

## Minutes of the Development Review Commission AUGUST 26, 2019

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in the Don Cassano Community Room, 2<sup>nd</sup> Floor, Tempe Transit Center, 200 East 5<sup>th</sup> Street, Tempe, AZ

**Present:**

Chair David Lyon  
Vice Chair Michael DiDomenico  
Commissioner Scott Sumners  
Commissioner Thomas Brown  
Commissioner Andrew Johnson  
Alt Commissioner Michelle Schwartz  
Alt Commissioner Barbara Lloyd

**Absent:**

Commissioner Don Cassano  
Commissioner Philip Amorosi  
Alt Commissioner Angela Taylor

**City Staff Present:**

Chad Weaver, Director, Community Development  
Ryan Levesque, Deputy Director, Community Development  
Suparna Dasgupta, Principal Planner  
Ambika Adhikari, Principal Planner  
Diana Kaminski, Senior Planner  
Karen Stovall, Senior Planner  
Obenia Kingsby II, Planner II  
Robbie Aaron, Planner II  
Blake Schimke, Planner I  
Joanna Barry, Administrative Assistant II

Hearing convened at 6:09 p.m. and was called to order by Chair Lyon

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**Consideration of Meeting Minutes:**

- 1) Study Session – July 9, 2019
- 2) Regular Meeting – July 9, 2019

**Motion:** Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes and Study Session Meeting minutes for July 9, 2019 and seconded by Commissioner Johnson.

**Ayes:** Chair Lyon, Vice Chair DiDomenico, Commissioners Sumners, Brown, Johnson and Schwartz

**Nays:** None

**Abstain:** Commissioner Lloyd

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 6-0

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

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7. Request 2 (two) Use Permit Standards to reduce the required front yard setback from 40 feet to 32 feet and reduce the required rear yard setback from 35 feet to 28 feet for the **WIESE RESIDENCE**, located at 2049 East University Drive. The Applicant is GSDesign Architecture. **(PL190184)**

**Motion:** Motion made by Commissioner Sumners to approve the Consent Agenda and seconded by Commissioner Johnson.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Brown, Johnson, Schwartz and Lloyd

**Nays:** None

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 7-0

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

3. Request a Development Plan Review for a new three-story, 10 lot single-family development for **FARMER GOODWIN TOWNHOMES**, located at 830 South Farmer Avenue. The applicant is Halle Capital, LLC. (PL160378)

**PRESENTATION BY APPLICANT:**

Mr. Ben Vogel, Architect, gave an overview of the project. The Kim family owns this property and will be investing their savings into it. The project has an approved PAD but was never constructed. They are now proposing minor changes to it. The project consists of 10 townhomes and is generally in compliance with the originally approved PAD. They are using the existing recorded subdivision plat and footprint from the previously approved PAD. The design is intended to minimize the impact on the Farmer Goodwin House by using modern forms that do not attempt to replicate it. They received feedback from the Historic Preservation Commission to go in that direction with the design. The intent of this project is to build highly efficient, family-friendly homes. The materials that will be used are of a very high quality so the homes will last a very long time. They have articulated the building by using pop-outs, colors, and canopies over windows. There is limited space to change the shape of the buildings without losing valuable area. The vehicular circulation will be down the center of the property, separated from pedestrian access at the fronts. They are limited with the landscaping, because there are Salt River Project (SRP) irrigation lines around the perimeter of the site. This restricts what kind of plants can be planted near them. Staff had recommended they put in planter boxes for the trees, since they cannot be planted in the ground. They are not requesting any changes to the setbacks, building height, or density. This project will be like the initial one that was approved, but with higher efficiency products. Part of the project falls within a historic site, so they worked with the Historic Preservation Commission, and the commission gave them their approval twice. The first one expired, so they worked with them again on this design. That is part of why they have a design of simple forms with porches and balconies along Farmer Avenue, where they have space to do so. The applicant explained the floor plans. They are creating roof decks that can be used for outdoor activities for the residents, since this is a tight site with very little common area. They have been working with staff and held a neighborhood meeting.

Chair Lyon stated he felt very challenged by this project. Based on the presentation, it seems that architectural features are being omitted because they do not want to lose valuable space. The pedestrian and vehicular circulation area seems bereft of details. It appears that they are designing a box and then trying to decorate it. He does not think it works well and it is not a good fit. Mr. Vogel indicated that the prior project did have some articulation on the exterior walls, but it created some awkward spaces, both inside and outside, and did not allow for any planting. SRP would not allow any trees to be planted within 20 feet of their lines. Commissioner Johnson stated he had done some research, and it appears that it is a private line and not SRP's irrigation line. Mr. Vogel stated that upon direction from staff, they contacted SRP, who indicated it was their line. SRP restricts trees from being closer to the line than the size of the tree canopy. Commissioner Johnson recommended that he reach out to SRP again and doublecheck. If it is a private line, there are different rules associated with it. The owners of the line would have an interest in it, but the rules might be a little different.

Commissioner Sumners stated that he walked the site, and he cannot remember another project where there was a two-foot setback and then a 36-foot high building that does not have any articulation and runs 150 feet. Are there any other examples of that? Mr. Vogel stated that there are not any in the direct vicinity, but on the other side of University there are a number of buildings much higher than 36 feet and essentially built right up to the sidewalk. This project was sold as a 10-unit project, and it is not economically feasible as a single-family residence. As a small, multi-family project, it serves as a transition between the neighborhood and commercial and multi-family housing to the north.

**PRESENTATION BY STAFF:**

Ms. Karen Stovall, Senior Planner, stated that the property is zoned R-3 PAD, and the majority of the site has a historic property overlay, which is intended to protect the Farmer Goodwin House to the north. The site is surrounded by single-family homes to the west and multi-family to the south and east. Due to irrigation, water, and stormwater

lines along both street frontages, the required trees will need to be planted in above-grade planter boxes instead of in the ground. There are both private and SRP irrigation lines in the area. On 9<sup>th</sup> street there is an SRP irrigation line and water line. On Farmer there is a private irrigation line, an SRP irrigation line, and a storm water line. Even if the private irrigation line was not on 9<sup>th</sup> Street, the water line prevents trees from being planted there. Regarding the irrigation line, the city serves properties downstream of that line, so staff would have to treat it as if it was an SRP line or water line, therefore regardless of whether the line is SPR or private, they still cannot plant trees in the vicinity because it might prevent water from traveling downstream to private properties. Staff is recommending larger planter boxes for the trees, different tree species, and several other conditions regarding the landscaping. Staff's recommendation also includes several conditions to improve the appearance of the townhomes. Conditions relate to the number and style of windows, style of canopies over the front entrances, and an additional material.

**PUBLIC COMMENT:**

Ms. Linda Knutson, resident of the neighborhood, referenced attachment #22 which she provided to the commissioners. She wants the project to be differentiated to be closer to the character of the neighborhood. What is proposed now on the south side of the site is a 150-foot wall that is 36 feet high. This has been described by staff and the public as monolithic and out of scale. It looks like a dormitory and does not fit the character of the neighborhood. There is no differentiation, no canopies, no pitched look to it. She attended a meeting the developer had with the neighborhood, but the developer was not approachable when it came to discussing changes to the project. It is hard to be asked to participate on committees and work with City Council, staff, and neighbors to develop character areas. The project does not meet the character of the area.

Mr. Kirby Spittler, Tempe resident, wishes success to the project and is not there to request changes to the setbacks, density, or height of the project. He would like to see the code definition of a tree. As he understands it, a tree is something that grows from the ground, not something placed in planter boxes on top of the ground. If he were a commissioner, he would be asking the applicant where they live and how long they have lived there. He would want to look at the rental properties they own in the neighborhood and what they look like. They own properties that are not well-maintained.

Ms. Gayla May requested her statement be read: "It is my opinion that a local builder should be given priority over large developers. I have been a resident in this area for over 40 years."

Mr. David May, Tempe resident of 73 years, stated there are other large buildings on Roosevelt so he does not have an issue with the project. He supports the owners and the project.

Ms. Karyn Gittis, Tempe resident, stated she was involved when this project came through the first time and is now involved in the second one and it has changed every time. She feels these changes have not been for the better. She wanted to address the condition that the City put on the south side of the development. That side is massive, and the City felt it was necessary to shield it by foliage. There were supposed to be trees to shield the residents but now the trees are supposed to be in boxes. She believes trees should be in the ground. She feels that the south side needs more help. There is too much stuff pushed into a space that does not have room for 10 units. It needs to be brought back to where you can build something of higher quality that fits in with the neighborhood.

A request form was submitted for Mr. Dan Quinn; however, when called up by Chair Lyon, the applicant advised that Mr. Quinn was calling in on speaker phone. Chair Lyon advised that Mr. Quinn needs to be present to speak. He advised Mr. Kim that he could relay Mr. Quinn's comments when he comes back to the podium.

