

Minutes of the Development Review Commission AUGUST 13, 2019

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in the Tempe History Museum, 800 South Southern Avenue, Tempe, AZ

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Commissioner Thomas Brown
Commissioner Don Cassano
Commissioner Philip Amorosi
Alt Commissioner Angela Taylor
Alt Commissioner Michelle Schwartz

City Staff Present:

Chad Weaver, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Ambika Adhikari, Principal Planner
Lee Jimenez, Senior Planner
Obenia Kingsby II, Planner II
Robbie Aaron, Planner II
Dalton Guerra, Planning Technician
Joanna Barry, Administrative Assistant II

Absent:

Commissioner Scott Sumners
Commissioner Andrew Johnson
Alt Commissioner Barbara Lloyd

Hearing convened at 6:05 p.m. and was called to order by Chair Lyon

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session and Regular Meeting – May 14, 2019

Motion: Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes (with corrections) and Study Session Meeting minutes for May 14, 2019 and seconded by Commissioner Cassano.

Ayes: Chair Lyon, Vice Chair DiDomenico and Commissioners Brown, Cassano, Amorosi

Nays: None

Abstain: Commissioners Schwartz and Taylor

Absent: Commissioners Sumners and Johnson

Vote: Motion passes 5-0

- 2) Development Review Commission – Study Session and Regular Meeting – June 11, 2019

Motion: Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes and Study Session Meeting minutes for Jun 11, 2019 and seconded by Commissioner Cassano.

Ayes: Chair Lyon, Vice Chair DiDomenico and Commissioners Brown, Cassano, Amorosi and Schwartz

Nays: None

Abstain: Commissioner Taylor

Absent: Commissioners Sumners and Johnson

Vote: Motion passes 6-0

The following items were considered for **Consent Agenda**:

- 4) Review of Compliance with assigned Conditions of Approval for a Use Permit approved on August 20, 2018 to allow entertainment as an accessory use to a golf course facility for **ROLLING HILLS GOLF COURSE**, located at 1415 North Mill Avenue. The applicant is the City of Tempe. **(PL180207)**
- 5) Request a Use Permit to allow an Amusement Business (Gaming Lounge) for **SAK GAMING LOUNGE**, located at 1861 East Baseline Road. The applicant is SAK Ventures, LLC. **(PL190167)**
- 6) Request a Use Permit to allow a second story and a Use Permit Standard to increase the maximum building height for a detached accessory building for the **MCCORMAC RESIDENCE**, located at 176 East Vista Del Cerro Drive. The applicant is Kaiserworks, LLC. **(PL190178)**

Motion: Motion made by Commissioner Cassano to approve Consent Agenda and seconded by Vice Chair DiDomenico.

Ayes: Chair Lyon, Vice Chair DiDomenico and Commissioners Brown, Cassano, Amorosi, Schwartz and Taylor

Nays: None

Abstain: None

Absent: Commissioners Sumners and Johnson

Vote: Motion passes 7-0

The following items were considered for **Public Hearing**:

- 3) Request a Development Plan Review for a new five (5) story hotel containing 102 keys for **VIB TEMPE**, located at 511 South Farmer Avenue. The applicant is Huellmantel & Affiliates. **(PL190161)**

PRESENTATION BY APPLICANT:

Mr. Charles Huellmantel, Huellmantel & Affiliates, stated this is not a zoning case, that it is a development plan review and that the site has long since been zoned. He advised The Vib is an upscale brand for Best Western. Commissioner Amorosi inquired as to where the shared parking is located and if there are any designated rideshare parking spaces. Mr. Huellmantel advised that the code does not require that there be a designated parking space. There is a parking garage at the office building nearby and that can be used outside of regular business hours. He feels the 87 spaces they propose is more than sufficient. They will have some shared parking in the area including the office building parking garage and Farmer Arts. Commissioner Amorosi asked if they could eliminate the palm trees in the patio area as they do not provide shade. Mr. Huellmantel said they worked with staff in the City's Planning Department and Transportation Department to come up with something they could agree on. Also, they area limited in what they can do as there are utility boxes where the palm trees are located. Chair Lyon inquired if the applicant wants to challenge any of the stipulations listed in the staff report. Mr. Huellmantel advised that they would not.

