

## Minutes of the Development Review Commission January 28, 2020

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in the Tempe History Museum, 809 E Southern Avenue, Tempe, AZ

**Present:**

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

**City Staff Present:**

Chad Weaver, Director, Community Development  
Ryan Levesque, Deputy Director, Community Development  
Suparna Dasgupta, Principal Planner  
Steve Abrahamson, Principal Planner  
Diana Kaminski, Senior Planner  
Obenia Kingsby II, Planner II  
Joanna Barry, Administrative Assistant II

**Absent:**

Commissioner Scott Summers  
Alt Commissioner Barbara Lloyd  
Alt Commissioner Angela Taylor

Hearing convened at 6:00 p.m. and was called to order by Chair Lyon

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**Consideration of Meeting Minutes:**

- 1) Development Review Commission – Study Session 12/10/19
- 2) Development Review Commission – Regular Meeting 12/10/19

**Motion:** Motion made by Commissioner Cassano to approve the Study Session and Regular Meeting minutes for December 10, 2019 and seconded by Vice Chair DiDomenico.

**Ayes:** Vice Chair DiDomenico, Commissioners Brown, Cassano, Amorosi and Johnson

**Nays:** None

**Abstain:** Chair Lyon and Commissioner Schwartz

**Absent:** Commissioner Summers

**Vote:** Motion passes 5-0

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

- 3) Request a Use Permit Standard to increase the maximum allowed building height from 30 to 33 feet for a new 3-unit single-family detached residential development for **LOEDING LOFTS**, located at 431 West 6th Street. The applicants are Ryan Loeding and Bob Brookson. **(PL190313)**
- 4) Request a Use Permit to allow tandem parking; a Use Permit Standard to increase the maximum allowed building height from 30 feet to 33 feet; and a Development Plan Review for a new multi-family development consisting of 28 dwelling units for **THE 5TH APARTMENTS**, located at 1027 West 5th Street. The applicant is triArc Architecture and Design. **(PL190315)**

**Motion:** Motion made by Vice Chair DiDomenico to approve the Consent Agenda and seconded by Commissioner Amorosi.

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

**Nays:** None

**Abstain:** None

**Absent:** Commissioner Summers

**Vote:** Motion passes 7-0

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

- 5) Hold a public hearing for a Code Text Amendment in the Zoning and Development Code for new regulations to assist in the implementation of the **URBAN CORE MASTER PLAN**, consisting of a new Section 5A-107, "Development Bonus Program" and a new Part 5A, Chapter 2, for the "Transfer of Development Rights Program". The applicant is the City of Tempe. (PL190112)

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

Mr. Ryan Levesque, Deputy Director – Community Development, gave an update to the Commission on where staff is at since their last public hearing. Staff went to City Council on October 17, 2019 and at that hearing they consulted with the Council and recommended a continuance on the item. The items pertained to the Urban Core Master Plan, the Major General Plan Amendment, and the Urban Code Zoning District. All of those items were continued to February 13, 2020. The reason for the continuance was the ability to give staff time to get caught up to develop the Development Bonus Program. During November, December and January staff has been developing the program. They have obtained public input on the project and made revisions to the plans. Staff is here today at this public hearing and they also plan to go to Council on February 13<sup>th</sup> on the item. They are planning, from the City Council perspective, to slow the process down. Staff was originally planning to have a scheduled Work Study Session with City Council in late January and they are now postponing that to a February and March meeting date so they can take the time to roll out the information about the program to City Council. beat the hearing tonight and staff hopes to get a recommendation from the Commission. The scheduled hearing date for potential adoption of this program is expected to be around April or May 2020 as staff rolls out the process to City Council.

Mr. Ambika Adhikari, Principal Planner, stated staff had come to the Commission in December 2019 and showed them slides and made a presentation on the basics of the Development Bonus Program. Since that time staff has worked with the stakeholders and consultants and made changes to the program. He advised there is now more information on how height is achieved and that the Historic Preservation program will be a little different. Mr. Adhikari proceeded to give a presentation to the Commission on the program as it is now.