**RESPONSE FROM APPLICANT:**

Mr. Matt Kim advised that Dan Quinn is a city inspector with the City of Tucson, and he knows some of the projects that Mr. Kim has done in Tucson. He wanted to speak today about the quality of the buildings they do. Mr. Kim heard a lot of comments about the south side of the project and asked staff to put the PowerPoint slide back up. He stated this does not show the trees that will be put there. They will be in planters, but they will be there. It also does not show the shrubs (Mr. Kim advised that staff told him not to put the landscaping in the slides). Regarding

articulation, he feels this was addressed with the pop-outs. He stated that because of his Asian culture they prefer a more simplified version than what other people are used to and despite what has been said about the building's appearance, it is a high efficiency building that will use less energy. Staff had asked them to put more canopies over the windows, but it was not necessary because the solar heat gain coefficient on the windows is extremely good. They are using Pella windows with two upgrades, solar defense and foam core interior. He spoke about the "knock" on his parents' house by Mr. Spitzer, he feels that is ridiculous. Mr. Joochul Kim (father) wants the Commission members to not take any comments of any sort of personal attacks. He was very offended by Mr. Spitzer's comment. Mr. Vogel stated that due to the SRP lines they do not have a choice but to put the trees in planter boxes. They would much prefer to plant them in the ground, as planter boxes are not a cost-savings. Their hands are tied on that issue. Staff made many recommendations to the applicant regarding the project and they took many of them and made changes. They added canopies at the entry doors, moved the entry to one of the units to face 9<sup>th</sup> Street, flipped the stairs, added upgraded driveways, added planter boxes, reduced the colors on the garage doors, and removed some of the balconies. This project is not what they started out with, but they would like to create a quality project that is efficient and serves the ownership well. They would like to do this without losing their savings.

Chair Lyon asked applicant to explain other items of the project, besides the windows, that make it high performance. Matt Kim went over these items, such as insulated walls that are ICF with 8-inch cores, tankless water heaters, and FSC cabinets. He would like to offer solar panels, but it is not in the budget. When he spoke with a solar manufacturer, the HERS rating that they have will probably only need a 2,400-watt photovoltaic system, which means it would need only eight panels. They will also use spray foam insulation on the roof. Chair Lyon asked about the walkable surface of the roof. The applicant stated that that the insulation is about 10 inches thick. Because of the roof design, they were told they could make these green roofs, which is why they added planters to the roofs. The homeowners can make them into truly green roofs. We live in a desert, and since they are a high-performance builder, they would have liked to do xeriscape. They were told that was not possible.

#### **COMMENTS AND DISCUSSION FROM THE COMMISSION:**

Commissioner Brown appreciates that they are high-efficiency buildings, but that does not address the problem of the flatness and scale of the building. Commissioner Lloyd likes the rooftop deck idea. She is concerned that despite the previous approval, it does not mean that approval is the best use of the site today. They are trying to fit a lot into a square. This is a very special site next to the Goodwin office and this design does not do it justice. Since staff provided 29 conditions, she feels that should have been a message that this was not intended and feels that the end result would be an insult to the character of the neighborhood. She will not be supporting the project. Commissioner Sumners appreciates the effort that was put in to make the project energy efficient. That will be good for the people who own and live in the homes however, his concern relates to the people who are walking by, specifically on 9<sup>th</sup> Street. He understands they have a 2-foot setback but that does not mean they have to build one hundred percent up to that frontage at a height of 36 feet. There are inconsistencies in the development plan, there are 29 conditions of approval, and 16 of those are special conditions that they do not typically see. There is mention about comments from the Historic Preservation Committee that did not get addressed in the plans. He is concerned that they do not know what they are being asked to approve. He cannot support the project. Chair Lyon likes good, minimal architecture, but that is extremely difficult to do. He appreciates that they are addressing energy efficiency, and he wants to see them succeed with the project however, he feels that the project is numerically maximized and architecturally minimized. He agrees that the project is half-baked and does not respect the site properly. He feels it is not ready and it is hard for him to support it. Applicant decided to have the Commission take a vote.

**Motion:** Motion made by Vice Chair DiDomenico to approve PL160378 and seconded by Chair Lyon

**Ayes:** Chair Lyon

**Nays:** Vice Chair DiDomenico and Commissioners Sumners, Brown, Johnson, Schwartz and Lloyd

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion fails 1-6

**Motion:** Motion made by Commissioner Brown to deny PL160378 and seconded by Commissioner Lloyd

- \* Prior to vote, Commissioner Sumners suggested seeing if there was support for a continuance before they take that step. Chair Lyon felt it needed to go back and be reworked as a fresh application. Chair Lyon asked applicant if they would like a continuance to rework the project, with the alternative being to take a vote. Matt Kim asked for some clarification on changes needed. Chair Lyon indicated that there is no way to make these units nice and get ten of them in. They would have to do fewer to make it work. Vice Chair DiDomenico advised that if denied, the applicant has the right to appeal. Mr. Vogel clarified that it is a matter of making changes to the elevations or proposing fewer units, which would require replatting the property. Matt Kim requested a continuance and an appeal and was advised by Chair Lyon that it was one or the other, not both. Commissioner Johnson stated that the renderings of the project were stark, and he could not support it. Joochul Kim stated this was a development plan review and not a zoning issue. He said everyone has different interpretations on design and how it looks, but they should have some guidelines, otherwise it is very arbitrary. He asked what needs to be done on 9<sup>th</sup> Street to meet the standards. Chair Lyon stated they have to provide an environment that works. A two-foot setback with planter boxes and small trees is not sufficient. Having 36-foot tall wall two feet off the property does not work. Having a building that has essentially no articulation, other than a few details tacked on, does not work.

**Ayes:** Vice Chair DiDomenico and Commissioners Sumners, Brown, Johnson, Schwartz and Lloyd

**Nays:** Chair Lyon

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 6-1

4. Request a Use Permit to allow auto sales in the PCC-1, Planned Commercial Center – Neighborhood, zoning district for **TEMPE AUTO PLAZA 101**, located at 2302 East Southern Avenue. The applicant is Tempe Auto Plaza 101. **(PL190126)**

**PRESENTATION BY APPLICANT:**

Mr. Bryan Larson gave an overview of the project. He advised that the cars will be located inside the building. He said they created a sales method where a customer can contact them and let them know what they want, and they will bring it out. There may be a few cars on the lot at a time as a result of this.

**PRESENTATION BY STAFF:**

Mr. Blake Schimke, Planning Technician, advised the Commission that all of the dealership's inventory will be located indoors within the existing 7,200 SF building. Staff has added special conditions which specifies that all inventory needs to be stored indoors, they cannot display any 'for sale' inventory outside in the parking lot and there shall be no prepping, washing, or staging within the parking lot. Staff supports the request subject to the conditions of approval. Vice Chair DiDomenico asked what was in the building before and Mr. Schimke advised him that it was originally a bank and then the nearby church used it as an office/assembly space.

**PUBLIC COMMENT:**

Ms. Jean Porter and Deborah Larson, president and vice-president of the nearby HOA, asked where that cars would be stored and was advised they would be kept inside. They are also concerned about traffic however since the cars will be stored inside, they are satisfied.

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**DISCUSSION BY THE COMMISSION:**

None

**Motion:** Motion made by Commissioner Johnson to approve PL190126 and seconded by Commissioner Lloyd

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Brown, Johnson, Schwartz and Lloyd

**Nays:** None

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 7-0

5. Request a Use Permit to reduce the required 60 percent ground floor use requirement of Section 5-606(C) Ground Floor Uses in Station Areas for **TEMPE METRO**, located at 1811 East Apache Boulevard. The applicant is Berry Riddell LLC. **(PL190139)**

**PRESENTATION BY APPLICANT:**

Ms. Wendy Riddell, with Berry Riddell LLC and representing the client, went over the project at stated the surrounding businesses are mostly automotive/commercial uses. The Tempe Metro project was done back in 2006 with a different developer. It was done through a settlement agreement that resulted in them having a public garage as part of it, providing 300 public parking spaces. In 2018, Ms. Riddell's client acquired the property and are looking to revitalize and refresh it, working with staff on some of the paint colors. Ms. Riddell stated that, due to the lack of activity at that intersection, there has been a problem with homelessness at this site and that a previous property manager was physically assaulted on the site. Applicant is requesting a Use Permit to reduce the required 60% ground floor use requirement. With the pending UCD changes, the ground floor use requirement would only be about 20%. They sat down a few months ago with Chad Weaver, Director – Community Development, and Ryan Levesque, Deputy Director – Community Development, to see if it was worth waiting it out to see if the UCD passes but they are anxious to get the property revitalized and that is why they elected to move forward with the project today. With the existing conditions there is quite a bit of vacant space on the ground floor. Their proposal is to activate their spaces; to expand the fitness center, expand the resident lounge, move the leasing center to a more functional location, and activation of all the vacant space, providing for ultimately 2,000 square feet of retail and commercial. They have heard staff, read in the report, and understand the changes they have requested. They have been asked how they ensure that the spaces are activated, how to they focus more on where light rail is located. Ms. Riddell presented a revision to staff's recommendation to address the concerns that they have heard. They propose that, in exchange for the commercial property they have on McClintock, they instead offer 1,200 square feet located on Apache that would be set aside for retail commercial. It would be used on an interim basis for mail and package storage. They would still commit to marketing that space for two years and are happy to provide semi-annual updates to the Economic Development Department. They would still expand the fitness center and lounge and move the leasing center to a more functional location. The other 2,000 square feet on McClintock would be turned over to an activated puppy park. The 1,200 square-foot area was thoughtfully selected and would be a good space for a juice bar, coffee shop, mom and pop store, etc. She believes they far exceed the minimum 20 percent ground floor use requirement that she had mentioned as required by the UCD update. If the Commission decides to approve option #2, the stipulations would be modified to change the 2,000 square feet to 1,200. They have left alone the part of the condition that the space be in lieu of or in addition to the commercial space fronting McClintock. If the other space was viable commercial and someone was interested in it, they would lease that out as well. It would still be activated in the interim basis. They would make improvements to the 1,200 square feet, since they would be using it as a mailroom/package storage. They are committed to stubbing out a bathroom for a restroom in the future, although they are not proposing to construct it at this time. They will also commit to market the property and give quarterly updates to City staff.