PRESENTATION BY STAFF:

Mr. Obenia Kingsby II, Planner II, stated he did not have any additional comments to add to applicant's presentation and at this time they recommend approval of the project subject to conditions. Commissioner Brown asked what the pre-approved height limit is for this building. Mr. Kingsby stated that the existing PAD allows them to go up to 85 feet.

PUBLIC COMMENT:

Mr. Merrill Darcey, Tempe resident, feels it is a good accomplishment for the Best Western to choose their neighborhood on Riverside and he welcomes the project. He does have concerns though about the height. He also inquired about the parking for the construction staff during the project. He stated that with regard to construction noise, he would like the developer to adhere to the hours of the city ordinance and not allow any construction or deliveries outside of those hours.

APPLICANT RESPONSE:

Mr. Huellmantel stated that height is not the issue as this is a development plan review and not a zoning case. With regard to the construction noise and parking, they will work with City staff on these items. Commissioner Brown asked applicant if there were any noise issues or complaints when they built the Encore project. Applicant stated there was one complaint where a person was very opposed to the project. They worked with him immediately and ended up sweeping his driveway regularly and he ended up being huge fan of Encore and thanked them publicly for working with him. He ended up hosting a weekly barbecue with some of their residents.

PUBLIC COMMENT:

Mr. Phil Yates, Tempe Resident, does not welcome a five-story hotel in the Riverside area. This would add a lot of traffic and he does not feel that the parking is sufficient.

APPLICANT RESPONSE:

Mr. Huellmantel again reiterated that the height is a zoning issue and not part of the discussion. This would better be addressed by staff.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

No discussion held.

DISCUSSION BY THE COMMISSION:

Motion: Motion made by Commissioner Taylor to approve PL190161 and seconded by Vice Chair DiDomenico.

Ayes: Chair Lyon, Vice Chair DiDomenico and Commissioners Brown, Cassano, Amorosi, Schwartz and Taylor

Nays:

Abstain: None

Absent: Commissioners Sumners and Johnson

Vote: Motion passes 7-0

- 8) Introduce and hold a first public hearing for a major amendment to General Plan 2040 for a Projected Land Use Map amendment from "Industrial" to a new "Mixed-Use/Industrial" category, with a General Plan text amendment, for approximately 560 acres, and a Projected Residential Density Map amendment from 0 du/ac to a new "up to 45 du/ac" category, with a General Plan text amendment, on approximately 67 acres along the Broadway Road frontage; and up to "15 du/ac" on approximately 493 acres, for the **BROADWAY INDUSTRIAL HUB – TEMPE MAKER DISTRICT** bounded by Priest Drive to the west, Union Pacific Railroad to the east, Broadway Road to the north and Southern Avenue to the south. The applicant is the City of Tempe. **(PL190115)** The second public hearing with action taken by the Commission is scheduled for August 26, 2019.

PRESENTATION BY STAFF:

Presentation by Maria Laughner, Tempe Economic Development Department, gave an overview of the General Plan Amendment and a history of how the project came to be. The City hired a consultant the assist with the Tempe Maker District concept. In January 2019 staff held their first public meeting and about 20 people attended. There was a great deal of enthusiasm from those who attended and a consensus that there was a desire to create a unique sense of place in that area. They held another public meeting in July 2019 with about another 20 people attending and the outcome was again positive.

Mr. Robbie Aaron, Planner II, went over the current land use and land use designations and the changes that will occur.

Commissioner Amorosi had a question about the residential area along Broadway. He inquired if this was directly on Broadway or to the south of it. Mr. Aaron indicated that down the road they see that area turning into mixed-use with residential around 45 du/ac. Commissioner Amorosi asked what the designation is for the area north of Broadway and Mr. Aaron indicated it will be cultural resource area, 15 du/ac, and up to 25 du/ac. Vice Chair DiDomenico asked if the uses for such places as the Knights Club, VFW, etc. would still be compatible with the area once it develops out. Ms. Laughner stated that all of the existing uses area compatible. Chair Lyon feels this project is a great idea as this is a very underutilized area.

