrees 28 minutes 04 seconds West, a distance of 284.59 feet to a point;  
thence North 00 degrees 37 minutes 36 seconds East, a distance of 92.00 feet to a point;  
thence South 89 degrees 20 minutes 45 seconds East, a distance of 160.57 feet to a point of curvature;  
thence Northeasterly along the arc of a curve concave Northwesterly with a Delta of 54 degrees 46 minutes 45 seconds, and a radius of 82.44 feet, a distance of 78.82 feet to a point of tangency;  
thence North 35 degrees 52 minutes 31 seconds East, a distance of 42.62 feet to a point of curvature;  
thence Northeasterly along the arc of a curve concave Southeasterly with a Delta of 40 degrees 58 minutes 40 seconds and a radius of 149.85 feet, a distance of 107.17 feet to the TRUE POINT OF BEGINNING.

EXCEPTING the East 33.00 feet thereof for roadway; and  
EXCEPTING any portion lying within plat recorded in Book 683 of Maps,

page 11; and EXCEPT any portion lying with the Western Canal as described in Book 113 of Deeds, page 54 and as shown on results of survey recorded in Book 581 of Maps, page 49 of Official Records.

Area = 2.628 Acres

Area = 0.0041 Sq. Miles

## EXHIBIT B

Annexation Case: 35th Ave & Elliot Rd - Annexation 526  
Zoning Overlay: N/A  
Planning Village: Laveen



Drawn Date: 8/18/2023



**Amendment to the 2018 International Building Code Section 310.4.1 - Care Facilities Within a Dwelling (Ordinance G-7162)**

Request to authorize the City Manager to amend the 2018 International Building Code (IBC) section 310.4.1 - Care facilities within a dwelling.

**Summary**

The Phoenix Building Construction Code provides minimum health and safety standards for construction of buildings in Phoenix. This proposed amendment will amend the 2018 IBC section 310.4.1 - Care facilities within a dwelling. The proposed amendment will align with the Arizona Revised Statutes, title 9, chapter 7, article 1, section 9-807. This statute states "A municipality shall not adopt a code or ordinance or part of a uniform code or ordinance that prohibits a person or entity from choosing to install or equip or not install or equip fire sprinklers in a single family detached residence or any residential building that contains not more than two dwelling units. A municipality shall not impose any fine, penalty or other requirement on any person or entity for choosing to install or equip or not install or equip fire sprinklers in such a residence. This section does not apply to any code or ordinance that requires fire sprinklers in a residence and that was adopted before December 31, 2009."

**Concurrence/Previous Council Action**

- The Development Advisory Board (DAB) Technical Subcommittee recommended approval of this amendment on Feb. 21, 2023.
- The DAB recommended approval of this amendment on March 16, 2023, and ratified the results on March 29, 2023.
- The Transportation, Infrastructure and Planning Subcommittee approved this item on May 17, 2023.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING A PORTION OF THE PHOENIX BUILDING  
CODE SPECIFICALLY THE 2018 INTERNATIONAL BUILDING CODE  
SECTION 310.4.1 CARE FACILITIES WITHIN A DWELLING.

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

\*\*\*

**2018 International Building Code Section 310.4.1** Care facilities within a dwelling.  
Care facilities for five or fewer persons receiving care that are within a single-family  
dwelling are permitted to comply with the International Residential Code, ~~provided an  
automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section  
P2904 of the International Residential Code.~~

\*\*\*

PASSED by the Council of the City of Phoenix this \_\_\_\_ day of September, 2023

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager



**\*\*\*REQUEST TO CONTINUE (SEE ATTACHED MEMO)\*\*\* (CONTINUED FROM APRIL 5 AND AUG. 28, 2023) - Public Hearing and Ordinance Adoption - Rezoning Application Z-62-22-8 - Approximately 200 Feet East of the Northeast Corner of 42nd Street and Edgemont Avenue (Ordinance G-7098)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, and consider adopting Rezoning Application Z-62-22-8 to rezone the site from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow multifamily residential.

**Summary**

Current Zoning: R1-6

Proposed Zoning: R-3

Acreage: 0.86 acres

Proposed Use: Multifamily residential

Owner: 4211 Thomas, LLC

Applicant: Sean J. Doyle, Tiffany & Boscoe, P.A.

Representative: Mark Tomecak

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Camelback East Village Planning Committee heard this case on Feb. 7, 2023, and recommended approval, per the staff recommendation, by a vote of 13-2.

PC Action: The Planning Commission heard this case on March 2, 2023, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 5-1.

The Planning Commission recommendation was appealed for a public hearing by a community member and a petition for a three-quarter vote was submitted on March 9, 2023. A three-quarter vote is required.

**Location**

Approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue.

Council District: 8

Parcel Addresses: 4222 E. Edgemont Ave. and a portion of 4215 and 4221 E. Thomas Road.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-62-22-8) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 0.86-acre site located approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue in a portion of Section 31, Township 2 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "R1-6" (Single-Family Residence District) to "R-3" (Multifamily Residence District).

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. The development shall be in general conformance with the site plan date stamped February 3, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. All elevations shall include a minimum of two exterior accent materials, as approved the Planning and Development Department. Examples include, but are not limited to, materials such as brick, stone, colored textured concrete or stucco.
3. The maximum building height shall be 30 feet.
4. The landscape setback along the east property line shall be planted with minimum 2-inch caliper large evergreen trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. Prior to preliminary site plan approval, the developer shall all apply for the On-Street Parking Zones program in order to install no parking signs along Edgemont Avenue between 42nd Street and 43rd Street.
6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 5-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Edgemont Avenue, as approved by the Planning and Development Department. The landscape strip shall be planted as follows:
  - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings to provide a minimum of 75% shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
7. 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.
8. 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.

9. 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 5th day of April, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWED BY:

\_\_\_\_\_  
Jeffrey Barton, City Manager

**Exhibits:**

**A – Legal Description (1 Page)**

**B – Ordinance Location Map (1 Page)**

DRAFT

EXHIBIT A

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP TWO NORTH, RANGE FOUR EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

MORE PARTICULARLY DESCRIBED AS FOLLOWS,

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THIRTY-ONE (31), MARKED BY A BRASS CAP IN HANDHOLE STAMPED "CITY OF PHOENIX" FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION THIRTY-ONE (31) BEARS SOUTH 90°00'00" EAST FOR A DISTANCE OF 2597.65 FEET;

THENCE SOUTH 90°00'00" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION THIRTY-ONE (31), FOR A DISTANCE OF 1432.01 FEET;

THENCE SOUTH 0°01'36" EAST, A DISTANCE OF 239.63 FEET;

THENCE NORTH 89°45'20" EAST, A DISTANCE OF 45.73 FEET;

THENCE SOUTH 01°29'10" WEST. ALONG THE WEST LINE OF THE EAST 117.80 FEET OF THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION THIRTY-ONE (31), A DISTANCE OF 75.59 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 90°00'00" EAST. A DISTANCE OF 0.21 FEET TO A POINT ON THE EAST LINE OF THE WEST 32.2 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION THIRTY-ONE (31);

THENCE SOUTH 01°29'38" EAST, ALONG SAID EAST LINE, A DISTANCE OF 198.17 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF EDMONT AVENUE AS CONVEYED TO THE CITY OF PHOENIX BY DEED RECORDED IN DOCKET 2301, PAGE 540, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 89°43'58" WEST. ALONG SAID NORTH LINE, A DISTANCE OF 150.22 FEET;

THENCE NORTH 01°29'10" WEST, A DISTANCE OF 198.87 FEET TO THE POINT OF BEGINNING.

# ORDINANCE LOCATION MAP

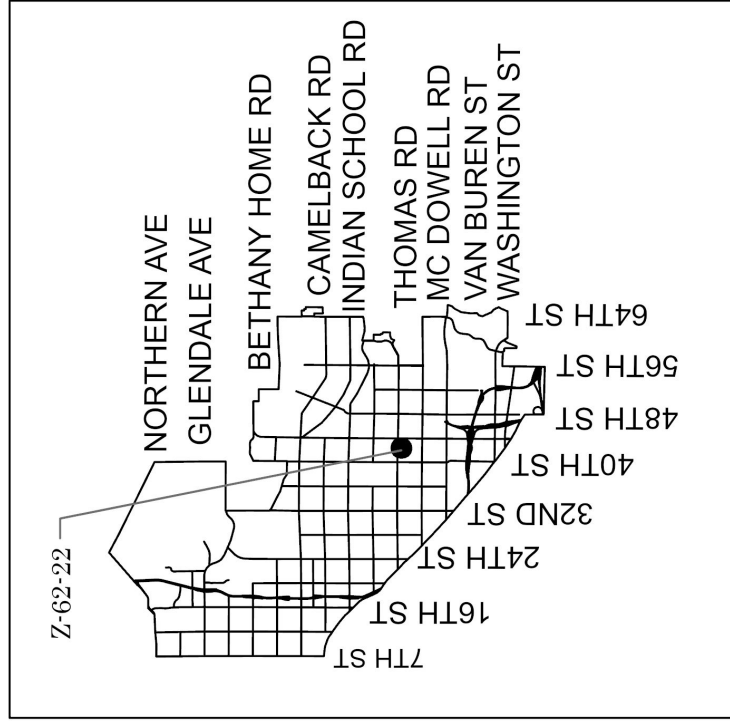
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -

Zoning Case Number: Z-62-22  
Zoning Overlay: N/A  
Planning Village: Camelback East



0 55 110 220 Feet



NOT TO SCALE



Drawn Date: 3/7/2023

\\onepdd\Shared\Department Share\Information Systems\PL GIS\IS\_Team\Core\_Team\Zoning\Supp\Maps\_Ord\4-5-2023\4-5-23.aprx



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-62-22-8**  
February 3, 2023

[Camelback East Village Planning Committee](#) Meeting Date:

February 7, 2023

[Planning Commission](#) Hearing Date: March 2, 2023

**Request From:** [R1-6](#) (Single-Family Residence District)  
(0.86 acres)

**Request To:** [R-3](#) (Multifamily Residence District)  
(0.86 acres)

**Proposed Use:** Multifamily residential

**Location:** Approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue

**Owner:** 4211 Thomas, LLC

**Applicant:** Sean J. Doyle

**Representative:** Mark Tomecak

**Staff Recommendation:** Approval, subject to stipulations

| <a href="#">General Plan Conformity</a>   |                 |                         |                           |
|---|-----------------|-------------------------|---------------------------|
| <a href="#">General Plan Land Use Map Designation</a>   |                 | Mixed Use, Village Core |                           |
| <a href="#">Street Map Classification</a>   | Edgemont Avenue | Local Street            | 25-foot north half street |
| <p><b>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</b></p> <p>The proposal will allow for multifamily residences that are compatible in scale with the surrounding neighborhood. As stipulated, a landscape area along the east property line will provide a buffer to the adjacent residences which is respectful of local conditions.</p> |                 |                         |                           |

***CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; LAND USE PRINCIPLE: Protect residential areas from concentrations of incompatible land uses that could change their character or destabilize land values.***

The request will allow for multifamily residences, which is compatible with the surrounding townhomes and zoning district to the west of the site, in addition to the single-family residences to the east and south.

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

As stipulated, the landscape planting standard along the eastern perimeter of the site and the detached sidewalk will provide thermal comfort and shade for residents and provide a buffer to the surrounding land uses.

#### Applicable Plans, Overlays, and Initiatives

[44th Street Corridor Specific Plan](#) – See Background Item No. 5.

[Housing Phoenix Plan](#) – See Background Item No. 6.

[Tree and Shade Master Plan](#) – See Background Item No. 7.

[Complete Streets Guiding Principles](#) – See Background Item No. 8.

[Zero Waste PHX](#) – See Background Item No. 9.

#### Surrounding Land Uses/Zoning

|                                       | <u>Land Use</u>          | <u>Zoning</u> |
|---------------------------------------|--------------------------|---------------|
| <b>On Site</b>                        | Single-family residence  | R1-6          |
| <b>North</b>                          | Automobile parts retail  | C-2           |
| <b>South (across Edgemont Avenue)</b> | Single-family residences | R1-6          |
| <b>East</b>                           | Single-family residences | PAD-10        |
| <b>West</b>                           | Condominiums             | R-3           |



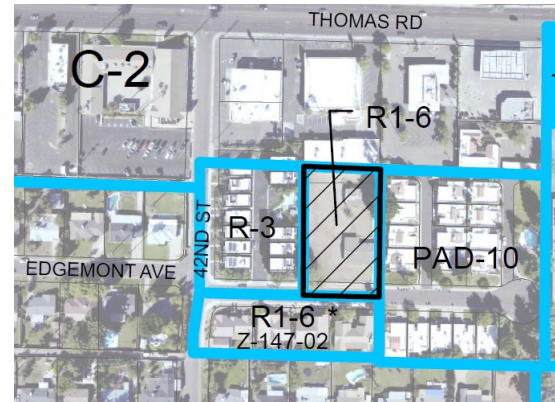
| <b>R-3 – Multifamily Residence District<br/>(Planned Residential Development Option)</b> |  |   |
|--|--|---|
| <b><u>Standards</u></b>  | <b><u>Requirements</u></b>   | <b><u>Provisions on the<br/>Proposed Site Plan</u></b>              |
| Gross Acreage  | -  | 0.86 acres  |
| Maximum Number of Units  | 13; 15 with bonus  | 8 (Met)   |
| Maximum Dwelling Unit Density<br>(units/gross acre)                                      | 15.23; 17.40 with bonus  | 9.30 (Met)  |
| Maximum Lot Coverage   | 45%  | 28% (Met)   |
| Maximum Building Height  | 2 stories, 30 feet for first 150 feet; 1 foot in 5 feet increase to 48 feet high, 4-story maximum  | 2 stories, 30 feet (Met, per Stipulation No. 3)                     |
| Minimum Building Setbacks  | Adjacent to a public street: 20 feet   | Front (Edgemont Avenue): 20 feet (Met)                              |
|  | Adjacent to property line: 15 feet   | North: 15 feet (Met)<br>East: 15 feet (Met)<br>West: 15 feet (Met)  |
| Minimum Landscape Setbacks   | Adjacent to a public street: 20 feet   | Front (Edgemont Avenue): 20 feet (Met)                              |
|  | Interior property lines: 5 feet  | North: 5 feet (Met)<br>East: 5 feet (Met)<br>West: 5 feet (Met)     |
| Minimum Open Space   | 5%   | 7% (Met)  |
| Minimum Parking Requirements<br><br>8 two-bedroom units                                  | 16 spaces<br><br>12 reserved spaces<br>4 unreserved spaces<br><br>1.5 spaces per 1 and 2-bedroom unit and additional unreserved parking at a rate of 0.5 spaces per 1 and 2-bedroom unit | 21 spaces (Met)<br><br>16 reserved (two-car garage)<br>5 unreserved |

\*Variance or site plan modification required

### **Background/Issues/Analysis**

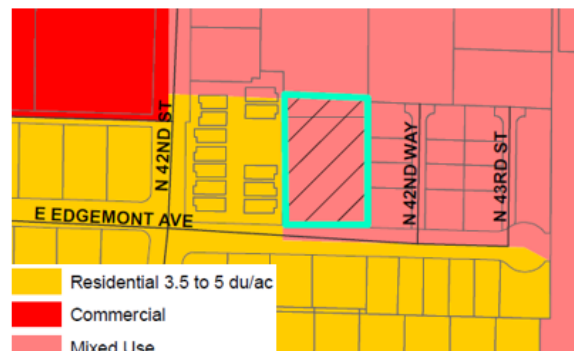
#### **SUBJECT SITE**

1. This request is to rezone 0.86-acres located approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow multifamily residential.



*Zoning Sketch Map, Source: City of Phoenix Planning and Development Department*

2. The subject site is designated as Mixed Use on the General Plan Land Use Map and is within a Village Core. The request for multifamily residential is consistent with the Mixed Use designation. The designation to the north and east is also Mixed Use. The designation to the south and west is Residential 3.5 to 5 dwelling unit per acre.



*General Plan Land Use Map, Source: City of Phoenix Planning and Development Department*

#### **EXISTING CONDITIONS & SURROUNDING ZONING**

3. The subject site currently contains a single-family residence. To the north of the subject site is an automobile parts retail store, zoned C-2 (Intermediate Commercial). To the west are condominiums zoned R-3. To the east are single-family residences zoned PAD-10 (Planned Area Development) and to the south are single-family residences zoned R1-6.

#### **PROPOSAL**

4. The conceptual site plan, attached as an exhibit, depicts eight two-bedroom units with private yards, with an open space area located towards the rear of the site. Access is proposed from one driveway on Edgemont Avenue. Units will contain two-car garages. Additional surface parking spaces are located towards the rear of the site. To improve pedestrian safety and increase shade coverage along the sidewalk, a detached sidewalk will also be provided along Edgemont Avenue with minimum 3-inch caliper trees planted within the landscape strip between back of curb and sidewalk, per Stipulation No. 6. Staff recommends general conformance to the site plan to ensure the site develops as proposed. This is addressed in Stipulation No. 1.

The proposed building elevations, attached as an exhibit, depict two-story facades that are 28 feet in height. Staff recommends Stipulation No. 2 to ensure that building elevations contain a variety of exterior materials and Stipulation No. 3 to limit the maximum height to 30 feet to ensure compatibility with the surrounding built environment.

To screen the units from the adjacent single-family residences to the east, staff recommends Stipulation No. 4 which requires minimum 2-inch caliper trees planted along the east property line.

In coordination with the surrounding residents and to address concerns regarding traffic and parking congestion, the applicant has agreed to apply for the On-Street Parking Zone program in order to install no parking signs along Edgemont Avenue from 42nd Street to 43rd Street. This is addressed in Stipulation No. 5.

## PLANS, OVERLAYS, AND INITIATIVES

5. **44th Street Corridor Specific Plan**

Completed in 1991, the 44th Street Corridor Specific Plan established a framework to provide compatibility of new development along 44th Street from McDonald Drive to Sky Harbor International Airport. The Land Use Plan (Figure 5.2) shows a MU1 (Mixed Use I) designation for the subject site. The MU1 designation calls for single-family residential, multifamily residential (15+ dwelling units per acre), public/quasi-public and hotel uses. The requested zoning designation is consistent with the MU1 designation.



*44th Street Corridor Specific Plan, Source: City of Phoenix Planning and Development Department*

6. **Housing Phoenix Plan**

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by allowing for the development of housing units on the subject site.

7. **Tree and Shade Master Plan**

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. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and vibrant pedestrian places. Staff recommends the planting of large evergreen shade trees within the landscape setback along the east property line and large shade trees within the landscape area between the back of curb and sidewalk. These are addressed in Stipulation No. 4 and 6.

8. **Complete Streets Guiding Principles**

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. Staff recommends Stipulation No. 6, which requires a five-foot-wide detached sidewalk be constructed along the north side of Edgemont Avenue.

9. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. 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 applicant's materials indicated that each unit will have recycling receptacles.

COMMUNITY INPUT SUMMARY

10. At the time this staff report was written, one letter of support has been received. In addition, nine letters of opposition have been received. Concerns listed include privacy, safety, density, traffic and congestion on Edgemont Avenue.

INTERDEPARTMENTAL COMMENTS

11. **Water Services Department**

The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that are serving or can serve this development.

12. **Fire Department**

The City of Phoenix Fire Department has noted that the site and/or buildings shall comply with the Phoenix Fire Code. Further, the Department commented that the site will require a water supply for fire flow and the quantity and design of fire hydrants is required to comply with the Phoenix Fire Code.

13. **Street Transportation Department**

The Street Transportation has requested that street improvements be constructed with all required elements and to ADA requirements. This is addressed in Stipulation No. 7.

OTHER

14. 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 8.

15. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 9.
16. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

### **Findings**

1. The proposed development is consistent with the General Plan Land Use Map designation of Mixed Use.
2. The proposal will allow for additional housing options within the Camelback East Village Core.
3. As stipulated, the proposal will provide increased shade along the perimeters of the site and help reduce the urban heat island effect.

### **Stipulations**

1. The development shall be in general conformance with the site plan date stamped February 3, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. All elevations shall include a minimum of two exterior accent materials, as approved the Planning and Development Department. Examples include, but are not limited to, materials such as brick, stone, colored textured concrete or stucco.
3. The maximum building height shall be 30 feet.
4. The landscape setback along the east property line shall be planted with minimum 2-inch caliper large evergreen trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. Prior to preliminary site plan approval, the developer shall all apply for the On-Street Parking Zones program in order to install no parking signs along Edgemont Avenue between 42nd Street and 43rd Street.

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 5-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Edgemont Avenue, as approved by the Planning and Development Department. The landscape strip shall be planted as follows:
  - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings to provide a minimum of 75% shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
7. 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.
8. 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.
9. 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.

**Writer**

Sarah Stockham

February 3, 2023

**Team Leader**

Racelle Escolar

**Exhibits**

Sketch map

Aerial map

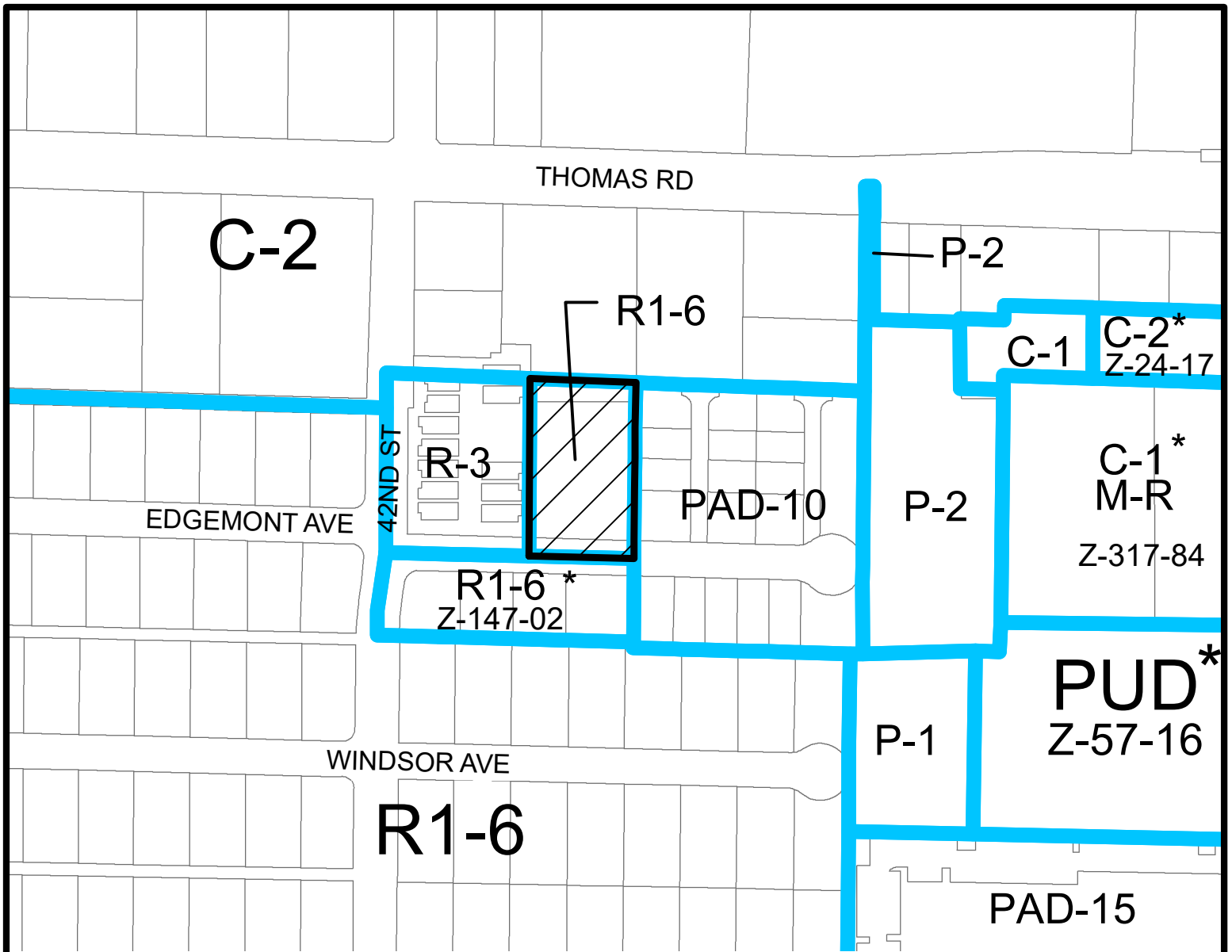
Site plan date stamped February 3, 2023

Elevations date stamped September 14, 2022

Staff Report: Z-62-22-8  
February 3, 2023  
Page 10 of 10

Correspondence (11 pages)





Miles

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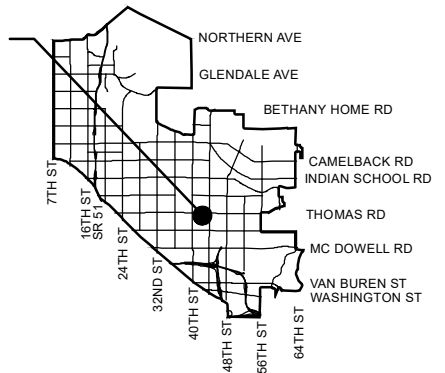
**CAMELBACK EAST VILLAGE**

CITY COUNCIL DISTRICT: 8



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

Z-62-22



APPLICANT'S NAME: Bill Lally / Greg Loper

APPLICATION NO. Z-62-22

DATE: 10/20/2022  
REVISION DATES:

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

0.86 Acres

AERIAL PHOTO &  
QUARTER SEC. NO.  
QS 14-37

ZONING MAP  
G-10

REQUESTED CHANGE:

FROM: R1-6 ( 0.86 a.c.)

TO: R-3 ( 0.86 a.c.)

**MULTIPLES PERMITTED**

R1-6  
R-3

**CONVENTIONAL OPTION**

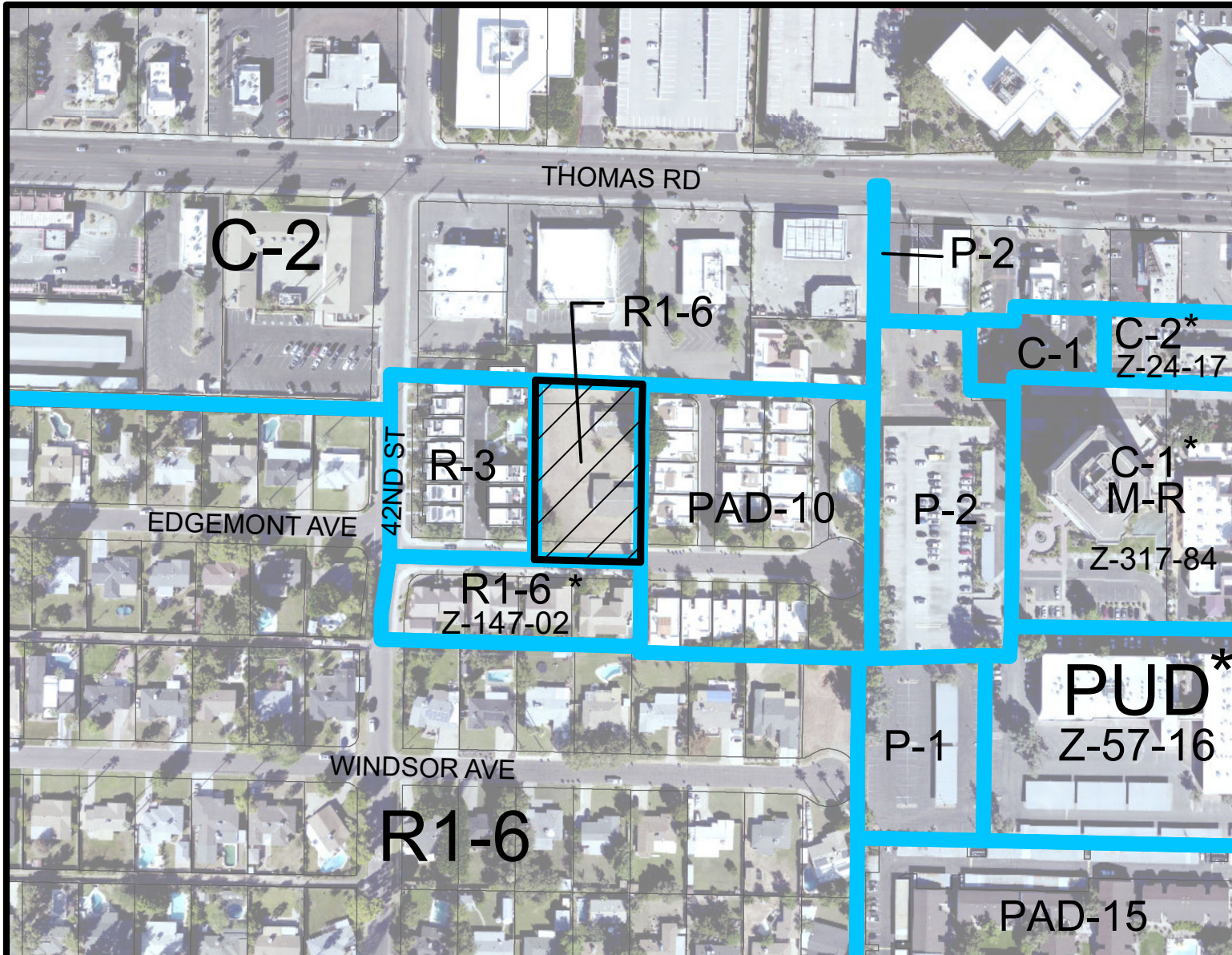
4  
12

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

5  
15

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

Page 193



Miles

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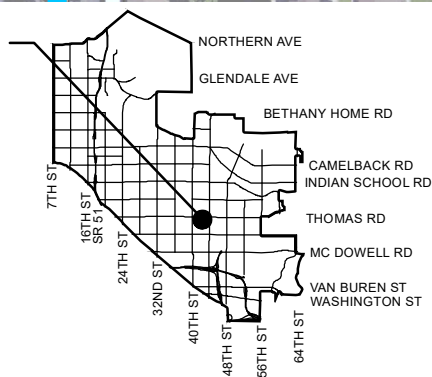
## CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 8



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

Z-62-22



APPLICANT'S NAME: Bill Lally / Greg Loper

### REQUESTED CHANGE:

FROM: R1-6 ( 0.86 a.c.)

APPLICATION NO. Z-62-22

DATE: 10/20/2022  
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET  
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AERIAL PHOTO &  
QUARTER SEC. NO.  
QS 14-37

ZONING MAP  
G-10

TO: R-3 ( 0.86 a.c.)

### MULTIPLES PERMITTED

R1-6  
R-3

### CONVENTIONAL OPTION

4  
12

### \* UNITS P.R.D. OPTION

5  
15

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

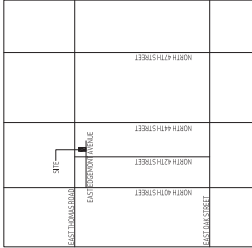
Page 194

REZONING SITE PLAN FOR "EDGEMONT TOWNHOMES" PROJECT

SITE PLAN NOTES:

- 1. EXISTING BUILDING TO REMAIN
- 2. EXISTING BUILDING TO REMAIN
- 3. EXISTING BUILDING TO REMAIN
- 4. EXISTING BUILDING TO REMAIN
- 5. EXISTING BUILDING TO REMAIN
- 6. EXISTING BUILDING TO REMAIN
- 7. EXISTING BUILDING TO REMAIN
- 8. EXISTING BUILDING TO REMAIN
- 9. EXISTING BUILDING TO REMAIN
- 10. EXISTING BUILDING TO REMAIN
- 11. EXISTING BUILDING TO REMAIN
- 12. EXISTING BUILDING TO REMAIN
- 13. EXISTING BUILDING TO REMAIN
- 14. EXISTING BUILDING TO REMAIN
- 15. EXISTING BUILDING TO REMAIN

VICINITY MAP



CITY OF PHOENIX NOTES

- 1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- 2. PROPERTY LINES AND CORNERS SHALL BE MARKED BY A TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
- 3. STRUCTURES AND LANDSCAPES WITHIN A TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY SHALL BE MAINTAINED AT A MINIMUM HEIGHT OF 3 FEET.
- 4. AN ASSOCIATION INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED TO MAINTAIN AND ENFORCE THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
- 5. ANY LIFTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT PROPERTIES AND TO THE STREET.
- 6. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
- 7. ALL CHANGES TO THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY SHALL BE APPROVED BY THE CITY OF PHOENIX.
- 8. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
- 9. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
- 10. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
- 11. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
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- 14. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.
- 15. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE TRAILER OR PERMANENT MARKERS PLACED AT THE CORNERS OF THE PROPERTY.