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**PRESENTATION BY STAFF:**

Ms. Karen Stovall, Senior Planner, advised that the conditions, as previously stated, are to locate 2,000 square feet of commercial space to either the northwest corner of the building, which is where they have proposed the leasing office, or somewhere along Apache. The condition is also because most of the commercial/vacant space is not improved, it has had, since approval in 2007, dirt floors, no finished floors, no ceiling, no lighting, and no utilities. Staff believes this has made the space undesirable for tenants. Staff believes the 2,000 square-foot they are recommending by condition is adequate. The applicant has stated they feel it is too large, but there is nothing preventing more than one tenant from occupying that area. Ms. Stovall stated the applicant is also requesting that instead of coming back to the Development Review Commission, they report to the Economic Development Department. Staff's concern with this is that the commercial area, which was originally approved at over 13,000 square feet, has remained completely vacant since 2007. Since the DRC would be approving the Use Permit, staff would like to see the applicant's report of their effort to lease the space in a public setting.

Vice Chair DiDomenico asked if staff was aware of any other similar project where we have ever gone back on the development requirement for ground floor activation that the developer brought in from the get-go. Ms. Stovall advised that that she is not aware of a Use Permit being approved to go below the 60 percent ground floor usage in a station area. Vice Chair DiDomenico then asked if Ms. Stovall could think of another example where a first-generation vacant space that has been out there for three or more years that has never been leased. Ms. Stovall indicated that she did know of others but could not remember the names. Commissioner Brown stated that with other projects they have had emails that were received just an hour prior to the DRC meeting that were handed to them. On this project he asked if it was correct that staff just received the request from applicant suggesting they go from 2,000 SF to 1,200 SF and if this just came up in the last ten minutes. Ms. Stovall advised she received an email the previous Friday after 5:00 p.m. Suparna Dasgupta, Principal Planner, stated she believed the email came in at 6:22 p.m. on Friday, so staff was able to see it today because it is the first working day since it came in.

**PUBLIC COMMENT:**

Mr. John Christoph, current Tempe Metro tenant, stated that although the current owners have done a lot to improve the structure, he has some concerns with this proposal. The tenants understand that the primary reason why there has been no ground floor retail usage is that the previous owner refused to complete the ground floor. If you look at the building from the outside most of the space that is zoned for commercial is gravel. There is no complete floor, there are no complete electrical outlets, there is no complete plumbing, no complete installation. Mr. Christoph stated that it is only vacant because it does not exist except on a drawing. He is also concerned because, as a tenant of the property, he was not aware of this proposal. He attended the DRC meeting for another agenda item and is just learning about this now. He feels the landlord should have done more outreach on this, especially with current tenants, because anyone who lives in the building would tell you that the current space accessible to tenants is underutilized. He stated the study lounge consists of a pool table, a foosball table, and a television. He has never seen a single person using any of them. He has never seen the gym at more than about 25% capacity, and the idea that they need more space exclusively for tenant use seems a little questionable to him, given the low utilization. There should not be more space provided only accessible to the tenants of the building and not those who might otherwise come to the space. He suggested that the landlord find commercial tenants and the residential tenants will patronize their services and make it worth their while to find them. At the same time, they would like to know what the plan for the building is and that it makes sense for the uses that they are looking for and the space that is available.

Ms. Elizabeth Pacheco, Tempe resident, mentioned that the first thing Ms. Riddell stated was that there was an issue with homelessness. In regard to that, Ms. Pacheco thinks it would be great opportunity for the developer to make it 60% for the residents. Making the space accessible only to residents is not a good utilization of the space. Ms. Pacheco recommends an outreach to the community. If there are homeless people trying to utilize that space because it is beneficial to them why not create an opportunity where the community can meet with the homeless people and treat them as humans instead of pushing them away from this area that they are seeking refuge in.

Mr. Warren Egmond, resident in the neighborhood just across McClintock, stated he uses the light rail station there fairly frequently. He has noticed that for the entire 10 years since the building was constructed, that the bottom floor has basically remained empty. He stated that he has always considered it a monument to the foolishness of city planners who think that if you just put in a light rail station, suddenly business will bloom. He thinks it is good that the new owner is taking some initiative to try and make use of the space. However, he does have a question about whether the space would be used exclusively for the residents of the building or is there going to be some public access to it. He supports the effort to make some better use of this vacant space.

**APPLICANT RESPONSE:**

Ms. Riddell wanted to clarify that once they received the staff report, she met with Economic Development on Monday evening, had a conference call with the Planning Department on Wednesday, and responding to those discussions, they came up with this idea of what would work. She does not appreciate the implication that this was something they were trying to do in secret. It is actually something they were trying to do productively. She met with Mr. Weaver and Mr. Levesque on Friday morning and that is why the change came out late Friday night. They were looking for a way that activates all of the space but still holds the possibility for commercial in the future. Regarding the question to staff from Vice Chair DiDomenico as to whether they have seen this happen before, Ms. Riddell stated this is one of the first projects that has had this type of environment at the gate. Even if the UCD reduces it to 20%, it still does not mean 'if you build it, they will come'. Ms. Riddell stated there should be an active use of this space today as that helps everyone, but they should also preserve the opportunity for commercial in the future. She believes staff talked about how they were trying to get out of coming back to the DRC. She is not trying to get around that requirement. She stated she understands they cannot repurpose that space without coming back to DRC.

Commissioner Lloyd asked how their residential occupancy was, given they have a vacant ground floor, compared to the occupancy of some of the other mixed-use developments overall, since they can be competitive. Mr. Todd Jobe stated that, since it is highly student focused, it fluctuates as it dips down during summer pretty heavily. Because of the ground floor retail being vacant for so long, it has given the property a negative public opinion. It is hard to quantify in pure occupancy, but it is less than what it could otherwise be.

**DISCUSSION BY THE COMMISSION:**

Vice Chair DiDomenico thinks it is quite possible that there may be a change in this area that future developments would be required to provide 20 percent rather than the 60 percent that this project bargained for many years ago. He stated that every single project that has been approved and developed on Apache, on the light rail, has ground floor retail as a requirement and he does not see any of those projects that remained vacant for 10 years or go out and make a much more aggressive effort to find tenants. He knows there has been little to no effort with this property. The new owner is being saddled with some of the sins of their predecessor, the reputation they bought into when they purchased the project. The owner realizes that they are going to have to pour floors, put in lights/power, HVAC, distribution, etc. and all those things to lease it to anyone or even make it a residential use for their own tenants. Vice Chair DiDomenico knows that in making these decisions and planning, the City of Tempe pushed for this because it was the light rail corridor. A significant investment was being made in light rail down Apache Blvd. It was done to encourage mixed-use development to activate the street fronts. He is very wary of giving a reduction in those requirements on a one-off basis because he knows it will be the first of many that would come before the DRC, should some developer realize that it is better to ask for forgiveness than get approval up front. If the UCD goes down to 20 percent, he might feel differently, but he is not in favor of reducing it for this project.

Commissioner Brown stated he was never in favor of reducing it to 2,000 square feet and now all of a sudden it is 1,200 square feet. He advised that the applicant may want to lower rent rates until they hit the sweet spot, and someone rents. He feels that to delete the need for restrooms in this go around and reduce the square footage is egregious.

Commissioner Lloyd believes that when this property was built, not pouring slabs and not putting in plumbing was the market. She understood that is how it started, and no one took it any further beyond that, but she also believes that there is not a lack of retail space along the Apache corridor. Even if the market were there, she believes that no



matter how low you reduce the rental rate, there may not be a market. If the applicant builds it, they will increase their chances of a tenant. Commissioner Lloyd would like applicant to come back and report to the City what their efforts are.

Commissioner Brown wanted to clarify the Commission is only addressing the use and improvement of the property, not the repaint.

Prior to vote, Commissioner Lloyd asked if the Commission was voting on the 2,000 square feet or 1,200 square feet. Chair Lyon advised that Commissioner Lloyd could put forward that she wishes to accept the applicant's 1,200 square feet, so it depends how she writes the motion. Ms. Suparna Dasgupta advised the Commission that there were two major modifications; one being the 1,200 square feet from 2,000 square feet and the other striking out whether to come back to the Commission. Ms. Riddell said Commission could go with the original 2,000 square feet they proposed on McClintock or the 1,200 square feet they have suggested, on Apache. She stated that if the 1,200 square feet is the offensive part, they could work within that. Commissioner Johnson wanted to clarify that, per staff's recommendation, the floorplan shall be modified to provide a minimum 2,000 square feet commercial space on either the northwest corner of the building or fronting Apache, not 2,000 square feet on McClintock.

**Motion:** Motion made by Commissioner Johnson to approve PL190139 as written by staff and seconded by Chair Lyon.

**Ayes:** Commissioners Johnson and Lloyd

**Nays:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Brown, and Schwartz

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion fails 2-5

**Motion:** Motion made by Vice Chair DiDomenico to deny PL190139 and seconded by Commissioner Sumners.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Brown, and Schwartz

**Nays:** Commissioners Johnson and Lloyd

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 5-2

6. Request a Use Permit to allow residential use in the CSS, Commercial Shopping and Service District and a Development Plan Review for a new single-family residential development consisting of four two-story units for **GEORGE DRIVE BUNGALOWS**, located at 807 South George Drive. The applicant is The Phactory. **(PL190154)**

#### **PRESENTATION BY APPLICANT:**

Ms. Tessa Dailey, with The Phactory and also a Tempe resident, introduced the owner of the property, Ralph Risoli, and then gave an overview of the project. During the design process they decided that instead of building the maximum amount of homes on the site, which is seven, they would reduce it down to four to allow more open space and have space between the buildings and more landscaping.