PUBLIC COMMENT:

Ms. Connie Vekere, Tempe resident, state that a lot of the projects happen in the area without a lot of residents knowing about them or understanding them. She has been trying to get information, but it has been very difficult. She inquired as to how residents in those areas are informed about these projects and how to they make it understandable. Chair Lyon stated that keeping everyone informed is a real challenge. He is appreciative of residents coming to the meeting to learn about the project and advised that this will be heard three more times; once more before the DRC and twice before the City Council.

Ms. Janet Cox, Tempe resident, lives in the area and loves it being industrial. She wanted to know what type of residential will be going in the area – will be it rentals, apartments? She lives on Alameda and is confused about where the residential will actually be located. Ms. Laughner had the map put back up and gave Ms. Cox an overview of where the boundaries are located. She advised that this is a land use designation and not zoning, so when a project comes in it would have to go through a process to determine if it fits or not.

Staff Notes: During the public hearing, a resident was communicating to staff from her seat in the audience, so staff could not hear or record questions. Staff informed Chair Lyon and the resident that the discussion needs to occur at the podium with microphone for the purposes of discussion. Chair Lyon advised that this amendment does not tear anything down, it does not change anything, it just makes it possible that someone could propose something. They would still need to go through the review and approval process.

Mr. Tim Palmer, Tempe resident in the area, and he thinks this is the most dynamic project that he has seen in the inner-city core. He has attended all of the meetings and he thinks this is an incredible project. He has heard through the grapevine that this project does not have unanimous approval from some elected officials, and he hopes that this project moves forward. This area has declined, and he welcomes the concept.

DISCUSSION BY THE COMMISSION:

Commissioner Amorosi stated he also feels this is a good idea because it gives more options to the area. He is for the project.

There was no action taken by the Commission for this agenda item as this was the first hearing of the proposed Major General Plan Amendment.

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- 7) Introduce and hold a first public hearing for a major amendment to General Plan 2040 1) A Projected Land Use Map Amendment from various land use categories to Mixed-Use and a new Mixed-Use/Industrial category, with a General Plan text amendment; 2) A Projected Residential Density Map Amendment from various density categories to Medium Density (up to 15 du/ac), Medium-to-High Density (up to 25 du/ac), High Density (up to 65 du/ac), and High Density – Urban Core (more than 65 du/ac); 3) Adopted the Urban Core Master Plan; 4) A Zoning Map Amendment and Code Text Amendment in the Tempe Zoning and Development Code with a new District with specific zones in certain areas, on approximately 948 acres for the **URBAN CORE MASTER PLAN, AND TOD**, located within the area generally bounded by Hardy Drive to the west, Union Pacific Railroad to the south, Loop 101 and City limits to the east, and Loop 202 to the north. The applicant is the City of Tempe. The second public hearing with action taken by the Commission is scheduled for August 26, 2019. (PL190112)

PRESENTATION BY STAFF:

Mr. Ambika Adhikari, Principal Planner, gave an overview of the project to include the Urban Core Master Plan (UCMP), the Affordable House Strategy and the Transportation Overlay District (TOD). Staff has been working in this project for the past 20 months and have held several public meetings. The proposed Urban Core Districts (UCD) are “opt-in” for residents. There will be seven different districts with the highest density in the downtown area and the lowest in UC-7 near the Maple Ash area. Each zone will have different heights and different land use categories. For the UCMP, the proposed heights go from 35 feet to 250+ feet. The 35 feet is mainly around single-family homes and the historic district. The taller locations are where the heights can actually be accommodated, such as the downtown area and some parts of Apache. The City has applied for a major General Plan Amendment, that can be done once every year in October. The proposed changes include more mixed-use.

Ms. Vanessa Spartan, Transportation Planner – Engineering & Transportation Department. The Transportation Department has been working with Community Development over the past two years to tackle the issue of the amount growth expected to come to Tempe. Staff has been looking at ways to mitigate the transportation impact, how to invest in mobility options, reduce the amount of required parking, and asking for trip reduction strategies at the time of development. As a result, the use specific parking requirements are being proposed to be reduced based on the current subzones. In more urban areas with a lot of transportation investment there was a larger parking reduction, however in more rural areas there were not as much. If a development wants to go below the parking requirement, they would have to do a trip reduction plan to show how they are mitigating those trips. They have also increased the minimum bike parking requirements by each subzone, as part of the trip reduction plan.