PARKING SUMMARY

|                     |            |
|---------------------|------------|
| PARKING REQUIRED    | 153 SPACES |
| TOTAL PROVIDED      | 153 SPACES |
| 153 SPACES PROVIDED |            |
| 153 SPACES PROVIDED |            |
| 153 SPACES PROVIDED |            |
| 153 SPACES PROVIDED |            |

PROJECT DESCRIPTION

PROPOSED SITE PLAN CONSISTS OF A 153 UNIT RESIDENTIAL MULTIFAMILY PROJECT IN AN UNDEVELOPED LOT, THE PROPERTY IS CURRENTLY ZONED R-45.

AMENITIES LIST

- A. BIKES AND SEATING
- B. TRAIL

DEFERRED SUBMITTAL

- FLOODING / ACCESS / EROSION
- UNDERGROUND FUEL LINE
- FIRE SPRINKLER SYSTEM

PARKING LANDSCAPE

|                       |               |
|-----------------------|---------------|
| TOTAL PARKING SURFACE | 4,600 SF      |
| REQUIRED              | 295 SF (6.4%) |
| PROVIDED              | 354 SF (7.7%) |

CODE REVIEW

|               |  |
|---------------|--|
| AUTHORITY     | CITY OF PHOENIX, ARIZONA   |
| CODE          | 2018 RESIDENTIAL BUILDING CODE<br>2018 INTERNATIONAL CONSERVATION CODE<br>2018 PHOENIX FIRE CODE |
| CONFLICT TYPE | N/A  |

PROJECT INFORMATION

|                          |  |
|--------------------------|--|
| PROJECT NAME             | EDGEMONT TOWNHOMES                             |
| ADDRESS                  | 421 EAST THOMAS ROAD<br>PHOENIX, ARIZONA 85018 |
| APN                      | 150-00-000                                     |
| ZONING                   | R-45   |
| REZONING                 | R-45   |
| PROPOSED USE             | MULTIFAMILY                                    |
| NUMBER OF UNITS          | 153  |
| STORIES                  | (2) TWO STORIES                                |
| BUILDING HEIGHT          | 30'-0" HIGH                                    |
| ALLOWED                  | 30'-0" HIGH                                    |
| PROPOSED                 | 30'-0" HIGH                                    |
| LOT AREA                 | 20,812 SF (0.48 ACRES)                         |
| GROSS AREA               | 33,597 SF (0.77 ACRES)                         |
| BUILDING FOOTPRINT       | 2,889 SF                                       |
| TOTAL BUILDING FOOTPRINT | 2,889 SF                                       |
| LOT COVERAGE             | 13.41% (0.40%)                                 |
| ALLOWED                  | 13.41% (0.40%)                                 |
| PROPOSED                 | 13.41% (0.40%)                                 |
| FIRE PROTECTION          | YES  |
| FIRE ALARMS              | NO   |
| 20' SETBACK              | 11' (10' TO 12' SETBACK)                       |
| 8' SETBACK               | 8' (10' TO 12' SETBACK)                        |
| GROSS SPACE              | 1,678 SF                                       |
| PROPOSED                 | 2,785 SF                                       |
| UNIT SIZE                | 1,300 SF                                       |
| REUSE                    | COMPLIANT PER LAP                              |

PROJECT DIRECTORY

|                |  |
|----------------|--|
| OWNER          | EDGEMONT TOWNHOMES<br>PHOENIX, ARIZONA 85018<br>CONTACT: REBECCA GREENE<br>PHONE: 602.435.8843 |
| ARCHITECT      | TOMCEK DESIGN P.C.<br>PHOENIX, ARIZONA 85018<br>CONTACT: MARK TOMCEK<br>PHONE: 602.879.7751    |
| CIVIL ENGINEER | JACOBS WALLACE LLC<br>PHOENIX, ARIZONA 85018<br>CONTACT: CHUCK JACOBS<br>PHONE: 602.275.7584   |

CITY OF PHOENIX

FEB 03 2023

Planning & Development  
Department

A1.00



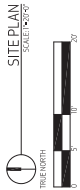
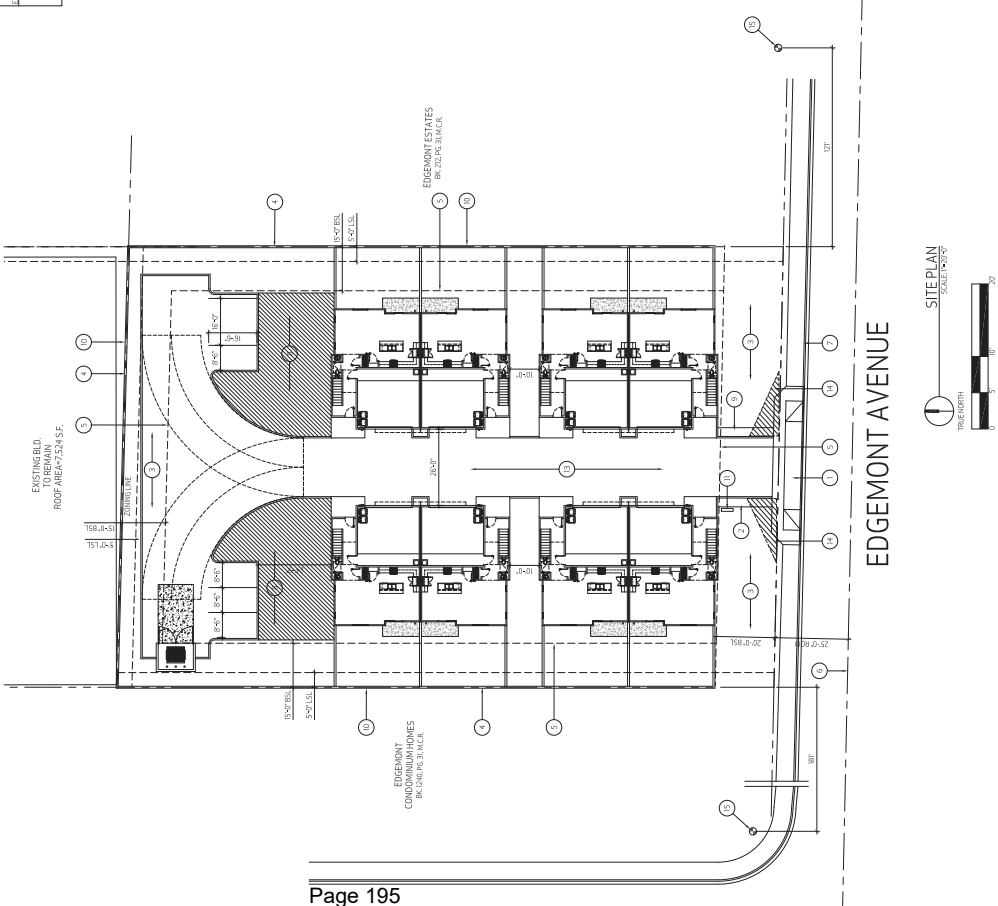
TOMCEK  
DESIGN  
4400 North Central Expressway  
Suite 200  
Phoenix, Arizona 85018  
P: 480.718.8887  
E: info@tomcekdsgn.com



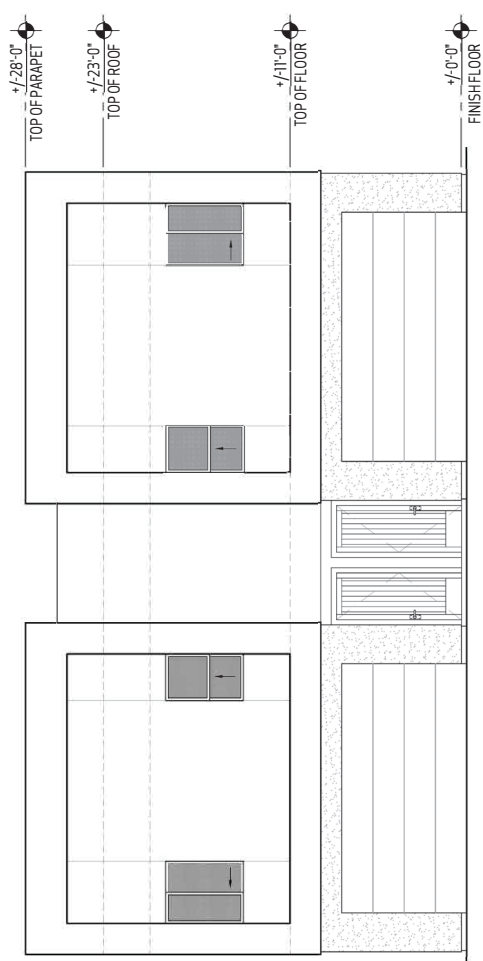
EXPIRES: 3.31.2023

PROJECT  
EDGEMONT TOWNHOMES  
421 EAST THOMAS ROAD  
PHOENIX, ARIZONA 85018

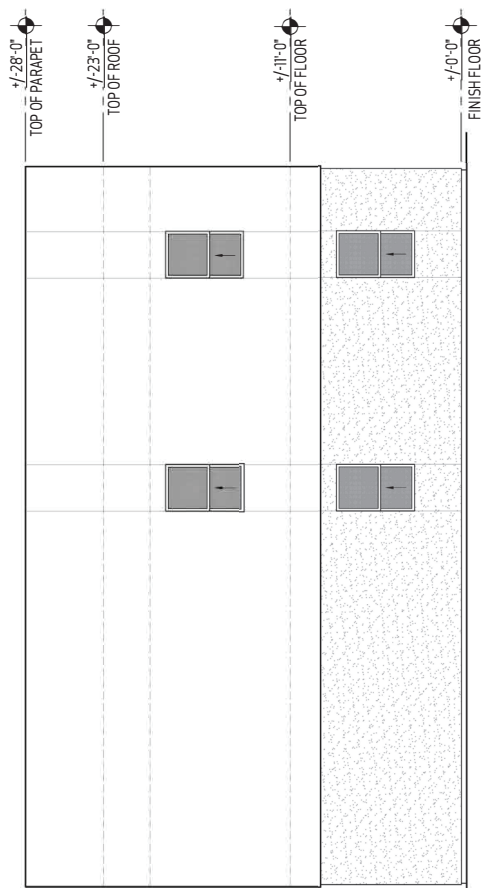
|           |           |
|-----------|-----------|
| REVISION  |           |
| JOB #     | 2325      |
| DATE      | 6.8.2022  |
| CONTENTS  | SITE PLAN |
| SHEET NO. | A1.00     |



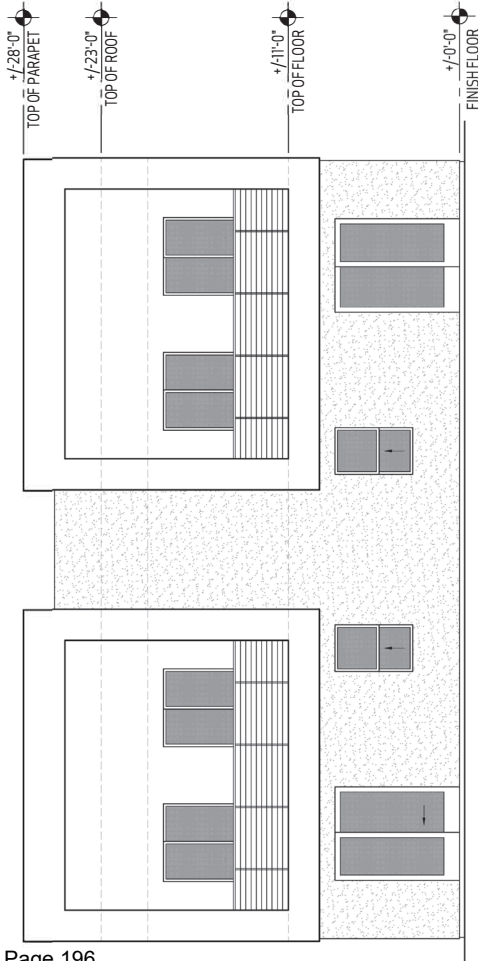




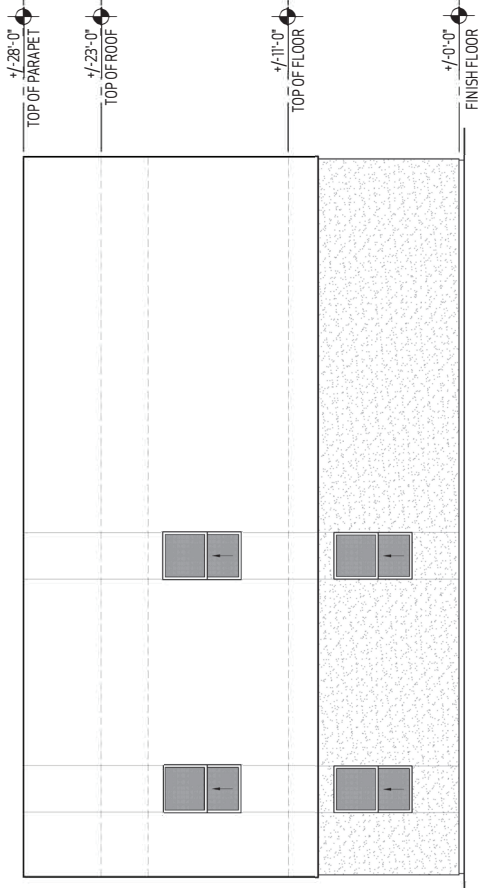
1 FRONT ELEVATION  
SCALE: 1/8"=1'-0"



2 SIDE ELEVATION  
SCALE: 1/8"=1'-0"



3 REAR ELEVATION  
SCALE: 1/8"=1'-0"



4 SIDE ELEVATION  
SCALE: 1/8"=1'-0"

**From:** [Alexandra Goe](#)  
**To:** [Sarah Stockham](#)  
**Subject:** Thoughts re: zoning case Z-62-22  
**Date:** Monday, October 10, 2022 9:54:17 PM

---

Hi Sarah,

I am a resident in Edgemont Estates and have reviewed the proposal for rezoning the empty lot in our area.

Please let me know if I should share this message with anyone else and/or write to the City of Phoenix Planning and Development Department. I want to make sure that my concerns are added to the case file.

While I appreciate wanting to add additional housing to the area, I do not support rezoning this lot to R-3.

As a resident of this area, I would love to see this commercially zoned space used to support small local businesses. Adding local businesses to the community helps strengthen the local economy and add vibrancy, as well as pride, to the neighborhood. Adding 10 townhomes here will not benefit the community or add value to the neighborhood.

If the lot is not used for commercial use, I believe it should remain zoned for R1-6. This will help maintain privacy and safety for the existing neighbors.

Thank you for your time and assistance,

Alexandra

**From:** [Claude degracia](#)  
**To:** [Sarah Stockham](#)  
**Subject:** zoning Z-62-22  
**Date:** Monday, October 10, 2022 5:46:02 PM

---

TO SARAH STOCKHAM

CAMELBACK EAST VILLAGE PLANER

RE: REZONING CASE NUMBER Z-62-22

REQUEST TO CHANGE FROM C-2 AND R1-6 TO R-3

PHONE 602-261-8701

ATT. SARAH

AS PER CONVERSATION 7 OCT 2022 REGARDING Z-62-22.

THE R1-6 ZONEING WAS ASSIGNED FOR A PUROPSE. A TEN  
UNIT COMPLEX

IS TO MANY FOR THAT LOT. TEN UNITS EQUALS 20 AUTOS. AT  
TIMES THERE MAY BE AUTOS PARKED ON EDMONT AVE., JUST  
SOUTH OF THESE 10 UNITS.

THIS WILL CAUSE A LOT COJESTION AND DIFFICULTY FOR  
RESIDENTS SOUTH OF THIS PROPRETY TO BACK OUT OF THEIR  
DRIVEWAYS.

THE PROPOSED UNITS ON THE EAST SIDE OF THIS PROPERTY WILL  
TAKE AWAY PRIVACY FOR EDMONT RESIDENTS AJECENT TO  
SAID PROPERTY.

I OBJECT TO THE ZONING CHANGE IN CASE NUMBER Z-62-22

Thank you

Claude A. deGracia [carjdeg2@yahoo.com](mailto:carjdeg2@yahoo.com) 602-956-7528

Ronna J. deGracia

**From:** [Laurie C](#)  
**To:** [Sarah Stockham](#)  
**Subject:** Property 4221 E Thomas  
**Date:** Monday, October 10, 2022 11:50:39 AM

---

Hi Sarah,

My name is Laurie Cummings and I am a resident at 2826 N 43rd Street. I am writing you in regards to the property development on Edgemont. I cannot attend the Zoom meeting so I am writing you in this matter. I am against this build for several reasons. We were told that this would be single family homes which isn't a problem. The problem I have is that building two-story multi units brings more traffic, people, privacy issues, and view of our beautiful scenic mountains. We are surrounded by tall buildings all around and this is not acceptable in a neighborhood of homes. This two-story housing unit will invade privacy to our own residential area by over looking into our backyards. On a daily basis we have multiple cars driving down our roads ( privately owned) therefore a multi-unit would bring more vehicle congestion, parking problems and pedestrian traffic. Our area is private property and will bring more traffic to our green areas for people walking dogs, etc.. Building a multi-property will bring renters, lower property values and more crime to our neighborhood. Please take every measure to vote against this build and bring back neighborhoods for our children to play in and enjoy our beautiful area and state. Your help is greatly appreciated.

Sincerely,

Laurie Cummings  
2826 N 43rd Street 85008  
Phoenix, Az  
Sent from my iPad



**From:** [DIANN IVERSON](#)  
**To:** [Sarah Stockham](#)  
**Subject:** Rezoning request Z-62-22  
**Date:** Tuesday, October 11, 2022 3:29:11 PM

---

TO: Sarah Stockham, Camelback East Village Planner

RE: Rezoning Case Number Z-62-22  
Request to change from C-2 and R1-6 to R-3

Sarah, This memo relates to a conversation you had with Claude DeGracia on October 7, 2022 regarding Z-62-22.

The R-1-6 zoning was assigned for a purpose. A ten-unit complex is too many for that lot. Ten units allows for 20 automobiles and that does not include visitor parking.

Ten units will cause a lot of congestion and difficulty for residents south of this property to back out of their driveways. The addition of town units at 42nd Street and Edgemont Avenue have caused unnecessary traffic coming into Edgemont Estates and use of our common areas for dog walkers.

In addition, the proposed two-level units on the east side of this property will take away privacy for Edgemont Estates residents adjacent to said property.

As a homeowner in Edgemont Estates, I object to the zoning change in case number Z-62-22. Thank you for your attention to this matter.

DiAnn Iverson  
2815 N 42<sup>nd</sup> Way  
Phoenix, AZ 85008  
dsiverson29@gmail.com

**From:** [Ellen Hemauer](#)  
**To:** [Sarah Stockham](#)  
**Subject:** Application Z-62-22 (4221 E. Thomas Road)  
**Date:** Tuesday, October 11, 2022 9:50:39 AM  
**Importance:** High

---

Good morning Sarah,

I would like to lend my voice in complete and utter opposition of the application to rezoning the property at 4221 East Thomas from C-2 and R1-6 to R-3. That is way too many homes on that lot and if you multiply 10 units with 2 vehicles (minimum) at least, there will be way too many cars that will clog the one-way street on Edgemont. The residents east of this location will be impeded in exiting Edgemont and the residents to the north of this lot will loose their privacy. I know this will negatively impact the single story residences already there and have been for years.

I strongly oppose and object to the Zoning Request for Application #Z-62-22.

Ellen Hemauer and James Archibald  
2828 North 42<sup>nd</sup> Way, 85008  
602-256-3189  
[ellen.hemauer@phoenix.gov](mailto:ellen.hemauer@phoenix.gov)

**From:** [Ellen Welch](#)  
**To:** [Sarah Stockham](#)  
**Subject:** Case #Z-62-22  
**Date:** Tuesday, October 11, 2022 8:39:59 AM

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To: Sarah Stockham  
Camelback East Village Planner  
Re: rezoning case #Z-62-22

Attn: Sarah

Regarding the R1-6 zoning assigned for a proposed 10-unit complex: as a homeowner in Edgemont Estates, I feel that 10 units is far too many for that small lot. The number of cars would cause considerable congestion in this small area. In addition, the proposed units would greatly affect the privacy for Edgemont residents adjacent.

I object to the zoning change in case #Z-62-22. Thank you.

Respectfully,

Ellen Welch

[Ellena.welch@gmail.com](mailto:Ellena.welch@gmail.com)

Sent from my iPhone

**From:** [Bill Sperry](#)  
**To:** [Sarah Stockham](#)  
**Subject:** Zoning request change  
**Date:** Wednesday, October 12, 2022 4:49:24 PM

---

Sarah this is to tell you that I object to the request to change the zoning on this project over on Edgemont it will lead to too much car congestion and the lot cannot accommodate that many houses on that small lot it will destroy our neighborhood which is very park like too many houses too many cars too much traffic congestion and we would lose our privacy in our neighborhood so I object to the changing of the zoning to our three that's not gonna work thank you Bill spirit PS if you wanna call me of course we've talked 602-955-5626 at my address is 4239 E. Edgemont Ave. in Phoenix 85008 thank you

Sent from my iPhone

**From:** [Joann Forte](#)  
**To:** [gl@tblaw.com](mailto:gl@tblaw.com); [Sarah Stockham](#); [Edgemont Estates](#); [Sharon Schmieder](#); [Elizabeth Sugges](#)  
**Subject:** rezoning request case number Z-62-22L  
**Date:** Monday, October 17, 2022 2:56:45 PM

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As President of Edgemont Estates Homeowners Association I speak for all seventeen (17) homeowners of our association.

We are very opposed to the rezoning of the properties specified in this application.

Our serious concerns are the proposed number of units (10), the type of unit (town-homes) the height of the units (2 story at 30"), the inadequate number of parking spaces for ten 2-bedroom townhomes (only 15), only proposed five (5) parking spaces for guests, and the too-narrow set-back on the east side of the property which is behind four of our homes.

We are very concerned of the additional noise factor, the increase in traffic to Edgemont Ave. which is a cul-de-sac and potentially a large increase in vehicles driving past our homes and using the cul-de-sac to turn around. The proposed parking is not enough and there will be a substantial increase in street parking in front of our homes.

Edgemont Estates HOA is NOT supporting this rezoning request.

Respectfully submitted,

Joann Forte Smithbaker

President, Edgemont Estates HOA

**From:** [Jim Borst](#)  
**To:** [gl@tblaw.com](mailto:gl@tblaw.com)  
**Cc:** [Sarah Stockham](#)  
**Subject:** Zoning Case Z-62-22  
**Date:** Tuesday, October 18, 2022 2:39:39 PM

---

Hi Greg,

I'm unable to attend tonight's property owner meeting regarding the zoning change for 126-02-046B, but I wanted to provide my support for this change. As a resident of more than 20 years at 4133 E. Edgemont Avenue, I very much support the development plans for that property. The similar development that occurred on the parcel just to the west of this (Edgemont 12) was a positive change to the neighborhood and I had also supported that.

Thank you,  
Jim Borst  
602-628-3040

**From:** [Crystal DeVelis](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Z-62-22-8, 42nd St and Edgemont  
**Date:** Tuesday, January 31, 2023 1:54:34 PM

---

Please note my objection to this zoning change. The density increase in this neighborhood on the east side of 42<sup>nd</sup> St. has already degraded the neighborhood. To add contiguous areas of such density will materially affect the existing residents in a negative way. Property values will decrease, the city will ultimately lose tax revenue. The existing zoning plan is quite sufficient. There are no extenuating circumstances. This area and the proposed PAD areas around it are not in the best interest of the neighborhood or the City.

-- Crystal DeVelis  
4351 E. Whitton Ave.  
Phoenix, AZ 85018



## Village Planning Committee Meeting Summary

### Z-62-22-8

|                            |  |
|----------------------------|--|
| <b>Date of VPC Meeting</b> | February 7, 2023   |
| <b>Request From</b>        | R1-6   |
| <b>Request To</b>          | R-3  |
| <b>Proposed Use</b>        | Multifamily residential  |
| <b>Location</b>            | Approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue |
| <b>VPC Recommendation</b>  | Approval, per the staff recommendation   |
| <b>VPC Vote</b>            | 13-2   |

#### **VPC DISCUSSION:**

*Committee members Sharon Schmieder and Vice Chair Fischbach recused themselves and committee member Jerryd Bayless left during this item, bringing quorum to 15.*

*Six members of the public registered to speak in opposition, and 26 members of the public registered in opposition, not wishing to speak. Three members of the public registered in support, not wishing to speak.*

#### **STAFF PRESENTATION:**

**Ms. Sarah Stockham**, staff, provided an overview of the of the request including the location of the request, existing and proposed zoning and districts and surrounding land uses. Ms. Stockham displayed the site plan and elevations for the multifamily project and shared the proposal has received one letter of support and twenty-two letters of opposition to date. Ms. Stockham shared the staff findings and stated that staff recommends approval subject to stipulations.

#### **APPLICANT PRESENTATION:**

**Mr. William Lally**, representing the applicant with Tiffany & Bosco, P.A., introduced himself. Mr. Lally displayed aerial images, zoning maps, and the proposed site plan. Mr. Lally shared the outreach efforts to surrounding property owners including meetings, letters sent, and signs displayed. Mr. Lally shared revisions to the site plan and stipulations after meeting with the community.



QUESTIONS FROM THE COMMITTEE:

**Ms. Christina Eichelkraut** inquired if the development is market rate housing. **Mr. Lally** replied affirmatively.

PUBLIC COMMENTS:

**Ms. Susan Traylor** introduced herself as a long-time resident in opposition. Ms. Traylor stated she was unaware of the changes made to the density. Ms. Traylor is concerned with the ingress/egress onto Edgemont Avenue and stated a change in zoning may set a precedent for the neighborhood and affect property values.

**Ms. Patricia Powell** introduced herself as neighbor in opposition. Ms. Powell stated she was not made aware of the changes made by the developer, but she is still opposed to the proposal. Ms. Powell expressed concern with the dumpster bin as all the residents around the property have singular trash bins. Ms. Powell shared that zoning regulations exist to protect from additional land uses and the proposal does not fit with the neighborhood as she referenced city materials to protect existing land uses to end her statement.

**Mr. David Teel** introduced himself as a property owner on Edgemont Avenue in opposition. Mr. Teel echoed the sentiment of opposition for Ms. Traylor and Ms. Powell. Mr. Teel expressed concern with the lowering of his property value.

**Mr. Dave Jackson** introduced himself as a long-time resident and the president of the Rancho Ventura Neighborhood Association in opposition. Mr. Jackson expressed concerns with the density and shared that the property to the west (Edgemont 12) has had a hard time selling, and the neighborhood would prefer a single-story, single-family home instead.

**Mr. Neal Haddad** introduced himself as neighbor in opposition. Mr. Haddad stated there has not been compromise on this project from the beginning. Mr. Haddad stated a lack of communication between the developer and residents nearby as many residents were not aware of changes made to the density. Mr. Haddad echoed Ms. Powell's disapproval of the quality of the units, dumpster, and zoning changes.

**Mr. Jason Baker** introduced himself as a neighbor in opposition. Mr. Baker stated the neighborhood is quiet and on a dead-end street, the north part of the site belongs to the commercial property and should not be included in the rezoning case, and this project would largely impact the overall neighborhood negatively.

APPLICANT RESPONSE:

**Mr. Lally** replied that the proposal is not as tall or dense as the project to the west, they will provide ample setbacks and guest parking, and will provide an enhanced frontage that is compatible with the surrounding area.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION:

None.

**Ms. Christina Eichelkraut** stated she supports housing and gentle density but is in opposition to this proposal.

**Mr. Barry Paceley** stated the area is in need of housing, he appreciates the applicant for lowering the number of units but is opposed.

MOTION:

**Committee member Tom O'Malley** motioned to recommend approval of Z-62-22-8 per the staff recommendation. **Committee member Dan Rush** seconded the motion.

VOTE:

**13-2;** the motion to recommend approval of Z-62-22-8 passes with Committee Members Abbott, Augusta, Baumer, Beckerleg Thraen, Garcia, Grace, Jurayeva, Langmade, Miller, O'Malley, Rush, Wilenchik, and Swart in favor; and Committee members Eichelkraut and Paceley opposed.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

Staff has no comments.

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION March 2, 2023

|                 |  |
|-----------------|--|
| ITEM NO: 13     |  |
|                 | DISTRICT NO.: 8  |
| SUBJECT:        |  |
|                 |  |
| Application #:  | Z-62-22-8  |
| Location:       | Approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue |
| From:           | R1-6   |
| To:             | R-3  |
| Acreage:        | 0.86   |
| Proposal:       | Multifamily residential  |
| Applicant:      | Sean J. Doyle, Tiffany & Bosco, P.A.   |
| Owner:          | 4211 Thomas, LLC   |
| Representative: | Mark Tomecak, Architect  |

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Camelback East** 2/7/2023 Approval, per the staff recommendation. Vote: 13-2.

Planning Commission Recommendation: Approval, per the Camelback East Village Planning Committee recommendation.

Motion Discussion: N/A.

Motion details: Commissioner Jaramillo made a MOTION to approve Z-62-22-8, per the Camelback East Village Planning Committee recommendation.

Maker: Jaramillo  
Second: Boyd  
Vote: 5-1 (Perez)  
Absent: Gaynor, Busching, and Simon  
Opposition Present: Yes

#### **Findings:**

1. The proposed development is consistent with the General Plan Land Use Map designation of Mixed Use.
2. The proposal will allow for additional housing options within the Camelback East Village Core.
3. As stipulated, the proposal will provide increased shade along the perimeters of the site and help reduce the urban heat island effect.

Stipulations:

1. The development shall be in general conformance with the site plan date stamped February 3, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. All elevations shall include a minimum of two exterior accent materials, as approved the Planning and Development Department. Examples include, but are not limited to, materials such as brick, stone, colored textured concrete, or stucco.
3. The maximum building height shall be 30 feet.
4. The landscape setback along the east property line shall be planted with minimum 2-inch caliper large evergreen trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
5. Prior to preliminary site plan approval, the developer shall all apply for the On-Street Parking Zones program in order to install no parking signs along Edgemont Avenue between 42nd Street and 43rd Street.
6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 5-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Edgemont Avenue, as approved by the Planning and Development Department. The landscape strip shall be planted as follows:
  - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or in equivalent groupings to provide a minimum of 75% shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
7. 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.
8. 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.
9. 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.

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 329-5065, TTY use 7-1-1.