#### **PRESENTATION BY STAFF:**

Ms. Diana Kaminski, Senior Planner, advised that the project is located on the southwest corner of George Drive and University Drive. The property had been vacant for several decades and there had not been any interest in it as a commercial site. Ms. Kaminski received a few inquiries from properties in the area, one to the north who was in favor of the project and that it was a good fit for the neighborhood, and the other was just asking general questions about the project. Vice Chair DiDomenico noted that on page 2 of the report under Site Plan Review it mentions August 30, 2019 as the first preliminary site plan review so he is guessing it should be 8/30/18 and Ms. Kaminski advised that was correct.

**PUBLIC COMMENT:**

Ms. Linda Cabrera, Tempe resident, stated she does like how the applicant tried to match the neighborhood however she is not in favor of the project. She does not like the general trend in Tempe and some parts of Scottsdale where it is getting really dense. She mentioned that there used to be just one house on the property and for four different families to be there with the entrance to the property on George Drive is really dangerous as people fly down that road all the time. She is afraid someone is going to get hit and she also wonders how emergency services would get in there. She would rather have just two houses there based on the size, or a business or trees. She does not like how Tempe is turning into a very dense city as that can be very expensive.

Ms. Carol Cabrera, Tempe resident, stated that quite a few residents want to keep the property commercial zoned. She feels any kind of density housing will set a precedent for the whole area. They do not want that to happen, so they have a petition signed by about 55 residents that feel the same way. She submitted this petition to the Commission. Ms. Cabrera is also concerned about traffic as the entrance is very dangerous. She states the housing looks pretty but it really does not match that well because their houses all face the street and these homes face each other so they are not really part of that community.

Mr. Lucas Cabrera, Tempe resident, advised he had a prepared statement that he emailed to the City Council and Diana Kaminski today. He provided copies of the statement to each Commissioner. He stated that his main concern is the traffic situation. He advised that every morning and every afternoon University Drive becomes a river of traffic. He said they have residents on the north side crossing that street to get to their neighborhood because they have a transit bus and neighborhood circulators. Then, in the afternoon, he sees kids getting off on George Drive and they have to cross. In 2014 they lost a resident in a wheelchair. Months before that Mr. Cabrera had emailed the City Council about the danger of that street and months later, he lost a friend of his in a wheelchair. Today the traffic situation is just the same and he feels the City was very negligent in that situation. This project makes him angry because instead of addressing the situation that they have on George Drive and University Drive and the danger; the City wants to add more profits instead of less traffic. George Drive is a very narrow street so if you have cars parked on either side, you have to let one car pass before you can pass.

Mr. Frank Lizarraea, Tempe resident, requested his comment be read:

"I am here to oppose the construction of apartments. Because of the congestion of traffic on George Drive. It is already becoming hard to get on University."

Ms. Teresa Gonzales, Tempe resident, requested her comment be read:

"Are these low-income homes? Also, building these houses would make the entrance to George Drive much more congested and more difficult to enter onto University. The traffic has already increased a lot due to a new church organization that has opened their new sanctuary. We really don't feel that putting these bungalows would even improve the neighborhood."

**APPLICANT RESPONSE:**

Ms. Daily appreciates what the residents say about congestion and that is one of the reasons why they have chosen to significantly reduce the number of units they are putting on the property. Parking would be located onsite in their garage with guest parking on site as well. As far as the entrance into the cul-de-sac, they have worked with the fire department to make sure that it meets their standards and that it is safe. The entrance is over 60-feet from the corner. Residential is allowed within this zoning district with a Use Permit and they are not apartments. Mr. Risoli stated they are separate lots, separate water meters, etc. The HOA is just for the maintenance of the common area. He advised these homes would be expensive as they are using high quality materials and would be more of a single-family home environment.

**DISCUSSION BY THE COMMISSION:**

Commissioner Sumners stated he understands the concerns about George Drive and traffic but that any use that would typically go into CSS zoning is much more intense than any residential development that is going to go in. Commissioner Brown agreed with Commissioner Sumners and mentioned this is probably the third case they have

had where an existing congestion is agitating the neighbors but the percentage of increase by four homes versus anything else is probably the best scenario.

**Motion:** Motion made by Vice Chair DiDomenico to approve PL190154 with stipulations listed in staff report and seconded by Commissioner Sumners.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Brown, Johnson, Lloyd and Schwartz

**Nays:** None

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 7-0

8. Request a Planned Area Development Overlay, a Use Permit for Restaurant/Retail Use in the General Industrial District and a Development Plan Review for a new four-story, commercial development consisting of approximately 191,000 square feet of office, retail and restaurant uses for **FIRST AND FARMER**, located at 206 South Farmer Avenue. The applicant is Sender and Associates. **(PL190093)**

\* **Commissioner Brown recused himself from this agenda item. Six (6) voting members heard the case.**

#### **PRESENTATION BY APPLICANT:**

Ms. Jennifer Boblick, with Sender Associates on behalf of applicant, introduced herself and then turned over the presentation to Mr. Eric Stringer, Architect, who went over the project. The ground floor will be retail/restaurant with the remaining floors being office space. There will also be a garden roof deck. They have chosen plants that do not use a lot of water.

#### **PRESENTATION BY STAFF:**

Ms. Diana Kaminski, Senior Planner, advised there was one email from a local resident who was in support of the project. There was a neighborhood meeting that was well attended, with questions answered by the applicant. Ms. Kaminski advised there is an elevator stack system on the west side parking. Vice Chair DiDomenico asked what an elevator stack space is and was advised that when you drive into the parking garage this automatically lifts the vehicle to the next level.

**PUBLIC COMMENT:** NONE

#### **DISCUSSION BY THE COMMISSION:**

Vice Chair DiDomenico asked if applicant had any issues with the conditions of approval in the Staff report and was advised they did not.

**Motion:** Motion made by Vice Chair DiDomenico to approve PL190093 with conditions of approval listed in staff report and seconded by Commissioner Johnson.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Johnson, Lloyd and Schwartz

**Nays:** None

**Abstain:** Commissioner Brown

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 6-0

\***Commissioner Brown returned to his seat and resumed hearing cases.**

9. Request an Amended Planned Area Development Overlay and a Development Plan Review for a new 11-story, mixed-use development consisting of 122 dwelling units and commercial uses for **HILO TEMPE**, Located at 701 South Mill Avenue. The applicant is Gammage & Burnham, PLC. **(PL190094)**

**PRESENTATION BY APPLICANT:**

Ms. Manjula Vaz, Gammage & Burnham LLC (representing Core Spaces), briefly went over the project then turned the presentation over to Tai Maki, architect with Antunovich Associates. Mr. Maki described the overall context of co-living. Level one is retail, level two is a mix of residential units and public/private space, level three and four are more residential. They do not have a lot of exterior opportunities other than the rooftop. Mr. Rob Bak, with Core Spaces, spoke about the affordability due to co-living. By having one kitchen provided for four studio units, the cost of the unit is reduced. They are looking to develop a food hall concept for the ground floor where different vendors can come in and use the space.

**PRESENTATION BY STAFF:**

Mr. Obenia Kingsby II, Planner II, advised that applicant is requesting a reduction in required parking from 96 spaces to 66 spaces. Staff is recommending approval of the project subject to conditions of approval.

**PUBLIC COMMENT:** NONE

**APPLICANT RESPONSE:**

Ms. Vaz mentioned that under the new Urban Core Master Plan, if it passes, they are closer in number to the required parking. Commissioner Brown asked Ms. Vaz about the convertible units and she advised that they were more standard living units (not co-living). Commissioner Brown noted that on the plans 2, 3, or 4 units share a balcony. Mr. Maki advised there is a continuous screen for the whole unit but within that space they are subdivided so the balconies are private to the unit. Commissioner Brown asked how they were going to aggressively market the ground floor activation – are they going to be able to find tenants to fill that space, and if in six months they do not have a tenant would they reduce the rent rate. Mr. Bak advised it would be market-dependent. Mr. Maki stated that Core has gone into partnerships on other sites that have relationships with a large broker.

Commissioner Brown inquired if they are committed to doing a trip reduction plan as part of the development and Ms. Vaz advised that they were. Commissioner Johnson stated that he loves the project. Commissioner Sumners likes the co-living and suggested that for future projects like this with co-living they also make them available for corporate users – someone who travels a lot.

**DISCUSSION BY THE COMMISSION:**

Chair Lyon stated he thinks it is a good project and he loves the underground parking, likes the whole model. Vice Chair DiDomenico stated he loves it.

**Motion:** Motion made by Vice Chair DiDomenico to approve PL190094 with conditions of approval listed in staff report and seconded by Commissioner Lloyd.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Johnson, Brown, Lloyd and Schwartz

**Nays:** None

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 7-0

10. Request an Amended Planned Area Development Overlay and a Development Plan Review for a new six-story, commercial development consisting of 100,000 square feet of offices for **999 PLAYA**, located at 999 East Playa Del Norte. The applicant is Irgens. **(PL190136)**

**PRESENTATION BY APPLICANT:**

Ms. Manjula Vaz, Gammage & Burnham LLC, advised that there was going to be a decrease in height from what was originally planned to six stories in order to be more consistent with the height in the development area. Office space is also decreasing from 106,000 SF to 100,000 SF. Commissioner Schwartz asked about the height level between

Loop 202 and the project and asked if they are screening the parking to make it not as visible to people passing by. Mr. Maki stated it was an intentional decision not to screen the parking when they studied the architectural mass of the building. They also looked at the building as it relates to the overall site. Vice Chair DiDomenico asked what the interplay is with the adjacent apartments and the parking at their site. He asked if they were displacing parking and Ms. Vaz advised that they were not. The apartment structure does not use a lot of their parking lot which allowed for the project building to be much larger and have more surface parking. They will have a shared parking agreement with that apartment complex.