Mr. Ambika Adhikari explained the process for this project. It will be presented to the DRC one more time, then presented before the City Council twice. Commissioner Taylor asked for more information on different types of trip reduction strategies. Ms. Spartan explained that there are three separate categories. There is a parking reduction strategy that would include if they provided carpool or carshare parking. There is also an employer scheduling policy wherein an employer uses a compressed work week, flex scheduling, or teleworking. Another category is alternative mode strategies such as the tenants providing discounted transit passes or rideshare passes. Commissioner Taylor asked what the perk they get out of providing trip reduction. Ms. Spartan stated by them using the trip reduction strategy they can pick and choose what is right for their tenant and can make it a marketable solution for them. Commissioner Cassano requested more information on the ability to “opt in” to the Urban Core District. Mr. Adhikari advised that if a resident is located in any of the Urban Core Districts they can “opt in” by filling out a form. Commissioner Brown asked for clarification that the developer would be able to have fewer parking spaces if they follow one of the trip reduction strategies. Ms. Spartan advised that was correct – they can go 85% of their minimum by doing a trip reduction plan. Commissioner Brown asked if City of Tempe employees have a reduced bus card plan. Ms. Spartan confirmed that the City has the Platinum Transit Pass and there is high participate that fluctuates based on the season. Commissioner Brown asked why an applicant would want to opt in to the UCD. Mr. Adhikari said the incentive is that they do not have to go through rezoning, etc. There is also a bonus element by opting in versus the current PAD. Mr. Ryan Levesque, Deputy Director – Community Development, stated residents have three options, 1) they could remain in their current zoning district, 2) opt in to the UCD which would build in specific heights and destiny in a specific location and gives them incentives, 3) keep the current zoning practice where if someone applies for a mixed-use district or PAD it would require the more lengthy process. Commissioner Brown stated that PADs and upzonings expire. He asked if this would expire. Mr. Levesque clarified that PADs do not automatically expire but rather they have a conditioned time period so it requires the City or applicant to respond to that time period whether they achieved the development and they can ask that it be remanded to the previous zoning process. Commissioner Brown asked if it would be an upgrade to opt in to the UCD and would that eventually expire. Mr. Levesque stated he believes it would be an upgrade and it would not expire.

Commissioner Amorosi stated that on page 3 of the Staff report it indicates staff is still working on bonus program for height and density. It indicates this will not be done until the end of September, yet staff is asking DRC to approve this in August. The Commission does not know how much of an increase in height and density that means and the impact on neighborhoods staff are saying they will protect. Mr. Adhikari stated the height is what they are bringing to the Commission now and that the bonus elements can be independent. Staff hopes to bring something to the

Commission as soon as possible. Commissioner Amorosi is concerned that developers will go for as much increased height and density as they can get. Commissioner Amorosi referenced the Ordinance document where staff describes subzones. Against Hudson Manor is UC-5, oriented to high capacity transit and compatible to adjacent neighborhoods. UC-4, low-rise need to step down to be compatible to adjacent neighborhoods. He inquired why that language was not in UC-5. Maximum density 25 units. Maximum of 40-foot-high standard, currently before you step back 30-foot zoning. Section 4-404 paragraph missing from UCD. This lends him to believe they do not have to step back if they go over 40 feet. He is worried about that, if there isn't an alley, they need to protect neighbor. If an alley (only 15 feet wide) no protections. Two instances where neighborhood is not protected as much as you are in the current code. CSS. Change from CSS to MUD, between 48 and 60 feet in height. Other incentives that could make it even higher. He is getting scared of how this is protecting neighborhoods. On page 30 - 15-foot buffer between end of building and property line. Is 10 feet landscape buffer in addition or part of the buffer? On page 39, commercial parking space, no minimum parking for under 5,000 SF.

Chair Lyon recommended that the Commission takes a break from their discussion to allow the public to speak. Chair Lyon went over the public comment rules with the audience.