Commissioner Brown stated that in the first 15 pages in the memo for this project it states this is a summary and asks if they are to believe that all of these details are in the ordinance. Mr. Adhikari advised that they were in the ordinance and that the memo is more for information and is not a legal document. Commissioner Brown referred to page six of the memo in keynote number two regarding scaling fees. Mr. Adhikari advised that if the bonus point numbers on specific sites do not work for someone, this will give them room to negotiate. Commissioner Brown thought it should be stipulated in the ordinance and Mr. Adhikari advised that it was. Commissioner Brown stated that on page nine, item B3 under "greenhouse gas emissions", the language is confusing. It states pathways but he believes it should be raceways and feels this can be confusing to the average person. He also noted that on B5 of the same page where it mentions energy consumption it states that one of the ways of getting the sustainability points is to achieve conservation levels and get it certified by a third party. He asked if this is before construction or a year later like the LEED (Leadership in Energy and Environmental Design) program used to do. Mr. Adhikari advised this would happen before construction and that there is a good faith agreement. Later when the City does the inspection; they want to make sure all those things are built accordingly. Commissioner Brown stated that earlier in the presentation Mr. Adhikari had mentioned another certification in the IgCC (International Green Construction Code). Mr. Adhikari advised that if someone wanted to utilize any of the elements, they have to get a third-party certification for compliance because staff does not have the internal capacity for review right now.

Commissioner Brown observed that on page 13 there is an example of the UC-3 multi-family calculation showing the sustainability-related expenditures needed to earn bonus points for a three-acre site. He asked if that amount was per year and what happens when the development is sold, or if there is a timeline for keeping the sustainability elements. Mr. Adhikari advised that the expenditures required for the bonus program is one time only. The bonus benefits stay with the land if the developments change hands.

Commissioner Amorosi stated he likes that the minimum required public space gathering features have been raised from a minimum of three to five out of the list of amenities described in the ordinance. He had asked for that change. For UC-5 and UC-6, the bonus program gets them from 55 to 60 feet height with just one tenth of the points they have to spend in the other UCD areas. However according to the UCMP plan, from that 60 they could actually go up to 90 feet by applying for a PAD (Planned Area Development). He asked for clarification if that is how they get that. Mr. Adhikari advised there was an internal discussion with staff about not having a bonus program for UC 5 and UC-6 because they have to be low-rise, compatible and stepping down to the single-family homes. However, staff felt there was a value of the five feet height increase for some developer as they may be able to accommodate one extra story. Mr. Levesque clarified that the UCMP recommended heights are not the same in all UC-5 and UC-6 zones. In some areas like what Commissioner Amorosi described on Apache next to the Hudson Manor area, there are no UCMP heights, and the base UC-5 height is 55 feet. The UCMP does not project or encourage to go any higher than that. However, there are some areas in UC-5 where there are UCMP heights that range up to 90 feet. That would be something to be negotiated with City Council through a public hearing process, to request that additional height. The Council would then have to negotiate whether there would be additional public benefits for that project site. Commissioner Amorosi asked if that would be in the code stating if you apply for a PAD to get the extra height that you are going to provide more public spaces. Mr. Levesque advised that the ordinance states that if you satisfy the base code and development bonus program requirements, for the UCMP heights, you have to go through a public hearing through City Council to negotiate those defined standards. It is a little open-ended but there is a public hearing and vetting on a case-by-case process. The application has to notified to the public, there are public hearings, and applicants can present their proposal of what they are providing in the form of public benefits. With the other cases, it is more of an administrative process and then it goes through the development plan review approval through public meetings. Chairman Amorosi asked if it would not be easier just to not have the bonus available in UC-5. Mr. Levesque stated that the only alternative for getting additional heights today is the PAD overlay process.