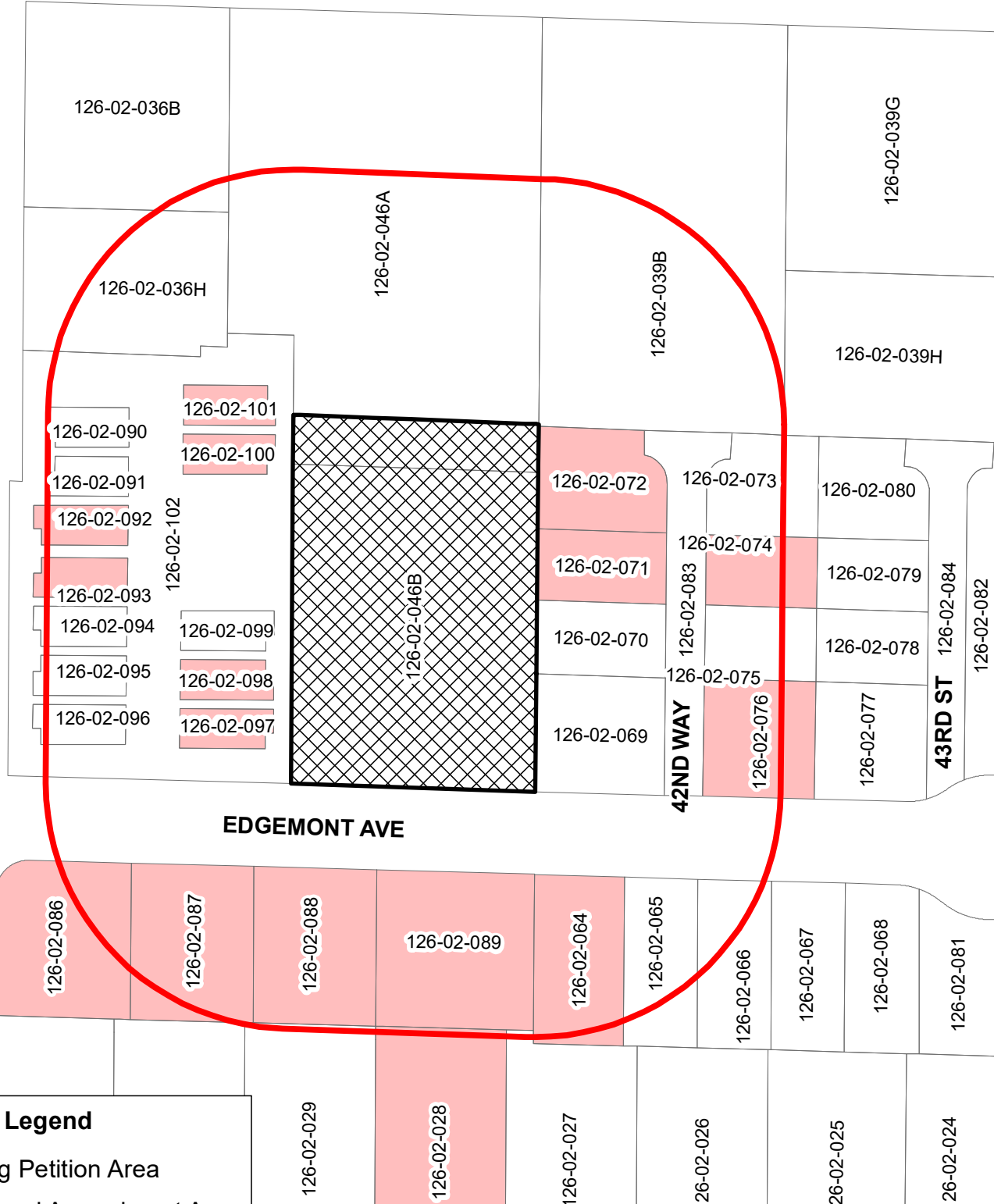
**THOMAS RD**

**42ND ST**





**EDGEMONT AVE**

**WINDSOR**

**43RD ST**



**Legend**

-  Zoning Petition Area
-  Proposed Amendment Area
-  Lots/Tracts/Condos
-  Signed Petition

# of Lots/Tracts/Condos: 16/38 = 42.11%  
 % Area = 1.18ac./4.98ac. = 23.69%

**3/4 VOTE REQUIRED**



0 100 200 Feet

# REVISED THREE QUARTER APPEAL

3/9/23 at 4:30 PM

## CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT

| FORM TO REQUEST PC to CC<br>I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:   |   |  |             |
|--|---|--|-------------|
| APPLICATION NO/<br>LOCATION  | Z-62-22-8<br>Approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue | (SIGNATURE ON ORIGINAL IN FILE)  |             |
|  |   | opposition   | x applicant |
| APPEALED FROM:   | PC 3/2/2023   | 4217 East Edgemont Avenue<br>Phoenix, AZ 85008   |             |
|  | PC DATE   | STREET/ADDRESS/CITY/STATE/ZIP  |             |
| TO PC/CC<br>HEARING  | CC 4/5/2023   | Sharon Schmieder<br>602-980-9480<br><a href="mailto:Sharon@arizonahometeam.com">Sharon@arizonahometeam.com</a> |             |
|  | CC DATE   | NAME / PHONE / EMAIL   |             |
| <b>REASON FOR REQUEST:</b><br><br>*Appeal & Request for the three fourths vote.<br><br>Petition pages 1-6 attached. Protesting the Commission's decision on case as it is on an <u>interior</u> street, not a main arterial street, landlocked, and in violation of the General Plan.<br><br>*Note: Neighbors were not all able to speak as our time to speak did not start until 11:15 p.m. This is punitive to the property owners.<br><br>** The developer has been unwilling to work with the neighborhood. They did not do the asbestos remediation when the house on the property was demolished. Neighbors' calls were not returned.<br><br>Further, when demolition was done, the developer put a hole in the wall of adjacent neighbor. The developer was called and notified in person on 12/14/22. The wall has not been fixed. |   |  |             |
| RECEIVED BY:   | Adam Stranieri  | RECEIVED ON:   | 3/9/2023    |

Alan Stephenson  
Joshua Bednarek  
Tricia Gomes  
Racelle Escolar  
Stephanie Vasquez  
Diana Hernandez  
David Urbinato

Vikki Cipolla-Murillo  
Greg Harmon  
Paul M. Li  
Village Planner  
GIS  
Applicant  
Adam Stranieri (for PHO Appeals)





City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

MAR 09 2023

The **PLANNING COMMISSION** agenda for **March 2, 2023** is attached.

Planning & Development  
Department

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **March 9, 2023**.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. **March 9, 2023**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **March 9, 2023**.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **March 16, 2023**.

#### FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-62-22-8  
APPLICATION NO.  
3/2/23  
DATE APPEALED FROM

☒ OPPOSITION  
☐ APPLICANT

App 200' E of the NEC of 42nd St  
LOCATION OF APPLICATION SITE + Edgemont  
Adam Stranien - AST 1 - AS  
PLANNER  
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

SHARON SCHMIEDER  
PRINTED NAME OF PERSON APPEALING  
4217 E Edgemont Ave  
STREET ADDRESS  
Phoenix AZ 85008  
CITY, STATE & ZIP CODE  
Sharon@ArizonaHomeTeam.com  
EMAIL ADDRESS

Sharon Schmieder  
SIGNATURE  
3/9/23  
DATE OF SIGNATURE  
602-980-9480  
TELEPHONE NO.

REASON FOR REQUEST

\* Appeal & Request for three-fourths vote

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

Petition pages 1-6 attached  
Protesting the Commission's decision on case as it is in →

an interior street not a main arterial street,  
landlocked, and in violation of the General Plan.  
\* Note: Neighbors were not all able to speak  
as our time to speak did not start until  
11<sup>15</sup> pm. This is punitive to the property  
owners.

\*\* The developer has been unwilling to  
work with the neighborhood. ~~He~~ They  
did not do the asbestos remediation when  
the house on the property was demolished.  
Neighbors calls were not returned. Further,  
\* When demolition was done, the  
developer put a hole in the wall of  
adjacent neighbor. The developer was called  
and notified in person on 12/14/22. The wall  
has not been fixed.





## CITY OF PHOENIX

MAR 09 2023

requesting  
zoning

**Planning & Development  
Department**

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning

the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

Date \_\_\_\_\_

Page 2



Petition for THREE-FOURTHS (3 / 4 ) Vote by City Council

MAR 09 2023

Planning & Development  
Department

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

3/7/23  
3/7/23  
3/7/23

[illegible]

## CITY OF PHOENIX

MAR 09 2023

**Planning & Development  
Department**

Petition for THREE-FOURTHS (3 / 4 ) Vote by City Council

REZONING APPLICATION # Z-62-22-B

Request: R1-6 to R-3

Location: 4220 E EDMONT AVE (legal address is currently 4221 E Thomas)

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

Date

3/8/23

[illegible]

**CITY OF PHOENIX**

MAR 09 2023

Planning & Development  
Department

We the undersigned are OWNERS of property within the area of the proposed amendment or the area within 150-feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

Date

3/8/23

[illegible]





## ATTACHMENT F

LTR of SUPPORT

Rcvd 3-1-2023

February 28, 2023

SENT VIA ELECTRONIC EMAIL: [racelle.escolar@phoenix.gov](mailto:racelle.escolar@phoenix.gov)

Rachelle Escolar  
Planner 111  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003

RE: Support for Z-62-22-8 (42<sup>nd</sup> Street and Edgemont Ave.)

Dear Ms. Escolar:

My company owns a property near the property subject to the above referenced rezoning. I followed the recent approval of the Camelback East Village Planning Committee related to the rezoning of a vacant lot near 42<sup>nd</sup> Place and Edgemont. I understand that Emery Lane Homes is planning to develop new townhomes on the project. I reviewed Emery Lane's website and they look to be delivering high quality projects in Phoenix, and excited for their investment in the area.

I also understand that the developer made changes to their project including dropping the density, limiting it to two stories and adding landscaping. I appreciate the developer's willingness to work with the neighbors.

I support this project and look forward to seeing new townhomes on this vacant lot.

Sincerely,



AJ Greathouse  
2600 N. 44th Street  
Phoenix 85008

**From:** [Jim Borst](#)  
**To:** [PDD Planning Commission](#)  
**Cc:** [Gini Borst](#)  
**Subject:** 3/2/2023 6:00pm Planning Commission Hearing, Agenda item #13, Application #: Z-62-22-8  
**Date:** Monday, February 27, 2023 10:29:52 AM

---

**3/2/2023 6:00pm Planning Commission Hearing, Agenda item #13, Application #: Z-62-22-8**

From: R1-6 To: R-3 Acreage: 0.86 Location: Approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue Proposal: Multifamily residential Applicant: Sean J. Doyle, Tiffany & Bosco, P.A. Owner: 4211 Thomas, LLC Representative: Mark Tomecak, Architect

We would like to submit comments for ourselves, James and Virginia Borst at 4133 E. Edgemont Avenue. We live about 3 or 4 parcels from this property and we are very much in support of the proposed development to build 8 units on this property. We have also spoken to several of our other neighbors on Edgemont Avenue west of 42nd street and they are also in support of this development. Anyone else from the neighborhood "association" does not speak on our behalf. The association meetings are generally attended by about 7 to 9 residents and does not represent a majority of the neighborhood.

The development directly to the west of this proposed parcel is a multi-family property that was developed from single-level apartments into 12 individually owned units that are 2 and 3 stories tall, called the "Edgemont 12". The previous apartments on this parcel attracted low-income renters with several problems that involved a lot of police activity with fighting in their common areas and disturbances. The current development has attracted new individual owners and wonderful neighbors. This proposed 8-unit development will provide a similar improvement. More neighbors walking the neighborhood with their children and dogs will be another improvement to the overall safety and community feel. The proposed 2-story units will also help to retain the views of Camelback Mountain that the 3-story units at the Edgemont 12 currently have from their balconies. The property to the east of this proposed development is a PUD with several patio-home style units with a community pool. This new development will blend really well between these two properties. There are 4 basement homes also on this street across from this parcel and 3 of those 4 residents seem to strongly oppose this 8 unit development. We have lived in our home long enough to remember when those basement homes were developed and a similar zoning change was required, and we also supported that at the time. We appreciate the risk and investment that the developers are making in our neighborhood to make this improvement.

Thank you,  
Jim Borst  
602-628-3040



Rcvd 3/1/2023

February 28, 2023

SENT VIA ELECTRONIC EMAIL: [racelle.escolar@phoenix.gov](mailto:racelle.escolar@phoenix.gov)

Rachelle Escolar  
Planner 111  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003

RE: Support for Z-62-22-8 (42<sup>nd</sup> Street and Edgemont Ave.)

Dear Ms. Escolar:

My company owns a property near the property subject to the above referenced rezoning. I followed the recent approval of the Camelback East Village Planning Committee related to the rezoning of a vacant lot near 42<sup>nd</sup> Place and Edgemont. I understand that Emery Lane Homes is planning to develop new townhomes on the project. I reviewed Emery Lane's website and they look to be delivering high quality projects in Phoenix, and excited for their investment in the area.

I also understand that the developer made changes to their project including dropping the density, limiting it to two stories and adding landscaping. I appreciate the developer's willingness to work with the neighbors.

I support this project and look forward to seeing new townhomes on this vacant lot.

Sincerely,



Mikhaila Forrest  
2600 N. 44<sup>th</sup> Street  
Phoenix 85008

## Racelle Escolar

---

**From:** Waseem Hamadeh <whamadeh@hohinvestmentgroup.com>  
**Sent:** Wednesday, March 1, 2023 8:52 AM  
**To:** Racelle Escolar  
**Cc:** William E. Lally  
**Subject:** Support for Z-62-22-8 - 42nd Street and Edgemont Ave.

Dear Ms. Escolar:

I own property in the area located at 2600 N. 44<sup>th</sup> Street, it's a large office building and we are very familiar with our tenant needs and the needs of the building. I reviewed the recently approval of this project within the Camelback East Village, and I want to also lend my support to this case.

As an area property owner with significant investment in the area, I strongly support other property owner's investments in the area, especially when they are providing quality housing options for the area. The corner of Thomas and 44<sup>th</sup> Street is a significant employment corridor, and there is a need for additional housing options nearby.

Additionally, the subject property is currently an underutilized vacant lot. We have seen an uptick in homelessness here in the Phoenix area and have had to hire security patrols to try and mitigate the issues with homelessness, any vacant lot can quickly become an attractive nuisance for the surrounding areas.

As an area landowner, we urge the Planning Commission and the City Council to support the case and support the local property owners.

Thank you,

Waseem J. Hamadeh  
Managing Member

HOH Investment Group

11811 N. Tatum Blvd. #1051  
Phoenix, AZ 85028

C: 602-327-8169  
[HOHInvestmentGroup.com](https://HOHInvestmentGroup.com) [[hohinvestmentgroup.com](https://hohinvestmentgroup.com)]  
[whamadeh@HOHinvestmentgroup.com](mailto:whamadeh@HOHinvestmentgroup.com)

## ATTACHMENT G

**From:** [DIANN IVERSON](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Item #6 Case Z-62-22-8 (old Ladlow property)  
**Date:** Saturday, February 4, 2023 4:33:58 PM

---

Edgemont Estates is NOT in favor of rezoning Z-62-22-8, the old Ladlow property.

Joann Forte-Smithbaker  
HOA President  
Edgemont Estates  
4227 E Edgemont Ave  
Phoenix, AZ 85008  
[edgemontestates@gmail.com](mailto:edgemontestates@gmail.com)

**From:** [Laurie](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Planning of developments Z-62-22-8 and Z-8-22-8  
**Date:** Saturday, February 4, 2023 6:46:45 PM

---

Hello I am a resident in the area and I am letting you know since I am unable to attend the meeting that I am OPPOSED to:

Z-62-22-8. I am OPPOSED to Z-8-22-8

Please email me if you have any questions.

Laurie Cummings  
2826 N 43rd Street  
Phoenix, Az 85008  
Sent from my iPhone

**From:** [Mary Lungo](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Opposition to Zoning Case # Z-62-22-8  
**Date:** Saturday, February 4, 2023 10:53:53 AM

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Hello,

I am writing to submit my opposition to this change in Zoning for a 3/4 acre lot where a developer is trying to build 12 units. I strongly oppose this zoning. Putting such a big amount of units in a lot where a single home once stood is crazy and shows this developer does not care about our neighborhood only how much money he can make, if allowed.

This does not fit in our neighborhood. Our neighborhood is beautiful and we will continue to oppose to this type of development.

Regards,

Maria Lungo

Thanks, Mary L.

**From:** [Sue Heim](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Item #5 application case number : Item 5 Z-SP-8-22-8 Item #6 Application case number is Z-62-22-8  
**Date:** Saturday, February 4, 2023 6:56:42 PM

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To Whom It May Concern,

I, Sue A. Heim, live at 4027 E. Oak St., Phoenix, AZ 85018

I am opposed to **Item 5 Case # Z-SP-8-22-8** and also

I am opposed to **Item 6 Case # Z-62-22-8**

Sincerely,  
Sue A. Heim  
4027 E. Oak St.  
Phoenix, AZ 85018

**From:** [Claude degracia](#)  
**To:** [Sarah Stockham](#)  
**Subject:** Camelback east village  
**Date:** Sunday, February 5, 2023 12:06:14 PM

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Hi Sarah

This is how my wife and I feel about items on the meeting 7 FEB 2023

5 FEB. 2023

RE:

NOTICE OF PUBLIC MEETING CAMELBACK EAST VILLAGE  
PLANNING

COMMITTEE

A.R.S. Section 38-431.02 Tuesday, February 7, 2023 6:00 pm

Items **Z-SP-8-22-8 opposed** **Z-62-22-8 opposed**

RE: Z-62-22-8 north east corner of 42<sup>nd</sup> ST. & Edgemont Ave.

When the builders sell their buildings & leave, we are stuck with the increased traffic & parking problems forever. We oppose the change of zoning to allow more buildings than the present zoning. There will be no restrictions on Air B&B. Edgemont Ave. is already full with current resident vehicles. We do not need this type of density. This is a single-family residence area.

Claude & Ronna deGracia

Residing in Edgemont Estates

4243 E. Edgemont Ave.

Phoenix, Arizona 85008

602-956-7528



**From:** [Ellen Hemaue](#)  
**To:** [PDD Long Range Planning](#); [Sarah Stockham](#)  
**Subject:** Camelback East Village Planning Committee  
**Date:** Sunday, February 5, 2023 1:16:29 PM

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Regarding Item #5, Case # Z-SP-8-22-8 OPPOSED  
Regarding Item #6, Case # Z-62-22-8 OPPOSED

This community is made up of single family residences and to even have a builder consider erecting 10 to 15 high rise units is just ludicrous. There are plenty of open spaces to do this, not dwarf our little community with homes towering over our back yards.

NO MORE BUILDING THAN THE PRESENT ZONING ALLOWS. DO NOT CHANGE THE ZONING CODE!

My husband and I are 100% OPPOSED to Item #6 and Item #5.

Thank you for hearing our voice.

James Archibald  
Ellen Hemaue  
2828 North 42nd Way  
Phoenix AZ 85008

Sent from my iPad

**From:** [Ellen Welch](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** proposal for zoning change  
**Date:** Sunday, February 5, 2023 12:18:26 PM

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In reference to Item #6 and case # Z-62-22-8:

I am a homeowner in Edgemont Estates, and I strongly oppose the proposed zoning change from single family to high density multi-family for this property. Parking is already an issue here. The proposal would create multiple problems.

Thank you for your consideration.

Sincerely,  
Ellen Welch

**From:** [raymond bremerkamp](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** opposition to Item #5 case # Z-SP-8-22-8 and opposition to item #6 case # Z-62-22-8  
**Date:** Sunday, February 5, 2023 4:40:42 PM

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item #5 case # Z-SP-8-22-8 I do not want the lot at 4220 E. McDowell Rd. to become a used car lot.

item #6 case # Z-62-22-8 I do not want the zoning changed from single family residence at 4220 E. Edgemont Ave. Phoenix, AZ. 85008.

Raymond Edward Bremerkamp  
4234 E Oak St, Phoenix, AZ 85008  
480-600-2408  
[edbmerkamp@gmail.com](mailto:edbmerkamp@gmail.com)

**From:** [Sharon Schmieder](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Opposition to Z-62-22-8  
**Date:** Sunday, February 5, 2023 5:39:36 PM

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To Whom It May Concern:

This letter is to voice my opposition to the proposed zoning change to the portion of 4221 E Thomas that is zoned R1-6 and borders Edgemont to the south.

This proposed development is entirely too dense for the neighborhood. When the lot was purchased, Emery Lane Homes marketed to the public on its website that it intended to build luxury single family homes in accordance with the zoning. Some time mid 2022, they changed directions and have been marketing 10 townhomes at this location on their site, a density for which it has not been approved.

Not only does the density not conform to the neighborhood, but the proposed development would be very similar to the development, Edgemont 12 to the west. This development was not embraced by the neighborhood and the concerns that the neighborhood have materialized. These homes are not desirable to the public and took an average of 609 days to sell. This is an extraordinary amount of time during a good housing market. This time on market exceeds the average days on market during the years that it took to sell by as much as 10x as long. Currently, there are two on the market and they are not selling. One is approaching the average days on market and the other will soon be double the days on market. This comparison is relevant as what is being proposed is even less attractive, more dense, and comes with the first dumpster in our neighborhood!

Notwithstanding that lack of appeal and conformity to the neighborhood, the additional traffic, congestion, and parking is a burden placed on the surrounding neighbors that they should not be subjected to. In addition, it was made clear in a comment by the developer's representative, that we should not expect this development to be of the same quality which we have become accustomed to with Emery Lane Single family homes. Even with this "lower quality" proposed development, they have stated a proposed selling price of \$800,000. This would put the \$/sq ft at \$500/sq ft. The condos to the west have not been able to sell at \$325/sq ft.

It is reasonable that the neighbors adjacent to this proposed development should expect the zoning to remain as it has been. This lot has always been occupied by one single family home and a detached garage. While the zoning allows for greater density than just one home, it is a misuse of the space to rezone this into something that has already proven to be problematic, would be an egregious misuse of power and would diminish the value of the homes nearby and be a taking from the existing homeowners.

The developer has not been willing to consider any alternatives despite the fact that they advertised single family homes in this location when they originally purchased.

Thank you,  
Sharon Schmieder

**From:** [Lisa Rovinsky](#)  
**To:** [PDD Long Range Planning](#); [Sarah Stockham](#)  
**Subject:** Z-62-22-8 & z-sp-8-22-8 OPPOSED Do not approve: letter  
**Date:** Monday, February 6, 2023 9:22:18 PM

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In reference to A.R.S. Section 38-431.02 AND Z-62-22-8 & z-sp-8-22-8

I am writing for 3 homeowners at different properties.  
Myself Lisa Rovinsky at 2812 N. 43rd street  
Cinda Blackledge & Stephen Saridakis at 2818 N 43rd street

The 3 of us OPPOSE the revision of Zoning completely.  
I am a fairly new wonder since May 2022.  
Cinda and Stephen have owned their property since 1988.

There are so many issues that we are extremely concerned with:  
Two way street blocked on both sides due to too many cars on the street and issues passing each other while driving with cars parked out front of the lot.  
The no restriction of AIR BNB is the highest concern.  
The loss of privacy of our neighbors directly to the East of the lot. Patios and back doors and windows will no longer have privacy due to the multilevel structure with windows looking down upon their properties.  
We live in the culdesac/dead end of Edgemont. I am on the corner at 2812, and will constantly have to deal with people driving to the dead end and turning around all day and evening.  
Our property values dropping due to this rezoning is a huge concern.

These are the major of many concerns.

Lisa Rovinsky  
Cinda Blackledge  
Stephen Saridakis

**From:** [Chuck Steele](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Camelback East Village planning committee meeting on February 7  
**Date:** Tuesday, February 7, 2023 2:09:55 PM

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I would like to oppose two cases before the committee.

I oppose case number Z-SP-8-22-8

I also oppose case number Z-62-22-8

Thank you

Charles Steele

Aka Cheez

**From:** [David Teel](#)  
**To:** [PDD Long Range Planning](#)  
**Cc:** [Lindsay Teel](#)  
**Subject:** Camelback East Village Meeting 2/7/23: opposition to items 5 and 6  
**Date:** Tuesday, February 7, 2023 4:21:11 PM

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We are writing to oppose item #5 and #6 scheduled to be voted on at tonight's 2/7/23 meeting. The application case number for item #6 is **Z-62-22-8**.

We are also registered for the virtual meeting tonight but sending this written opposition separately. My wife (Lindsay Teel/[linzua@gmail.com](mailto:linzua@gmail.com)) registered for the meeting.

We have owned the single-family residence located at 4213 E. Edgemont Ave, PHOENIX, AZ 85008, for about 15 years since it was newly constructed. It is a large semi-custom home with a large lot. It is bordered on both sides by 3 similar homes. Each home has a fully finished basement as well. They have enjoyed views of the mountains from the front yard for this entire time.

The Rancho Ventura Neighborhood is compromised almost entirely of single-family homes with large lots and long-time home owners. Most of the streets currently have multiple homes in the process of being either completely remodeled or with new high-end single-family construction. Comparable homes to ours in this neighborhood are now selling for 1.3M+. Homes that need remodeling and that are not as modern as ours or will require new plumbing/electric are still selling for 700K-1M.

This neighborhood is up and coming due to its proximity to the Arcadia area and the availability of the homes sites comparable to that area.

Edgemont Ave itself contains the 4 modern construction homes referenced above and a long-standing patio home community ending in a cul-d-sac. The patio community also consists primarily of long-time home owners. The patio homes are large with large lots. They are all single story homes. They are also detached and contain two car private garages.

A few years ago a rundown lot with some limited alterantive non-single family zoning was sold and the new owners allowed to develop 12 multi-story townhomes. Luckily the location of this property did not obstruct the mountain views. The builders sought to build them higher and add more units but theis committee did not permit it. Those properties added to the volume of vehicles on Edgemont considerably and to parking on the street. They also do not conform to the neighborhood in any way.

Now, a new builder seeks to take a lot that is zoned for single-family homes and convert it to high-density housing on a 3/4 acre lot. The builders originally planned to build 3 or 4 single family homes; however, they appear to have now changed their mind and desire to build high-density condo/apartment style homes that also exceed height requirements.

Not only does this not conform to the neighborhood but it will increase the density, traffic, vehicle flow and block the mountain views the Edgemont single-family homes presently enjoy and would keep under current zoning requirements. This construction would also decrease the value of all surrounding single-family properties in the area at a time when the neighborhood is being improved exponentially and becoming a sought after area to reside.



The builders were aware of the zoning requirements at purchase. They were also operating under an entirely different building plan involving single-family residences. This property is also zoned differently than the adjacent property where the detached condos were permitted to be built. However, the committee did limit the number of units and the height due to the exact concerns expressed now. Neither Edgemont Ave nor Rancho Ventura can withstand any additional multi-family housing.

We oppose any and all changes to the zoning. We oppose items 5 and 6 both of which negatively impact Rancho Ventura and impact home values as well as the safety, wellbeing and quality of life of the home owners in this neighborhood.

Sincerely,

David and Lindsay Teel  
4213 E. Edgemont Ave.  
Phoenix, AZ 85008

**From:** [J & J Design Group](#)  
**To:** [PDD Long Range Planning](#)  
**Subject:** RE: Case Z-SP-8-22-8 and Z-62-22-8  
**Date:** Tuesday, February 7, 2023 8:35:38 AM

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Hello,

I've learned about the possible zoning of the vacant lot on Mc Dowell to a used car lot. If passed this would further change McDowell Road into a used car environment like Van Buren Street. I'm not excited about this. It will not bring value to the area and the surrounding neighborhoods.

I am strongly opposed to the high density multi family residence units at 4220 East Edgemont avenue. This area should stay as a single family residence zoning only. We have some multi family units next door and am opposed to having more. I'm a neighbor at 4114 East Edgemont Avenue. This is a single family neighborhood. I am worried about the amount of traffic that these units would incur. Already we get people speeding down our street to get to the units on the other side of 42nd Street.

Thank you for your consideration.

Jen

--



Jennifer O'Dowd - Design Principal

Direct Line - 602-614-4548

[www.jandjdesigngroup.com](http://www.jandjdesigngroup.com) [[jandjdesigngroup.com](http://jandjdesigngroup.com)]

**From:** [denisedickman20@gmail.com](mailto:denisedickman20@gmail.com)  
**To:** [PDD Long Range Planning](#)  
**Subject:** Item 5 & 6 on agenda 2-7-2023  
**Date:** Tuesday, February 7, 2023 5:58:21 PM

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I oppose the the items 5 & 6 on the agenda tonight m, 2-7-2023. I oppose the McDowell and Edgemont/Thomas projects.

Denise Dickman  
Vernon Avenue

Sent from my iPhone

**From:** [Crystal DeVelis](#)  
**To:** [PDD Planning Commission](#)  
**Subject:** Opposition to Z-62-22-8, northeast corner of 42nd Street and Edgemont Avenue  
**Date:** Sunday, February 26, 2023 7:37:21 AM

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Dear Reader.

Please note my opposition to the above proposed zoning change, item 13 on the agenda for March 2. Adding more dense housing in this area changes the character of the neighborhood and will ultimately lead to reduction in property values. There is no good reason for making this change from R1-6 to multifamily. Values of single-family homes in this area will be negatively impacted by this change. Thank you.

-- Crystal DeVelis  
4351 E. Whitton Ave.  
Phoenix, AZ 85018

**From:** [Jason Baker](#)  
**To:** [PDD Planning Commission](#)  
**Subject:** Z-62-22-8  
**Date:** Tuesday, February 28, 2023 3:39:27 PM

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Planning Commission Members,

I hope that you will all read and consider my comments.

The current owners of the land on EDGEMONT AVE (located East of 42nd St & Edgemont) purchased the property as a single family R1-6 zoned property. The previous owners, The Ladlow Family, disclosed to the new owners that the neighborhood was UNANIMOUS in opposition for any development that would allow for higher density. The proposed 8 townhouse units replacing a single family house is a DRASTIC alteration of the neighborhood. The developer could easily build a couple nice homes in its current zoning and still maintain a quality neighborhood, as they advertise their intentions as Emory Lane Homes.

I would hope that as community servants the Planning Commission would consider the impact to the surrounding neighbors on this once quiet dead end street. Please do not let the greed of a developer override the long term quality of a neighborhood.

I am certain if this was a case in your neighborhood you would not support it

Thank you  
Jason Baker  
4209 E Edgemont Ave  
Phoenix AZ 85008

**From:** [Linda Bell](#)  
**To:** [PDD Planning Commission](#)  
**Subject:** Zoning case #2-62-22-8 Corner of Edgemont and 42nd Street Phoenix, AZ  
**Date:** Tuesday, February 28, 2023 5:36:35 PM

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We live in the neighborhood and do not wish to see this developed into multi family units. The current zoning should remain the same to keep the neighborhood as is.