PUBLIC COMMENT:

Mr. Philip Yates, President of the Riverside Neighborhood Association, stat that when considering a proposition of this magnitude, the City needs to think of what is beneficial to neighborhoods. They have not established anything that is beneficial especially to Riverside. Riverside is right next to First Street and has the highest density. It is the same thing over on Ash – they are going to maximize everything. There are a number of historical houses on west side of Ash – and those will be maximized. The upzoning is unbelievable. People will park in neighborhoods, there won't be enough parking for those living in these developments. Riverside is low to mid income area. Only thing City has established is value of property goes up. People that have been retired, they don't care if property value goes up, have intention to live there the rest of their lives. Don't want to deal with construction. No real timeline for anything being proposed. How long is it going to take to do it? If you say there is going to be a 15-story building, how long will it take? There aren't even speed bumps on Roosevelt.

Ms. Justine Yates, Tempe resident, stated that Tempe is already allowing density and height. Allowing it to be more extreme will not benefit current residents. People have been displaced by development. Reducing parking spaces will not be a benefit, it will raise the cost of parking downtown. Other cities have less parking because there is no other choice. She does not agree with the Urban Core not protecting historic properties, especially in the Old Town Square. Now that heights/density have been increased, she does not see how homes will be preserved. This makes Tempe unrecognizable. Already gridlocked when ASU in session. She does not see any benefits to the residents, just the developers and the City getting their tax dollars.

Mr. Merrill Darcy, Tempe resident, stated that Tempe regulates land use by chopping the City into zones and specifying what can be built in each area. This serves some valuable purposes by separating homes from heavy industry, but mostly it protects the homeowners. People should be allowed to live in a ranch home, on an acre in the middle of the city as long as they can afford it. Zoning subsidizes that extravagance by prohibiting better and more concentrated use of the land. This is a huge entitlement program for the benefit of most entitled residents. This limits supply of available housing units. Residents deserve better, not a divided and bifurcated city of have or have nots. City is too small and landlocked for this division. Community coming back, neighborhoods getting stronger, while individualism is receding. In 2040, what is city going to be? Urban core should be citywide, not just a small zone in small area in city

Mr. Sam Hanna, Tempe Resident, spoke regarding a specific area: the north side of Apache from Price to Evergreen, north to MacArthur. Mr. Hanna submitted a two-page proposal from Apache Park LLC. to staff who passed it onto the Commission. There are two requests, with the bigger request he thinks is contradictory to the City density and zoning. On the South side of Apache Boulevard, which is designated high density, goes north halfway to MacArthur where it is a cultural resource area. The contradiction is that it is zoned mixed-use on top of a cultural resource area which he believes is contradictory. Another concern is the high density bordering a cultural resource area. The transition there would be a conflict similar to what happened with the Gracie's Village Apartments. It makes more

sense to continue high density to MacArthur, which would be a natural transition from mixed use to single family. This would be more compatible with the neighborhood.

Chair Lyon requested staff provide information to the audience on how they can access the UCMP documents online. Mr. Robbie Aaron advised that the website is Tempe.gov/UrbanCore. At the top of that webpage is the DRC staff report along with the attachments that have all of the maps, zoning code, and also information from previous meetings.

Mr. Sam Sprague, Tempe resident, has been working with a number of property owners that are stakeholders in this process and own property in light rail corridor on Apache near McClintock. He has been working with them on the proper development plan for their site so naturally they were very interested when they saw plan. Expressed idea that on time they have put in to studying the documents they are generally supportive of the City's plan to advance the goals that are stated. That being said, the devil is in details, and now that they have the new Urban Core document, they see substantial changes to TOD, many of which appear to be improvements over the original document provided. Mr. Sprague wanted to provide the Commission with a copy of memo to identify areas staff is continuing to look at and cause them concern. He believes the process is moving in a favorable direction to address some of these concerns. One of the issues is the difference between number of dwelling units between UCMP and TOD. This will have an impact on them. He has been in development for many years and is usually trying to explain why they do not need to provide as many parking spaces. He feels the number of parking spaces require in their UC-3 zone will not be adequate. Worried about requirements for parking if they need to increase the number of parking. Extends to issues with above ground garages and bike parking excessive. Need right solutions, items still need work.