Commissioner Johnson asked if the public outdoor gathering spaces would be above and beyond what they require for landscaping and other purposes. Mr. Adhikari advised that it was. Commissioner Johnson asked if there would be overlap, so if a particular site was required to have 10% landscape and applicant is applying for 20% of the public outdoor gathering space, does that landscaping work as long as they provide some of the public elements qualified towards that 20%. Mr. Adhikari stated that for UC-1 and UC-2 they do not have the open space requirements at all. UC-3 requires 2.5% open space. Commissioner Johnson was concerned there was potentially some double-dipping involved if you just did a water feature that had been landscaped anyway. Mr. Adhikari explained that in most cases this is very clear because they do not require open spaces and it would be easy. Commissioner Johnson asked if the dollar value for sustainability is decided early on in the process and what accountability there is for this to maintain. Mr. Levesque advised that this is part of the initial review process and there is still a public meeting to review and get approval for a development plan review that the Commission typically sees so when staff develops their report they will have to outline specifically that this site is eligible or has been granted a sustainability bonus and they will have to outline what that bonus is. Information will be clearly stated on the staff report and in the packet that is provided at the public meeting.

Commissioner Amorosi asked that if the 'in lieu' fees are going into the Affordable Housing Trust Fund but there is no independent board for the fund, should there not be a group of citizens/commission that determines this so that the money does not become politicized. Mr. Adhikari stated he believes there actually is a board but the Housing Division people who could provide more details were not available for today's meeting. He states there will be an implementation manual on all of these items on how that money is going to be spent. He advised they can check with the Housing Division on any details.

Chair Lyon had questions about arbitrating the issues Commissioner Brown had brought up earlier about developers building on five acres and getting extra benefits through bonus. He shares concern that might be a little problematic and perhaps should be more explicitly laid out or else we might be facing a fight later on if some developer gets a different decision than another. Mr. Adhikari advised that in one of the developer meetings someone asked a question and gave an example of the Chase Bank where there are several buildings in one area and if the 100 bonus points are received on a smaller site by providing bonus elements does it apply to the entire site. Staff had to go back and reference a proforma that all these point systems are based on capturing about half of the value of that additional profit on a 0.7-acre site in downtown or the 3.0-acre sites along Apache Blvd. It is easier with the smaller site but the larger one is harder to quantify because they are not exactly scaled one for one. If you increase the site from 3.0 to 4.5 acres the points you need to buy are not necessarily 50% more just because the expenses, construction technology, and economy of scale will differ.

Chair Lyon asked if the historic preservation transfer of rights accumulate where you could purchase the rights of three buildings if they happen to be next to you, and was advised they could.

Commissioner Schwartz stated that it seems like some of the sustainability element components may be very easy to obtain and are kind of a normal part of building design and then there are others that seem to be extremely high and would have a significant cost associated with them. She asked Mr. Adhikari if he could share a little bit of how these specific elements became part of the plan. Mr. Adhikari stated they checked with another Arizona jurisdiction that had some sustainability elements in the bonus program and many of the developers who were just taking the low-hanging fruit and getting the points. That is why the consultants did not assign points to any of those 20 different sustainability elements they are proposing. It is about the amount of money you spend on the sustainability elements. It does not matter if they choose what is hard or easy, as long as they spend the \$250,000 on any one of those elements, or a combination of the elements, they get the assigned points. Commissioner Schwartz believes that compliance per the IgCC should be a third factor. She stated that she foresees confusion about what is an inherent cost and what is an additional cost for sustainability. Mr. Adhikari advised that if they approve this, then after a year it will probably come back before the Commission to make some changes based on the experience and issues faced.

Commissioner Brown asked who the designee is as stated in the ordinance and if it is someone on the upper floors of City Hall. Mr. Adhikari advised that it would be someone in the Community Development because they usually get calls about how to interpret the plan. Mr. Levesque advised that as of right now it would be the Community Development Director who reviews and evaluates the intent of the code. Chair Lyon recognizes these things are challenging. He believes that staff has done a good job with this but does not envy the challenges staff will face. He does feel comfortable with the direction it is taking.