Jim and Linda Bell  
4048 E. Monte Vista Rd.  
Phoenix, AZ 85008

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

Petition to Oppose the rezoning case Z-62-22-8. The following property owners are requesting that the Planning Commission uphold the current zoning of R1-6. This zoning has been in place on this lot since the Rancho Ventura Neighborhood was established in 1946. We support the development of the lot according to its established zoning of R1-6 and are aware that the current zoning will increase density from the one single family home that existed on this lot previously. Out of respect for our neighborhood and our homes, deny this application and uphold the existing zoning.

| NAME                     | ADDRESS                 | SIGNATURE  |
|--------------------------|-------------------------|--|
| Patricia Powell          | 4205 E Edgemont Ave     | DocuSigned by:<br>Patricia Powell<br>CC7AC275C56843F...        |
| Joshua Boyer             | RVNA - E Wilshire       | DocuSigned by:<br>Joshua Boyer<br>D84683B14616F...             |
| Carreen Bogden           | RVNA owner - 40th St    | DocuSigned by:<br>Carreen Bogden<br>D84683B14616F...           |
| ADRIANA CARDONA          | 4115 east Cambridge Ave | DocuSigned by:<br>Adriana Cardona<br>D84683B14616F...          |
| Sue Heim                 | 4027 E Oak St           | DocuSigned by:<br>Sue Heim<br>D84683B14616F...                 |
| ADRIANA CARDONA          | 4115 east Cambridge Ave | DocuSigned by:<br>Adriana Cardona<br>D84683B14616F...          |
| Wayne Schmieder          | 4205 E Edgemont Ave     | DocuSigned by:<br>Wayne Schmieder<br>D84683B14616F...          |
| Susan Eisenmann          | 2022 N 42nd Street      | DocuSigned by:<br>Susan Eisenmann<br>D84683B14616F...          |
| Bonnie King              | 4045 E Windsor Ave!     | DocuSigned by:<br>Bonnie King<br>D84683B14616F...              |
| Sharon Schmieder         | 4217 E Edgemont Ave     | DocuSigned by:<br>Sharon Schmieder<br>D84683B14616F...         |
| Jon Schmieder            | 4217 E Edgemont Ave     | DocuSigned by:<br>Jon Schmieder<br>D84683B14616F...            |
| Wayne Powell             | 4205 E Edgemont Ave     | DocuSigned by:<br>Wayne Powell<br>D84683B14616F...             |
| Challengpoj Sthapanachai | 4209 E Edgemont Ave     | DocuSigned by:<br>Challengpoj Sthapanachai<br>D84683B14616F... |
| Ellan Welch              | 2822 N 43rd St          | DocuSigned by:<br>Ellan Welch<br>D84683B14616F...              |
| Claude deGracia          | 4243 E EDMONT AVE       | DocuSigned by:<br>Claude deGracia<br>D84683B14616F...          |
| Amber Dolego             | 4110 E Cambridge        | DocuSigned by:<br>Amber Dolego<br>D84683B14616F...             |
| Barbara Kain             | 4121 E Windsor Ave      | DocuSigned by:<br>Barbara Kain<br>D84683B14616F...             |
| Laurie Cummings          | 2826 N 43rd St          | DocuSigned by:<br>Laurie Cummings<br>D84683B14616F...          |
| Lindsey Teel             | 4213 E Edgemont Ave     | DocuSigned by:<br>Lindsey Teel<br>D84683B14616F...             |

**CITY OF PHOENIX**

**MAR 02 2023**







# PETITION TO OPPOSE REZONING CASE #Z-62-22-8

Petition to Oppose the rezoning case Z-62-22-8. The following property owners are requesting that the Planning Commission uphold the current zoning of R1-6. This zoning has been in place on this lot since the Rancho Ventura Neighborhood was established in 1946. We support the development of the lot according to its established zoning of R1-6 and are aware that the current zoning will increase density from the one single family home that existed on this lot previously. Out of respect for our neighborhood and our homes, deny this application and uphold the existing zoning.

[illegible]

Petition to Oppose the rezoning case Z-62-22-8. The following property owners are requesting that the Planning Commission uphold the current zoning of R1-6. This zoning has been in place on this lot since the Rancho Ventura Neighborhood was established in 1946. We support the development of the lot according to its established zoning of R1-6 and are aware that the current zoning will increase density from the one single family home that existed on this lot previously. Out of respect for our neighborhood and our homes, deny this application and uphold the existing zoning.

Page



# PETITION TO OPPOSE REZONING CASE #Z-62-22-8

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[illegible]

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

**Location: 4220 E Edgemont Ave (legal address is currently 4221 E Thomas Rd – however, there is no access to Thomas from this lot)**

Petition to Oppose the rezoning case Z-62-22-8. The following property owners are requesting that the Planning Commission uphold the current zoning of R1-6. This zoning has been in place on this lot since the Rancho Ventura Neighborhood was established in 1946. We support the development of the lot according to its established zoning of R1-6 and are aware that the current zoning will increase density from the one single family home that existed on this lot previously. Out of respect for our neighborhood and our homes, deny this application and uphold the existing zoning.

Courtney Yachanin

Full name

4208 E Wilshire Dr, Phoenix, AZ 85008

Address



Signature

signature ID: 2fe47ba892...  
02/28/2023 03:21:06 UTC

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

**Location: 4220 E Edgemont Ave (legal address is currently 4221 E Thomas Rd – however, there is no access to Thomas from this lot)**

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Brian Primeau

Full name

4308 E Vernon Ave., Phoenix, AZ 85008

Address

*Brian Primeau*

Signature ID: 7f6a053eeb...  
03/01/2023 16:24:02 UTC

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

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Maria Lungo

Full name

4038 E. Palm Lane, Phoenix, AZ 85008

Address

*Maria Lungo*

Signature

signature ID: 8f7e3accf9...  
02/28/2023 23:04:31 UTC

8

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

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Joan E Wampler

Full name

4205 E Wilshire Dr

Address

*Joan E Wampler*

Signature ID: d2f6c647f...  
03/01/2023 16:27:26 UTC

9

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

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Debra J Zapatka

Full name

4044 E Wilshire Dr, Phoenix AZ 85008

Address

*Debra J Zapatka*

Signature

signature ID: c3b0a43a19...  
03/01/2023 01:58:24 UTC

10



**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

**Location: 4220 E Edgemont Ave (legal address is currently 4221 E Thomas Rd – however, there is no access to Thomas from this lot)**

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michael castellon

Full name

4001 e abridge ave phoenix az 85008

Address



Signature ID: a678407399...  
02/28/2023 23:32:45 UTC

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

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Katie Molaro

Full name

4001 e cambridge ave phoenix az 85008

Address



Signature ID: 84f608d8e6...  
02/26/2023 23:31:34 UTC

12

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

**Location: 4220 E Edgemont Ave (legal address is currently 4221 E Thomas Rd – however, there is no access to Thomas from this lot)**

Petition to Oppose the rezoning case Z-62-22-8. The following property owners are requesting that the Planning Commission uphold the current zoning of R1-6. This zoning has been in place on this lot since the Rancho Ventura Neighborhood was established in 1946. We support the development of the lot according to its established zoning of R1-6 and are aware that the current zoning will increase density from the one single family home that existed on this lot previously. Out of respect for our neighborhood and our homes, deny this application and uphold the existing zoning.

Rosalknda C. Adams

Full name

4202 E. Lewis Avenue, Phoenix, AZ 85008

Address

*Rosalknda C. Adams*

Signature ID: a75bf3fd0f...  
02/28/2023 19:01:06 UTC

**PETITION TO OPPOSE REZONING CASE #Z-62-22-8**

**DEVELOPER REQUESTING ZONING CHANGE FROM R1-6 to R-3**

**Location: 4220 E Edgemont Ave (legal address is currently 4221 E Thomas Rd – however, there is no access to Thomas from this lot)**

Petition to Oppose the rezoning case Z-62-22-8. The following property owners are requesting that the Planning Commission uphold the current zoning of R1-6. This zoning has been in place on this lot since the Rancho Ventura Neighborhood was established in 1946. We support the development of the lot according to its established zoning of R1-6 and are aware that the current zoning will increase density from the one single family home that existed on this lot previously. Out of respect for our neighborhood and our homes, deny this application and uphold the existing zoning.

Myrna Motta

Full name

4125 E Lewis Avenue, Phoenix AZ 85008

Address

*Myrna Motta*

Signature ID: b86e6a4db1...  
03/02/2023 17:01:56 UTC

14



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** April 4, 2023

**From:** Joshua Bednarek *JB*  
Planning and Development Director

**Subject:** CONTINUANCE OF ITEM 90 ON THE APRIL 5, 2023, FORMAL AGENDA –  
PUBLIC HEARING/FORMAL ACTION - REZONING APPLICATION Z-62-22-8 –  
APPROXIMATELY 200 FEET EAST OF THE NORTHEAST CORNER OF 42ND  
STREET AND EDGEMONT AVENUE (ORDINANCE G-)

Item 90, Rezoning Application Z-62-22-8, is a request to rezone 0.86 acres located approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue, from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow multifamily residential.

Councilmember Garcia requested the item be continued to the June 28, 2023 City Council Formal Meeting to allow Councilmember-Elect Hodge Washington time to learn about the case and engage with the applicant and neighbors to address their concerns.

Staff concurs with this request for continuance.

Approved:


  
Alan Stephenson, Deputy City Manager



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** April 5, 2023

**From:** Joshua Bednarek   
Planning and Development Director

**Subject:** \*REVISED CONTINUANCE OF ITEM 90 ON THE APRIL 5, 2023, FORMAL AGENDA – PUBLIC HEARING/FORMAL ACTION - REZONING APPLICATION Z-62-22-8 – APPROXIMATELY 200 FEET EAST OF THE NORTHEAST CORNER OF 42ND STREET AND EDMONT AVENUE (ORDINANCE G-)

Item 90, Rezoning Application Z-62-22-8, is a request to rezone 0.86 acres located approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue, from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow multifamily residential.

Councilmember Garcia requested the item be continued to the August 30, 2023 City Council Formal Meeting to allow Councilmember-Elect Hodge Washington time to learn about the case and engage with the applicant and neighbors to address their concerns.

Staff concurs with this request for continuance.

Approved: \_\_\_\_\_

  
Alan Stephenson, Deputy City Manager




## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** August 17, 2023

**From:** Joshua Bednarek   
Planning and Development Director

**Subject:** CONTINUANCE OF ITEM 110 ON THE AUGUST 28, 2023 FORMAL AGENDA – PUBLIC HEARING/FORMAL ACTION - REZONING APPLICATION Z-62-22-8 – APPROXIMATELY 200 FEET EAST OF THE NORTHEAST CORNER OF 42ND STREET AND EDMONT AVENUE (ORDINANCE G-7098)

Item 110, Rezoning Application Z-62-22-8, is a request to rezone 0.86 acres located at approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue, from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow multifamily residential.

The applicant requested the item be continued to the Sept. 20, 2023 City Council Formal Meeting so they can work with the neighbors to address their concerns about the request.

Staff concurs with this request for continuance.

Approved:   
Alan Stephenson, Deputy City Manager

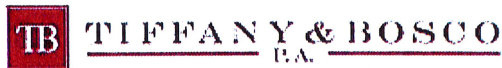
Attachment:  
Exhibit A – Applicant's request for continuance

## Sarah Stockham

---

**From:** William E. Lally <wel@tblaw.com>  
**Sent:** Monday, August 14, 2023 3:55 PM  
**To:** Sarah Stockham; Racelle Escolar  
**Cc:** Gregory L Harmon; Sienna M. Myers; Holly R. Keilman  
**Subject:** RE: Edgemont Townhomes (Z-62-22-8)

Sarah, please accept this as our formal request to continue Z-62-22-8 to September 20<sup>th</sup>.



William E. Lally | Shareholder | 602.452.2716 cell 480.620.9272

[wel@tblaw.com](mailto:wel@tblaw.com) | [Bio.tblaw.com](http://Bio.tblaw.com) | [vCard.tblaw.com](http://vCard.tblaw.com) | [Website.tblaw.com](http://Website.tblaw.com) | [Practice Areas.tblaw.com](http://PracticeAreas.tblaw.com)

**From:** Sarah Stockham <sarah.stockham@phoenix.gov>  
**Sent:** Friday, August 11, 2023 5:48 PM  
**To:** William E. Lally <wel@tblaw.com>; Racelle Escolar <racelle.escolar@phoenix.gov>  
**Cc:** Gregory L Harmon <greg.harmon@phoenix.gov>; Sienna M. Myers <smmymers@tblaw.com>  
**Subject:** RE: Edgemont Townhomes (Z-62-22-8)

Hi Bill, are you still planning on continuing the case? If so, please send us an email requesting a continuance (and include the date you want a continue to). We need to draft a memo for City Council.

Thank you,

Sarah Stockham  
Planner III  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003  
Phone: 602-261-8701  
[sarah.stockham@phoenix.gov](mailto:sarah.stockham@phoenix.gov)



**From:** William E. Lally <wel@tblaw.com>  
**Sent:** Thursday, August 3, 2023 8:32 AM  
**To:** Sarah Stockham <sarah.stockham@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>  
**Cc:** Gregory L Harmon <greg.harmon@phoenix.gov>; Sienna M. Myers <smmymers@tblaw.com>  
**Subject:** RE: Edgemont Townhomes (Z-62-22-8)





**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** September 18, 2023

**From:** Joshua Bednarek  
Planning and Development Director

**Subject:** CONTINUANCE OF ITEM 75 ON THE SEPTEMBER 20, 2023, FORMAL AGENDA – PUBLIC HEARING/FORMAL ACTION - REZONING APPLICATION Z-62-22-8 – APPROXIMATELY 200 FEET EAST OF THE NORTHEAST CORNER OF 42ND STREET AND EDMONT AVENUE (ORDINANCE G-7098)

Item 75, Rezoning Application Z-62-22-8, is a request to rezone 0.86 acres located approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue, from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow multifamily residential.

The applicant requested the item be continued to the October 4, 2023, City Council Formal Meeting to allow for additional time to work with the community on the requested changes to the project.

Staff concurs with this request for continuance.

Approved:

  
Alan Stephenson, Deputy City Manager

Attachment:

Exhibit A – Applicant's request for continuance

## Joshua Bednarek

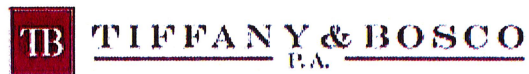
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**From:** William E. Lally <wel@tblaw.com>  
**Sent:** Monday, September 18, 2023 3:10 PM  
**To:** Joshua Bednarek  
**Cc:** Racelle Escolar  
**Subject:** Z-62-22-8 | NEC 42nd St & Edgemont Avenue

Good afternoon,

On behalf of the Applicant, we would like to respectfully request a continuance from the September 20, 2023 City Council agenda to the October 4, 2023 City Council agenda to allow for additional time to work with the Community on requested changes.

Thank you for your time.



William E. Lally | Shareholder | 602.452.2716 (o) | 480.620.9272 (m)

[wel@tblaw.com](mailto:wel@tblaw.com) | [Bio](#) [tblaw.com](#) | [vCard](#) [tblaw.com](#) | [Website](#) [tblaw.com](#) | [Practice Areas](#) [tblaw.com](#)



**\*\*\*ITEM REVISED (SEE ATTACHED MEMO)\*\*\* Public Hearing and Ordinance Adoption - Rezoning Application Z-SP-5-23-7 - Southwest Corner of 15th Avenue and Jackson Street (Ordinance G-7167)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-5-23-7 and rezone the site from A-1 CMOD (Light Industrial District, Capitol Mall Overlay District) to A-1 SP CMOD (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a safe outdoor space / structured campground (homeless shelter).

**Summary**

Current Zoning: A-1 CMOD

Proposed Zoning: A-1 SP CMOD

Acreage: 5.50 acres

Proposal: Safe outdoor space / structured campground (homeless shelter)

Owner: State of Arizona

Applicant: City of Phoenix, Office of Homeless Solutions

Representative: City of Phoenix, Office of Homeless Solutions

Staff Recommendation: Approval, subject to stipulations.

PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended a continuance to the Sept. 7, 2023, meeting, by a 7-0 vote. The Planning Commission heard this case on Sept. 7, 2023, and recommended approval, per the staff recommendation with a modification and additional stipulations, by a 4-1 vote.

**Location**

Southwest corner of 15th Avenue and Jackson Street

Council District: 7

Parcel Address: 312 S. 15th Ave.; 1501 and 1537 W. Jackson St.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-5-23-7) FROM A-1 CMOD (LIGHT INDUSTRIAL DISTRICT, CAPITOL MALL OVERLAY DISTRICT) TO A-1 SP CMOD (LIGHT INDUSTRIAL DISTRICT, SPECIAL PERMIT, CAPITOL MALL OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 5.50-acre property located at the southwest corner of 15th Avenue and Jackson Street in a portion of Section 7, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "A-1 CMOD" (Light Industrial District, Capitol Mall Overlay District) to "A-1 SP CMOD" (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a safe outdoor space / structured campground (homeless shelter).

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. The site shall contain a maximum of 200 safe outdoor spaces.
2. The Special Permit shall be removed per Section 504.1.C.2 of the Phoenix Zoning Ordinance three years after the effective date of the ordinance.
3. An Operational Plan shall be developed to govern operational features of the safe outdoor space. The plan shall address at minimum, the following:
  - a. Priority shall be given to unsheltered individuals camping around the Human Services Campus.
  - b. Basic hygiene services shall be provided such as restrooms and showers.
  - c. Supportive services shall be available on site, such as case management.
  - d. On-site security shall be provided 24 hours a day, 7 days a week.
  - e. An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
  - f. Drugs and/or alcohol are to be prohibited.
  - g. Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
  - h. A code of conduct will be posted on site.
  - i. Trash/recycling receptacles shall be provided within the property boundaries.
4. The operator shall enroll in a virtual block watch program with the City of Phoenix Police Department.

5. The perimeter of the site shall be fenced to secure the site, as approved by the Planning and Development Department.
6. Site lighting shall be provided at building entrances/exits and refuse areas, as approved by the Planning and Development Department.
7. 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.
8. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
9. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
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.
11. 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. This stipulation shall not be applicable if the property is owned by the City of Phoenix.
12. All safe outdoor spaces (camping spaces) shall be fully shaded by structural shade, except during the fall of 2023 winter of 2023/2024 when there will be construction improvements happening under the existing structural shade canopies.
13. No outdoor fires shall be permitted by anyone residing on the property.
14. The operator shall hold quarterly community outreach meetings to discuss the following:
  - a. Compliance with the rezoning stipulations;
  - b. Number of people served and the outcomes of the services provided;

- c. Any issues/concerns from the community, and how those concerns could be addressed by the operator;
- d. Where and how the City is expanding shelter capacity outside of the immediate area; and
- e. Alternative/future safe outdoor space locations, additional capacity requirements, and additional time needed.

Notification for each meeting shall be sent to all property owners within a half mile and all registered neighborhood associations within one mile of the site.

- 15. The operator shall maintain all on site walkways free from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight.
- 16. Storage space shall be provided for each person/designated safe space area for personal belongings. Bicycle racks shall also be provided on-site for any resident that needs to secure bicycle parking.
- 17. Storage space along the site's perimeter shall be located only along the south and west block walls, and minimized where visible from the streets.
- 18. Bike racks shall be maintained in a neat and orderly manner and located in a secure area in close proximity to the on-site security.
- 19. Prior to operation of a safe outdoor space use, turf shall be installed within the safe outdoor space area (under the shade canopy), and box trees/shrubs shall be placed along the perimeter of the safe outdoor space area.
- 20. The operator shall provide the Operational Plan to all registered neighborhood associations within one mile of the site.

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 20th day of September, 2023.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

---

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REVIEWED BY:

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Jeffrey Barton, City Manager

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



## EXHIBIT A

Within a portion of Section 7, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Lot 9, Block 25 of CAPITOL ADDITION, per map recorded in Book 1, Page 62 of Maps, in the office of the County Recorder of said County.

Lot 10, Block 25, of CAPITOL ADDITION, per map recorded in Book 1, Page 62 of Maps, in the office of the County Recorder of said County.

SUBJECT TO: Existing Taxes, Assessments, Liens, Encumbrances, Conditions, Covenants, Restrictions, Rights of Way and Easements of record.

Lots 1 through 8, and Lots 11 through 30, Block 25, CAPITOL ADDITION, according to the plat of record in the office of the Maricopa County Recorder, in Book 1 of Maps, Page 62.

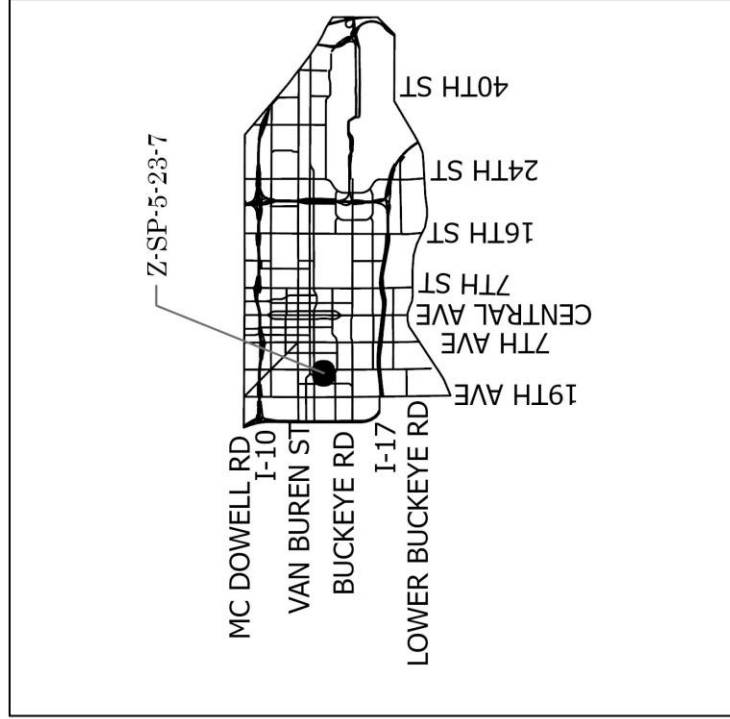
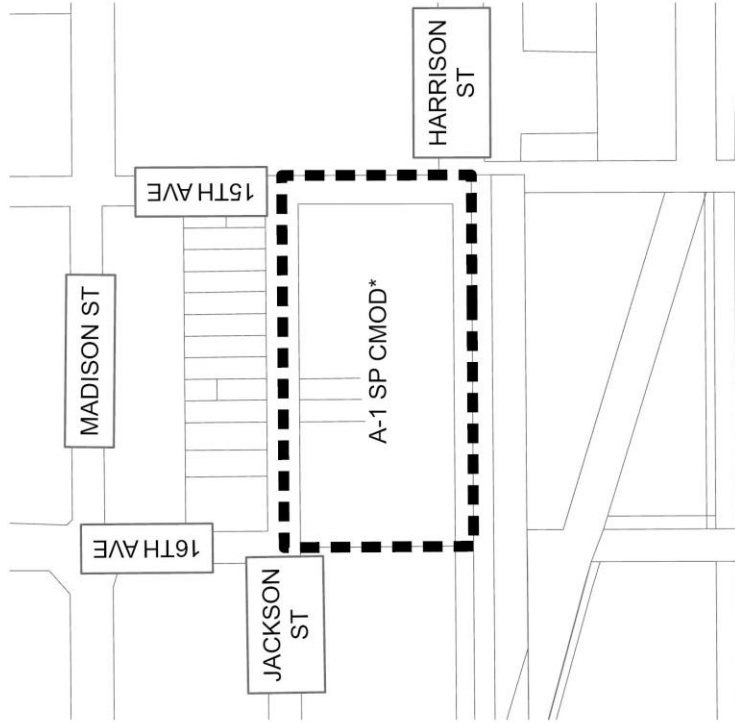
And that portion of 16th Avenue and of Harrison Street lying east of the present center line of 16th Avenue and North of the present center line of Harrison Street, and West of the West line of 15th Avenue.

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: ■■■■■

Zoning Case Number: Z-SP-5-23-7  
Zoning Overlay: Capital Mall Overlay District  
Planning Village: Central City



NOT TO SCALE



Drawn Date: 7/31/2023

\\oneipdd\Shared\Department Share\Information Systems\PL GIS\IS\_Team\Core\_Functions\Zoning\Supp\Maps\_Ord\9-6-99-6-23.aprx

## ATTACHMENT B



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-SP-5-23-7**  
**July 28, 2023**

**Planning Commission Hearing Date:** August 3, 2023

**Request From:** [A-1 CMOD](#) (Light Industrial District, Capitol Mall Overlay District) (5.50 acres)

**Request To:** [A-1 SP CMOD](#) (Light Industrial District, Special Permit, Capitol Mall Overlay District) (5.50 acres)

**Proposal:** Safe outdoor space / structured campground (homeless shelter)

**Location:** Southwest corner of 15th Avenue and Jackson Street

**Owner:** State of Arizona

**Applicant/Representative:** City of Phoenix, Office of Homeless Solutions

**Staff Recommendation:** Approval, subject to stipulations

| <u>General Plan Conformity</u>  |                |                 |                           |
|---|----------------|-----------------|---------------------------|
| <u>General Plan Land Use Map Designation</u>  |                | Industrial      |                           |
| <u>Street Map Classification</u>  | 15th Avenue    | Minor Collector | 15-foot west half street  |
|   | Jackson Street | Local           | 30-foot south half street |
| <b><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Create or maintain spacing requirements for small-scale incompatible land uses such as adult businesses, homeless shelters, residential treatment facilities and other group facilities, to avoid concentrations that change the character of an area.</i></b> |                |                 |                           |
| The proposal is for a safe outdoor space for unsheltered individuals / structured campground and supportive services on a site with an existing building and shade area. No new construction is proposed, maintaining the existing character of the area.   |                |                 |                           |

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; LAND USE PRINCIPLE: New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans.**

The proposal is compatible with the surrounding area and is an allowable use within the Capitol Mall Overlay District with a Special Permit.

**CELEBRATE OUR DIVERSE COMMUNITY CORE VALUE; CLEAN NEIGHBORHOODS; LAND USE PRINCIPLE: Support new compatible land uses that remove extremely deteriorated structures, excessive trash and debris, and other blight in neighborhoods.**

As stipulated, the proposal includes increased trash and recycling receptacles and prohibits camping along the perimeter of the property.

#### Applicable Plans, Overlays, and Initiatives

[Capitol Mall Overlay District](#): See Background Item No. 3.

[Governmental Mall Master Plan](#): See Background Item No. 4.

[Housing Phoenix Plan](#): See Background Item No. 8.

[Strategies to Address Homelessness](#): See Background Item No. 9.

[Complete Streets Guiding Principles](#): See Background Item No. 10.

[Reimagine Phoenix](#): See Background Item No. 11.

#### Surrounding Land Uses/Zoning

|                | <u>Land Use</u>                                 | <u>Zoning</u> |
|----------------|---|---------------|
| <b>On Site</b> | Vacant warehouse, shade canopy, and parking lot | A-1 CMOD      |
| <b>North</b>   | Offices and fleet vehicle parking               | A-1 CMOD      |
| <b>South</b>   | Railroad tracks                                 | A-2 CCSIOD    |
| <b>East</b>    | Cemetery  | A-1 CMOD HP-L |
| <b>West</b>    | Offices   | A-1 CMOD      |

## **Background/Issues/Analysis**

### PROPOSAL

1. This request is to rezone 5.50 acres at the southwest corner of 15th Avenue and Jackson Street from A-1 CMOD (Light Industrial District, Capitol Mall Overlay District) to A-1 SP CMOD (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a temporary safe outdoor space / structured campground (homeless shelter). The proposal is to create a temporary safe outdoor space on the subject site to be used for unsheltered individuals in the surrounding area. The goal is to create a healthier, safer environment for neighbors and unsheltered individuals.

The creation of the safe outdoor space is in response to the City's efforts to help engage individuals camping in the area outside the Human Services Campus. The City of Phoenix will work to offer indoor shelter options to the individuals camping in the area, however the safe outdoor space will be a voluntary alternative location for people who are not able or ready to move to indoor locations. There are roughly 500 to 700 people in the area the City is working to engage and move to safer places, it is estimated that around 20 percent of people will choose the safe outdoor space.

### HOMELESSNESS IN PHOENIX

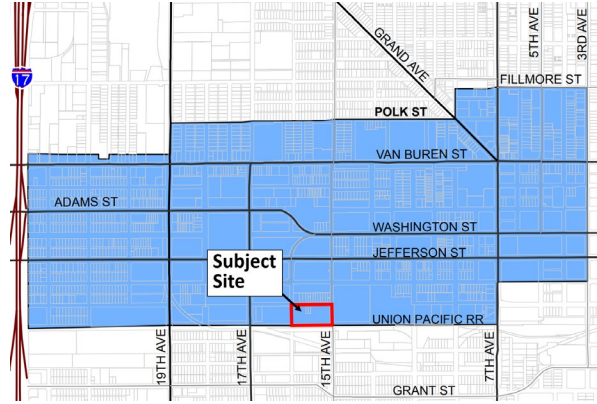
2. The City of Phoenix, along with the State of Arizona, Maricopa County and neighboring cities in the metropolitan region, is committed to focusing on solutions for persons experiencing homelessness.

Annual counts are performed in Maricopa County in an effort to learn more about individuals and families experiencing homelessness throughout the county. The unsheltered count has steadily increased over the years, with the largest percentage being adults over the age of 25. Nationally, the number of elderly homeless Americans is projected to triple over the next decade. In Arizona, roughly one in three households includes a resident that is 65 years in age or older.

In 2020, the Phoenix City Council requested a strategic plan to focus on strategies for persons experiencing homelessness. An interdepartmental City team was formed to develop a comprehensive plan with both long-term and short-term strategies to address the wide variety of challenges faced by those in the city. The [Strategies to Address Homelessness](#) plan contains sections that address outreach and resources, mental health, workforce development, housing, clean-up, communication, policy and neighborhoods. This plan is further discussed in Item 8 below.

### CAPITOL MALL OVERLAY DISTRICT

3. The subject site is within the Capitol Mall Overlay District. The Capitol Mall Overlay District acknowledges the varied uses of the area including governmental offices, industrial and commercial businesses and historic residences. Many activities in this area are near each other, and the compatibility of these activities is critical to their property and orderly function. The purpose of this district is to prevent a concentration of certain uses which can restrict businesses and residences from functioning normally and contributes to the deterioration of the business and living environment, the downgrading of property values, and the diminishment of health, safety and general welfare conditions in the area. The Capitol Mall Overlay District permits temporary shelters subject to a Special Permit. The proposed use is analogous to the temporary shelter use and therefore requires a Special Permit, pursuant to the overlay district.



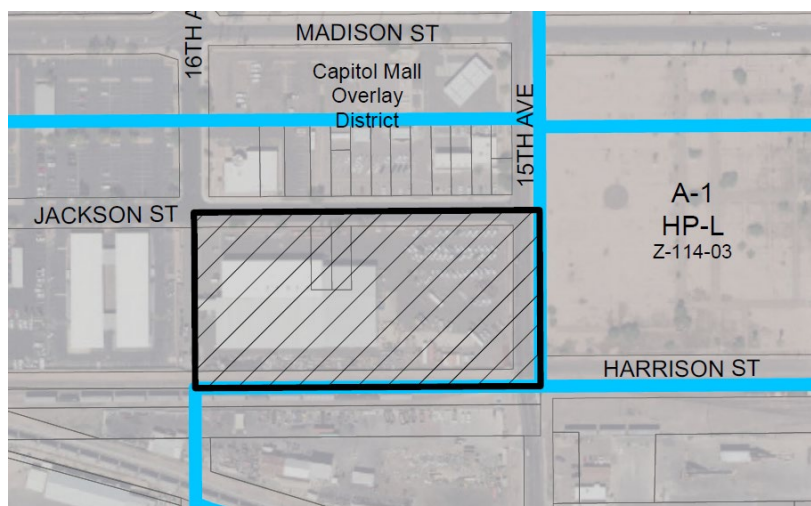
*Capitol Mall Overlay District Map, Source: City of Phoenix Planning and Development Department*

### GOVERNMENTAL MALL MASTER PLAN

4. The subject site falls within the boundaries of the Government Mall Master Plan area, as defined by state law. Arizona Revised Statutes (ARS) 41-1362 provides the Arizona Department of Administration (ADOA) with authority over the planning, growth, and development of the Governmental Mall area. Prior to approval of any rezoning or Special Permit by the City of Phoenix, the ADOA Director must first issue a letter approving the request. Accordingly, the ADOA Director approved this Special Permit request on July 25, 2023.