Mr. Bret Bachelor, Tempe resident, stated he feels the UCMP was flawed from the beginning because of subzone 7. The elimination and exclusion of the southwest corner of Mill and University is indefensible. He owns 1/16 of the four blocks and his ancestral home on 7th Street was taken by eminent domain. He does not understand why the CVS store and the Chick-fil-a are CRA. He feels this is a ploy to shut down the whole area. He is CRA and nobody ever asked him if he wanted to be CRA, which he does not. They are being used and abused by the people south or 10th Street. They are their buffer and are suffering the ill effects of that. He does not feel the UBMP should be approved until it is brought back in and looked at realistically. There may be four owner occupied residences in those four blocks.

Mr. Stu Siefer, Tempe resident and owner of an architectural firm in Tempe, stated he has been involved in developments along Mill avenue and also in historic properties. He is also a founding member of THPF. It is a 501c3 all volunteer organization. Goal to help preserve historic heritage. He wanted to see impact with height impacts on historic properties. They evaluated the UCMP and wrote a letter to staff with their recommendations. They also met with the staff and expressed those recommendations. He is pleased to say the staff was very supportive. The document is generally friendly to historic preservation. As a result of their letter, staff changed the language to be more supportive to preservation. Most importantly, staff identified on Mill Ave what they call the historic core which represents the properties from 4th Street to 6th Street. On the new plan staff has identified those. Staff included a new section of design guidelines. The issue Mr. Siefer has is the height requirements show you can build up to a 90-foot building from 3rd Street to University. Historic properties on Mill Avenue range from 14-40 feet. A 90-foot building next to an historic property would be negative and destroy character of historic core. They want to make sure there are step backs along Mill Avenue on higher building so that they do not interfere with the character of the downtown. He submitted to staff some specific language for 30-foot setbacks and would be happy to meet with them on that. Final point, we should also identify properties that are historic that are not on core itself, such as Monti's, flour mill, Old Town Square so they could be impacted by the new historic guidelines.

Mr. Trevor Barger, Tempe resident, appreciates the undertaking for staff on this process. He likes the idea of a plan versus reactively to every single plan that comes in. He likes how transportation looks at quality of life, impacts. He is taken aback that they submitted comments to staff on June 2nd but received document last week. He said there are major inconsistencies with the document. For example, staff is moving so quickly, notice came out said TOD for the code that is now UCD. Would like issues solved before coming with support. UCMP is listed as an addendum to the General Plan document but they are told it is just policy. He does not believe it is intended, just seems to be that way as presented. There needs to be text changes in the general plan. It states, "only mixed uses allowed", not "a mix of

uses". Also issues with Category 65+. They have more extensive comments but do not have time to list them tonight. They would like time to clean them up with staff before coming before the Commission again. Would like a continuance of a month to work with the Planning staff to clean up document.

Ms. Wendy Riddell, Berry Riddell LLC, stated is should give the Commission pause that neighbors and representatives of developers say "woah". By no means is she opposed to the UCMP, appreciate work and responsiveness to document submitted. She is fearful that if details are not worked out, it will come back for PAD after PAD because mechanisms will not work. She can point out inconsistencies. It is Important to get it right. Suggests coming back in a month after details are ironed out. You cannot have a general plan that shows 65+ at Rural and University. It shows 65+ on the general plan, but the UCD states a maximum of 65. Staff has created a category that does not work. Need to figure out how to fill in the missing pieces. What does mixed-use mean? How do we know we are going to get it? She hopes the Commission will give additional time to get things worked out.

BRIEF COMMISSION DISCUSSION (prior to additional public comments):

Commissioner Cassano advised that the Development Review Commission did not set the timeframe. He asked staff who set the timeframe. Mr. Aaron stated that the 2040 General Plan sets a very specific timeframe for staff to do this. State statutes state that they can do a major general plan amendment once a year, and that once a year timeframe is determined by the City Council. In the zoning code in the 2040 General Plan it was also determined that that one time of year would be October. If they do not make the October City Council meeting date, they would have to wait another year to get this approved.