**PUBLIC COMMENT:**

Ms. Alisa Lyons, representing Valley Partnership, stated she has had the opportunity to meet with staff a number of times on this project. They almost always agree but she does take issue with one element. She does not believe the Bonus Program is simple or straight forward. She has shared the Development Bonus Program draft with members of the development community, specifically those who have done projects or are about to do projects in Tempe. Not a single one of them came back and said they understood how this program works and how they could opt into it in order to get what they are looking for. There are ambiguities, there is confusion about the proforma that is being discussed that includes elements that no private sector entity would ever share. There is an opportunity to make a program like this work and at Valley Partnership they are dedicated to working with staff to find an incentive program that brings the community benefits they are looking for. She does not think we are there yet and would recommend that staff take more time to work with the development community so it truly is an incentive program. She stated that what staff showed to her is being marketed as a voluntary program, but once this is in place PADs will no longer be supported by staff. She believes the PAD is a very creative and useful negotiating tool between the city and the landowner. Chair Lyon asked Ms. Lyons if she has come up with some alternative suggestions to the items she is critical of. She advised they have not, but they would like to do that. Chair Lyon mentioned that if the barrier to get into the program is too high then it would be the same as not having a program at all. He sees that as a worst-case scenario of what Ms. Lyons depicted and hopes that she will state specifically how it might work better instead.

Mr. Philip Yates, Riverside neighborhood association representative, stated he has some concerns about how the whole point program has been presented as it is extremely confusing, and he does not think there are enough provisions in it to do anything for the historical preservation of the area. Right now, in the Riverside area this is not something they would like to see happen at all. Nine-story, high-density developments surrounding their neighborhood is not something that they would like to have in general. The point system is something that is very hard to implement, and he cannot see it being something that is beneficial for an already low-density neighborhood that is basically four people who can afford to live in that area. It is not in the best interest of their community to implement something that has not even been approved by City Council. Chair Lyon asked Mr. Yates if he would be okay with an incentive being provided to the developer to preserve a building as opposed to knocking it down and putting up a six-story building. Mr. Yates said it is nice to say it, but he has not seen anything in the plan stating that is how they are going to be doing it to be sure it works. He gave an example of a property across the street from one of the oldest buildings in Tempe where they had a whole development that has been flipped three times but has not broken ground yet.

Ms. Isela Blanc, State Representative for Legislative District 26 in north Tempe, had constituents reach out to her to ask her to come and speak on their behalf about the many concerns they have about this plan. One of the concerns was: "A sign that it will have a serious impact on the quality of life in downtown Tempe was a presentation to the City Council by the Community Development Department at their issue review session on 4/27/17. The City Planning Department is attempting to end run around General Plan 2040, a plan that was voted on by residents earlier this year". Problems and serious concerns that her constituents have is making major changes to the General Plan and zoning plan without adequate public input. Ms. Blanc stated she agrees with them as this is the first that she has heard of it. She is a 30-year resident of Tempe, graduate of Tempe High and Arizona State University and she attended Gililand Elementary. She has seen the many changes that have occurred in the downtown Tempe area and tries to be as aware as she can as a Tempe resident. Other concerns are overriding the General Plan for the purpose of implementing a categorical change in zoning. One of the comments she heard was that zoning changes can occur without having to go through City Council. Another was lack of coordination with NOVUS, the massive new project in construction on ASU owned state land, vagueness and ambiguity about the implementation of the new Urban Code, the Code Text Amendment, and the Zoning and Development Code. No chapter in the plan that describes and plans for the increase in traffic that will surely come once the plan is enforced. She stated she used to work at Tempe Community Council in the past and it would only take her 10 minutes to get there from the library location area. In 2014 it would take her 25 minutes just to get home. She advised she has spoken with many law enforcement officers in Tempe and they are very concerned about how they are going to have the support systems. When constructing a building so high is there a plan in place. There are infrastructure changes within the city that she does not feel we have adapted to doing. She advised that the State Legislature continues to preempt cities and towns from being really thoughtful for things like affordable housing and she would like to know what that means for Tempe.