**PRESENTATION BY STAFF:**

Ms. Diana Kaminski, Senior Planner, reiterated the items applicant is requesting and advised that she did not receive any calls of concern.

**PUBLIC COMMENT: NONE**

**APPLICANT RESPONSE:** Chair Lyon asked the Commissioners if they had anymore questions for the applicant and they did not.

**DISCUSSION BY THE COMMISSION: NONE**

**Motion:** Motion made by Commissioner Johnson to approve PL190136 and seconded by Vice Chair DiDomenico.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Johnson, Brown, Lloyd and Schwartz

**Nays:** None

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 7-0

**9:30 p.m. - CHAIR LYON CALLED A 10 MINUTE BREAK**

**9:40 p.m. - HEARING RESUMED**

11. Hold a second 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)

**PRESENTATION BY APPLICANT:**

Ms. Maria Laughner, City of Tempe Economic Development, gave a brief summary and advised that that General Plan Amendment was to propose a change in land use from General Industrial to Mixed-Use Industrial. This will allow for adaptive reuse as well as new uses in the area. This will help maintain a more vibrant character for the area. The Amendment will also commence sustainability and livability in the area by creating a live/work/play environment that will activate 24/7 which will allow for improved public safety as well as new housing options that can allow the City to better reach its goal of being a 20-minute city.

Commissioner Brown asked Ms. Laughner do clarify what she said about the streetcar line. Ms. Laughner advised they are working with Valley Metro on a future streetcar alignment in this area of Tempe – could be 10 years, 30 years – but Broadway is one of those lines. Commissioner Brown asked if there had been any comments from

neighbors about this project and Ms. Laughner advised there were in the previous meeting. In the two public meetings that they held, a total of 50 people attended, and she believes they were pretty much in favor of it. There were some questions related to zoning but this not a zoning issue, they are only looking at the land use at this time. If someone came in with a different zoning request, they would have to go through the usual process. Commissioner Johnson inquired if there was a multi-use path along the railroad tracks and was advised there was from Baseline all the way to University.

Vice Chair DiDomenico asked that if he were a land owner in this district would there be any reason why this should worry him. Mr. Robbie Aaron, Planner II, advised the plan was not to go in and push them but to enable certain areas/certain land owners the ability to bring in more mixed-use projects. He advised that as they are not doing the zoning portion of this, the underlying zoning will remain what it is today which is mostly General Industrial. A property owner would have to come in and rezone – this just gives the basis for that zoning to go forth. Commissioner Summers stated there have been a couple of cases that have come in recently, on Rio Salado and McClintock, where applicants want to put in restaurants in the industrial area. He stated if he was an industrial user in this area and he saw residential coming in he would be worried. He asked Ms. Laughner if they were hearing the same thing in some of their outreach and was advised they were not. She stated property owners were in favor of having more opportunities to do different things with their properties. A lot of the product in this area is obsolete and can no longer function for today's level of manufacturing as a lot of users are looking for higher ceilings and as they are not there, they go elsewhere.

**PUBLIC COMMENT:**

Ms. Karyn Gitlis, Tempe resident, stated she thinks this is an interesting concept. The area needs revitalization, it is not pleasant to drive there and there are very few businesses she frequents in that area. She thinks there is potential, possibly even in the residential area, to do some interesting things with providing houses, especially since we know that is a problem we are trying to deal with right now.

Mr. W. David Doiron, Tempe resident since 1959, stated he is disturbed by the number of high-rise buildings that are erupting and would like to see the high-rises be kept in downtown and not come south of Broadway. He lives just to the east of the purple area on the map and if people want to live in Manhattan, go live in Manhattan, don't change Tempe to Manhattan. If you want to be in LA or San Francisco or any other big city then go there, but right now the bubonic plague is coming back to the big cities on the west coast. He is really disturbed by how much density is coming to Tempe. He complements the Commission for handling this load tonight. He is on the Tempe Aviation Commission and recognizes what they are going through. He would like the Commission to take another look at the charter that was read at the beginning of the meeting and take heed of it. If we start drifting to higher and higher buildings and more and more density it is not going to be Tempe anymore.

Ms. Karen Adams, Tempe resident, lives off of Roosevelt directly north of the area of this project. She stated that at the last meeting it was mentioned that zoning would have to take place. She stated there is actually a zoning request on the southwest corner of Broadway and Roosevelt for a multi-density residence that wants 500 parking spaces and 300 bicycle parking places. The first hearing for that was actually before the hearing that the DRC had about this use. At that meeting it also characterized the area north as apartments. Actually, it is mostly single-family residences, there is a huge park with little league baseball, a garden market, etc. The southern part where the speed limit is 35 mph and people zip by looks exactly like the northern part except it is 25 mph and they actually petitioned to get speed bumps to try and keep people at that speed. There are no handicap accessible crossing areas except at 13<sup>th</sup> Street and at Broadway, there are no sidewalks on several blocks on the east side of that area. If the Commission approves something that has 500 plus cars and 300 plus bicycles people are going to go up her street and use it as a thoroughfare. There will be no way to stop it and the light rail won't be built in time to make a difference. Ms. Adams is asking that if the Commission is going to consider passing this amendment that they also include funding in order to address the kind of traffic impact that these changes will make in the residences north of this area.

Mr. Larry Djinis, Chair of the neighborhood association in the Holdeman neighborhood, expressed his support for this plan. The Holdeman neighborhood where he lives happens to be located just north of Broadway Road between Hardy Drive and Priest Drive, so they are located right in the heart of this corridor. He believes revitalizing the Broadway corridor would have a very positive impact on the community. Their neighborhoods really need more amenities along Broadway Road that they can have easy access to, be able to walk or ride a bike to, and they want more retail, more coffee shops, more restaurants along Broadway Road. He believes this plan would make it easier for those types of amenities to be built. He also supports a future streetscape project along Broadway Road between Priest Drive and Mill Avenue. This section of Broadway Road badly needs to be redone to make it more pedestrian and bicycle friendly. He really likes the recent project on Broadway Road between Mill and Rural Road and hopes to see similar streetscape projects on their side of Broadway Road. Mr. Djinis suggested that for the very northern portion of the Maker District adjacent to Broadway Road, he is requesting the possibility of having this strictly be mixed-use as opposed to mixed-use/industrial because this would give them their neighborhoods that are right north of Broadway Road more of a buffer from any potential new industrial build along Broadway. He understands there is some existing industrial that can be grandfathered in – that would be a win-win solution for everyone but as a proponent of this plan just more of a buffer and more protection from industrial from this area.

**STAFF RESPONSE:**

Mr. Aaron addressed two items, 1) with regard to Mr. Djinis' comment, the area he is speaking of is the area in the darker orange/brown on the map – up to 45 du/pa – which is the area Mr. Djinis is suggesting be strictly mixed-use as opposed to mixed-use/industrial, 2) regarding the comment about the project that is currently going through the planning process on the southwest corner of Roosevelt and Broadway, Mr. Aaron stated that is going through its own zoning and GPA process and is on its own track. If it were to continue to be contemplated it would come before the DRC and then go to City Council on its own. It is not part of what staff is here discussing tonight. If a similar project were to come forward in the future, for a particular application in this proposed area, those applications would not require a General Plan Amendment, but will require rezoning and Development Plan Review Ms. Suparna Dasgupta, Principal Planner, clarified that we have an active application but there has not been any hearing on it yet.

Ms. Laughner clarified that currently the City is working on a landscape project on Alameda that has been going through numerous public hearings and planning. They are starting construction sometime in January and it will go all the way on Alameda and across the I-10 and will include bike lanes and a bridge across I-10. When first starting this project, staff was talking about Broadway Road, mainly the corridor itself, and they recognized there are a lot of gaps in the smaller areas on Broadway Road so the committee is working further to see how they can do some road improvements along Broadway as well to complete the sidewalks, crossing, landscaping, etc. They are hoping to come back at a later time in a public forum with some planning and talk about that.

Commissioner Schwartz mentioned that one of the public comments had to do with density and heights, but she does not read anything about heights in the text amendment. Mr. Aaron advised there are no height changes because there are no zoning changes with this particular proposal. The height would come through a zoning proposal process which the Commission would then see.

**DISCUSSION BY THE COMMISSION:**

Chair Lyon stated he feels the proposal is brilliant, people are going to be showing up in the valley, there will be growth, and this is a good place for some of that growth to show up. The area has not been as brisk and progressive as it could be and this opens doors to more interesting things to come in and to get better utilized instead of having a void where other things are becoming excessively dense, some of that activity can be well distributed in here. Commission Lloyd stated she agrees with Chair Lyon and that this also gives Economic Development an opportunity to go out and give another reason to attract more businesses to Tempe, especially in an area that is struggling at the moment. She stated the DRC is not the body that governs funding, but she certainly shares Ms. Adams' concerns about traffic flows going through the neighborhoods. She likes the idea too but would like to see a holistic approach as it relates to traffic.