Commissioner Brown stated that having separate meetings with staff and technical advisers, or staff and concerned citizens is impractical. He advised that this DRC meeting is where to provide input and having a separate committee is improper.

Commissioner Taylor stated that she understands that there are time constraints, but she has looked at the documents and there are a lot of errors. She feels a meeting is appropriate with individuals who have worked in the community are part of their process. It should not take that long. There are bad grammatical errors, wrong information in other cases, and this cannot be presented in its current form.

Chair Lyon asked staff if they would like to respond to Commissioners comments. Mr. Chad Weaver, Director – Community Development, stated he is happy to look at the document Commissioner Taylor mentioned since it has a lot of red in it and staff has not been presented with it. He advised that staff responded to 50-60% of Trevor Barger's letter. Mr. Weaver said that hearing the public comments tonight and having developers and residents in the audience that are at the opposing end of the spectrum demonstrates to the Commission the challenges that the City of Tempe has. He believes staff has done an excellent job of taking two years of planning and input together to present the UCMP to the Commission. Chair Lyon asked what is the preferred method staff would like to receive input. Mr. Weaver stated that in writing with specifics is the preferred method .

PUBLIC COMMENTS (Resumed)

Mr. Todd Green, own properties on 5th Street between Roosevelt and Wilson. Shares a lot of the sentiments of others in the audience and does not know where their input went. He does not want to be residential. Single family home used for area where there are not that many. He does not want to take away equity growth, but wants 5th Street to be about mixed use, entrepreneurial, business incubator. Who is trying to protect and preserve the status quo?

Mr. Kent Oertle, owns 821 S. Maple, right in the back of CVS and Chick fil a. It is right at edge, gone from UC7 to UC1. On precipice of extreme of density change. He would like the Commission to address some smart and considerate transition zones where you can step down density. It does not make sense subsidizing properties in this area. This is economics, supply and demand of the area. By not improving these areas the City is restricting residential access to those that deserve it. Maple Ash is not residential real estate, it is rental real estate. Once historic, million-dollar properties will be funneling away income. He would ask Commission to look at this from an economic point of view. This plan is funneling tax dollars from the rest of the Tempe residents to subsidize a

privileged few for irrigated lots, larger lots than they need to be. It puts hands of a few residents into pockets of every Tempe resident and taking a nickel out.

Ms. Eduarda Yates, Tempe resident, said one thing that worries her is the increased density. She still does not understand it. The UCMP is going to try to add lots of density to some residential areas. She worries this will encourage developers to take down homes and build unaffordable apartments and townhomes. The City has done some things to get more affordable housing and workforce housing and give developers incentives to add a little bit of that into whatever they build. However, she does not think it will do anything but diminish what affordable housing we have now in these older neighborhoods. People do not want to live in apartments, they want to own their home. It is the American dream. They do not want incentives for developers to demolish homes. She has been very concerned about Old Town Square. She hopes there is zoning that will not encourage houses to disappear. It would be ironic since people moved there because their neighborhoods were being taken over, mostly by the university. She worries about people being priced out of single-family homes.

Mr. Warren Egmond, lives in the Hudson Manor neighborhood along Apache Blvd. From his perspective on Apache Blvd., this plan looks to be a deliberative attempt to make historic homes on Apache Blvd. untenable and removable. The City says it respects these historic neighborhoods and wants to preserve them, but if you really look at what is going on is, they are trying to nibble away at edge of neighborhoods to make them less attractive and less affordable. Everywhere possible they are rezoning the edges of neighborhoods for 6-8 stories. If you live in a one-story residence and your neighbor is an eight-story tower it is not an attractive place to live anymore. He lives close to that area and if the UCMP goes through as directed, he would have a six or eight story building looking down on his backyard. He would urge the Commission to reject the plan, at least as far as it concerns those neighborhoods along Apache Boulevard because he thinks it is an attack on the neighborhoods.