Ms. Karyn Gitlis, Chair of the Maple Ash neighborhood and member of the Tempe Historic Preservation Commission, agrees that we need more density in Tempe, and she is not contesting that. She has followed the evolution of this plan when it was first presented to the City Council on 4/27/17 at the issue review session. She stated that from the start there has been zero collaboration with the neighborhoods that are part of the UCD, so no wonder there is no buy-in at this point. The plan is still incomplete, however if adopted it would radically change the face of Tempe. There are still more questions and a great amount of fear of unintended and irreversible consequences that may be visited on the population by the implementation of this plan. Given the unsettled concerns and questions the wisest choice may be to seek answers to these questions instead of jumping feet first into the fire by adopting the plan. This will change our General Plan which was just adopted by voters and it will change city zoning and ordinances. We usually change these piece by piece, but only as necessary or requested. This plan, even with input from Historic Preservation, will further endanger our precious and already shrinking historic resources that should be highlighted and not overshadowed by skyscrapers. The majority of these resources are in and nearby downtown Mill Avenue. Ms. Gitlis feels this plan needs more work and it is too much to attempt at once with too many unsavory ramifications. Tempe residents deserve the opportunity to participate in this level of planning. She feels this should happen in the next General Plan process.

Mr. Merrill Darcey, Tempe resident, stated he cannot condone or support the Commission, City Council, or Community Development from becoming the “land clearing agency”. It is not going to happen on their watch. He stated this is not going to fix affordable housing as it is a social problem that requires a social movement, not this. He does not understand the definition of public space versus public use. Regarding the Cultural Resource Area, he believes Tempe is old enough that it should all be a Cultural Resource Area and not just the urban core.

Mr. Bastien Andruet, Arizona Multi-Housing Association, echoed the comments on affordable housing. He recited the portion about affordable housing listed on the BAE memo. He stated it is all about supply and demand, so if you have a shortage of supply you do not want to put up more barriers. The Development Bonus Program in its current form basically takes what was generally agreed upon as a base 160 feet then creates another 35-45-foot barrier and states you can no longer build it that high and must pay for it. The development community that is trying to solve the affordable housing problem is now being penalized unfairly as this program seeks to go ahead and levy charges against them which is ludicrous since they are trying to address this issue. Chair Lyon asked Mr. Andruet if his only assertion of how to participate in this program was “pay to play” and was advised that it was. He stated the majority of developments going on right now appear to be above 125 feet, especially if you want to do multi-family housing. The base being set at 125 feet essentially forces developers to pay into the system where if you want to get to the 160 feet or above even closer to the 200 feet it is more or less a paywall right there. It says you have to spend up to \$1,000,000 to get the height you want. Chair Lyon advised that from what he has heard there are a number of ways the you can enjoy additional development benefits without paying a penny including simply providing a sufficient quantity of affordable housing based on the AMI so there is no payment whatsoever if you simply provide a certain percentage of your property as affordable housing at those rates you get the additional benefits without any payment. Mr. Andruet countered that the developer still has to pay the cost somewhere. When it comes to building the actual property itself the price of concrete has doubled over the past three years, the cost of labor has skyrocketed due to a shortage of labor, overhead cost for maintenance of the structure, etc.

Ms. Eduarda Yates, Tempe resident, stated she is still confused about how the older residences near the Loop 101 are part of the Urban Core as these are older, nice neighborhoods, some with flood irrigation, lots of trees, and are currently affordable to the people who live there. She fears what might happen in those older neighborhoods if more density is allowed. She believes it will be similar to what is happening in her neighborhood on Roosevelt and that people who now have affordable housing will lose it and houses will be torn down and replaced by big, unaffordable apartments and townhouses. She referred to an article from the real estate section in the newspaper where it states there are a million more people in the area. She wants to know if the developers will be for all the infrastructure for their projects. She has a lot of concern about the affordable housing in the area and feels they should have 90% affordable instead of 10%. She is also confused about what is allowed in UC-5 and UC-6 areas and whether they will stay single-family residential or not.