**Motion:** Motion made by Commissioner Sumners to approve PL190115 and seconded by Commissioner Johnson.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners, Johnson, Brown, Lloyd and Schwartz

**Nays:** None

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 7-0

12. Hold a second 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. **(PL190112)**

#### **PRESENTATION BY APPLICANT:**

Mr. Ryan Levesque, Deputy Director – Community Development, introduced Mr. Ambika Adhikari, Principal Planner, and Mr. Robbie Aaron, Planner II. Mr. Levesque indicated his plan for this meeting was to go over the comments they had received since the first DRC hearing on August 13, 2019, and also those comments received during the intermission between the first hearing and this meeting. Mr. Levesque informed the Commission that the packets they received have changes that happened highlighted, mainly in some areas of code text amendments and the Urban Code and Urban Core Master Plan (UCMP). Staff has also been diligently working on additional changes as they received more comments that came in after the publication of this agenda item. The dates for the City Council hearings on this agenda item are September 26<sup>th</sup> and October 17<sup>th</sup>. Due to this agenda item being held so late in the evening, Mr. Levesque advised the Commission that staff is open to the idea, if need be and the Commission feels so, to continue this case to the September 10, 2019 meeting.

Mr. Adhikari updated the Commission on the changes that have been made to the UCMP and UC. He reemphasized that staff has been working on this project for the past 20 months and after this hearing there will be a Work Study session with the City Council tomorrow. He advised that the UCMP is going to be a policy level plan to be adopted by resolution. It delineates recommended locations for future implementation of those heights within the plan. The Transportation Overlay District (TOD) is now called the Urban Core District (UCD). The TOD remains as it is and the UCD is going to be an opt-in new chapter in the Zoning and Development Code. The General Plan Amendment (GPA) gets adopted by resolution to support the visions of the two plans. Staff updated UCD; they reduced the height limit in the UC-5 district from 60 feet to 55 feet, some information was missing on map for UC-4 and that was added. With regard to the UCMP, Mr. Adhikari advised staff has gone through a lot of public hearing and consultations. Mr. Levesque explained this is a policy map with a projection of potential heights and it does not match the height standards identified in the UC 1-7 zoning districts. These are heights that either match or are above those heights in certain areas. When staff gets through the second phase of this process which is developing bonus programs, people will be eligible through a public hearing process to add those additional heights by providing additional public benefits as part of those projects, which include historical preservation, affordable housing, sustainability, and public plaza amenities. Mr. Adhikari stated that the GPA was changed to include the mixed-use/industrial category in the packet, the same one that is also in the Maker District that is part of the text amendment. Initially they were showing the amount of mixed-uses and high-density in the map, but this is a text amendment to introduce a new land use category of mixed-use/industrial as proposed in the into Maker District. The proposed land use changes, the purple lines on the map, indicate the areas where the changes are being requested and the circles are some minor changes that have happened since the packet was sent to the Commission on Friday.



Mr. Levesque advised that a lot of the influence of the mixed-use land designation change has to do with some of the UC Districts – 3, 4, and 5.

Chair Lyon asked if the mixed-use designation meant it is required for every project to have several different uses. Mr. Levesque advised that it was not, and staff is only requiring the mixed-use designation in the UC 1, 2, and 3 zone. The UC 4 and 5 is more flexible. UC 1, 2 and 3 has a percentage of frontage requirements; in UC 1 and 2 it is 60% and in UC-3 they are proposing 20% of the ground floor. UC 4 and 5 are more typically off of the arterial and has the ability to create the ground floor activation street designs but does not require restrictive land uses on the ground floor. The UC-6 still remains a residential category only and the UC-7 is just design standards. Mr. Adhikari showed information about the projected residential density. This is to support the vision of the additional heights and densities in the UCD and also if people apply for the UCMP heights they will not have to go through a general plan amendment process. Again, the circles on the map indicate minor changes, but overall the document remains the same. The UCD is a regulatory document that you can update and once you update all the heights and density by right because it is part of the core it is a new district that is being created. The UCMP is a policy document delineates the areas where you can apply for new heights but the process by which to achieve additional heights would be PAD and it has to go all the way to the City Council. Staff has been working with the consultant on the bonus program. They had a stakeholder meeting last week and there was a lot of interest in the bonus program. They will do that through a text amendment, come before the DRC and then go to the City Council.

**PUBLIC COMMENT:**

Mr. Joe Nucci, Tempe resident in the historic Maple-Ash neighborhood, advised that he worked for the City for 26 years, retired, and now volunteers on the Tempe Historic Preservation Commission. He respectfully requested a continuance of this project to allow staff to coordinate the various elements proposed for adoption and to integrate the Historic Preservation components contained in the documents more thoroughly and more completely so that we are not showing something in one place, and it does not show up again. He asked the staff to put one of the maps up to show the heritage core. Mr. Nucci stated he also serves on the Tempe Historic Preservation Foundation, which is a private non-profit corporation formed to assist the City of Tempe with its preservation pursuits by outreach and marketing, fundraising, etc. The foundation formed a sub-committee and they worked very closely with Community Development staff and the City Managers office staff and they are excited. They feel that they have recognition for what a lot of them think of as the golden goose in downtown that defines the Mill Avenue core. There are only a few historic properties there as they are encroached on all the time. Mr. Nucci wants to be sure that everyone goes through with great deliberateness. It is a high stakes game and once changes are made, they will never be able to reverse them. They will never down-zone someone's property, but it may come to that where it concerns industrial and residential.

Ms. Sam Thiele, Tempe resident, student at ASU and City of Tempe employee, wanted to voice his support for the UCMP. He thinks it is one of the only ways that the City of Tempe can improve and expand because the population and growth is imminent, and it is not going to stop. This gives a unique opportunity to the shape the way we allow people to come in and expands all the things that he loves about Tempe.

Ms. Catherine Mancini, Tempe resident since 1968, would like the Commission to consider a continuance as some things are still unresolved. In her mind affordable housing, affordability in housing, are very new to this project and she still does not understand how those elements are going to work into the plan. She also stated that they do not actually have knowledge on what ASU Novus is going to be looking like in the end. She has been asking but only gets bits and pieces. She knows where some of the higher buildings are going to be around the water area but because they do not have that piece of the puzzle or control over it, she feels we should wait until we see what unfolds with Novus and then work within those constraints, something that would fit into that project as well. She is also opposed to 90 feet in the downtown area as that height is not conducive to the city of Tempe. She is not on board with understanding this plan. She has asked several times and still hasn't wrapped her head around what exactly is existing in the zoning and what we are changing it to. All she is seeing on the maps is "this is what we are changing it to" and it is becoming more and more complex. This needs to be made simpler for residents to understand.

Ms. Karyn Gitlis, Tempe resident, handed out copies of comments/concerns to the Commission as she stated she cannot mention them in the time allowed. As a member of the Tempe Historic Preservation Foundation, Ms. Gitlis is very pleased to say that she has had a really positive experience with Joe and Karen to put together a package for historic preservation, so they have that as part of the plan. This has been a positive experience and she has really appreciated the City's sincerity and their response to their concerns. In responding to the UCMP and the UCD she will speak for her husband and herself as residents of the Urban Core as defined. She will also speak for the Maple-Ash neighborhood association. She does not believe they can continue to integrate this package with the material they have and the tight window they have left mid-October. It does not seem to be possible. She requested that the Commission reject the two remaining components of this plan in favor of moving forward with citizen involvement intrinsic in the General Plan planning process. This plan is a mess and it is not fair to try to push it through the October window that needs to be met by statute. There are far too many changes to the current general plan to make without the citizenry who initially approved this plan vote on it again. The plan is simply not ready, it is not realistic to keep pushing this. She fears the unintended consequences we might see if this incomplete and riddled with errors plan is implemented. She asked if the Commission thought the City Council would be ready to go forward with this plan in its present state of confusion, error and contradiction if the Commission approves it. This plan is detested by many of the residents who live here and have spent hours and hours of their time working on a general plan as well as other plans. The plan makes a PAD look like a child's sandbox. It is far too complex, has too many working parts, has no transparency, and it is not finished yet. It is up to the developer and the City staff to reach agreement through negotiation. She stated it might not be a bad idea if there were character area advisory boards for development oversight but there are not. She is thinking about affordable housing, there are just too many issues with traffic and infrastructure strain to put this plan into place especially with ASU Novus plans and CRT staff intent on allowing this 90-foot height on Mill Avenue. We are looking at changes that will make growth unsustainable and life a lot lower quality in Tempe especially in the urban core.

Ms. Deborah Zajac, Tempe resident, stated that from the last meeting she is glad that there are Commissioners who are looking into some of the details and finer points of this plan. Her biggest concern has to do with the implementation. She knows from the previous general plan that what is in the plan is not always enforced or implied with the developers. She mentioned last time when they upped it from 35 to 65, they immediately came in with projects that are 105. She thinks that when the original consultants were hired they came up with an idea and standards and she thinks it is good to have intelligent design but all of a sudden at the last minute we've got to come up with this bonus program because she thought there were going to be standards that developers would live up to and that is not what is happening. With the incorporation of these bonus programs we are going back to the same thing we had with the old general plan where it is parcel by parcel negotiations and she would really like to see some formula for how these bonuses will be awarded and that has not been worked out, just at the last minute. Consultants were not hired until June to be able to figure that out and she thinks that is important. What they have seen in previous developments, if she is being generous, is cronyism, if she is not be generous there is another "c" word like the Farmer Arts project. She is afraid that this will just encourage that again. It is not going to be anything that is beneficial, and it is also going to be the second time this year where something that the residents and citizens of Tempe have voted on is being changed by seven people. She is not blaming the staff, she really does think they are working hard. She does not know where the direction is coming to do that, but she thinks they are working their butts off.