Ms. Deborah Zajac, Tempe resident, stated this is an amendment to GP2040, and she remembers that a year after it was passed developers were coming in for more height. There have been changes, the City has the streetcar. She does not feel it is a bad idea to increase density in area, but she has concerns with the implementation. The DRC will be one of the first places the plan will be implemented. She was under the assumption that rather than doing things parcel by parcel, the UCMP was going to set certain standards. Bonus areas sound good but means parcel by parcel negotiations. She does not know why it was not until June this year that new consultants were hired to evaluate bonus areas. Like Camden Hayden, the City gave the developer a benefit of \$6-8,000 per year for the project and received only a onetime \$30,000 for the housing trust fund. She would like to know who is going to decide how bonuses are awarded and how is it going to be done.

Mr. Ted Miller, lives in the last house on University Drive between Mill and railroad tracks, right across from Chase building and looks at it every morning. To the west there is a Whole Foods going up. Now he is being told he is in a Cultural Resource Area rather than a commercial, high-rise density area. He was never asked if he wanted to be CRA. From CVS to the railroad tracks are deemed CRA and he wants to know exactly what that means. His taxes will go up, but he does not get the benefit of the UCD. If a developer chose to buy his property he would have to go through the DRC/City Council for any rezoning requests. He loves history but does not think they should be deemed CRA. They should be in the UCD.

Mr. Dale Carpenter, Hudson Manor resident, stated it is unacceptable that City staff have weekly meetings and turn in documents that are terrible. He thinks the Commission should look at that. The Commission should look at older neighborhoods and have them set aside from some of these zonings and have absolute restrictions or they will go away. If ASU does not come in and eminent domain them to death with restrictions on there now, older neighborhoods will go away.

Ms. Lucy Logan did not speak but provided written comment to staff that the map is difficult to follow because it does not have directional arrows and also the street names bordering the proposed TOD area.

Ms. Eduarda Yates also provided written comments on behalf of Ms. Karyn Gitlis to enter into the records. Ms. Gitlis was unable to attend this meeting.

Mr. Adhikari advised that staff will provide a comprehensive response to the questions posed by the audience tonight at the next meeting on August 26, 2019. In the meantime, he did want to address a few items: 1) the Bonus Program is going to be developed so there are no negotiations and it is not discretionary. It is going to be more concrete in terms of a point system and height system completely aligned, 2) with the opt-in option, they have been looking into how other cities do this to get an idea on how to proceed. However, if you look on the map and are in a particular zone in the UCD you can opt in to that zone, 3) regarding mixed-use, the UCD removes the requirement for this in developments, 4) regarding the Cultural Resource Area, Mr. Levesque will talk about it, but it was done in 2013. If a residence is not happy about being CRA they can bring it up for the next round of updates in 2025.

Mr. Levesque stated that the Cultural Resource Area is part of residential density map projection/land use designation that states the appropriate density is the underlying zoning that exists today. The one place the City did not touch during planning and this proposed major General Plan Amendment and UCMP, is the CRA as they were very sensitive to the property owners in this area that are designation CRA did not want to increase the density on those specific properties.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Amorosi had several observations:

- At a previous public meeting, the document said balconies should be on 50% of residences. Student housing should not have balconies, but he does not see that in the document.
- Trip reduction planning, did you create yourself? It says the owner is responsible for enforcement but how do you know they are really following through? Make TMA, but does that have any teeth? Does not like the fox guarding henhouse.
- Building has rooftop solar, is it still a requirement?
- Resolution document, attachment 2 map on page 9 five houses on Cedar are still showing as mixed use, not residential.
- Not clear on maximum building heights map. The General Plan density map, page 26 shows density against Elm without setbacks. This can get out of hand. Shows higher on this map.
- On Page 35 Apache West, the top bullet says go down to 55-70 feet. Ordinance says 65. Frontage heights of 40 feet but could step up to 130 feet in the 4th bullet. On one tiny block. Does not see where on Apache West.
- Page 61 shows concept for south Cedar Street. He is disappointed it is still not showing alignment. Would give neighborhood another exit.
- Page 79, sustainability does not talk about water reclamation, rain water harvesting.
- Saw the word “encouraged” a lot, means developer will not do it. If you were serious you would see more “shall”.

There was no action taken by the Commission for this agenda item as this was the first hearing of the proposed Major General Plan Amendment.

Staff Announcements: None

There being no further business the meeting adjourned at 9:03 pm.

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