### SURROUNDING LAND USES AND ZONING

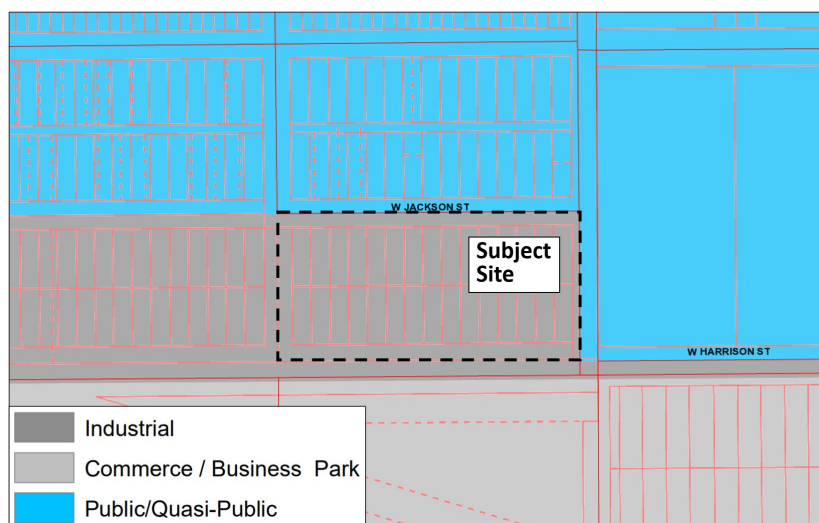
5. The subject site contains a warehouse with a large shade structure and surface parking lot, and is zoned A-1 CMOD. North and west of the subject site is property zoned A-1 CMOD with office uses and fleet vehicle parking. To the south are railroad tracks, and beyond the tracks are industrial uses zoned A-2 CCSIOD (Industrial District, Central City South Interim Overlay District). To the east is a cemetery zoned A-1 CMOD HP-L (Light Industrial District, Capitol Mall Overlay District, Historic Preservation Landmark District).



*Zoning Aerial Map, Source: City of Phoenix Planning and Development Department*

## GENERAL PLAN LAND USE MAP DESIGNATION

6. The General Plan Land Use Map designation for the site is Industrial. The Industrial land use category allows warehousing, manufacturing and processing businesses. The proposal is consistent with the General Plan Land Use Map, as homeless shelters are an allowed use in the A-1 district. The General Plan Land Use Map designation to the west is also Industrial. To the north and east is Public/Quasi-Public and to the south is Commerce / Business Park land use designations.



*General Plan Land Use Map, Source: City of Phoenix Planning and Development Department*



## SITE PLAN AND OPERATIONS

7. The proposal is to maintain the existing structures on the subject site and provide safe outdoor spaces for individuals experiencing homelessness in the surrounding area. This is proposed as a temporary use while more permanent solutions are explored; therefore, Stipulation No. 2 requires that the Special Permit be removed three years after the effective date of the ordinance, per Section 504.1.C.2 of the Phoenix Zoning Ordinance.

The proposal is for a maximum of 400 designated safe outdoor spaces, per Stipulation No. 1. In order to protect the surrounding area, the facility will operate under an operational plan, and per Stipulation No. 3, the operational plan shall include the following:

- Priority shall be given to unsheltered individuals around the Human Services Campus.
- Basic hygiene services shall be provided on-site.
- Supportive services will be provided on site.
- On-site security shall be provided 24 hours a day, 7 days a week.
- An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
- Drugs and/or alcohol are to be prohibited.
- Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
- A code of conduct will be posted on site.
- Trash/recycling receptacles shall be provided within the property boundaries of the Special Permit area.

To further enhance safety and promote compatibility with the surrounding area, the operator of the site will be required to enroll in a virtual block watch program, the perimeter of the site shall be fenced, and site lighting shall be provided. These are addressed in Stipulation Nos. 4 through 6.

## STUDIES AND POLICIES

### 8. [Housing Phoenix Plan](#)

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing.



While shelter beds are not considered “units” of housing, the proposal seeks to provide accommodations for persons experiencing homelessness and is consistent the Housing Phoenix Plan Policy.

9. **Strategies to Address Homelessness**

In June 2020, the City of Phoenix released the Strategies to Address Homelessness plan focusing on strategies for persons experiencing homelessness as well as developing best practices to mitigate impacts to surrounding communities and neighborhoods. The plan notes a chronic shortage of shelter beds and identifies the goal of providing adequate shelter space to meet the needs of unsheltered individuals. The proposal advances this objective and works to alleviate the shortage of shelter space in Phoenix.

10. **Complete Streets Guiding Principles**

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. The proposal will allow the movement of unsheltered individuals from the public street to a safer, healthier environment on private property, freeing the public street for transportation uses.

11. **Reimagine Phoenix**

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. Stipulation No. 3.i addresses trash and recycling facilities.

## COMMUNITY INPUT SUMMARY

12. As of the writing of this report, staff has not received any community correspondence regarding this request.

## INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department commented that upon any redevelopment of the site, the developer shall construct the adjacent street to all applicable standards, including ADA accessibility standards. This is addressed in Stipulation No. 7.

## OTHER

14. The Arizona Department of Administration approved of this request on July 25, 2023 pursuant to ARS 34-225 and ARS 41-1362.

15. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius 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 Nos. 8 through 10.
16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 11.
17. This Special Permit may be revoked by the City Council per Section 504.1.C.6 of the zoning ordinance upon finding that there has been material noncompliance with any condition prescribed in conjunction with the issuance of the Special Permit or approval of the site plan or that the use covered by the permit or the manner of conduction the same is a safety hazard or is in any way detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
18. 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 request is compatible with the surrounding area, the Capitol Mall Overlay District, and supports the need for additional accommodations for people experiencing homelessness in Phoenix.
2. As stipulated, the request will improve the safety and cleanliness of the surrounding area.
3. As stipulated, the proposal will enhance the usability of the public streets in the surrounding area.

### **Stipulations**

1. The site shall contain a maximum of 400 safe outdoor spaces.
2. The Special Permit shall be removed per Section 504.1.C.2 of the Phoenix Zoning Ordinance three years after the effective date of the ordinance.
3. An Operational Plan shall be developed to govern operational features of the safe outdoor space. The plan shall address at minimum, the following:
  - a. Priority shall be given to unsheltered individuals camping around the Human Services Campus.
  - b. Basic hygiene services shall be provided such as restrooms and showers.
  - c. Supportive services shall be available on site, such as case management.
  - d. On-site security shall be provided 24 hours a day, 7 days a week.
  - e. An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
  - f. Drugs and/or alcohol are to be prohibited.
  - g. Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
  - h. A code of conduct will be posted on site.
  - i. Trash/recycling receptacles shall be provided within the property boundaries.
4. The operator shall enroll in a virtual block watch program with the City of Phoenix Police Department.
5. The perimeter of the site shall be fenced to secure the site, as approved by the Planning and Development Department.
6. Site lighting shall be provided at building entrances/exits and refuse areas, as approved by the Planning and Development Department.

7. 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.
8. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
9. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
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.
11. 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. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

**Writer**

Anthony Grande

July 28, 2023

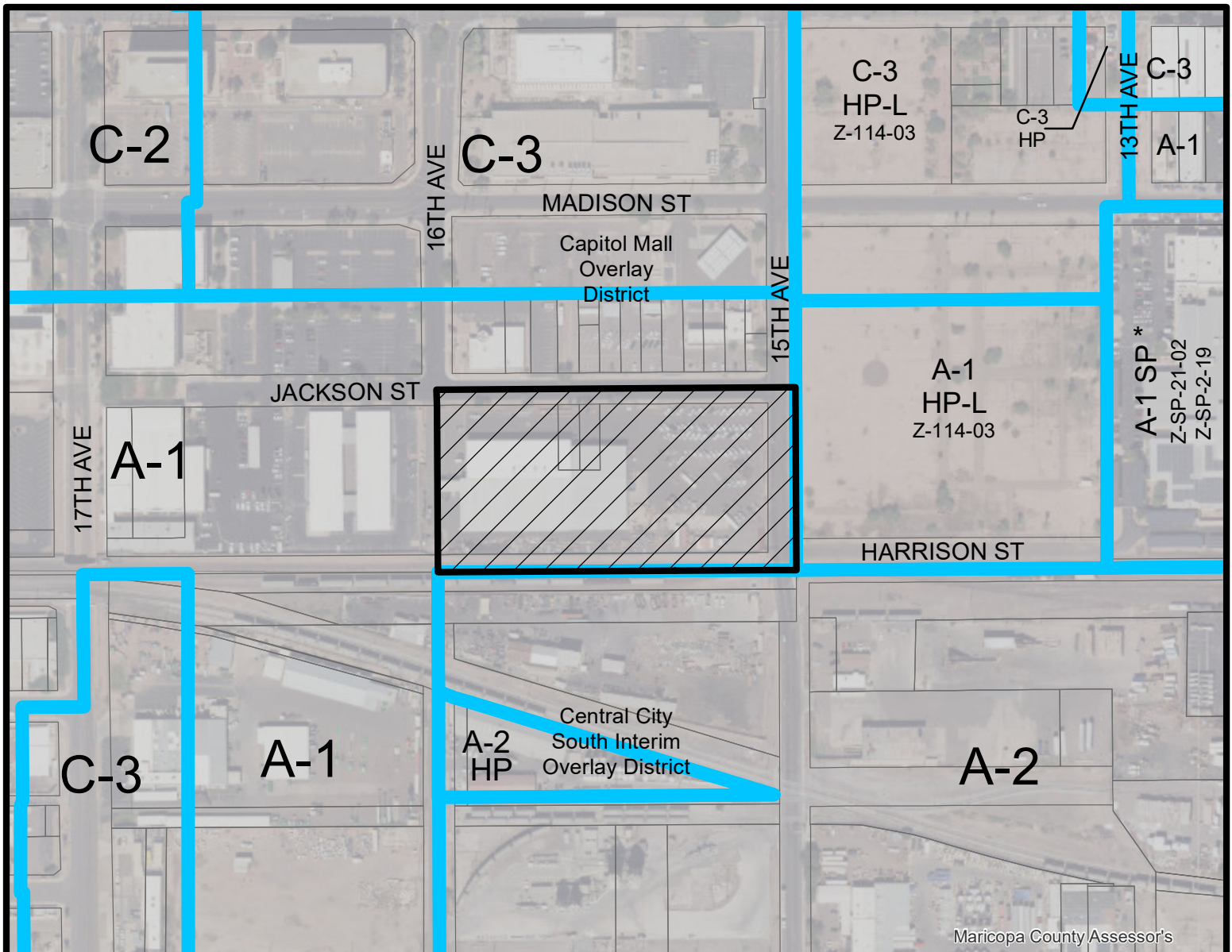
**Team Leader**

Racelle Escolar

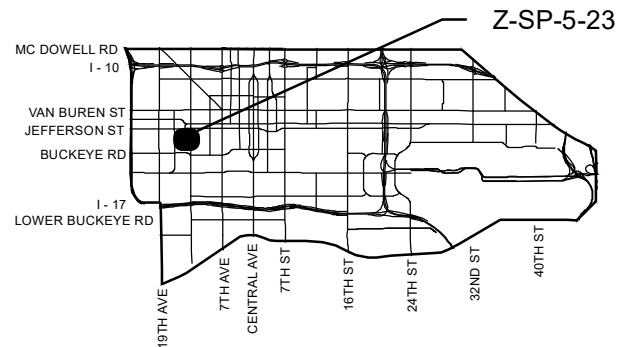
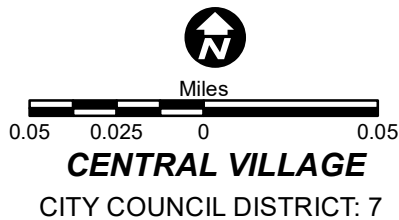
**Exhibits**

Aerial Sketch Map

Zoning Sketch Map

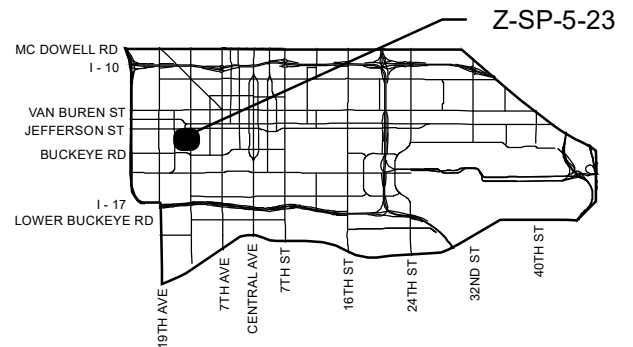
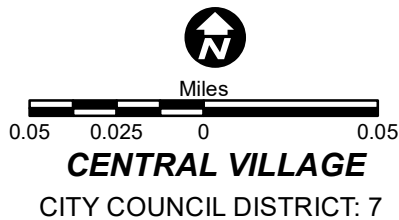
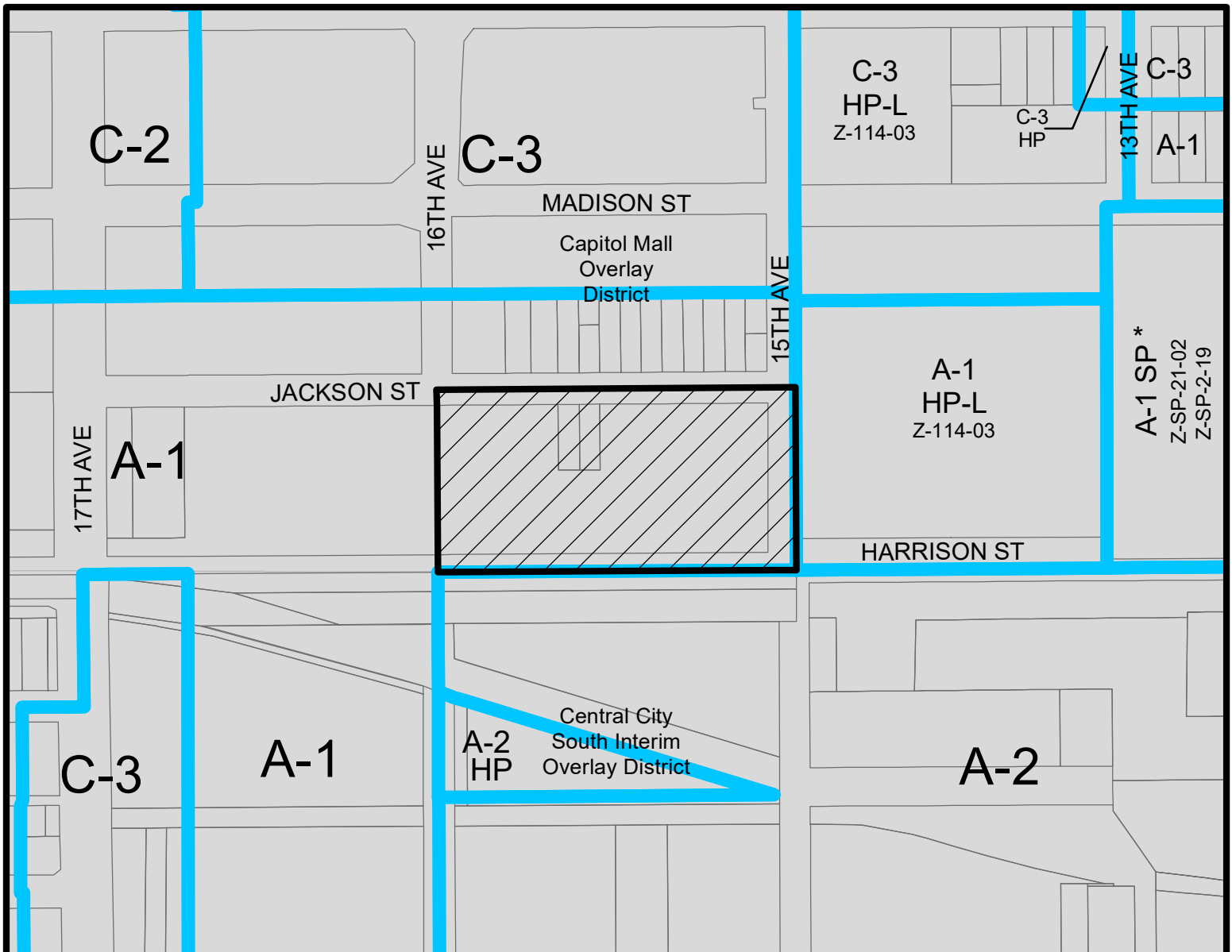


Maricopa County Assessor's



|  |  |                                    |  |
|--|--|------------------------------------|--|
| <b>APPLICANT'S NAME:</b> City of Phoenix   |  | <b>REQUESTED CHANGE:</b>           |  |
| <b>APPLICATION NO.</b> Z-SP-5-23   | <b>DATE:</b> 7/06/2023<br><b>REVISION DATES:</b>       | <b>FROM:</b> A-1 CMOD ( 5.50 a.c.) |  |
| GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.<br><br><b>5.50 Acres</b> | <b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b><br>QS 10-25 | <b>ZONING MAP</b><br>F-7           | <b>TO:</b> A-1 SP CMOD ( 5.50 a.c.)        |
| <b>MULTIPLES PERMITTED</b><br>A-1 CMOD<br>A-1 SP CMOD                                    | <b>CONVENTIONAL OPTION</b><br>N/A<br>N/A               |                                    | <b>* UNITS P.R.D. OPTION</b><br>N/A<br>N/A |

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



|  |  |                                    |  |
|--|--|------------------------------------|--|
| <b>APPLICANT'S NAME:</b> City of Phoenix   |  | <b>REQUESTED CHANGE:</b>           |  |
| <b>APPLICATION NO.</b> Z-SP-5-23   | <b>DATE:</b> 7/06/2023<br><b>REVISION DATES:</b>       | <b>FROM:</b> A-1 CMOD ( 5.50 a.c.) |  |
| GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.<br><b>5.50 Acres</b> | <b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b><br>QS 10-25 | <b>ZONING MAP</b><br>F-7           | <b>TO:</b> A-1 SP CMOD ( 5.50 a.c.)        |
| <b>MULTIPLES PERMITTED</b><br>A-1 CMOD<br>A-1 SP CMOD                                | <b>CONVENTIONAL OPTION</b><br>N/A<br>N/A               |                                    | <b>* UNITS P.R.D. OPTION</b><br>N/A<br>N/A |

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

## ATTACHMENT C

### REPORT OF PLANNING COMMISSION ACTION September 7, 2023

|                 |   |
|-----------------|---|
| ITEM NO: 16     |   |
|                 | DISTRICT NO.: 7   |
| SUBJECT:        |   |
|                 |   |
| Application #:  | Z-SP-5-23-7 (Continued from August 3, 2023)                         |
| Location:       | Southwest corner of 15th Avenue and Jackson Street                  |
| From:           | A-1 CMOD  |
| To:             | A-1 SP CMOD   |
| Acreage:        | 5.50  |
| Proposal:       | Special Permit to allow a homeless shelter (structured campground). |
| Applicant:      | City of Phoenix, Office of Homeless Solutions                       |
| Owner:          | State of Arizona  |
| Representative: | City of Phoenix, Office of Homeless Solutions                       |

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation: N/A

Planning Commission Recommendation: Approval, per the staff recommendation with a modification and additional stipulations.

Motion Discussion: Commissioner Busching made a MOTION to approve Z-SP-5-23-7, per the staff recommendation with modifications from the Morlan memo:

3. Modification to Stipulation No. 1 to:  
The site shall contain a maximum of ~~400~~ **200** safe outdoor spaces.
4. All safe outdoor spaces (camping spaces) shall be fully shaded by structural shade, except during the fall of 2023 winter of 2023/2024 when there will be construction improvements happening under the existing structural shade canopies.
5. No outdoor fires shall be permitted by anyone residing on the property.
6. The operator shall hold quarterly community outreach meetings to discuss the following:
  - Compliance with the rezoning stipulations;
  - Number of people served and the outcomes of the services provided;
  - Any issues/concerns from the community, and how those concerns could be addressed by the operator;
  - Where and how the City is expanding shelter capacity outside of the immediate area; and
  - Alternative/future safe outdoor space locations, additional capacity requirements, and additional time needed.

7. The operator shall maintain all on site walkways free from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight.
8. Storage space shall be provided for each person/designated safe space area for personal belongings. Bicycle racks shall also be provided on-site for any resident that needs to secure bicycle parking.
9. Storage space along the site's perimeter shall be located only along the south and west block walls and minimized where visible from the streets.  
  
Bike racks shall be maintained in a neat and orderly manner and located in a secure area in close proximity to the on-site security.
10. Prior to operation of a safe outdoor space use, turf shall be installed within the safe outdoor space area (under the shade canopy), and box trees/shrubs shall be placed along the perimeter of the safe outdoor space area.
13. The operator shall provide the Operational Plan to all registered neighborhood associations within one mile of the site.

Motion details: Commissioner Busching made a MOTION to approve Z-SP-5-23-7, per the staff recommendation with modifications from the Morlan memo; modifying Stipulation 1 to limit the site to 200 safe outdoor spaces, and adding nos. 4, 5, the second option in 6, 7, 8, 9, 10, and 13.

Maker: Busching  
Second: Gorraiz  
Vote: 4-1-1 (Boyd) (Howard)  
Absent: Mangum, Perez, Simon  
Opposition Present: Yes

Findings:

1. The request is compatible with the surrounding area, the Capitol Mall Overlay District, and supports the need for additional accommodations for people experiencing homelessness in Phoenix.
2. As stipulated, the request will improve the safety and cleanliness of the surrounding area.
3. As stipulated, the proposal will enhance the usability of the public streets in the surrounding area.

Stipulations:

1. The site shall contain a maximum of ~~400~~ **200** safe outdoor spaces.
2. The Special Permit shall be removed per Section 504.1.C.2 of the Phoenix Zoning Ordinance three years after the effective date of the ordinance.



3. An Operational Plan shall be developed to govern operational features of the safe outdoor space. The plan shall address at minimum, the following:
  - a. Priority shall be given to unsheltered individuals camping around the Human Services Campus.
  - b. Basic hygiene services shall be provided such as restrooms and showers.
  - c. Supportive services shall be available on site, such as case management.
  - d. On-site security shall be provided 24 hours a day, 7 days a week.
  - e. An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
  - f. Drugs and/or alcohol are to be prohibited.
  - g. Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
  - h. A code of conduct will be posted on site.
  - i. Trash/recycling receptacles shall be provided within the property boundaries.
4. The operator shall enroll in a virtual block watch program with the City of Phoenix Police Department.
5. The perimeter of the site shall be fenced to secure the site, as approved by the Planning and Development Department.
6. Site lighting shall be provided at building entrances/exits and refuse areas, as approved by the Planning and Development Department.
7. 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.
8. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
9. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.

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.
11. 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. This stipulation shall not be applicable if the property is owned by the City of Phoenix.
12. **ALL SAFE OUTDOOR SPACES (CAMPING SPACES) SHALL BE FULLY SHADED BY STRUCTURAL SHADE, EXCEPT DURING THE FALL OF 2023 WINTER OF 2023/2024 WHEN THERE WILL BE CONSTRUCTION IMPROVEMENTS HAPPENING UNDER THE EXISTING STRUCTURAL SHADE CANOPIES.**
13. **NO OUTDOOR FIRES SHALL BE PERMITTED BY ANYONE RESIDING ON THE PROPERTY.**
14. **THE OPERATOR SHALL HOLD QUARTERLY COMMUNITY OUTREACH MEETINGS TO DISCUSS THE FOLLOWING:**
  - A. **COMPLIANCE WITH THE REZONING STIPULATIONS;**
  - B. **NUMBER OF PEOPLE SERVED, AND THE OUTCOMES OF THE SERVICES PROVIDED;**
  - C. **ANY ISSUES/CONCERNS FROM THE COMMUNITY, AND HOW THOSE CONCERNS COULD BE ADDRESSED BY THE OPERATOR;**
  - D. **WHERE AND HOW THE CITY IS EXPANDING SHELTER CAPACITY OUTSIDE OF THE IMMEDIATE AREA; AND**
  - E. **ALTERNATIVE/FUTURE SAFE OUTDOOR SPACE LOCATIONS, ADDITIONAL CAPACITY REQUIREMENTS, AND ADDITIONAL TIME NEEDED.**

**NOTIFICATION FOR EACH MEETING SHALL BE SENT TO ALL PROPERTY OWNERS WITHIN A HALF MILE AND ALL REGISTERED NEIGHBORHOOD ASSOCIATIONS WITHIN ONE MILE OF THE SITE.**
15. **THE OPERATOR SHALL MAINTAIN ALL ON SITE WALKWAYS FREE FROM ANY HAZARDS OR ACCUMULATION OF GARBAGE, DEBRIS, RUBBLE, HAZARDOUS WASTE, LITTER, RUBBISH, REFUSE, WASTE MATERIAL, OR BLIGHT.**
16. **STORAGE SPACE SHALL BE PROVIDED FOR EACH PERSON/DESIGNATED SAFE SPACE AREA FOR PERSONAL BELONGINGS. BICYCLE RACKS SHALL ALSO BE PROVIDED ON-SITE FOR ANY RESIDENT THAT NEEDS TO SECURE BICYCLE PARKING.**

17. **STORAGE SPACE ALONG THE SITE'S PERIMETER SHALL BE LOCATED ONLY ALONG THE SOUTH AND WEST BLOCK WALLS AND MINIMIZED WHERE VISIBLE FROM THE STREETS.**
18. **BIKE RACKS SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AND LOCATED IN A SECURE AREA IN CLOSE PROXIMITY TO THE ON-SITE SECURITY.**
19. **PRIOR TO OPERATION OF A SAFE OUTDOOR SPACE USE, TURF SHALL BE INSTALLED WITHIN THE SAFE OUTDOOR SPACE AREA (UNDER THE SHADE CANOPY), AND BOX TREES/SHRUBS SHALL BE PLACED ALONG THE PERIMETER OF THE SAFE OUTDOOR SPACE AREA.**
20. **THE OPERATOR SHALL PROVIDE THE OPERATIONAL PLAN TO ALL REGISTERED NEIGHBORHOOD ASSOCIATIONS WITHIN ONE MILE OF THE SITE.**

This publication can be made available in alternate format upon request. Please contact Teleia Galaviz 602-602-291-2559, TTY use 7-1-1.

## ATTACHMENT D

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**From:** Dianne Langmade <eagleii@cox.net>  
**Sent:** Saturday, September 2, 2023 8:53 AM  
**To:** PDD Planning Commission; Council District 7 PCC; Council District 8 PCC; Mayor Gallego  
**Cc:** Council District 2 PCC; Council District 6 PCC; Council District 3 PCC; Council District 1 PCC; Council District 5 PCC; Council District 4  
**Subject:** Sept 7 planning commission Item 16 case Z-SP-5-23-7 comments attached  
**Attachments:** Z-SP-5-23-7 Planning and Development Department ltr.pdf; Attach 4 2023 Crime data BA26 Madison Pioneer Neighborhood 2018 to 27 Jun 2023.pdf; Attach 5 Jan thru Jun 2023 12th ave call for fire dept service.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Please help us, the neighbors, and business owners close to the new proposed shelter and vote NO on the Human Services Campus (HSC) Application Z-SP-5-23-7. This neighborhood should not bear the brunt of sheltering the homeless. If the HSC, City of Phoenix, and Andre House can't live up to their obligations regarding the increase of beds from 425 to 900 from case Z-SP-2-19-7, and outlined in Ordinance G-6799, what makes you believe they will live up to the obligations proposed in Application Z-SP-5-23-7? The (3) "Findings" in the Staff Report for Z-SP-5-23-7 are naïve and shortsighted.

Please see the attached  
Laurel Dianne Langmade  
1345 W. McKinley St

2 Sep 2023

RE: Z-SP-5-23-7

To Whom It May Concern,

Please help us, the neighbors, and business owners close to the new proposed shelter and vote NO on the Human Services Campus (HSC) Application Z-SP-5-23-7. This neighborhood should not bear the brunt of sheltering the homeless. If the HSC, City of Phoenix, and Andre House can't live up to their obligations regarding the increase of beds from 425 to 900 from case Z-SP-2-19-7, and outlined in Ordinance G-6799, what makes you believe they will live up to the obligations proposed in Application Z-SP-5-23-7? The (3) "Findings" in the Staff Report for Z-SP-5-23-7 are naïve and shortsighted.

For example, reference Ordinance G-6799 from case Z-SP-2-19-7, stipulation #6, *"Property owners and operators within the Special Permit area (Special Permit area is defined and the Human Service Campus and the Andre House) shall maintain all public rights-of-way including sidewalks, alleys, easements and streets from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish refuse, waste material, or blight within the following boundaries around the Special Permit area from 7<sup>th</sup> Avenue to 15<sup>th</sup> Avenue, between Madison Street to Harrison Street, and the areas from 11<sup>th</sup> Avenue to 12<sup>th</sup> Avenue, between Jefferson Street to Madison Street. This area will be cleaned a minimum of twice a day, seven days a week (in the morning after breakfast is served, prior to 10:00a.m.; and in the evening after dinner is served, prior to 8:00p.m.). Cleaned shall be defined as removal of any trash, waste, debris or other objects, liquids, or hazards."* From day one, the HSC and Andre House pushed back on complying with this stipulation to the point where today there are some areas within the boundaries described above which have not been cleaned for months, years. Within the boundary area trash, debris, etc. continues to be left, not cleaned, or removed, but lies in place day after day.

Please vote No for Application Z-SP-5-23-7. In all likelihood you will continue to warehouse the homeless to this neighborhood so at least add these following stipulations:

- 1) (stipulation #2) Add a deed restriction from the property owners surrounding the HSC should be put in place when after three years from the date of the permit the site is no longer allowed to operate as a shelter/safe outdoor space.
- 2) (stipulation #1) Limit the shelter/safe outdoor space to (400) people and not spaces. The way it is written you could easily have over 1,000 people in this area, with 2-3 people per space.
- 3) (not a stipulation, but should be added) Add a stipulation there will be no fires allowed. This includes, no cooking, or warming fires. Please take the time to find out how often there are fires in the area surrounding the HSC creating loss of property to both property owner and the homeless, loss of life to both animals and people, and creating undue strain on the First Responder resources servicing the area.

Finally please read the attached for the comments by Councilmember Nowakowski (Attach 1), by Michael Langley and others (Attach 2), plus public comments (Attach 3) regarding the initial debate

regarding case Z-SP-2-19-7 when the HSC campus increased the number of beds from 425 to 700 up to 900, depending on weather conditions. If you read the attached, you will see that everything the neighborhood feared regarding the increase of beds has happened; an increase in crime, drugs, fights, lack of clean-ups, piles of trash and debris, continued defecation and urination, no access to sidewalks, fires, and the occasional death.

Please note the initial reasoning on increasing the number of beds was to allow the City of Phoenix time to create more shelter services in other neighborhoods, and work with other municipalities to also increase shelter services. There is a clear need to shelter the homeless and provide services to those in need. **No one neighborhood should bear the brunt of providing sheltering services for individuals experiencing homelessness.** So put this shelter/safe outdoor space/structured campground in another neighborhood.