Mr. Sam Hanna, Tempe resident, wanted to summarize a letter that was forwarded to the Commissioners from Ryan. He is requesting that they get excluded from the Cultural Resource Area (CRA). They are on the northeast corner of Apache Blvd and Price Road, about 4.5 acres, and there is an artificial boundary that cuts east and west through the property. The south half is high density and the north half is CRA, it does not make any sense and they would like that moved to McArthur. McArthur is a more physically transitional boundary rather than the artificial one that cuts east and west and that also matches the north border of the UCD. That helps to make that property a more efficient and uniform development and that is what they are asking for. There is common ownership and all of the owners have a common vision so they would like to develop a uniform property that makes more of an efficient way to develop the property.

Mr. John Christoph, Tempe resident, ASU student, emphasized his education expertise because he wants to talk about the project from where his technical credentials and expertise are, which is sustainability. He feels there is something that has gotten lost in a lot of the discussion about the UCMP in the myriad of meetings he has been to about this issue which is simply that the suburban building environment that Tempe has developed over the last half century or so is fundamentally unsustainable. The energy consumption per capita and corresponding CO2 emissions per capita of a single-family house are 2-4 times that of a multi-family, mixed-use, high-density structure and that comes from two sources. Not only does being closer to everything you are doing, whether that is to work or leisure, you have to travel less distance, but it also means a cleaner environment if you are not traveling exclusively by car. Moreover, the building itself becomes more efficient because you have more people in the same structure the load on the structure per capita is decreased. He stated that plans like the UCMP are essential to a future for our species if we want to achieve decarbonization by 2050, which is the goal we have to meet to keep global temperatures below 2 degrees centigrade. If we exceed that cap the consequences for our environment will be unspeakably dire. The only previous time in human history where there has ever been a net decrease in population is the black death in the 1300s. A resident who spoke prior to Mr. Christoph stated that there is bubonic plague in our cities now on the west coast. Mr. Christoph stated we are going to see a lot of that die off if we don't keep it to 2 degrees centigrade. Even as much as there has been concerns expressed tonight, not only in this particular issue, but every issue on the docket this evening about density, amount of traffic in our corridors, character of our neighborhoods, all of that has to be secondary to making sure there is still a Tempe in 100 years. He stated it is all well and good for someone to say they have lived here since 1950 but he is going to be living there in 2050 most likely. His grandkids will be living here in 2150 if we can have that be a thing. For us to be shoving that responsibility aside is extremely irresponsible. The UCMP allows Tempe to accommodate its projected population growth in a sustainable way. If we are going to decarbonize by 2050, we need to do a lot more than this, but it is necessary for a start.

Mr. Dale Carpenter, Tempe resident, stated he lives in the Hudson Manor area. He asked staff to put up slide #13 so he could illustrate where his property is located. He pointed out the yellow part of the map then had staff go to slide #14 and the same area is not yellow anymore, not residential. It is now Cultural Resource Area. He clarified with staff that it went from residential to CRA. They have small neighborhoods within that that corridor and if the City or the Master Plan does not want residential people, tell them now because he does not want five or six years from now when ASU developers/education comes in and says eminent domain and takes them over. He does not want to be surprised. Chair Lyon advised that he thinks Mr. Carpenter is misunderstanding what is going on – the intent does not say they are getting people out of there at all. Mr. Carpenter advised he is not stating it is saying that, but if you look at what is being presented that is how it appears, to him anyway. As a resident of an area that has survived 70 years in Tempe, they still do not have any protections for the residential areas. They have everything building up around them but there are no protections. He would like to see borders around protecting if that is what they want – if that is what the City Council wants, if that is what the City wants, if that is what the DRC wants. If you want to keep residents there, then you have to implement some protections. If you don't want the residents there tell them now so they can plan. He does not want to be blindsided.

Ms. Wendy Riddell, Berry Riddell LLC, stated that she really appreciates all of the changes that staff has made and has been working with them on very short order on these documents. They have no opposition to the GPA; her one concern would be the UCD map. They would request that the map be modified at Rural and University. The UCMP language states that “the tallest buildings will be located where there is the best transit access, where there are existing amenities and where nearby taller structures provide a context for height. This includes downtown and where University Drive, Rural Road and Terrace Road converge.” She feels some additional height there is appropriate. Regarding the text of the UCD overlay district – there have been pretty big improvements working with staff and they appreciate that. There is some additional cleanup that they feel still needs to occur, but they are confident that by continuing to work with staff that could be accomplished. These things include removing the minimum height for UC-1 – she does not think that is a great plan. Provide better definitions as it is going to be challenging to enforce and really not appropriate in all context. With regard to the detailed parking structure requirements that are being asked for in UC-1, she feels they are somewhat antithetical to the objective of trying to bring in office and some successful users down to UC-1 with those parking structure requirements. Also, continue to

clean up definitions – a section was added about the number of bedrooms per unit – she thinks she understands what staff is trying to accomplish but without some better definitions she thinks that could be badly misconstrued. She stated all of those are things they think they could work out. She feels that one way to bridge some of the unease that staff has heard is to hold that back the UCMP and allow some cleanup. When these density programs are coming forward, all of that is brought forward together because for example the UCMP still refers to the old TOD and doesn't even refer to more current document.

Ms. Mary Ann Green, Tempe resident at 5<sup>th</sup> Street Roosevelt and Wilson, stated that she is very much in support of this document. She would also encourage that staff extend mixed-use down 5<sup>th</sup> Street. It is a very busy street going into downtown Tempe with very few residents that live on that street. She is in support of the plan and thinks it is both progressive and very responsible to sustain population growth.

Ms. Eduarda Yates, Tempe resident, stated she strongly supports the Historic Preservation Foundations recommendations including those for Old Town Square. She just got confirmation that Old Town Square will be in a conservation area and is very relieved about that. She would like to preserve and protect her neighborhoods – they may not be efficient, but she feels they should protect and preserve their older neighborhoods. Some people still like to live in single-family homes and these homes are now affordable. If the zoning is changed it seems like developers will be coming in and wanting to do what they have done so much already in areas where even the single-family homes that are left are being torn down and apartments are being built. She is also very worried about the affordability of these apartments. She stated there was an article in the Republic recently that says what goes up stays up – “new apartments keep going up across metro Phoenix and so do rents. The combination leaves lots of renters feeling down”. Interestingly Tempe has an average rent of \$1,363 and Scottsdale is \$1,493. You see articles very frequently that even teachers can't afford some of these rents. She stated we have one in five people, children, not getting enough to eat. Some people are having to choose between rent and getting enough food to eat and here we keep building these high, very expensive apartments and they are at the mercy of landlords, there are no rent controls, they can make the rents as high as they want, they can even evict you. By the way Old Town Square, the house closest to Macayo's was here great-grandparents house and two of the others of this rusticated concrete block were built by here great grandfather so she is so pleased that somehow, they got put there. It would be very ironic if they disappeared again.

Ms. Christy Kimball, Tempe resident, wanted comment read: “Please do not implement this plan. There is still so much work to be done on this.”

Mr. Todd Green, Tempe resident – lives on 5<sup>th</sup> Street, supports this project and appreciates the comments made by another resident about climate change. He stated that when you look at 5<sup>th</sup> Street all of the property owners seem to be saying this is a natural corridor for development and density. Other agenda items this evening mentioned co-living, food courts, etc., which are all ideas from other cities. He would like to have a balance. He stated we need these kinds of “incubator spaces”, commercial activities. He mentioned that after the recession of 2008 there was a backlash against development and the rich and he has seen people try to propose big buildings in his area and those meetings take place in comic book shops, little businesses. He feels if we should piece together a lot of things that were said this evening and that it is terrible that a gentleman lost a friend in a wheelchair. Those are in planned communities, in developed/designed residential areas. This part of 5<sup>th</sup> Street borders UC-6 and UC-5 areas. He stated they are not in one of those kinds of areas, they are not in a planned subdivision. They are in a neighborhood that what makes it a neighborhood is that residents know each other. He stated that will take place in high density and low density. They need more mixed-use. He stated the Riverside area is not about being their single-family residential. There are more single-family residential homes on 5<sup>th</sup> Street in the last 30 years waiting for this when there are four or five single-family residents proposing it. He stated that Riverside is very unique from Maple-Ash or from Farmer and all the other more downtown Tempe neighborhoods. He advised that Riverside residents want the mixed-use, they are really close to the density, they want 5<sup>th</sup> Street to be a corridor. They have already preserved their neighborhood and have been mistakenly categorized as being part of some of the other challenges in residential and single-family areas.

Mr. Daniel Rubio, Tempe resident – ASU student, stated he supports this plan. He feels density and mixed-use is the way to go. He stated that when it comes to affordable housing, it is coming from a matter of supply and demand. If more housing is allowed to be built it brings down the price as the supply meets the demand. It is also more sustainable. He stated he would go further with height and density, but he thinks this a step in the right direction for a stronger and more sustainable Tempe.

**STAFF RESPONSE:**

Mr. Levesque stated he appreciates the public comments. This has been a monumental task, but this is a guiding policy document to help envision what we want the City to be when it grows up. They did create a new historic preservation page in the UCMP that defines its heritage core from 3<sup>rd</sup> Street, including Casa Loma, down to 6<sup>th</sup> Street recognizing the historic elements within that area. It was very important to connect the older part of downtown but also recognize that although the UCD has the zoning designation over the historic eligible properties the code currently exempts these properties from opting into the zoning district. By that affect, the new code district cannot be applied to those property locations. Comments and concerns were made that 90 feet is too tall in some of the areas, specifically in the UC-2. He stated that some of these properties have, by right in the TOD if they get mixed-use projects, to have 100 feet. They are trying to incorporate the standards with the step-up provisions of 20 feet, respecting the Mill Avenue historic heights, and then being able to build within those confined spaces. The 90 feet for the remaining part of downtown is important because they are trying to get to a higher construction type; type 1A. Getting above the 90-foot height is not the end all, be all. The projects they are seeing mostly are around 250 to 220 feet in height, much higher than these heights. It would still require a City Council process to go to those additional heights. The bonus program is being done at a later phase so they wanted to introduce those elements to it but will have to come back to the Commission and the City Council to vet that language and process. It was important to do this in a two-step process.