**STAFF RESPONSE:**

Mr. Adhikari stated that the UCMP and UC district has left all the single-family homes and neighborhoods as they are. There is no overlay on anything that is historic in the UCMP and UC district. He advised that the UC-5 and UC-6 are created basically to protect the single-family homes that are close by so that any height does not spill over onto any of the single-family neighborhoods. These districts were created more to protect and not have increased heights close to the single-family homes. In regard to the affordable housing, Mr. Adhikari stated that when you provide this to a lower AMI there is definitely a cost to the developer so you cannot ask for a lot because that is why the consultants had to calculate the affordable housing units as a small percentage of the total units. He reminded everyone that this is all voluntary and the UC district is also opt-in, so everything is voluntary, and nothing is being rezoned. The UCMP is an advisory document and the Development Bonus Plan is something that developers can choose or not choose and is built on splitting part of the additional profit towards the public benefit.

Chair Lyon asked Mr. Adhikari when they plan to have public meetings so that people can be involved. Mr. Robbie Aaron, Planner II, stated that between December 17, 2019 and January 28, 2020 they have held 18 public meetings. Mr. Adhikari advised that over the past two years they have held between 50 and 60 public meetings. At those meetings public attendance ranged from 50, 60, 125 people who have shown up. Mr. Aaron advised that 20,000-30,000 postcards are sent out every time they have one of these meetings. He does get some postcards returned

from vacant properties or for other reasons out of his control. Staff has been in from of the DRC three times and has also gone to City Council. He has probably sent out 150,000-200,000 postcards over the course of the past two years. All meetings are posted online, and the Neighborhood Services Division sends out an email to all of the neighborhood chairs and seconds and they also keep a very diligent list of people who have attended every meeting and they get an email as well. Chair Lyon asked what happens if someone wants to make a specific suggestion about how this plan might be changed or might work differently. Mr. Aaron advised that the public can email staff at any time, they would be happy to take their phone call or set up a time to meet with them one on one. They can also come to the front counter in the Planning Department and he or Mr. Adhikari would be more than willing to speak with them. Staff has done that with a number of people over the course of this process and will continue to do that until this process is complete.

Chair Lyon asked Mr. Adhikari that if he was to say this was a mandate to build more density in the city how he would respond to that. Mr. Adhikari stated that the motivation for the UCMP was at the direction of the City Council that there is a population that is growing and that by 2040 they will need to think about how many people are coming, types of development, and how to streamline it. He advised that the motivation for the UCMP was to delineate the areas to accommodate the type of growth that is coming by 2040. He stated it is not a plan to build but rather policy guidance to accommodate that growth. For the UCD, the City is obligated to update the Transportation Overlay District because of federal government funding for the streetcar. Because of the amount of that investment, it has to accommodate ridership and people with lower income. One of the mandates was to update the Transportation Overlay District that was created in 2006 for the light rail transit. The UCD that was prepared was from that federal government transit money and the City also put in a little bit of money to do the UCMP. Part of that was also to do a study on affordable housing and the affordable housing strategy was adopted by the City Council in July. The Development Bonus Program and some of the affordable housing concept is included in that strategy. The City Council has adopted that as a policy document as well because affordable housing and public transportation go hand in hand. The plan is not to create heights or build anything, because the City does not build, but to basically guide the development that is coming in a much more comprehensive and appropriate way so that it is connected with the transportation. It happens where there is infrastructure, and it happens with the sustainability, open space, and walkable elements so that when people build and the market is provided for by developers also gives the public benefit.