Sincerely,

Attach 1: Councilmember Nowakowski comments  
Attach 2: Discussion regarding ordinance change  
Attach 3: Public Comments  
Attach 4: Service Calls BA26 regarding Crime  
Attach 5: Service Calls for Injured/Sick Person

Laurel Dianne Langmade  
1345 W. McKinley St

Councilmember Nowakowski thanked the members of the committee for volunteering their time to listen to the community on this issue. Councilmember Nowakowski added that the work CASS does is incredible, should be spread out across Maricopa County and there shouldn't be only one center, there should be 13 centers across the county per the plan that should have been implemented 20 years ago. Councilmember Nowakowski continued that the City of Phoenix was the only city to implement the plan and it is sad there is only one CASS and other cities are sending their homeless individuals to Phoenix. Councilmember Nowakowski shared that his concern is for the City of Phoenix to take care of its residents, and that this Hispanic and African American neighborhood is being taken over by individuals that don't live in the neighborhood, citing an example of residents that are awakened at night by individuals using their water hose to take a shower or get a drink of water, and students at Capitol School that have seen individuals expose themselves. Councilmember Nowakowski continued that the area doesn't have grocery stores or restaurants due to the stereotype of the neighborhood and the applicant has a requirement for 425 beds and they are asking to bring more individuals into the community that will worsen the stereotype. Councilmember Nowakowski continued that city has spent millions of dollars in upgrading (the Central City Village Planning Committee October 12, 2020 – Meeting Minutes Page 19 of 21) affordable housing in the city such as at 7th Avenue and Buckeye Road and in revitalizing the area, and has spent around 26 million dollars on an annual basis on police, streets, public works and neighborhood services to take care of the area around the CASS center. Councilmember Nowakowski continued that some residents in the area step in feces on their way to their cars and the area is a working-class neighborhood where individuals have two jobs to support their families, some of whom are afraid to call the police. Councilmember Nowakowski continued that those residents call his office asking for help and support and asked the committee to drive around CASS, see what is going on and if they would want that in their backyard. Councilmember Nowakowski continued that they should have a regional approach where other cities have shelters, and that other cities should take their share of the responsibility for caring for those experiencing homelessness and that would make a big impact on those experiencing homelessness in the area. Councilmember Nowakowski added that he hears the cry of the community in the area and a city park had to be fenced because a child was molested by an individual from CASS, and it is wrong to not feel safe at a city park. Councilmember Nowakowski asked the committee to do the right thing and ensure that they represent the whole village, and this part of the Central City Village is hurting right now and asked for the support of the community to go out to other cities and asking them to take their share of the issue. Councilmember Nowakowski continued that putting 1,000 beds in central Phoenix will not end homelessness, but when other cities take their fair share of the issue it will make the most impact, and that the nonprofits do great work but can bring negative impacts to the community. Councilmember Nowakowski concluded by asking the committee to recommend denial and to support a regional approach to homelessness where other cities take their fair share of the beds. Councilmember Nowakowski added that the community is looking at a couple of attorneys to do pro bono work to ask the Justice Department to come in because this is an environmental justice issues because of the low-income area and the individuals that live in the area, and this would never happen in any other part of the city except for South Phoenix or Maryvale. Councilmember Nowakowski concluded by asking the committee to do the right thing.

#### **Attach 1**

**Central City Village Planning Committee October 12, 2020 – Meeting Minutes Page 18 of 21**

Michael Langley thanked everyone for participating in the robust debate and asked if the request is approved, if the applicant does not meet stipulations if there is a fine, sanction or penalty that can be placed on the applicant for not meeting their stipulations. Ms. Stockham responded that per the stipulations, this request is reviewed annually through a public hearing process and through that process the Planning Hearing Officer can impose more stipulations and more reviews. Mr. Stephenson added that the review process is built in to ensure that the applicant continues to do what they are supposed to do and as this moves forward in time, there is a continued dialogue with the neighbors and as part of that review in the future if there is noncompliance there could be a recommendation to pursue revocation. Mr. Stephenson continued that one of the complicated factors with this case is that the campus was owned and operated by Maricopa County for many years and legally the City of Phoenix is a lower governmental authority than Maricopa County and therefore the City of Phoenix cannot tell Maricopa County how to run things even though the buildings may be located in the City of Phoenix. Mr. Stephenson stated that they recognize the concerns of the community and that is why the stipulations require continual dialogue with the community and annual reviews that go up to the City Council to ensure that the promises that are made are pursued and met.

**Attach 2**



**PUBLIC COMMENT:**

Angela Ojile shared that she is against the proposal, the applicants have not reached out and the neighborhood has not been included, the cleaning around the area is bad, the neighborhood can't afford any more beds since many businesses have closed down, there were feces and urine in her driveway, and mega shelters do not work.

John Westerdale shared that he is opposed to the proposal, there are a lot of schools in the area and there are many sex offenders, the largest shelter in California has 500 beds, and that the City should not congregate uses. Ian Frances shared that he is a business owner and the area is the worst it has ever been, the applicant is not in communication with the community, a low barrier shelter accepts people who are intoxicated, the Madison Pioneers Coalition has been trying to make the neighborhood better, and that the campus is in violation of the City Code due to the health hazards associated with urination and defecation on the street.

Jessica Bueno states that she is concerned with the increase for the number of beds, the community's quality of life is impacted and they don't feel safe, alleys are being used as toilets, and the Capitol Mall Overlay was intended to add economic vitality in the area and have positive impacts on the neighborhood.

Michael Godbehere shared that when he worked in the area there was an immediate increase of theft, burglaries and public defecation, he has personally been a victim of robbery and assault, and healthy businesses have closed in the area.

Freddy Brown invited everyone to walk the area, shared that at his company they escort the female employees to their cars at the end of the day, the applicant cannot manage the 425 beds they have now and many people have been banned from the shelter, and when people give them goods, they throw the trash on the ground.

Joanne Lowney shared that they cannot operate their own business in their building, the streets are used as toilets, and all cities must take part in housing the homeless.

Katherine Roxlo shared that in 1984 the shelter was opened with a use permit for 220 beds, in 1990 the facility expanded to 400 beds, the shelter has been a magnet for all other homeless populations in Arizona, nowhere else in the City are so many health and safety violations allowed, there are 138 sex offenders who list their primary residence within a quarter mile of CASS, and asked staff to document the health and safety violations in the area, research the number of fines and the number of people in the area not seeking shelter, and the impacts on zoning and mitigation of negative impacts.

Joel Coplin stated that he lives half a block from the campus, there are many people on the street, and that many of them have been kicked out of the campus. Lori Thompson shared that she is opposed to the expansion, everyone should have a seat at the table and the shelter should not be the dominant force in the area.

Laurel Dianne Langmade shared that she is against the special permit request, there is an increase in economic hardship for businesses, and a RV company had tires slashed and urination on their property.

Grace Salinas shared that governments have failed to address this issue and the community hasn't been invited to provide input.

Vicki Anderson shared that she deals with the homeless population daily and an increase in the number of beds will allow for less rehousing.

Ray Garcia quoted “if you build it, they will come”, shared that there were many people living in the park which recently got cleared out due to a knifing, the community feels the negative effects of the shelter such as human waste on the street.

Twila Lake stated that she lived and worked in the Woodland Historic District and participated in street cleanups and late-night street survey, they asked people why they chose to sleep on the street instead of the campus and shared that respondents replied they were fearful of being beat up on the campus.

Jay Minich stated he is one of the directors at Andre House, he can see the change in people when they get a bed, that the proposal will help with their overflow capacity, and that there have been 12 deaths in two weeks due to extreme heat.

Brent Downs shared that he works on the campus, experienced homelessness 20 years ago, his journey began when he got a bed and he hasn’t experienced homelessness since, and this is an opportunity to give people a chance.

Jonathan Koppell stated he is president of the HSC Board, agreed that the situation on the street is bad, we need to call on the City and County to do better and this is a social justice issue.

Raquel Dennis stated she lived and worked in the neighborhood and supports the proposal, the homeless population are people too, it is their neighborhood too, not just for those who own property.

Kyle Foxcroft stated that the campus has not helped with the street cleanup and asked for clarification on the definition of extreme weather conditions for the proposed 200 beds.

Alex Stratton shared that he is not supportive of the request, it does not meet the intent of the Capitol Mall Overlay, there are unintended consequences of conglomerating the homeless population and there are other ways to shelter people.

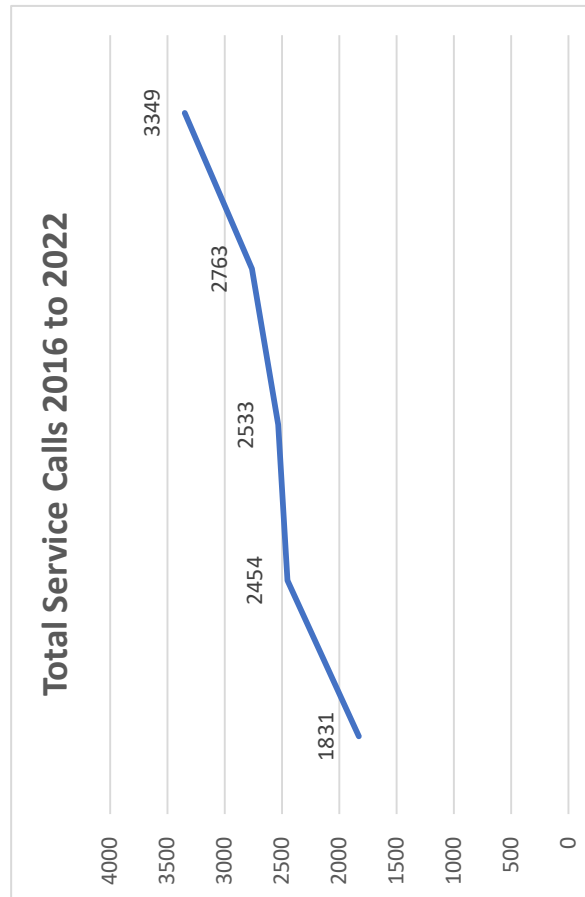
### **Attach 3**

## Citizen Generated Calls for Service in Grid BA26 for Police

| Year   | Jan | Feb | Mar | April | May | June | July | Aug | Sep | Oct | Nov | Dec | Total | AV/Day |
|--------|-----|-----|-----|-------|-----|------|------|-----|-----|-----|-----|-----|-------|--------|
| 2018   | 178 | 167 | 190 | 189   | 189 | 142  | 136  | 122 | 142 | 142 | 124 | 132 | 1831  | 5      |
| 2019   | 126 | 161 | 216 | 230   | 209 | 187  | 234  | 209 | 193 | 245 | 245 | 232 | 2454  | 7      |
| 2020   | 251 | 228 | 255 | 214   | 213 | 225  | 167  | 195 | 183 | 200 | 200 | 184 | 2533  | 7      |
| 2021   | 230 | 250 | 273 | 260   | 229 | 215  | 184  | 248 | 174 | 220 | 220 | 232 | 2763  | 8      |
| 2022   | 255 | 235 | 332 | 451   | 313 | 282  | 280  | 256 | 246 | 253 | 253 | 213 | 3349  | 9+     |
| 2023** | 255 | 205 | 292 | 281   | 245 | 211  |      |     |     |     |     |     | 1489  | 8+     |

June data thru 26 June, not a full month

|                     |           | Apr-Jun | Jan-Mar | Jan-Dec | Jan-Dec |
|---------------------|-----------|---------|---------|---------|---------|
| Summary Crime Data  |           | 2023    | 2023    | 2022    | 2021    |
| Crime               | Code      | Qty     | Qty     | Qty     | Qty     |
| Armed Robbery       | 210 & 211 | 2       | 4       | 32      | 17      |
| Fight or Assault    | 239 & 240 | 144     | 153     | 661     | 515     |
| Aggravated Assault  | 245       | 21      | 18      | 58      | 44      |
| Sexual assault      | 261       | 4       | 0?      | 14      | 13      |
| Theft               | 487       | 31      | 42      | 157     | 92      |
| Injured/Sick Person | 901**     | 31      | 32      | 1117    | 99**    |
| Insane              | 918       | 5       | 12      | 39      | 44      |
| Shots Fired         | 415G      | 13      | 5       | 30      | 8       |
| Trespassing         | 418T      | 149     | 83      | 261     | 347     |
| Dead body           | 901H      | 3       | 8       | 15*     | 9       |
| Fire Dept non fire  | **        | 332     | 339     |         |         |



\*\* Per Cmndr Freudenthal "901" code not used until March 2022, and it appears code (901) is not being used for 2023. Therefore, see "Fire Dept non-fire Calls for Service, 2xx S. 12th Ave (HSC)", added column for '901' \*\*data for comparison to 2022 data.

Compiled by LD Langmade from weblink:

Source: <https://www.phoenixopendata.com/dataset/calls-for-service>

This list is only for 2xx S. 12th Ave, and not the complete BA26 area for the Zone.

6/27/2023

| 01 Jan-30 Mar<br>Qty | 01 Apr-27 Jun<br>Qty | Call for Services Fire Dept non-fire Jan - Mar 2023 for "2xx S. 12th Ave" (HSC) |
|----------------------|----------------------|---|
| 18                   | 13                   | abdominal pain  |
| 3                    | 0                    | adult medical code (non-drowning, non-trauma)                                   |
| 2                    | 1                    | allergic reaction   |
| 17                   | 23                   | altered level of consciousness  |
| 2                    | 1                    | animal bite   |
| 19                   | 18                   | assault   |
| 3                    | 6                    | back injury   |
| 2                    | 8                    | check welfare   |
| 48                   | 34                   | chest pain  |
| 4                    | 3                    | code  |
| 1                    | 0                    | cutting   |
| 1                    | 0                    | debris fire   |
| 14                   | 14                   | diabetic problem  |
| 50                   | 35                   | difficulty breathing  |
| 1                    | 0                    | eye injury  |
| 12                   | 14                   | fall injury   |
| 1                    | 0                    | gunshot wound   |
| 2                    | 2                    | headache  |
| 8                    | 19                   | heart problems  |
| 0                    | 4                    | heat related  |
| 59                   | 54                   | ill person  |
| 26                   | 18                   | injured person  |
| 3                    | 9                    | internal bleeding   |
| 1                    | 0                    | lockout   |
| 2                    | 0                    | maternity problem   |
| 1                    | 4                    | medical alarm   |
| 2                    | 1                    | nosebleed   |
| 10                   | 15                   | overdose  |
| 1                    | 1                    | poison ingestion  |
| 1                    | 0                    | police crisis care  |
| 13                   | 15                   | seizure   |
| 1                    | 0                    | service call  |
| 1                    | 2                    | stabbing  |
| 2                    | 10                   | stroke  |
| 1                    | 0                    | taser application   |
| 1                    | 0                    | TLO operations  |
| 5                    | 6                    | unconscious person  |
| 1                    | 0                    | unknown medical   |
| 0                    | 2                    | Natural Gas Leak & Hazardous Situation (special Ops)                            |
| <b>339</b>           | <b>332</b>           | <b>Total number of calls responded to</b>                                       |

**NOTE** for the April-June time frame 2/3 of the calls were 8AM - 8PM, hours of Circle the City  
 By LD Langmade from weblink; What use to be listed as Code 901, Injured/Sick Person  
<https://www.phoenixopendata.com/dataset/calls-for-service-fire/>

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**From:** Herbert smith <herbsmith80@yahoo.com>  
**Sent:** Tuesday, September 5, 2023 2:17 PM  
**To:** PDD Planning Commission  
**Subject:** Z-SP-5-23-7

Hello, I wanted to comment on this item #. As a homeowner that lives in the area, I adamantly oppose there being a campground being built on this land or anywhere near it. For the last three years I have had my property set on fire, have had to clean deification, had people try my house doors, even had someone on my roof. My and the home/business owners have had enough and want to see this area cleaned up. I appreciate "Zone" being cleaned up as a first step but this proposed camp ground needs to be placed somewhere else. This is completely unacceptable.

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**Subject:** FW: Requested Stipulations for Z-SP-5-23-7, item 16 at Planning Commission Hearing on 9-7

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**From:** Bill Morlan <bmorlan@electricsupply.com>

**Sent:** Tuesday, September 5, 2023 4:48 PM

**To:** PDD Planning Commission <pdd.planningcomm@phoenix.gov>

**Cc:** Sarah Stockham <sarah.stockham@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Anthony M Grande <anthony.grande@phoenix.gov>

**Subject:** Requested Stipulations for Z-SP-5-23-7, item 16 at Planning Commission Hearing on 9-7

I am a business owner in the neighborhood where the City of Phoenix Office of Homeless Solutions is proposing to locate a Structured Camping Facility.

This is Z-SP-5-23-7, Agenda Item 16 at the Planning Commission Hearing on 9-7-23.

In addition to the stipulations being proposed by the City of Phoenix, please include these suggested stipulations as part of any approval.

- The site will not be operated for homeless-related services for more than three years.
- The purchase should include a Deed Restriction that states the property cannot be used for any homeless-related services effective three years from date of purchase. A selected group of property owners would be named to have standing to force an injunction against any activities after this time.
- There should be no more than 200 individuals staying on-site at one time.
- Any clients staying on-site will sleep under the awning. This includes, but is not limited to, individuals sleeping in tents, automobiles, RVs, converted shipping containers, tiny homes, etc.
- No fires allowed on-site.
- A monthly newsletter, similar to what the 28th Street shelter sends out, that shares information on numbers served and outcomes.
- Keep the camp neat and not allow piles of debris to spill over into walkways.
- Storage available for people staying there, including bike racks for functioning bicycles. Possessions must be kept inside tents or in designated storage.
- Storage and bike racks will be kept away from the perimeter of the property, or at least only located on the south and west where there are block walls.
- Trees and grass or turf installed.
- Private security on-site 24/7.
- A Neighborhood Advisory Board selected by the neighborhood will meet in-person with the City and the operators on a quarterly basis. The Advisory Board is open to representatives from any neighborhood that can reasonably expect to be impacted by the facility.
- The City and the operators will share their operational plan with the Neighborhood Advisory Board.
- At each Neighborhood Advisory Board meeting, the City will report on where and how they are expanding shelter capacity outside of the immediate area.
- After one year, the City will start reporting to the Neighborhood Advisory Board on other sites they are looking at for alternate/future camping facilities if they need additional capacity or additional time will be needed .

Thanks

*Bill Morlan*

*Electric Supply, Inc.*

*(602) 252-2343*

[bmorlan@electricsupply.com](mailto:bmorlan@electricsupply.com)

**Z-SP-5-23-7**  
**Safe Outdoor Space**  
**Proposed Stipulations – Bill Morlan**

Red font = Original proposal

Black font = Staff recommendation

1. The site will not be operated for homeless-related services for more than three years.

This issue is already addressed in the existing staff Stipulation No. 2 (see Staff Report). As written, the stipulation will require that the use be moved from the site in three years, or a public hearing request is filed to extend that time. At this time the City has no plans to extend this time period, but if that changes it would have to happen as part of a public hearing process where you and other neighbors could weigh in on the matter.

2. The purchase should include a Deed Restriction that states the property cannot be used for any homeless-related services effective three years from date of purchase. A selected group of property owners would be named to have standing to force an injunction against any activities after this time.

The rezoning process cannot be utilized to require deed restrictions. Deed restrictions are a separate legal matter that only the full City Council add as they contemplate purchasing real property and deliberate on the rezoning case when it arrives at their level. Deed restrictions are the purview of the City Council, not staff or the Planning Commission. This issue should be raised up for the City Council consideration, not as part of the Planning Commission review that is limited by State Statute and City Code.

3. There should be no more than 200 individuals staying on-site at one time.

Modify Stipulation No. 1 to:

*The site shall contain a maximum of ~~400~~ 200 safe outdoor spaces.*

OR

*There shall be no more than 400 individuals staying on-site at one time.*

4. Any clients staying on-site will sleep under the awning. This includes, but is not limited to, individuals sleeping in tents, automobiles, RVs, converted shipping containers, tiny homes, etc

*All safe outdoor spaces (camping spaces) shall be fully shaded by structural shade, except during the fall of 2023 winter of 2023/2024 when there will be construction improvements happening under the existing structural shade canopies.*

5. No fires.

*No outdoor fires shall be permitted by anyone residing on the property.*

6. A monthly newsletter, similar to what the 28th Street shelter sends out, that shares information on numbers served and outcomes.

This would be more appropriate in the Good Neighbor Agreement.

If the Planning Commission wants to move forward with this, staff recommends the following language:

*The operator shall provide a monthly summary of the number of people served and the outcomes of the services provided to all registered neighborhood associations within 1 mile of the site.*

Or add this to a stipulation referenced below related to quarterly meetings:

*The operator shall hold quarterly community outreach meetings to discuss the following:*

- *Compliance with the rezoning stipulations;*
- *Number of people served and the outcomes of the services provided;*
- *Any issues/concerns from the community, and how those concerns could be addressed by the operator;*
- *Where and how the City is expanding shelter capacity outside of the immediate area; and*
- *Alternative/future safe outdoor space locations, additional capacity requirements, and additional time needed.*

*Notification for each meeting shall be sent to all property owners within a half mile and all registered neighborhood associations within one mile of the site.*

7. Keep the camp neat and not allow piles of debris to spill over into walkways.

*The operator shall maintain all on site walkways free from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight.*

8. Storage available for people staying there, including bike racks for functioning bicycles. Possessions must be kept inside tents or in designated storage.

*Storage space shall be provided for each person/designated safe space area for personal belongings. Bicycle racks shall also be provided on-site for any resident that needs to secure bicycle parking.*



9. Storage and bike racks will be kept away from the perimeter of the property, or at least only located on the south and west where there are block walls.

*Storage space along the site's perimeter shall be located only along the south and west block walls, and minimized where visible from the streets.*

*Bike racks shall be maintained in a neat and orderly manner and located in a secure area in close proximity to the on-site security.*

10. Trees and grass or turf installed.

*Prior to operation of a safe outdoor space use, turf shall be installed within the safe outdoor space area (under the shade canopy), and box trees/shrubs shall be placed along the perimeter of the safe outdoor space area.*

11. Private security on-site 24/7.

This is addressed in Stipulation No. 3.d: "On-site security shall be provided 24 hours a day, 7 days a week."

12. A Neighborhood Advisory Board selected by the neighborhood will meet in-person with the City and the operators on a quarterly basis. The Advisory Board is open to representatives from any neighborhood that can reasonably expect to be impacted by the facility.

It is preferred that the items communicated to the neighborhood requested in 6, 14, and 15 below are done on a quarterly basis through community outreach meetings.

*The operator shall hold quarterly community outreach meetings to discuss compliance with the zoning stipulations, any issues/concerns from the community, and how those concerns could be addressed by the operator. Notification for each meeting shall be sent to all property owners within a half mile and all registered neighborhood associations within one mile of the site.*

13. The City and the operators will share their operational plan with the Neighborhood Advisory Board.

The following should be added to Stipulation No. 3 regarding the Operational Plan:

*The operator shall provide the Operational Plan to all registered neighborhood associations within one mile of the site.*

14. At each Neighborhood Advisory Board meeting, the City will report on where and how they are expanding shelter capacity outside of the immediate area.

This should be added to the stipulation above (No.12) related to the quarterly outreach meetings:

*The operator shall hold quarterly community outreach meetings to discuss the following:*

- *Compliance with the rezoning stipulations;*
- *Any issues/concerns from the community, and how those concerns could be addressed by the operator; and*
- *Where and how the City is expanding shelter capacity outside of the immediate area.*

*Notification for each meeting shall be sent to all property owners within a half mile and all registered neighborhood associations within one mile of the site.*

15. After one year, the City will start reporting to the Neighborhood Advisory Board on other sites they are looking at for alternate/future camping facilities if they need additional capacity or additional time will be needed.

This should be added to the stipulation above (No.14) related to the quarterly outreach meetings:

*The operator shall hold quarterly community outreach meetings to discuss the following:*

- *Compliance with the rezoning stipulations;*
- *Any issues/concerns from the community, and how those concerns could be addressed by the operator;*
- *Where and how the City is expanding shelter capacity outside of the immediate area; and*
- *Alternative/future safe outdoor space locations, additional capacity requirements, and additional time needed.*

*Notification for each meeting shall be sent to all property owners within a half mile and all registered neighborhood associations within one mile of the site.*



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** September 18, 2023

**From:** Joshua Bednarek  
Planning and Development Director

**Subject:** ITEM NO. 76 ON THE SEPTEMBER 20, 2023, FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION – REZONING APPLICATION Z-SP-5-23-7 – SOUTHWEST CORNER OF 15TH AVENUE AND JACKSON STREET (ORDINANCE G-7167)

Item No. 76, Rezoning Application Z-SP-5-23-7, is a request to rezone 5.50 acres located at the southwest corner of 15th Avenue and Jackson Street from A-1 CMOD (Light Industrial District, Capitol Mall Overlay District) to A-1 SP CMOD (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a safe outdoor space / structured campground (homeless shelter).

The Planning Commission heard this case on September 7, 2023, and recommended approval, per the staff recommendation with a modification and additional stipulations, by a 4-1 vote.

The purpose of this is memo is to revise the stipulations to address community concerns. The revised stipulations are listed below with updates in **BOLD AND CAPITAL** letters.

Staff recommends approval, subject to the following stipulations:

1. The site shall contain a maximum of 200 safe outdoor spaces, **AND NO MORE THAN 300 TOTAL INDIVIDUALS.**
2. The Special Permit shall be removed per Section 504.1.C.2 of the Phoenix Zoning Ordinance three years after the effective date of the ordinance.
3. An Operational Plan shall be developed to govern operational features of the safe outdoor space. The plan shall address at minimum, the following:
  - a. Priority shall be given to unsheltered individuals camping around the Human Services Campus.
  - b. Basic hygiene services shall be provided such as restrooms and showers.
  - c. Supportive services shall be available on site, such as case management.

- d. On-site security shall be provided 24 hours a day, 7 days a week.
  - e. An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
  - f. Drugs and/or alcohol are to be prohibited.
  - g. Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
  - h. A code of conduct will be posted on site.
  - i. Trash/recycling receptacles shall be provided within the property boundaries.
- 4. The operator shall enroll in a virtual block watch program with the City of Phoenix Police Department.
  - 5. The perimeter of the site shall be fenced to secure the site, as approved by the Planning and Development Department.
  - 6. Site lighting shall be provided at building entrances/exits and refuse areas, as approved by the Planning and Development Department.
  - 7. 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.
  - 8. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
  - 9. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
  - 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.

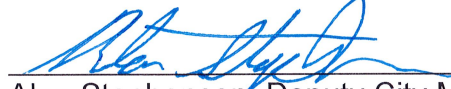
11. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record. This stipulation shall not be applicable if the property is owned by the City of Phoenix.
12. All safe outdoor spaces (camping spaces) shall be fully shaded by structural shade, except during the fall of 2023 winter of 2023/2024 when there will be construction improvements happening under the existing structural shade canopies.
13. No outdoor fires shall be permitted by anyone residing on the property.
14. The **CITY MANAGER OR DESIGNEE SHALL CREATE AND APPOINT A MAXIMUM 7 MEMBER STAFF ADVISORY COMMITTEE AND** hold quarterly community outreach meetings to discuss the following:
  - a. Compliance with the rezoning stipulations;
  - b. Number of people served and the outcomes of the services provided;
  - c. Any issues/concerns from the community, and how those concerns could be addressed by the operator;
  - d. Where and how the City is expanding shelter capacity outside of the immediate area; and
  - e. Alternative/future safe outdoor space locations, additional capacity requirements, and ~~additional time needed~~ **A PHASE OUT PLAN LEADING UP TO THE LAST YEAR OF THE SPECIAL PERMIT.**

Notification for each meeting shall be sent to all property owners within a half mile and all registered neighborhood associations within one mile of the site.

15. The operator shall maintain all on site walkways free from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight.
16. Storage space shall be provided for each person/designated safe space area for personal belongings. Bicycle racks shall also be provided on-site for any resident that needs to secure bicycle parking.

17. Storage space along the site's perimeter shall be located only along the south and west block walls, and minimized where visible from the streets.
18. Bike racks shall be maintained in a neat and orderly manner and located in a secure area in close proximity to the on-site security.
19. Prior to operation of a safe outdoor space use, turf shall be installed within the safe outdoor space area (under the shade canopy), and box trees/shrubs shall be placed along the perimeter of the safe outdoor space area.
20. The operator shall provide the Operational Plan to all registered neighborhood associations within one mile of the site.
21. **THE CITY SHALL SEND A QUARTERLY EMAIL/LETTER TO THE REGISTERED NEIGHBORHOOD ASSOCIATIONS WITHIN ONE MILE OF THE SITE. THE QUARTERLY EMAIL/LETTER WILL SUMMARIZE THE QUESTIONS AND ANSWERS PROVIDED AT THE PRIOR QUARTERLY MEETING FOR THE INFORMATION IN STIPULATION 14A. THRU 14E.**

Approved:



Alan Stephenson, Deputy City Manager



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Agenda Date: 9/20/2023, Item No. \*77

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**\*\*\*ITEM REVISED (SEE ATTACHED MEMO)\*\*\* (CONTINUED FROM SEPT. 6, 2023)  
- Public Hearing - Amend Phoenix City Code - Ordinance Adoption - Chapter 10,  
Article XVI - Short-Term Vacation Rental (Ordinance G-7156)**

Request to hold a public hearing on a proposed amendment to the City Code sections 10-193 through 10-197 and adding sections 10-198 through 206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a Short-Term Rental (STR) Permit.

**Summary**

In 2016, the Arizona Legislature removed the ability of local jurisdictions to regulate short-term rental units and required that the use be treated the same as any long-term residential use of a property. Due to significant negative impacts based upon the experience of residents living around these short-term rental uses, the Arizona Legislature enacted A.R.S. 9-500.39 authorizing municipalities to create provisions for registrations of short-term vacation rentals. The City of Phoenix adopted Short-Term Vacation Rental Ordinance (G-6653) to implement the requirement for STR owners, or designees, to register each STR rental property with the City of Phoenix, so that responsible party contact information was available if there were problems resulting from a particular short-term rental unit.

In 2022, the Arizona Legislature approved Senate Bill 1168 (SB1168) amending A.R.S. 9-500.39, which authorized cities and towns to create a very limited permit/license process to help gather better data regarding short-term rentals with minimal modifications to the ability to regulate these types of uses. The proposed amendment establishes a STR permit application process and owners/designees are required to comply with the new application process. Under the new enhanced penalty structure, any owner who operates a STR without a permit is subject to a civil sanction of up to \$1,000 per month. As part of SB1168, STR owners/designees must also meet specific operating requirements outlined in the proposed ordinance (**Attachment A**) prior to the issuance of a permit/license as a condition for operating a short-term rental property. SB1168 limits the permit fees that can be charged to cover staff administrative costs to review permits, administer the program and for enforcement. It also requires that the City approve or deny a permit (based on state established criteria) within seven (7) days or the permit is deemed approved.

### Summary of Short-Term Rental Requirements

Owner/Designees of short-term rentals must meet to the following requirements:

- Apply for a STR permit/license.
- Meet all permit/license operating requirements.
- Register for a Transaction Privilege License and register with Maricopa County Assessor's Office for taxing purposes.
- Provide the name, address, telephone number and email address of the owner, emergency contact and designee (if applicable).
- Provide notice to neighbors of intent to operate a STR.
- Maintain \$500,000 liability insurance.
- Conduct background checks on renters.
- Owner's/Operator's may appeal a denial, non-renewal or suspension of a permit/license.

City is subject to the following:

- Permit/license must be approved or denied within seven days.
- Charge a permit/license fee and renewal fee up to \$250.
- Impose civil penalties.
- May suspend a permit/license if an owner is found guilty of three minor violations or one significant violation within one year related to the operation of the STR.

Staff recommends approval of the proposed amendment to the City Code sections 10-193 through 10-197 and adding sections 10-198 through 206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a STR Permit.

### **Concurrence/Previous Council Action**

The Transportation, Infrastructure and Planning Subcommittee heard this item on June 21, 2023, and recommended approval by a vote of 4-0.