Comments were also made about errors and confusions, a lot of the time it has been clarification of not understanding what one code requirement does to another. Staff has been able to incorporate some of those clarifying elements into the plans and will continue to do so through the City Council process, if needed. He stated it is important to identify that there are a couple of different components to the Cultural Resource Area. Staff purposely intended to avoid evoking any density changes in in the CRA. That designation is to identify that the underlying zoning district density is the most appropriate for that district. Any density change above that would generate a general plan map amendment. Staff was careful not to affect those locations in this area, albeit some properties were multi-family zoned. The site along Apache to the eastern most portion of the city is the Victory Acres neighborhood. The cultural resource designation came by the residents when they adopted the 2030 general plan. They came to the public hearings and City Council meetings wanting this designation because they felt it was important to recognize this subdivision in that location. The City Council adopted it for that portion of the neighborhood. To this date they have not had any properties seek to change the cultural resource designation. There have been no general plan amendments for those specific areas. Public comments were made about sustainability and residents who have been here for 75 years with no protection, however Mr. Levesque feels that the fact that someone has lived in Tempe for 75 years is proof that a pretty good protection is in place. Some people want the building heights raised and some want them lowered. Staff tried to find the right balance between not getting too high and not maintaining the base standard which is what they are seeing getting amended every day. A lot of times they are faced with the PAD one-off requests. This new district is intended to not create one-offs but rather to establish a baseline of the zoning district. He advised that the City Council meeting dates that they are targeting for September and October are only critical for the general plan element components. They want to take all of the items together, but they need to get them to the City Council meetings in September and October for the City Council to decide whether or not they want to take action. The City Council does not need to take actions, but they need to take it to them for the first hearing in September and the second hearing in October. The Council can decide to vote on one, two or all of the items, but they need to get it to the Council on the October 17<sup>th</sup> date to take an action. The action could be a continuance, it could be approval. The key element for that is the major General Plan Amendment. By our statutes the City is required to designate one month out of the year for major General Plan Amendments and October is that month. Chair Lyon asked if he would respond to a request for a continuance by saying the goal here is to get this item to City Council as this would be further evaluated properly but the

Commissions job is to move this forward to City Council as that is the decision-making body. Mr. Levesque responded that it is staff's job is to make sure that we have everything right and evaluated. Staff's goal is to get this to City Council in September and October meetings, but they do have a third hearing of DRC available, if needed, for the Commission to further evaluate these changes.

Vice Chair DiDomenico mentioned that one member of the public came and spoke specifically about a piece of property that is in discussion for development – the Victory Acres piece of Cultural Resource Area where they wanted to move the boundary up. He has been looking at a map of the area and it seems to make sense to move it up to McArthur. He asked how staff felt about that. Mr. Levesque stated that staff did not want to bring forward a request to change a cultural resource designation. They are fine if they get a recommendation to make that change. They can bring it before the City Council. Vice Chair DiDomenico stated the CRA had already been approved and that is where the boundary was set. Mr. Levesque did not want this process to affect the density designations in the CRA, but they are happy to bring forward any recommendation from this Commission. Some of those properties are split-zoned – they have some single-family to the north and commercial CSS zoning to the south portion. Chair Lyon asked if this is clarified as a pre-existing condition and was advised that it was.

#### **DISCUSSION BY THE COMMISSION:**

Vice Chair DiDomenico stated that his instinct is to continue this to the next DRC meeting for a little bit more cleanup before they potentially pass it on to the next step. They are leaving the City Council with the same amount of time in one step with their process. However, he does not feel that is creating hours in the day for staff to do cleaning. He stated it sounds like there are members of the public who do this for a living as well as interested parties from neighborhoods. Hopefully they are putting their suggestions in a logical, written format where they can put something in front of staff that they can either explain to them or fix. He does not know if the Commission continuing it gives staff more time or brings in anymore good suggestions. He is torn, especially with hearing it one more time and having people have to come all the way out until 11:00 p.m. and do this one more time knowing that there are still two City Council meetings. Chair Lyon stated that it is already effectively continued. The Commission can put a wrench in the works by trying to shut it down, but they cannot approve it. It is already going to go through that same process. Vice Chair DiDomenico stated that tonight they could decide to hear this case again at the September 10<sup>th</sup> DRC meeting in order to get additional feedback. There are some improvements and a little bit of cleaning up and a few of the purple circles where things have changed, so the Commission would hear it with maybe a few more little tweaks and have one more set of public comments before it goes to the first City Council meeting. In the end, this is going to be voted on by the City Council in their two meetings and that is what is going to decide whether it moves forward or not.

Chair Lyon asked that anyone who is at the hearing would write in and state the errors or problems that they see, being specific. That is the kind of feedback that is useful. He stated that for him he does not know that the Commission hearing it again is going to improve it significantly.

Commissioner Johnson asked if this version of the UCD is the one they will be voting on tonight. Mr. Levesque advised that the packet the was sent to the Commission early Friday with the additional changes is in addition to the one that was published on Tuesday. Commissioner Johnson asked if there were additional changes in this package and was advised there was. His only concern is that they do not have the version of what has actually been completed in front of them or whether the most current version is in front of them. He is not that uncomfortable voting on that because he knows that this is going to City Council and the Commission is not the last stop. The bonus program is concerning to him as he would like a lot more information, however he knows that it is another process staff has to go through. This plan directly impacts that program, and vice versa, so he feels if the Commission does not get a lot more information on what that looks like then certainly the City Council would not be able to make an educated decision on this. Mr. Adhikari stated they have received a lot of input from the public and have been making changes. This is the last 20 months so initially there were a lot of ideas that they had to crystallize and when you put it in the document people are going to go into more detail, but staff is not rushing this. They have come to the Commission several times for initial information and now that we have a true document in hand people are going into a little more detail. He advised that the bonus program is pretty independent. What the Commission has right

now is the base UCD of the UCMP which is pretty advisory and the general plan amendment that supports those two visions. Basically, to improve the quality of life and to streamline the development process rather than later on when people come one at a time. What the Commission will be approving, if they choose to, is the UCD basic plan which is opting and the policy level advisory document of the UCMP. The bonus program will be in addition to that and they have checked with a few other cities. It can have its own independent plat because it is pretty black and white by the time it gets to the Commission. The bonus program will have its own voting process and it is up to the people to take it. Whether they want to take it or not is totally up to the developer. Once you have the basic document, they will know that so if people want to opt in, they have the basic heights. In some ways he feels having the bonus program go independently on a separate route is perfectly fine. Commissioner Johnson stated that the bonus program subsidizes good behavior; sustainability, affordable housing, etc., so there is gap that he sees moving forward with this without having that piece.

Commissioner Sumners stated that he does not see coming back and providing one more opportunity to get comments. He would suggest though that those who have comments to provide very specific feedback to staff and the team so that they get into the document. Chair Lyon stated that he is hearing some discussion where it sounds like members want a continuance and asked if they wanted to put forward a motion to continue it to the September 10<sup>th</sup> DRC meeting. Vice Chair DiDomenico said that if they were to make a motion today and approving it, they cannot point to this document but to the one where there have been subsequent changes and asked how they would read that into the record. Mr. Levesque stated that they could decide to take action on the one that is on the website or the modified version that they have in front of them. Vice Chair DiDomenico asked if that would be sufficient for the record so that it knows what they approved to move forward. Chair Lyon stated that does not chisel it in stone and Vice Chair DiDomenico acknowledged that it just means as of right now this is what they are voting on.

Chair Lyon stated he does not see his role as being the arbiter of every dot on the "I" and crossed "T". He is sure it is going to go through more changes before it gets to the City Council and he views his role is to interpret the general intention and to make a judgement as to what he thinks that should be.

Commissioner Brown stated that with regard to the bonus program he hopes that staff does not incentivize every applicant in order to really show some content and not some token things. He suggests the staff and the DRC not be so critical to vote "no". They have seen past things get better. Just today they received an email from someone who had a series of points they would like to incorporate. He feels this would be better addressed on September 10<sup>th</sup>. He is not opposed to a continuance. That meeting may not last five hours, and they can get some more succinct answers to requests.

**Motion:** Motion made by Vice Chair DiDomenico to approve PL190112 as amended and given to the Commission on Friday, August 23<sup>rd</sup> with the further recommendation that staff consider moving the cultural resource boundary in the Victory Acres area up to McArthur at the southwest most portion and seconded by Commissioner Sumners.

**Ayes:** Chair Lyon, Vice Chair DiDomenico and Commissioners Sumners and Schwartz

**Nays:** Commissioners Brown, Lloyd and Johnson

**Abstain:** None

**Absent:** Commissioners Cassano and Amorosi

**Vote:** Motion passes 4-3

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**Staff Announcements:** None

**There being no further business the meeting adjourned at 11:35 pm.**

Prepared by: Joanna Barry  
Reviewed by: Suparna Dasgupta

A handwritten signature in black ink, appearing to read 'Suparna Dasgupta', written in a cursive style.

Suparna Dasgupta, Principal Planner, Community Development Planning