Chair Lyon asked if the PAD system is going away and Mr. Adhikari advised that it was not. Mr. Levesque stated that they are creating an alternative to the PAD overlay process. The framework that establishes the UC is an opt in process so in order to get that level staff has created a second level voluntary program to get even higher heights. By opting to the code, you are not eligible for the PAD overlay process. You can choose before getting into the UCD to still utilize the PAD overlay or rezoning process that is available to all properties today. Chair Lyon further asked if it means staff is going to twist his arm and he has a choice, to which Mr. Levesque replied no. Mr. Levesque advised that when you come into the UCD the only alternative for height or density is to utilize the Development Bonus Program. Staff is trying to create the tools and pathways to encourage some of these incentives that City Council has wanted to see, such as affordable housing, additional sustainability elements, and things above and beyond what the code would require today. There could be a public hearing process with regard to a PAD and staff would make recommendations to encourage that project to provide some additional development standards to it to make it a worthy project, but they still have that process available today.

Chair Lyon made reference to the "pay to play" public comment. Mr. Adhikari advised staff had held a separate meeting with the Arizona Multi-Housing Association and explained what the City is trying to do. The current modus operandi is that the developers apply for PAD for any heights because staff does not have any other mechanism such as high-rise districts. Eventually, if the UCMP is passed, maybe the City can think of making more districts with its own requirements like the City of Phoenix has so that when people want to go to a particular height there is also a requirement as to what type of open space communities you have to provide. Right now, the PAD is discretionary on a case by case basis. The DBP is one opportunity where the City can ask the developers to provide affordable housing in exchange for higher heights and density rather than just giving it without any discretion. The calculations are not to extract the profit that the developers are making, in the market they will make the profit. The base heights are given just by opting into the UCD. Whatever additional money the developer is making the City wanted them to

put back a part of that. The City Housing Division will help the developer in renting out the affordable housing so there is no additional burden on the developer. The developer just needs to make sure that the units are available for income eligible renters needing affordable housing.

Commissioner Amorosi asked where the Commission goes from here – do they make a recommendation as the time has been extended on the rest of the process. Where does it go from here if they make a decision or decide they do not want to make a recommendation. Mr. Levesque stated that right now they have a continuance of the UCMP until the February 13, 2020 City Council meeting. Staff is going to be requesting a continuance on those items. The DBP will not be brought before the City Council yet as staff plans to continue them until April or May and will be able to catch the City Council up in a couple of Work Study sessions and get some input and guidance. Then there will be a public hearing process likely in April or May. This will give staff more time to work with the community and the Commission. The tail end component of the process is being delayed so staff can have time to catch up and present materials to City Council regarding the Work Study Session items schedule in February and March.

Commissioner Amorosi stated that the City really needs to make clear to the public that we have no control over what ASU does with regard to the NOVUS project as people think we have something to do with them. With regard to traffic concerns, Commissioner Amorosi stated he has always had an issue with the City letting the developers come up with their traffic studies and the results always come back that it will not make an impact. He asked if it would be a better idea to have a pool of traffic study consultants that the City assigns so that the developer is not directly involved in the traffic assessment. Mr. Adhikari stated that on the UCD, traffic does come up in every meeting because it is very important, and people are frustrated with the conditions. The mandate of the Master Plan was only to conceive of the traffic at the higher level in the UCD so there are five or six pages on how traffic is going to be managed. There is a trip reduction program, creation of transportation management association, a connectivity program, and some recommendations based on the population and the frequency of the light rail and streetcar could be improved, or the Orbit system could be expanded. In the UCD, there are some requirements in actually trying to reduce car driving. There is a minimum and maximum parking limit for developments. Staff wanted to reduce the parking in general but heard from most developers and property owners that they want some flexibility. If the developer wants to go up in parking ratios, they need to provide future-proof parking, some sustainability elements, etc. then they can build more parking. They can go underground in the parking garage or do a parking structure which becomes convertible. This is a planning and zoning document, not a traffic planning instrument, but staff does work with the traffic planners and transportation and they have a list of items that they are working on right now.