### **Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



## ATTACHMENT A

### Sec. 10-193. Definition

In this article, unless the context otherwise requires:

- A. DIRECTOR MEANS THE PLANNING AND DEVELOPMENT DIRECTOR OR HIS OR HER DESIGNEE.
- B. EVENT CENTER MEANS A RESIDENTIAL PROPERTY IN WHICH:
  - 1. A GUEST WHO DOES NOT INTEND TO STAY AT THE PROPERTY OVERNIGHT IS REQUIRED TO PAY RENT, ADMISSION, COVER CHARGE, DONATION, OR OTHER SIMILAR FEE TO ACCESS ANY PORTION OF THE RESIDENTIAL PROPERTY; OR
  - 2. THE SALE OF ALCOHOL OR OTHER PRODUCTS OR SERVICES OCCURS ON THE RESIDENTIAL PROPERTY; OR
  - 3. BEING USED AS ASSEMBLY, GENERAL, ASSEMBLY HALL, PUBLIC ASSEMBLY-ACTIVE RECREATIONAL, PUBLIC ASSEMBLY-ENTERTAINMENT, PUBLIC ASSEMBLY-GENERAL, PUBLIC ASSEMBLY-RESIDENTIAL, OR PUBLIC ASSEMBLY-SPECTATOR AS DEFINED IN SECTION 202 OF THE ZONING ORDINANCE.
- C. HEARING OFFICER MEANS THE SHORT-TERM RENTAL APPEAL HEARING OFFICER DESIGNATED BY THE DIRECTOR TO HEAR APPEALS OF DENIAL OR SUSPENSION OF A SHORT-TERM RENTAL APPLICATION OR PERMIT.
- D. *NEIGHBORING PROPERTY* MEANS A SINGLE-FAMILY RESIDENTIAL PROPERTY ADJACENT TO, DIRECTLY AND DIAGONALLY ACROSS THE STREET FROM THE SHORT-TERM RENTAL. FOR A MULTI-FAMILY RESIDENTIAL BUILDING, ALL RESIDENTIAL UNITS ON THE SAME FLOOR AS THE SHORT-TERM RENTAL.
- E. *NONRESIDENTIAL USE* MEANS USE THAT IS PROHIBITED IN A RESIDENTIALLY ZONED DISTRICT.
- F. *Online lodging marketplace* means “online lodging marketplace” as defined in A.R.S. § 42-5076.
- G. *Online lodging operator* means “online lodging operator” as defined in Section 42-5076, Arizona Revised Statutes.
- H. *OWNER MEANS ANY PERSON WHO, ALONE OR WITH OTHERS, HAS TITLE, LEASE, OR INTEREST IN A PROPERTY, DWELLING UNIT, OR PORTION THEREOF, WITH OR WITHOUT ACCOMPANYING ACTUAL POSSESSION THEREOF, AND INCLUDES ANY PERSON WHO AS AGENT, EXECUTOR, ADMINISTRATOR, TRUSTEE, OR GUARDIAN HAS CHARGE, CARE, OR CONTROL OF THE PROPERTY, DWELLING UNIT, OR PORTION THEREOF.*
- I. *Short-term rental* means ~~“vacation rental” as defined in Section 9-500.39, Arizona Revised Statutes.~~ ANY INDIVIDUALLY OR COLLECTIVELY OWNED SINGLE-FAMILY OR ONE-TO-FOUR-FAMILY HOUSE OR DWELLING UNIT, OR ANY UNIT OR GROUP OF UNITS IN A CONDOMINIUM OR COOPERATIVE, THAT IS ALSO A TRANSIENT PUBLIC LODGING ESTABLISHMENT OR OWNER-OCCUPIED RESIDENTIAL HOME OFFERED FOR TRANSIENT USE. “SHORT-TERM RENTAL” DOES NOT INCLUDE:

(I) PROPERTY THAT IS CLASSIFIED FOR PROPERTY TAXATION UNDER A.R.S. § 42-12001;  
OR

(II) ANY UNIT THAT IS USED FOR ANY NONRESIDENTIAL USE, INCLUDING A SPECIAL EVENT THAT WOULD OTHERWISE REQUIRE A PERMIT, RETAIL, RESTAURANT, BANQUET SPACE, OR OTHER SIMILAR USE.

J. *SPECIAL EVENT* MEANS A RETAIL, RESTAURANT, BANQUET SPACE, OR USE THAT IS EITHER PROHIBITED IN A RESIDENTIAL ZONING DISTRICT OR A USE THAT REQUIRES A LICENSE OR PERMIT FROM THE STATE, THE COUNTY, OR THE CITY OF PHOENIX.

K. *Vacation rental* means short-term rental.

L. *SHORT-TERM RENTAL PERMIT* MEANS A PERMIT ISSUED TO A PROPERTY OWNER WHO INTENDS TO OFFER TO RENT THE PROPERTY AS A SHORT-TERM RENTAL.

M. *Verified violation* means a finally adjudicated finding of guilt or civil responsibility for violating any ~~State law or local ordinance~~ APPLICABLE LAW OR ORDINANCE relating to THE use of the property for short-term rental purposes.

**Sec. 10-194. PLANNING AND DEVELOPMENT DIRECTOR – DUTIES**

UNLESS OTHERWISE PROVIDED, IT SHALL BE THE DUTY AND RESPONSIBILITY OF THE DIRECTOR TO ADMINISTER THE SHORT-TERM RENTAL PERMITTING PROGRAM; AND PURSUANT TO THIS DUTY THE DIRECTOR SHALL:

1. ISSUE, RENEW, DENY, OR SUSPEND SHORT-TERM RENTAL PERMIT AS REQUIRED BY THIS ARTICLE.
2. DESIGNATE A HEARING OFFICER TO HEAR APPEALS OF THE DECISION TO DENY OR SUSPEND THE SHORT-TERM RENTAL PERMIT.
3. COORDINATE WITH OTHER DEPARTMENTS TO SUPPORT THE IMPLEMENTATION OF THIS CHAPTER.

**Sec. 10-195. SHORT-TERM RENTAL; PERMITS FOR VACATIONS RENTALS REQUIRED**

- A. IT IS UNLAWFUL FOR ANY OWNER TO RENT, OR OFFER TO RENT, A SHORT-TERM RENTAL WITHOUT FIRST OBTAINING AND MAINTAINING IN EFFECT A CURRENT, UNREVOKED, AND UNSUSPENDED SHORT-TERM RENTAL PERMIT.
- B. IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY OCCUPY A SHORT-TERM RENTAL THAT DOES NOT HAVE A CURRENT AND UNSUSPENDED SHORT-TERM RENTAL PERMIT.

**Sec. 10-196. NEW SHORT-TERM RENTAL PERMIT; PERMIT RENEWAL; FEES**

- A. ANY PERSON DESIRING TO OBTAIN A SHORT-TERM RENTAL PERMIT SHALL SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT ON THE FORM PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT FOR THAT PURPOSE.
- B. THE APPLICATION SHALL BE ACCOMPANIED BY A NON-REFUNDABLE FEE OF \$250.

- C. A PERMIT ISSUED PURSUANT TO THIS ARTICLE SHALL EXPIRE ONE YEAR FROM THE DATE OF THE SHORT-TERM RENTAL PERMIT ISSUANCE.
- D. THE SHORT-TERM RENTAL OWNER/DESIGNEE MUST SUBMIT AN APPLICATION TO RENEW THE SHORT-TERM RENTAL PERMIT A MINIMUM OF 15 WORKING DAYS BEFORE THE PERMIT EXPIRES AND PAY THE PLANNING AND DEVELOPMENT DEPARTMENT A RENEWAL FEE NOT TO EXCEED \$250. IF A PERMIT RENEWAL APPLICATION IS SUBMITTED 15 WORKING DAYS AFTER THE EXPIRATION DATE, A NEW SHORT-TERM RENTAL PERMIT MUST BE FILED UNDER SECTION 10-197.

**Sec. 10-197. SHORT-TERM RENTAL PERMIT APPLICATIONS; CONTENT**

- A. EACH APPLICANT FOR A SHORT-TERM RENTAL PERMIT SHALL SUBMIT, AS APPLICABLE, THE FOLLOWING:
  - 1. THE PHYSICAL ADDRESS OF THE RESIDENTIAL PROPERTY PROPOSED TO BE USED AS A SHORT-TERM RENTAL.
  - 2. THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE OWNER FOR WHICH THE SHORT-TERM RENTAL REGISTRATION CERTIFICATE IS TO BE ISSUED.
  - 3. THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE OWNER'S DESIGNEE.
  - 4. THE NAME, ADDRESS, 24-HOUR TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE INDIVIDUAL WHO WILL SERVE AS THE EMERGENCY POINT OF CONTACT.
  - 5. PROOF OF VALID TRANSACTION PRIVILEGE TAX LICENSE.
  - 6. EVIDENCE OF LIABILITY INSURANCE APPROPRIATE TO COVER THE SHORT-TERM RENTAL IN THE AGGREGATE OF AT LEAST \$500,000 OR EVIDENCE THAT EACH SHORT-TERM RENTAL TRANSACTION WILL BE PROVIDED THROUGH A PLATFORM THAT PROVIDES EQUAL OR GREATER PRIMARY LIABILITY INSURANCE COVERAGE FOR THE SHORT-TERM RENTAL.
  - 7. EVIDENCE OF THE SHORT-TERM RENTAL IS REGISTERED WITH MARICOPA COUNTY ASSESSOR'S OFFICE IN ACCORDANCE WITH A.R.S. § 33-1902.
  - 8. A SIGNED AGREEMENT TO COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS, AND ORDINANCES.
  - 9. IF THE APPLICANT IS AN INDIVIDUAL, PROOF OF LAWFUL PRESENCE IN THE UNITED STATES.
  - 10. ANY OTHER INFORMATION AS THE PLANNING AND DEVELOPMENT DEPARTMENT MAY REQUIRE TO VERIFY INFORMATION PROVIDED BY THE APPLICANT.
- B. AN APPLICATION MUST BE FILED FOR EACH DWELLING UNIT WITHIN A PROPERTY WITH RESIDENTIAL USE.

- C. THE DIRECTOR MUST EITHER APPROVE OR DENY THE SHORT-TERM RENTAL APPLICATION OR RENEWAL WITHIN 7 DAYS OF RECEIVING THE APPLICATION. THE APPLICATION IS DEEMED DENIED IF THE APPLICATION IS NOT APPROVED WITHIN 7 DAYS AFTER THE PLANNING AND DEVELOPMENT DEPARTMENT RECEIVES THE APPLICATION.

**Sec. 10-198. EMERGENCY CONTACT; RESPONSE TIME; UPDATE REQUIRED**

- A. IF REQUIRED BY A POLICE OFFICER, FIREFIGHTER, OR CODE ENFORCEMENT OFFICER, THE PERSON LISTED AS THE EMERGENCY CONTACT MUST BE ON THE SHORT-TERM RENTAL PREMISES, OR BE AVAILABLE BY PHONE OR TEXT, WITHIN 30 MINUTES AFTER RECEIVING THE REQUEST. FAILURE OF THE PERSON LISTED AS THE EMERGENCY CONTACT TO BE ON THE SHORT-TERM RENTAL PREMISES, OR BE AVAILABLE ON THE PHONE OR BY TEXT, WITHIN 30 MINUTES AFTER RECEIVING THE REQUEST BY THE POLICE OFFICER, FIREFIGHTER, OR CODE ENFORCEMENT OFFICER, IS A VIOLATION OF THIS ARTICLE.
- B. IF THERE IS A CHANGE TO THE EMERGENCY CONTACT SHOWN ON THE PERMIT APPLICATION, THE OWNER OF A SHORT-TERM RENTAL MUST IMMEDIATELY UPDATE THE CONTACT INFORMATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT.

**Sec. 10-199. ADJACENT PROPERTIES NOTIFICATION REQUIRED**

- A. THE OWNER OR OWNER'S DESIGNEE MUST SEND, BY CERTIFIED MAIL, A NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL TO ALL NEIGHBORING PROPERTIES.
- B. THE NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL MUST BE SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

DEAR [NAME],

THIS LETTER IS TO INFORM YOU THE PROPERTY OWNER AT [ADDRESS] PLANS TO MAKE THE PROPERTY AVAILABLE FOR SHORT-TERM RENTAL USE. THE PERMIT NUMBER FOR THE SHORT-TERM RENTAL IS [XXXXXXXX]. THE 24-HOUR EMERGENCY POINT OF CONTACT FOR THIS PROPERTY IS [NAME]. HE/SHE CAN BE REACHED AT [PHONE NUMBER] AND [EMAIL] IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT [NAME OF THE PROPERTY OWNER OR AGENT] AT [PHONE NUMBER/EMAIL]

[OWNER'S NAME]

- C. BEFORE OFFERING A SHORT-TERM RENTAL, THE OWNER OR OWNER'S DESIGNEE MUST SUBMIT TO THE PLANNING AND DEVELOPMENT DEPARTMENT AN ATTESTATION OF COMPLIANCE WITH THE NOTIFICATION REQUIREMENT AND THE FOLLOWING:
  - 1. MAILING RECEIPTS SHOWING THE REQUIRED NOTICES OF INTENT TO OPERATE A SHORT-TERM RENTAL WERE DELIVERED OR ATTEMPTS TO DELIVER WERE MADE.
  - 2. A COPY OF THE NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL.
  - 3. THE NAME AND CONTACT INFORMATION OF THE PERSON ATTESTING TO COMPLIANCE WITH THE NOTIFICATION REQUIREMENT.

- D. THE OWNER OF THE SHORT-TERM RENTAL MUST PROVIDE TO THE PLANNING AND DEVELOPMENT DEPARTMENT A REVISED NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL IF THERE IS A CHANGE TO THE OWNERSHIP OR EMERGENCY POINT OF CONTACT INFORMATION FOR THE SHORT-TERM RENTAL. THE REVISED NOTICE OF INTENT MUST BE SENT PURSUANT TO REQUIREMENTS IN SUBSECTIONS (A) AND (B) OF THIS SECTION.

**Sec. 10-200. CRIMINAL BACKGROUND VERIFICATION**

OFFERING A SHORT-TERM RENTAL, THE OWNER OR OWNER'S DESIGNEE MUST SUBMIT TO THE PLANNING AND DEVELOPMENT DEPARTMENT A VERIFICATION THAT BOTH THE OWNER AND OWNER'S DESIGNEE ARE NOT REGISTERED SEX OFFENDERS, HAVE NOT BEEN CONVICTED OF ANY FELONY ACT THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY, OR ANY FELONY USE OF A DEADLY WEAPON DURING THE 5 YEARS BEFORE THE PERMIT APPLICATION DATE.

**Sec. 10-201. DISPLAY OF PERMIT AND PERMIT NUMBER**

- A. THE OWNER OR OWNER'S DESIGNEE OF A SHORT-TERM RENTAL MUST DISPLAY THE LOCAL REGULATORY PERMIT NUMBER ON EACH ADVERTISEMENT FOR A SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS.
- B. A COPY OF THE PERMIT MUST BE DISPLAYED WITHIN 10 FEET OF THE PRIMARY ENTRANCE INSIDE OF THE SHORT-TERM RENTAL.

**Sec. 10-202. SUSPENSION OF PERMIT; GROUNDS; NOTIFICATION**

- A. THE DIRECTOR MAY SUSPEND A PERMIT FOR UP TO 12 MONTHS FOR ANY OF THE FOLLOWING:
1. THREE VERIFIED VIOLATIONS WITHIN TWELVE MONTHS, EXCLUDING ANY VERIFIED VIOLATIONS BASED SOLELY ON AN AESTHETIC, SOLID WASTE DISPOSAL, OR VEHICLE PARKING VIOLATION THAT IS NOT A SERIOUS THREAT TO PUBLIC HEALTH AND SAFETY.
  2. ONE VERIFIED VIOLATION THAT RESULTS IN OR CONSTITUTES ANY OF THE FOLLOWING:
    - a. A FELONY OFFENSE COMMITTED AT OR IN THE VICINITY OF A SHORT-TERM RENTAL BY THE SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.
    - b. A SERIOUS PHYSICAL INJURY OR WRONGFUL DEATH AT OR RELATED TO A SHORT-TERM RENTAL RESULTING FROM THE KNOWING, INTENTIONAL, OR RECKLESS CONDUCT OF THE SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.
    - c. AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY HOUSING A SEX OFFENDER, ALLOWING OFFENSES RELATED TO ADULT-ORIENTED BUSINESSES, SEXUAL OFFENSES OR PROSTITUTION, OR OPERATING OR MAINTAINING A SOBER LIVING HOME.
    - d. ANY ATTEMPTED OR COMPLETED FELONY ACT, ARISING FROM THE OCCUPANCY OR USE OF A SHORT-TERM RENTAL, THAT RESULTS IN A DEATH, OR ACTUAL OR ATTEMPTED SERIOUS PHYSICAL INJURY.
    - e. AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY ALLOWS THE USE OF A SHORT-TERM RENTAL FOR A SPECIAL EVENT.

**Sec. 10-203. APPEAL**

- A. THE DIRECTOR MUST PERSONALLY SERVE OR MAIL BY CERTIFIED MAIL THE DECISION TO DENY OR SUSPEND A PERMIT OR PERMIT APPLICATION TO THE OWNER, OWNER'S DESIGNEE, IF ANY, AND EMERGENCY CONTACT PERSON AS SHOWN ON THE PERMIT APPLICATION.
- B. AN APPLICANT OR OWNER OF A PERMIT MAY APPEAL THE DENIAL OR SUSPENSION OF A PERMIT TO THE HEARING OFFICER WITHIN 15 DAYS OF RECEIVING THE DECISION TO DENY OR SUSPEND A PERMIT OR PERMIT APPLICATION.
- C. THE HEARING OFFICER WILL SCHEDULE A HEARING WITHIN 30 DAYS AFTER RECEIVING THE APPEAL FILED UNDER SUBSECTION B. THE HEARING OFFICER MAY REVIEW RELEVANT WRITTEN EVIDENCE AND TESTIMONY FROM THE APPELLANT, THE CITY, AND THE PUBLIC. THE HEARING OFFICER WILL RENDER A DECISION WITHIN 30 DAYS AFTER THE HEARING.
- D. THE HEARING OFFICER'S DECISION UNDER THIS SECTION IS FINAL. THE APPELLANT MAY AT ANY TIME WITHIN 30 DAYS AFTER THE HEARING OFFICER HAS RENDERED HIS OR HER DECISION, FILE A SPECIAL ACTION IN SUPERIOR COURT TO REVIEW THE HEARING OFFICER'S DECISION.
- E. AN APPEAL DOES NOT OPERATE AS A STAY OR SUSPENSION OF A PERMIT.

**Sec. 10-204. SHORT-TERM RENTAL; PROHIBITED USES**

- A. RENTING, OR OFFERING FOR RENT, A SHORT-TERM RENTAL FOR THE FOLLOWING USES IS PROHIBITED:
  - 1. A NON-RESIDENTIAL USE;
  - 2. HOLDING SPECIAL EVENT THAT REQUIRES A PERMIT OR LICENSE PURSUANT TO A CITY OR TOWN ORDINANCE OR STATE LAW OR RULE;
  - 3. OPERATING A RETAIL BUSINESS, RESTAURANT, BANQUET HALL, OR SIMILAR USE;
  - 4. HOUSING SEX OFFENDERS, OR ALLOWING SEX OFFENDERS TO OCCUPY THE SHORT-TERM RENTAL;
  - 5. OPERATING OR MAINTAINING A SOBER LIVING HOME;
  - 6. SELLING LIQUOR, ILLEGAL DRUGS, OR PORNOGRAPHY;
  - 7. OPERATING A NUDE OR TOPLESS DANCING;
  - 8. OBSCENITY;
  - 9. ADULT-ORIENTED BUSINESS;
  - 10. AN EVENT CENTER;
  - 11. IN AN ACCESSORY DWELLING UNIT; OR
  - 12. ANY OTHER USE PROHIBITED BY A.R.S. § 9-500.39
- B. RENTING OR OFFERING TO RENT A SHORT-TERM RENTAL WITHOUT A VALID SHORT-TERM RENTAL PERMIT AND A VALID TRANSACTION PRIVILEGE TAX LICENSE ISSUED BY THE STATE OF ARIZONA IS PROHIBITED.
- C. RENTING A SHORT-TERM RENTAL TO A SEX OFFENDER IS PROHIBITED.

- D. RENTING A SHORT-TERM RENTAL WITHOUT CONDUCTING A SEX OFFENDER BACKGROUND CHECK ON EACH GUEST IS PROHIBITED. THE OWNER MUST MAINTAIN THE EVIDENCE OF COMPLIANCE FOR THE PRECEDING 12 MONTHS AND MAKE IT AVAILABLE FOR INSPECTION BY A CODE ENFORCEMENT OFFICER.

**Sec. 10-205. STANDARDS AND OPERATING REQUIREMENTS**

- A. TO ENSURE THE HEALTH AND SAFETY OF THE SHORT-TERM RENTAL OCCUPANTS AND THE PUBLIC, THE SHORT-TERM RENTAL MUST HAVE THE FOLLOWING SAFETY EQUIPMENT:
  - 1. A WORKING SMOKE AND CARBON MONOXIDE DETECTION AND NOTIFICATION SYSTEM MUST BE MAINTAINED AS REQUIRED UNDER NFPA 72.
  - 2. A PORTABLE FIRE EXTINGUISHER IN THE KITCHEN AND ANY AREA WITH AN OPEN FIRE SOURCE SUCH AS A STOVE, FIREPLACE, OR GRILL.
- B. THE OWNER OF THE SHORT-TERM RENTAL MUST DISPLAY THE CURRENT NAME, PHONE NUMBER, AND EMAIL ADDRESS OF THE OWNER, OWNER'S DESIGNEE, AND EMERGENCY POINT OF CONTACT IN A CONSPICUOUS PLACE WITHIN 10 FEET OF THE PRIMARY ENTRANCE OF THE SHORT-TERM RENTAL.

**Sec. 10-206. ENHANCED PENALTIES**

- A. THE REMEDIES HEREIN ARE CUMULATIVE AND THE CITY MAY PROCEED UNDER ONE OR MORE SUCH REMEDIES.
- B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, AND EXCEPT FOR VIOLATION IN SUBSECTION C., ANY SHORT-TERM RENTAL OWNER WHO CAUSES, PERMITS, FACILITATES, AIDS OR ABETS ANY VIOLATION OF A PROVISION OF THIS ARTICLE OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE IS SUBJECT TO A CIVIL SANCTION AS FOLLOWS:
  - 1. FOR THE FIRST VERIFIED VIOLATION WITHIN TWELVE MONTHS, ONE NIGHT'S RENT FOR THE SHORT-TERM RENTAL, UP TO \$500.
  - 2. FOR THE SECOND VERIFIED VIOLATION WITHIN TWELVE MONTHS, TWO NIGHTS' RENT FOR THE SHORT-TERM RENTAL, UP TO \$1,000.
  - 3. FOR THE THIRD AND ANY SUBSEQUENT VERIFIED VIOLATION WITHIN TWELVE MONTHS, THREE NIGHTS' RENT FOR THE SHORT-TERM RENTAL, UP TO \$3,500.
- C. IN ADDITION TO THE PENALTY IN SUBSECTION B., ANY OWNER WHO RENTS OR OFFERS TO RENT A SHORT-TERM RENTAL WITHOUT A PERMIT IS SUBJECT TO A CIVIL SANCTION OF \$1,000 PER MONTH.
- D. NOTWITHSTANDING SUBSECTION C. OF THIS SECTION, IF A PERSON OBTAINED A PERMIT WITHIN 30 DAYS AFTER RECEIVING THE COMPLAINT THAT NOTICES THE VIOLATION OF SUBSECTION C., THE COURT SHALL DISMISS THE COMPLAINT FOR VIOLATING SUBSECTION C. WITHOUT IMPOSING A CIVIL PENALTY.

- E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, THE SHORT-TERM RENTAL OWNER, AGENT, OR RENTER WHO CAUSES, PERMITS, FACILITATES, AIDS, OR ABETS THE USE OF A SHORT-TERM RENTAL IN VIOLATION OF ANY PROVISION OF THIS CODE IS SUBJECT TO CIVIL SANCTION AS SET FORTH IN SUBSECTION B. OF THIS SECTION.
- F. ANY SHORT-TERM RENTAL OWNER, AGENT, OR RENTER WHO CAUSES, PERMITS, FACILITATES, AIDS, OR ABETS ANY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE IS GUILTY OF A CLASS 1 MISDEMEANOR.

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## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** August 24, 2023

**From:** Joshua Bednarek   
Planning and Development Director

**Subject:** CONTINUANCE OF ITEM 71 ON THE SEPTEMBER 6, 2023, FORMAL AGENDA – PUBLIC HEARING/FORMAL ACTION - AMEND PHOENIX CITY CODE - ORDINANCE ADOPTION - CHAPTER 10, ARTICLE XVI - SHORT-TERM VACATION RENTAL (ORDINANCE G-7156)

Item 71, Amend Phoenix City Code - Ordinance Adoption - Chapter 10, Article XVI - Short-Term Vacation Rental is a proposed amendment to the City Code sections 10-193 through 10-197 and adding sections 10-198 through 206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a Short-Term Rental (STR) Permit.

Staff requests the item be continued to the September 20, 2023, City Council Formal Meeting to allow additional time for interdepartmental coordination.

Approved:

  
Alan Stephenson, Deputy City Manager



To: Alan Stephenson  
Deputy City Manager

Date: September 19, 2023

From: Josh Bednarek  
Planning and Development Director

Subject: ITEM 77 ON THE SEPTEMBER 20, 2023, FORMAL AGENDA - PUBLIC  
HEARING - AMENDMENT TO PHOENIX CITY CODE, CHAPTER 10,  
ARTICLE XVI - SHORT-TERM VACATION RENTAL

Item 77, is a request to amend City Code, Sections 10-193 through 10-197 and adding Sections 10-198 through 10-206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a short-term rental (STR) Permit.

The Transportation, Infrastructure and Planning Subcommittee heard this item on June 21, 2023, and recommended unanimous approval of the draft STR ordinance by a vote of 4-0.

Since the subcommittee's approval, a team of departments including Planning and Development, Neighborhood Services, Police, Law and the Prosecutor's Office have continued to review the draft STR ordinance to improve its clarity and enforceability. As a result of this continued interdepartmental work, the several changes are proposed to the draft ordinance recommended by the TIP Subcommittee. The changes include:

1. Increasing the minimum fines of a verified violation to the greater of \$500/\$1,000/\$3,500 or one night/two nights/three nights of rent.
2. Removing the option to pursue criminal charges for STR related violation. This does not affect the City's ability to pursue criminal charges for non-STR related violations occurring on a STR property.
3. Ensuring a person with a suspended STR permit cannot renew or reapply for a permit during the suspension.
4. Prohibiting the use of STR in an ADU.
5. An owner with a history of a suspended permit must appear at the STR property within 30 minutes and in-person if contacted by the police or code enforcement officers.

Staff also recommends additional technical changes to the proposed STR ordinance to clarify and strengthen language in the definitions, permit application process, emergency contact, display of permit, suspension of permit, appeals, prohibited uses, operating requirements and penalties sections.

The modifications are listed below in bold and underlined text. The Planning and Development Department recommends approval of item 77 with the following modifications

to the draft ordinance and an effective date of November 6, 2023 to coincide with the effective date of the recently adopted ADU text amendment.

Approved:

  
Alan Stephenson, Deputy City Manager

**Sec. 10-193. Definition**

In this article, unless the context otherwise requires:

- A. DIRECTOR MEANS THE PLANNING AND DEVELOPMENT DIRECTOR OR HIS OR HER DESIGNEE.
- B. EVENT CENTER MEANS A RESIDENTIAL PROPERTY:
  - 1. WHERE THE OWNER, ITS RENTER, OR GUEST CHARGES OR ADVERTISES TO CHARGE OTHER INDIVIDUALS A RENT, ADMISSION FEE, COVER CHARGE, DONATION, OR ANY OTHER VALUABLE CONSIDERATION TO ACCESS ANY PORTION OF THE RESIDENTIAL PROPERTY; OR
  - 2. WHERE THE SALE OF ALCOHOL OR OTHER PRODUCTS OR SERVICES OCCURS ON THE RESIDENTIAL PROPERTY; OR
  - 3. IS BEING USED AS ASSEMBLY, GENERAL, ASSEMBLY HALL, PUBLIC ASSEMBLY-ACTIVE RECREATIONAL, PUBLIC ASSEMBLY-ENTERTAINMENT, PUBLIC ASSEMBLY-GENERAL, PUBLIC ASSEMBLY-RESIDENTIAL, OR PUBLIC ASSEMBLY-SPECTATOR AS DEFINED IN SECTION 202 OF THE ZONING ORDINANCE.
- C. HEARING OFFICER MEANS THE SHORT-TERM RENTAL APPEAL HEARING OFFICER DESIGNATED BY THE DIRECTOR TO HEAR APPEAL OF DENIAL OR SUSPENSION OF A SHORT-TERM RENTAL APPLICATION OR PERMIT.
- D. *NEIGHBORING PROPERTY* MEANS A SINGLE-FAMILY RESIDENTIAL PROPERTY THAT IS ADJACENT IN ALL CARDINAL DIRECTION TO, DIRECTLY ACROSS THE STREET FROM, OR DIAGONALLY ACROSS THE STREET FROM A SINGLE-FAMILY PROPERTY BEING USED AS A SHORT-TERM RENTAL. IF THE SHORT-TERM RENTAL IS IN A UNIT WITHIN A MULTI-FAMILY RESIDENTIAL BUILDING, *NEIGHBORING PROPERTY* MEANS ALL RESIDENTIAL UNITS ON THE SAME FLOOR AS THE SHORT-TERM RENTAL.
- E. *NONRESIDENTIAL USE* MEANS USE THAT IS PROHIBITED IN A RESIDENTIALLY ZONED DISTRICT.
- F. *Online lodging marketplace* means “online lodging marketplace” as defined in A.R.S. § 42-5076, Arizona Revised Statutes.
- G. *Online lodging operator* means “online lodging operator” as defined in Section 42-5076, Arizona Revised Statutes.
- H. *OWNER* MEANS ANY PERSON WHO, ALONE OR WITH OTHERS, HAS TITLE, LEASE, OR INTEREST IN A RESIDENTIAL? PROPERTY, DWELLING UNIT, OR PORTION THEREOF, WITH OR WITHOUT ACCOMPANYING ACTUAL POSSESSION THEREOF, AND INCLUDES ANY PERSON WHO AS AGENT,

*EXECUTOR, ADMINISTRATOR, TRUSTEE, OR GUARDIAN HAS CHARGE, CARE, OR CONTROL OF THE RESIDENTIAL? PROPERTY, DWELLING UNIT, OR PORTION THEREOF.*

- I. *Short-term rental* means ~~“vacation rental” as defined in Section 9-500.39, Arizona Revised Statutes.~~ ANY INDIVIDUALLY OR COLLECTIVELY OWNED SINGLE-FAMILY OR ONE-TO-FOUR-FAMILY HOUSE OR DWELLING UNIT, OR ANY UNIT OR GROUP OF UNITS IN A CONDOMINIUM OR COOPERATIVE, THAT IS ALSO A TRANSIENT PUBLIC LODGING ESTABLISHMENT OR OWNER-OCCUPIED RESIDENTIAL HOME OFFERED FOR TRANSIENT USE. FOR A TERM OF LESS THAN 30 DAYS.” “SHORT-TERM RENTAL” DOES NOT INCLUDE:
  - (I) PROPERTY THAT IS CLASSIFIED FOR PROPERTY TAXATION UNDER A.R.S. § 42-12001;  
OR
  - (II) ANY UNIT THAT IS USED FOR ANY NONRESIDENTIAL USE, INCLUDING A SPECIAL EVENT.
- J. *SPECIAL EVENT* MEANS A RETAIL, RESTAURANT, BANQUET SPACE, OR USE THAT IS EITHER PROHIBITED IN A RESIDENTIAL ZONING DISTRICT OR A USE THAT REQUIRES A LICENSE OR PERMIT FROM THE STATE, THE COUNTY, OR THE CITY OF PHOENIX.
- K. *Vacation rental* means short-term rental.
- L. *SHORT-TERM RENTAL PERMIT* MEANS A PERMIT ISSUED BY THE DIRECTOR TO A PROPERTY OWNER WHO INTENDS TO OFFER FOR RENT THE PROPERTY AS A SHORT-TERM RENTAL.
- M. *Verified violation* means a finally adjudicated finding of guilt or civil responsibility for violating any ~~State law or local ordinance~~ APPLICABLE LAW OR ORDINANCE relating to THE use of the property for short-term rental purposes.