With regard to the traffic studies, Mr. Levesque advised that the traffic impact studies are conducted by professional traffic engineers. Someone has to pay them which is typically a consultant. The City does have staff on hand that provides review and evaluation of those traffic plans that get submitted to the City. As part of the development team to review that analysis and overview are Traffic Engineers with the Transportation Division. If there are any corrections or errors, they provide that back to the consultants to get them fixed so we have an in-house review and evaluation that checks and verifies to see that information is accurate or confirmed. Therefore, it is never just the consultant bringing in a private traffic engineer and saying, “these are the numbers and you have to believe them”. They are reviewed by the City and vetted by the process through which the Transportation Division evaluates the information.

Ms. Suparna Dasgupta, Principal Planner, advised that in the recent high-density projects brought before the Commission the Transportation Department has added a condition of approval in certain cases about travel demand management (TDM) and some of the TDM related requirements that transportation has provided when a TIS (Transportation Impact Study) is stating certain things that will mitigate these traffic impacts and that the Transportation Department is requiring an Annual Report moving forward with some of these. This is a newer policy where they would have to document on an annual basis whether those items that they stated in the entitlement are being met through that TIS. Commissioner Amorosi asked what happens if they do not comply or are not meeting their goals. Ms. Dasgupta stated she did not have all of that information with her on the details, but in the proposed UCD there are penalties associated for those that are actually in the code. Mr. Adhikari stated there is a clause in the code that they have to provide a report every year and if they do not do that will be penalties. He also stated there is a linkage in the code that they will have to look at Tempe’s Transportation Policy Manual that is being



updated by the City's Transportation Department and it is in conjunction with the Maricopa County's Traffic Reduction Plan. Mr. Adhikari stated that the City currently has about 200,000 people and it grows about 1.5% which is about 3,000 per year. If you divide that by 365 days that growth is about eight persons per day. This effort is to create a plan to accommodate to the growth in the City

**DISCUSSION BY THE COMMISSION:**

Commissioner Amorosi stated he is surprised the process has been going on from 2017 and neither Valley Partnerships nor the Arizona Multi-Housing Association have come up with an alternate plan. He feels it is because they are the types of lobbying groups that convinced the State Legislature to put a law in so that cities could not have inclusive zoning so they are pretty much for developers building and making as much profit as they can. He does not see where they are going to come in with an affordable housing component so anything the City can come up with that will work is better than having nothing at all.

Vice Chair DiDomenico stated that he understands that a lot of citizens can feel frustrated around the notion that government is a bureaucracy that does not solve problems but talks about them a lot. If you live in Tempe you are probably frustrated with something, maybe the homeless population where we talk about it all the time but do not have a solution yet and will talk about it for years to come. If you drive along McClintock you were probably frustrated when they took away lanes to make bike lanes because it made your commutes even worse, etc. Affordable housing has been a major problem for the last several years. There have been hundreds of public meetings about this process, everyone has poked holes in it, suggested ways it could be improved, however the time to make the improvements or get your suggestions on paper and in front of the decision makers is now. It has been three years and no decision coming tomorrow. If you have a better idea by April write it down and get it to somebody who can read it and do something about it. As a recommending body, Vice Chair DiDomenico is fully in favor of keeping this on track so we stop talking about things and we try some new things. He believes the intention is good and welcomes anyone with a better plan, but it is never going to be perfect.

**Motion:** Motion made by Vice Chair DiDomenico to approve PL190112 and seconded by Commissioner Amorosi.

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

**Nays:** Commissioner Schwartz

**Abstain:** None

**Absent:** Commissioners Summers

**Vote:** Motion passes 6-1

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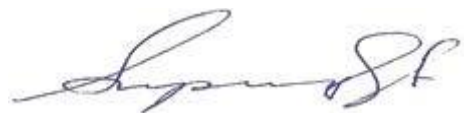
**Staff Announcements:**

Ms. Dasgupta advised the Commission of the agenda items that will be on the February 11, 2020 DRC agenda.

**There being no further business the meeting adjourned at 8:07 p.m.**

Prepared by: Joanna Barry

Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner,  
Community Development Planning