**Sec. 10-194. PLANNING AND DEVELOPMENT DIRECTOR – DUTIES**

~~A. The owner of vacation rental must register with the City of Phoenix on a form or platform specified by the City of Phoenix.~~

~~B. Vacation rental registration must include the following information about the vacation rental:~~

- ~~1. Name of the property owner. If the property owner is a business entity, the name of the statutory agent.~~
- ~~2. Address of the vacation rental.~~
- ~~3. Phone number and email address of the property owner or property owner’s agent who has the authority and responsibility to respond to complaints in person, over the phone, or by email at any time of the day.~~

~~C. The City will provide a vacation rental registration number for each vacation rental registered by a property owner.~~



~~D. If there is a change in the information required in subsection B of this section, the owner of vacation rental must complete a new vacation rental registration within ten days.~~

~~E. The owner of the vacation rental must display the phone number and email address of the property owner or property owner's agent who has authority and responsibility to respond to complaint in person, over the phone, by email, or text at any time of the day. The information required under this subsection must be displayed in a conspicuous place within ten feet of the primary entrance inside of the vacation rental.~~

UNLESS OTHERWISE PROVIDED, IT SHALL BE THE DUTY AND RESPONSIBILITY OF THE DIRECTOR TO ADMINISTER THE SHORT-TERM RENTAL PERMITTING PROGRAM. PURSUANT TO THIS DUTY THE DIRECTOR SHALL:

1. ISSUE, RENEW, DENY, OR SUSPEND SHORT-TERM RENTAL PERMIT AS REQUIRED BY THIS ARTICLE.
2. DESIGNATE A HEARING OFFICER TO HEAR APPEALS OF THE DECISION TO DENY or SUSPEND THE SHORT-TERM RENTAL PERMIT.
3. COORDINATE WITH OTHER DEPARTMENTS TO SUPPORT THE IMPLEMENTATION OF THIS CHAPTER.

**Sec. 10-195. SHORT-TERM RENTAL; PERMITS FOR SHORT-TERM RENTALS REQUIRED**

~~A. Renting, or offering for rent, a vacation rental for uses contained in subsection C of this section is prohibited.~~

~~B. An online lodging operator shall provide the following statement in its offer to rent a vacation rental on any chosen online lodging marketplace:~~

~~This property cannot be used for purposes identified in the City of Phoenix Ordinance Section 10-195(c). The City of Phoenix short term registration number for this property is \_\_\_\_\_.~~

~~C. Failure to post the following notice in a conspicuous place in the vacation rental is prohibited:~~

~~NOTICE: Using this property for following purposes is prohibited:~~

- ~~1. Any nonresidential use;~~
- ~~2. Holding a special event that requires a permit or license pursuant to a city or town ordinance or state law or rule;~~
- ~~3. Operating a retail business, restaurant, event center, banquet hall or similar use;~~
- ~~4. Housing sex offenders;~~
- ~~5. Operating or maintaining a sober living home;~~
- ~~6. Selling liquor, illegal drugs or pornography;~~

7. Operating a nude or topless dancing;

8. Obscenity;

9. Adult-oriented business; or

10. Other uses prohibited by A.R.S. 9-500.39.

D. Renting, or offering for rent, a vacation rental without complying with the registration requirement in Section 10-194 is prohibited.

E. When requested by a police officer, the owner or owner's agent whose name appears on the vacation rental registration must be on the vacation rental premises, or be available over the phone or text, within 60 minutes after receiving the request. Failure of the owner or owner's agent to be on the vacation rental premises, or be available on the phone or text, within 60 minutes after receiving the request by the police officer is a violation of this article.

F. For purposes of this section, the online lodging marketplace is not responsible for any violation committed by an online lodging operator that advertises on the online lodging marketplace's platform.

A. IT IS PROHIBITED FOR ANY OWNER TO RENT, OR OFFER TO RENT, A SHORT-TERM RENTAL WITHOUT FIRST OBTAINING AND MAINTAINING IN EFFECT A CURRENT AND UNSUSPENDED SHORT-TERM RENTAL PERMIT.

B. IT IS PROHIBITED FOR ANY PERSON KNOWINGLY TO OCCUPY A SHORT-TERM RENTAL THAT DOES NOT HAVE A CURRENT AND UNSUSPENDED SHORT-TERM RENTAL PERMIT.

#### **Sec. 10-196. NEW SHORT-TERM RENTAL PERMIT; PERMIT RENEWAL; FEES**

A. The remedies herein are cumulative and the City may proceed under one or more such remedies.

B. Any vacation rental owner, agent, or renter who causes, permits, facilitates, aids, or abets any violation of any provision of this article or who fails to perform any act or duty required by this article is subject to a civil sanction as follows:

1. First offense, \$500.00.

2. Second offense on the property within 12-month period, \$1,000.00 per offense.

3. Third and subsequent offense within 12-month period, \$1,500.00 per offense.

C. Notwithstanding any other provisions of this code, the vacation rental owner, agent, or renter who causes, permits, facilitates, aids, or abets the use of the vacation rental in violation of any provision of this code is subject to a civil sanction as set forth in subsection B of this section.

~~D. Any vacation rental owner, agent, or renter who causes, permits, facilitates, aids, or abets any violation of any provision of this article or who fails to perform any act or duty required by this article is guilty of a Class 1 misdemeanor.~~

~~E. Notwithstanding any provision in this article, a vacation rental owner is not liable for any violation of this article if the vacation rental owner: (1) identified on the vacation rental registry an online lodging operator who will be responsible for complying with all applicable requirements of the City code; and (2) submitted to the City a signed agreement with an online lodging operator who will be responsible for complying with all applicable requirements of this article. The online lodging operator who signs the agreement will be liable for any violation relating to any violation of this article.~~

- A. ANY PERSON DESIRING TO OBTAIN A SHORT-TERM RENTAL PERMIT SHALL SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT ON THE FORM PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT FOR THAT PURPOSE.
- B. THE APPLICATION SHALL BE ACCOMPANIED BY A NON-REFUNDABLE FEE OF \$250.
- C. A PERMIT ISSUED PURSUANT TO THIS ARTICLE SHALL EXPIRE ONE YEAR FROM THE DATE OF THE SHORT-TERM RENTAL PERMIT ISSUANCE.
- D. THE SHORT-TERM RENTAL OWNER/DESIGNEE MUST SUBMIT AN APPLICATION TO RENEW THE SHORT-TERM RENTAL PERMIT A MINIMUM OF 15-WORKING DAYS BEFORE THE PERMIT EXPIRES AND PAY THE PLANNING AND DEVELOPMENT DEPARTMENT A RENEWAL FEE NOT TO EXCEED \$250. IF A PERMIT RENEWAL APPLICATION IS SUBMITTED 15 WORKING DAYS AFTER THE EXPIRATION DATE, A NEW SHORT-TERM RENTAL PERMIT MUST BE FILED UNDER SECTION 10-197.
- E. NO APPLICATION FOR A NEW PERMIT OR PERMIT RENEWAL MAY BE FILED FOR A SHORT-TERM RENTAL WITH A SUSPENDED PERMIT.

#### **Sec. 10-197. SHORT-TERM RENTAL PERMIT APPLICATIONS; CONTENT**

~~A. Within 30 days after a verified violation, and if required by law, the City will notify the Arizona Department of Revenue and the owner of the vacation rental of the verified violation.~~

~~B. The notification provided pursuant to subsection A of this section will include the amount of civil penalty assessed against the owner of the vacation rental and any other information required by law.~~

- A. EACH APPLICANT FOR A SHORT-TERM RENTAL PERMIT SHALL SUBMIT, AS APPLICABLE, THE FOLLOWING:
  - 1. THE PHYSICAL ADDRESS OF THE RESIDENTIAL PROPERTY PROPOSED TO BE USED AS A SHORT-TERM RENTAL.
  - 2. THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE OWNER FOR WHICH THE SHORT-TERM RENTAL REGISTRATION CERTIFICATE IS TO BE ISSUED.



3. THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE OWNER'S DESIGNEE.
  4. THE NAME, ADDRESS, 24-HOUR TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE INDIVIDUAL WHO WILL SERVE AS THE EMERGENCY POINT OF CONTACT.
  5. PROOF OF VALID TRANSACTION PRIVILEGE TAX LICENSE.
  6. EVIDENCE OF LIABILITY INSURANCE APPROPRIATE TO COVER THE SHORT-TERM RENTAL IN THE AGGREGATE OF AT LEAST \$500,000 OR EVIDENCE THAT EACH SHORT-TERM RENTAL TRANSACTION WILL BE PROVIDED THROUGH A PLATFORM THAT PROVIDES EQUAL OR GREATER PRIMARY LIABILITY INSURANCE COVERAGE FOR THE SHORT-TERM RENTAL.
  7. EVIDENCE OF THE SHORT-TERM RENTAL IS REGISTERED WITH MARICOPA COUNTY ASSESSOR'S OFFICE IN ACCORDANCE WITH A.R.S. § 33-1902.
  8. A SIGNED AGREEMENT TO COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS, AND ORDINANCES, INCLUDING PAYING ALL FEES AND FINES IMPOSED BY THE CITY.
  9. IF THE APPLICANT IS AN INDIVIDUAL, PROOF OF LAWFUL PRESENCE IN THE UNITED STATES.
  10. A WRITTEN DESCRIPTION OR MAP SHOWING THE LOCATIONS OF THE SMOKE DETECTOR, CARBON MONOXIDE, FIRE EXTINGUISHER, AND OTHER REQUIRED SAFETY EQUIPMENT.
  11. ANY OTHER INFORMATION AS THE PLANNING AND DEVELOPMENT DEPARTMENT MAY REQUIRE TO VERIFY INFORMATION PROVIDED BY THE APPLICANT.
- B. AN APPLICATION MUST BE FILED FOR EACH A SINGLE-FAMILY PROPERTY, EACH DWELLING UNIT IN A ONE-TO-FOUR-FAMILY HOUSE, AND EACH INDIVIDUAL UNIT IN A MULTI-FAMILY PROPERTY SUCH AS A CONDOMINIUM OR COOPERATIVE.
- C. THE DIRECTOR MUST EITHER APPROVE OR DENY THE SHORT-TERM RENTAL APPLICATION WITHIN 7 BUSINESS DAYS OF RECEIVING THE APPLICATION. THE APPLICATION IS DEEMED DENIED IF THE APPLICATION IS NOT APPROVED WITHIN 7 BUSINESS DAYS AFTER THE PLANNING AND DEVELOPMENT DEPARTMENT RECEIVES A COMPLETE APPLICATION.

**Sec. 10-198. EMERGENCY CONTACT; RESPONSE TIME; UPDATE REQUIRED**

- A. IF REQUIRED BY A POLICE OFFICER, FIREFIGHTER, OR CODE ENFORCEMENT OFFICER, THE PERSON LISTED AS THE EMERGENCY CONTACT MUST BE ON THE SHORT-TERM RENTAL PREMISES, OR BE AVAILABLE BY PHONE OR TEXT, WITHIN 30 MINUTES AFTER RECEIVING THE REQUEST.
- B. NOTWITHSTANDING SUBSECTION A., THE EMERGENCY CONTACT MUST BE ON THE SHORT-TERM RENTAL PREMISE IN-PERSON WITHIN 30 MINUTES AFTER BEING REQUESTED BY A POLICE OFFICER, FIREFIGHTER, OR CODE ENFORCEMENT OFFICER IF THE SHORT-TERM RENTAL OWNER OR THE SHORT-TERM RENTAL PROPERTY:
  1. HAS ONE VERIFIED VIOLATION WITHIN THE LAST 12 MONTHS; OR



2. HAS A SHORT-TERM RENTAL PERMIT SUSPENDED WITHIN THE LAST 36 MONTHS.
- C. IF THERE IS A CHANGE TO THE EMERGENCY CONTACT SHOWN ON THE PERMIT APPLICATION, THE OWNER OF A SHORT-TERM RENTAL MUST IMMEDIATELY UPDATE THE CONTACT INFORMATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT.

**Sec. 10-199. ADJACENT PROPERTIES NOTIFICATION REQUIRED**

- A. THE OWNER OR OWNER'S DESIGNEE MUST SEND, BY CERTIFIED MAIL, A NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL TO ALL NEIGHBORING PROPERTIES.
- B. THE NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL MUST BE SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

DEAR [NAME],

THIS LETTER IS TO INFORM YOU THE PROPERTY OWNER AT [ADDRESS] PLANS TO MAKE THE PROPERTY AVAILABLE FOR SHORT-TERM RENTAL USE. THE PERMIT NUMBER FOR THE SHORT-TERM RENTAL IS [XXXXXXXX]. THE 24-HOUR EMERGENCY POINT OF CONTACT FOR THIS PROPERTY IS [NAME]. HE/SHE CAN BE REACHED AT [PHONE NUMBER] AND [EMAIL] IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT [NAME OF THE PROPERTY OWNER OR AGENT] AT [PHONE NUMBER AND EMAIL]

[OWNER'S NAME]

- C. BEFORE OFFERING A SHORT-TERM RENTAL, THE OWNER OR OWNER'S DESIGNEE MUST SUBMIT TO THE PLANNING AND DEVELOPMENT DEPARTMENT AN ATTESTATION OF COMPLIANCE WITH THE NOTIFICATION REQUIREMENT THRU THE FOLLOWING:
  1. MAILING RECEIPTS SHOWING THE REQUIRED NOTICES OF INTENT TO OPERATE A SHORT-TERM RENTAL WERE DELIVERED OR ATTEMPTS TO DELIVER WERE MADE.
  2. A COPY OF THE NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL.
  3. THE NAME AND CONTACT INFORMATION OF THE PERSON ATTESTING TO COMPLIANCE WITH THE NOTIFICATION REQUIREMENT.
- D. THE OWNER OF THE SHORT-TERM RENTAL MUST PROVIDE TO THE PLANNING AND DEVELOPMENT DEPARTMENT A REVISED NOTICE OF INTENT TO OPERATE A SHORT-TERM RENTAL IF THERE IS A CHANGE TO THE OWNERSHIP OR EMERGENCY POINT OF CONTACT INFORMATION FOR THE SHORT-TERM RENTAL. THE REVISED NOTICE OF INTENT MUST BE SENT PURSUANT TO REQUIREMENTS IN SUBSECTIONS (A) AND (C) OF THIS SECTION.

**Sec. 10-200. CRIMINAL BACKGROUND VERIFICATION**

BEFORE OFFERING A SHORT-TERM RENTAL, THE OWNER OR OWNER'S DESIGNEE MUST SUBMIT TO THE PLANNING AND DEVELOPMENT DEPARTMENT A NOTARIZED ATTESTATION THAT BOTH THE OWNER AND OWNER'S DESIGNEE ARE NOT REGISTERED SEX OFFENDERS OR HAVE NOT BEEN CONVICTED OF ANY

FELONY ACT THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY, OR ANY FELONY USE OF A DEADLY WEAPON DURING THE 5 YEARS BEFORE THE PERMIT APPLICATION DATE.

**Sec. 10-201. DISPLAY OF PERMIT, PERMIT NUMBER, AND ACKNOWLEDGEMENT OF LOUD PARTY ORDINANCE.**

- A. THE OWNER OR OWNER'S DESIGNEE OF A SHORT-TERM RENTAL MUST DISPLAY ON EACH ADVERTISEMENT FOR A SHORT-TERM RENTAL THE FOLLOWING:
  - 1. THE LOCAL REGULATORY PERMIT NUMBER ON EACH ADVERTISEMENT FOR A SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS.
  - 2. THE OWNER, **RENTER**, AND THE GUEST MAY BE LIABLE FOR UP TO \$2,000 TO COVER THE COSTS OF POLICE RESPONSE TO THE PROPERTY PURSUANT TO SECTION 2-22 OF THE PHOENIX CITY CODE.
- B. A COPY OF THE PERMIT MUST BE DISPLAYED UNOBSTRUCTED AND CLEARLY VISIBLE WITHIN 10 FEET OF THE PRIMARY ENTRANCE INSIDE OF THE SHORT-TERM RENTAL.

**Sec. 10-202. SUSPENSION OF PERMIT; GROUNDS; NOTIFICATION**

- A. THE DIRECTOR MAY SUSPEND A PERMIT FOR UP TO 12 MONTHS FOR THE FOLLOWING:
  - 1. THREE VERIFIED VIOLATIONS ON THE PROPERTY WITHIN ANY TWELVE-MONTH PERIOD, EXCLUDING ANY VERIFIED VIOLATIONS BASED SOLELY ON AN AESTHETIC, SOLID WASTE DISPOSAL, OR VEHICLE PARKING VIOLATION THAT IS NOT A SERIOUS THREAT TO PUBLIC HEALTH AND SAFETY.
  - 2. ONE VERIFIED VIOLATION THAT RESULTS IN OR CONSTITUTES ANY OF THE FOLLOWING:
    - a. A FELONY OFFENSE COMMITTED AT OR IN THE VICINITY OF A SHORT-TERM RENTAL BY THE SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.
    - b. A SERIOUS PHYSICAL INJURY OR WRONGFUL DEATH AT OR RELATED TO A SHORT-TERM RENTAL RESULTING FROM THE KNOWING, INTENTIONAL, OR RECKLESS CONDUCT OF THE SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.
    - c. AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY HOUSING A REGISTERED SEX OFFENDER, ALLOWING OFFENSES RELATED TO ADULT-ORIENTED BUSINESSES, SEXUAL OFFENSES OR PROSTITUTION, OR OPERATING OR MAINTAINING A SOBER LIVING HOME.
    - d. ANY ATTEMPTED OR COMPLETED FELONY ACT, ARISING FROM THE OCCUPANCY OR USE OF A SHORT-TERM RENTAL, THAT RESULTS IN A DEATH, OR ACTUAL OR ATTEMPTED SERIOUS PHYSICAL INJURY.
    - e. AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY ALLOWS THE USE OF A SHORT-TERM RENTAL FOR A SPECIAL EVENT.

- B. **UNLESS AN APPEAL IS FILED PURSUANT TO SECTION 10-203, THE SUSPENSION BECOMES EFFECTIVE 10 DAYS AFTER THE ISSUANCE OF THE DECISION BY THE DIRECTOR.**
- C. **IF THE LAST DAY OF THE SUSPENSION OCCURS AFTER THE PERMIT EXPIRATION DATE, THE DIRECTOR SHALL ~~MAY~~ ADMINISTRATIVELY EXTEND THE PERMIT EXPIRATION DATE TO THE LAST DAY OF THE SUSPENSION.**

**Sec. 10-203. APPEAL**

- A. THE DIRECTOR MUST PERSONALLY SERVE OR MAIL BY CERTIFIED MAIL THE DECISION TO DENY OR SUSPEND A PERMIT OR PERMIT APPLICATION TO THE OWNER, OWNER'S DESIGNEE, IF ANY, AND EMERGENCY CONTACT PERSON AS SHOWN ON THE PERMIT APPLICATION.
- B. AN APPLICANT OR OWNER OF A PERMIT MAY APPEAL THE DENIAL OR SUSPENSION OF A PERMIT TO THE HEARING OFFICER 1) WITHIN 21 DAYS AFTER THE DIRECTOR ISSUES THE DECISION TO DENY OR SUSPEND A PERMIT OR PERMIT APPLICATION, OR 2) WITHIN 28 DAYS OF FILING A NEW OR RENEWAL PERMIT APPLICATION, WHICHEVER IS LONGER.
- C. THE HEARING OFFICER WILL SCHEDULE A HEARING WITHIN 30 DAYS AFTER RECEIVING THE APPEAL FILED PURSUANT TO SUBSECTION B. THE HEARING OFFICER MAY REVIEW RELEVANT WRITTEN EVIDENCE AND TESTIMONY FROM THE APPELLANT, THE CITY, AND THE PUBLIC. THE HEARING OFFICER WILL RENDER A DECISION WITHIN 30 DAYS AFTER THE HEARING.
- D. THE HEARING OFFICER'S DECISION UNDER THIS SECTION IS FINAL.
- E. AN APPEAL DOES NOT OPERATE AS A STAY OF SUSPENSION OF A PERMIT.

**Sec. 10-204. SHORT-TERM RENTAL; PROHIBITED USES**

- A. RENTING, OR OFFERING FOR RENT, A SHORT-TERM RENTAL FOR THE FOLLOWING USES IS PROHIBITED:
  - 1. A NON-RESIDENTIAL USE;
  - 2. HOLDING SPECIAL EVENT THAT REQUIRES A PERMIT OR LICENSE PURSUANT TO A CITY OR TOWN ORDINANCE OR STATE LAW OR RULE;
  - 3. OPERATING A RETAIL BUSINESS, RESTAURANT, BANQUET HALL, OR SIMILAR USE;
  - 4. HOUSING REGISTERED SEX OFFENDERS, OR ALLOWING REGISTERED SEX OFFENDERS TO OCCUPY THE SHORT-TERM RENTAL;
  - 5. OPERATING OR MAINTAINING A SOBER LIVING HOME;
  - 6. SELLING LIQUOR, ILLEGAL DRUGS, OR PORNOGRAPHY;
  - 7. OPERATING A NUDE OR TOPLESS DANCING;
  - 8. OBSCENITY;
  - 9. ADULT-ORIENTED BUSINESS;
  - 10. AN EVENT CENTER
  - 11. USE OR OCCUPYING ANY PORTION OF AN ACCESSORY DWELLING UNIT; OR
  - 12. ANY OTHER USE PROHIBITED BY A.R.S. § 9-500.39
- B. RENTING OR OFFERING TO RENT A SHORT-TERM RENTAL WITHOUT A VALID SHORT-TERM RENTAL PERMIT AND A VALID TRANSACTION PRIVILEGE TAX LICENSE ISSUED BY THE STATE OF ARIZONA IS PROHIBITED.



- C. RENTING A SHORT-TERM RENTAL TO A REGISTERED SEX OFFENDER IS PROHIBITED.
- D. RENTING A SHORT-TERM RENTAL WITHOUT CONDUCTING A REGISTERED SEX OFFENDER BACKGROUND CHECK ON EACH GUEST IS PROHIBITED. THE OWNER MUST MAINTAIN EVIDENCE OF COMPLIANCE FOR THE PRECEDING 12 MONTHS AND MAKE IT AVAILABLE FOR INSPECTION BY A CODE ENFORCEMENT OFFICER.

**Sec. 10-205. STANDARDS AND OPERATING REQUIREMENTS**

- A. TO ENSURE THE HEALTH AND SAFETY OF THE SHORT-TERM RENTAL OCCUPANTS AND THE PUBLIC, THE SHORT-TERM RENTAL MUST HAVE THE FOLLOWING SAFETY EQUIPMENT:
  - 1. A WORKING SMOKE AND CARBON MONOXIDE DETECTION AND NOTIFICATION SYSTEM MUST BE MAINTAINED AS REQUIRED UNDER NFPA 72.
  - 2. A PORTABLE FIRE EXTINGUISHER IN THE KITCHEN AND ANY AREA WITH AN OPEN FIRE SOURCE SUCH AS STOVE, FIREPLACE, AND GRILL.
- B. THE OWNER OF THE SHORT-TERM RENTAL MUST DISPLAY THE NAME, PHONE NUMBER, AND EMAIL ADDRESS OF THE OWNER, OWNER'S DESIGNEE, AND EMERGENCY POINT OF CONTACT IN A CONSPICUOUS PLACE WITHIN 10 FEET OF THE PRIMARY ENTRANCE OF THE SHORT-TERM RENTAL IN AN UNOBSTRUCTED AND CLEARLY VISIBLE MANNER.
- C. THE DIRECTOR OF THE NEIGHBORHOOD SERVICES DEPARTMENT MAY ADOPT A POLICY TO REGULARLY INSPECT SHORT-TERM RENTAL PROPERTIES FOR COMPLIANCE WITH THIS SECTION.

**Sec. 10-206. ENHANCED PENALTIES**

- A. THE REMEDIES HEREIN ARE CUMULATIVE AND THE CITY MAY PROCEED UNDER ONE OR MORE SUCH REMEDIES.
- B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, AND EXCEPT FOR A VIOLATION IN SUBSECTION C., ANY SHORT-TERM RENTAL OWNER WHO CAUSES, PERMITS, FACILITATES, AIDS OR ABETS ANY VIOLATION OF A PROVISION OF THIS ARTICLE OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED BY THIS ARTICLE IS SUBJECT TO A CIVIL SANCTION AS FOLLOWS:
  - 1. FOR THE FIRST VERIFIED VIOLATION WITHIN TWELVE MONTHS, ONE NIGHT'S RENT AS ADVERTISED FOR THE SHORT-TERM RENTAL OR \$500, WHICHEVER IS GREATER.
  - 2. FOR THE SECOND VERIFIED VIOLATION WITHIN TWELVE MONTHS, TWO NIGHTS' RENT AS ADVERTISED FOR THE SHORT-TERM RENTAL OR \$1,000, WHICHEVER IS GREATER.
  - 3. FOR THE THIRD AND ANY SUBSEQUENT VERIFIED VIOLATION WITHIN TWELVE MONTHS, THREE NIGHTS' RENT AS ADVERTISED FOR THE SHORT-TERM RENTAL OR \$3,500, WHICHEVER IS GREATER.

4. **NOTWITHSTANDING ANY OTHER PROVISION OF THE CITY CODE, THE MANDATORY MINIMUM FOR A CIVIL VIOLATION UNDER THIS SECTION IS SET FORTH IN THIS SUBSECTION ~~SUBSECTION B.~~**
- C. IN ADDITION TO THE PENALTY IN SUBSECTION B., ANY OWNER WHO RENTS OR OFFERS TO RENT A SHORT-TERM RENTAL WITHOUT A PERMIT IS SUBJECT TO A CIVIL SANCTION OF \$1,000 PER MONTH.
- D. NOTWITHSTANDING SUBSECTION C. OF THIS SECTION, IF A PERSON OBTAINED A PERMIT WITHIN 30 DAYS AFTER RECEIVING THE COMPLAINT THAT NOTICES THE VIOLATION OF SUBSECTION C., THE COURT SHALL DISMISS THE COMPLAINT FOR VIOLATING SUBSECTION C. WITHOUT IMPOSING A CIVIL PENALTY.
- E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, THE SHORT-TERM RENTAL OWNER, AGENT, OR RENTER WHO CAUSES, PERMITS, FACILITATES, AIDS, OR ABETS THE USE OF A SHORT-TERM RENTAL IN VIOLATION OF ANY PROVISION OF THE PHOENIX CITY CODE IS SUBJECT TO **THE MINIMUM** CIVIL SANCTION AS SET FORTH IN SUBSECTION B. OF THIS SECTION.

**This Ordinance shall become effective on November 6, 2023.**



**\*\*\*REQUEST TO ADD-ON (SEE ATTACHED MEMO)\*\*\* Final Plat - Lumara  
Apartment Homes - PLAT 220060 - North of Happy Valley Road and East of 19th  
Avenue**

Plat: 220060  
Project: 21-1621  
Name of Plat: Lumara Apartment Homes  
Owner: TB 19th Happy Valley LLC  
Engineer: Adrian M. Burcham, RLS  
Request: A One-Lot Commercial Plat  
Reviewed by Staff: Sept. 8, 2023  
Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 230004. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

**Location**

Generally located north of Happy Valley Road and east of 19th Avenue  
Council District: 1

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** September 13, 2023

**From:** Joshua Bednarek  
Planning and Development Director

**Subject:** ITEMS 78 AND 79 - REQUEST FOR ADD-ON ITEMS TO THE SEPTEMBER 20, 2023, CITY COUNCIL FORMAL AGENDA TO ADD AN ABANDONMENT – WAIVER OF PATENT EASEMENTS – ABND 230004 – 1734, 1737, 1745 AND 1748 WEST DESERT HOLLOW DRIVE AND FINAL PLAT - LUMARA APARTMENT HOMES - PLAT 220060 - NORTH OF HAPPY VALLEY ROAD AND EAST OF 19TH AVENUE

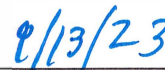
This memo requests the addition of two items to the September 20, 2023, Formal agenda under Planning and Zoning matters. The two items are associated with the same property and project, the Lumara Apartment Homes near the northeast corner of Happy Valley Road and 19th Avenue.

The first item is the abandonment of a patent easement (ABND 230004). The Abandonment Hearing Officer approve this abandonment on March 23, 2023.

The second item is the corresponding final plat for the project (PLAT 220060).

Approved: \_\_\_\_\_

  
Alan Stephenson, Deputy City Manager

  
Date



Report

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Agenda Date: 9/20/2023, Item No. \*79

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**\*\*\*REQUEST TO ADD-ON (SEE ATTACHED MEMO)\*\*\* Waiver of Patent Easements - ABND 230004 - 1734, 1737, 1745 and 1748 West Desert Hollow Drive (Resolution 22154)**

Abandonment: ABND 230004

Project: 21-1621

Applicant: TB 19th Happy Valley LLC

Request: To waive all the federal patent easements for 1734, 1737, 1745 and 1748 West Desert Hollow Drive.

Date of Decision/Hearing: March 23, 2023

**Summary**

The resolution of the abandonment and Plat 220060 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

**Location**

1734, 1737, 1745 and 1748 West Desert Hollow Drive

Council District: 1

**Financial Impact**

None. No consideration fee was required as a part of this waiver, although filing fees were paid.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.





**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** September 13, 2023

**From:** Joshua Bednarek  
Planning and Development Director

**Subject:** ITEMS 78 AND 79 - REQUEST FOR ADD-ON ITEMS TO THE SEPTEMBER 20, 2023, CITY COUNCIL FORMAL AGENDA TO ADD AN ABANDONMENT – WAIVER OF PATENT EASEMENTS – ABND 230004 – 1734, 1737, 1745 AND 1748 WEST DESERT HOLLOW DRIVE AND FINAL PLAT - LUMARA APARTMENT HOMES - PLAT 220060 - NORTH OF HAPPY VALLEY ROAD AND EAST OF 19TH AVENUE

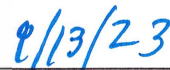
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The first item is the abandonment of a patent easement (ABND 230004). The Abandonment Hearing Officer approve this abandonment on March 23, 2023.

The second item is the corresponding final plat for the project (PLAT 220060).

Approved: \_\_\_\_\_

  
Alan Stephenson, Deputy City Manager

  
Date



Report

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Agenda Date: 9/20/2023, Item No. \*80

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**\*\*\*REQUEST TO ADD-ON (SEE ATTACHED MEMO)\*\*\* Abandonment of Alley - ABND 220068 - Lafayette Boulevard and Calle Rosa, North 62nd Street to North 64th Street (Resolution 22153)**

Abandonment: ABND 220068

Project: 94-0007499

Applicant: Joshua Hustedt

Request: To abandon the public alley bounded by Lafayette Boulevard, Calle Rosa, North 62nd Street and North 64th Street per exhibit.

Date of Decision/Hearing: Feb. 23, 2023

**Location**

Lafayette Boulevard and Calle Rosa, North 62nd Street to North 64th Street

Council District: 6

**Financial Impact**

A consideration fee was also collected as part of this alley abandonment in the amount of \$2,885.20.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** September 13, 2023

**From:** Joshua Bednarek  
Planning and Development Director

**Subject:** ITEM 80 - REQUEST FOR ADD-ON TO THE SEPTEMBER 20, 2023, CITY COUNCIL FORMAL AGENDA TO ADD AN ABANDONMENT OF ALLEY – ABND 220068 – LAFAYETTE BOULEVARD AND CALLE ROSA, NORTH 62ND STREET TO NORTH 64TH STREET

This memo requests an add-on to the September 20, 2023, Formal Agenda under Planning and Zoning Matters for City Council to approve an abandonment of alley (ABND 220068) located at Lafayette Boulevard and Calle Rosa, North 62nd Street to North 64th Street.

This item was approved by the Abandonment Hearing Officer on February 23, 2023.

Approved:  9/13/23  
Alan Stephenson, Deputy City Manager Date