

**Tempe Aviation Commission
Tuesday, May 17
6:30 p.m. – Call to Order**

Hybrid

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 480-498-8745](tel:+14804988745), [414078182#](tel:+1414078182) United States, Phoenix

Phone Conference ID: 414 078 182#

Or

In Person, City Manager's Conference Room, Tempe City Hall

3rd Floor, 31 E 5th Street,

Tempe, Arizona 85280

AGENDA

1. **Call to Order**
2. **Public Appearances;** the Tempe Aviation Commission welcomes public comments at this time. The Commission may not respond to public comments unless the topic has been placed on the agenda. There is a *three-minute time limit* per citizen.
3. **Consideration of Meeting Minutes April 12;** for discussion and action.
4. **Presentation from Phoenix Sky Harbor;** for discussion
5. **Rio Salado Upcoming Development presentation;** for discussion
6. **Commissioners' Business;** suggestions for future agenda items.
7. **Schedule Next TAVCO Meeting,** Tuesday June 14, 2022
8. **Adjournment.**

According to the Arizona Open Meeting Law, the Commission may only discuss matters listed on the Commission agenda. The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance is available at public meetings for sight and/or hearing-impaired persons. Please call 350-2905 (voice) or 350-8400 (TDD) to request an accommodation to participate in a public meeting. Parking information is available at <http://www.millavenue.com/go/tempe-community-council>. For public transportation route and schedule information, please visit www.valleymetro.org or call 602-253-5000.

Minutes

Tempe Aviation Commission

April 12, 2022

Minutes of the Tempe Aviation Commission meeting - virtual Microsoft Teams meeting with call in +1 (480) 498-8745 United States, Phoenix (Toll) Conference ID: 243 160 897# held on April 12, 2022, 6:30 p.m.

(MEMBERS) Present:

W. David Doiron
Stuart Mitnik
Ellen Poole
Peter Schelstraete
Desiree Walker
John Lynch
Aaron McBride

(MEMBERS) Absent:

Karen Apple (excused)
Ed Kucharski (having technical difficulties)

Citizens Present:

None

City Staff Present:

Braden Kay, Sustainability and Resilience
Office, City of Tempe
Brienne Fisher, Sustainability and Resilience
Office, City of Tempe

Agenda Item 1 – Call to Order

Mr. Doiron called the meeting to order at 6:32p.m.

Agenda Item 2 – Public Appearances

Mr. Doiron asks if there are any members in the audience that has been able to make Microsoft Teams work. Ms. Fisher confirms no members of the public in attendance.

Agenda Item 3 – Consideration of Meeting Minutes (February 8, 2022)

Mr. Doiron asked if anyone had considerations of minutes such as discrepancies or corrections.

Motion: Vice Chair Lynch moved to approve minutes. The motion was seconded by Stuart Mitnik. Action: The motion to approve was passed by a unanimous vote.

Agenda Item 4 – Selection of Officers:

Chair Doiron mentions that since his term as Chair has been during the pandemic, there has been a lot of things he wanted to that he was not able to and therefor would like another term of being Chair.

Vice Chair Lynch also comments that he would also like to continue to be Vice Chair for another term.

Mitnik states he went through the website, and he noticed that his term is up in Fall. He asks what happens at that point. He asks if he just falls of the roster and his position is filled.

Lynch responds by saying it depends on how long you have been serving. You can serve on two-three-year terms on TAVCO. Lynch said he is actually on a two-year term since he is “replacing” someone’s term.

Fisher states she can work with the Clerk’s Office to get clarification on where Mitnik is in his term.

Chair Doiron asks if anyone else has any other comments, concerns, or volunteers regarding the selection of officers.

McBride motions that Lynch continues as Vice Chair. Mitnik seconds. Ayes: Mitnik, Schelstraete, McBride, Walker, Doiron, and Lynch. Nays: None. Absent: Kucharski and Poole.

Mitnik motions that Doiron continues as Chair. McBride seconds. Ayes: Doiron, Walker, Mitnik, Lynch, and McBride. Nays: none. Absent: Kucharski and Poole.

Agenda Item 5 – Rio Salado Development presentation

Fisher states that Ryan Levesque from the Planning Division and the City of Tempe is present at the meeting to provide an overview of some of the recent developments along Rio Salado that has been mentioned in past meetings. Fisher also states that the Tempe City Council did have an Executive Session to discuss the Priest and Rio Salado potential Cayotes Stadium development. Fisher stated that there is still no information that can be shared on that specific site at this time.

Levesque starts by saying he will do an overview of two projects that TAVCO had an interest in – 250 Rio and South Pier.

Levesque visually displays site maps on 250 Rio development and discusses the following:

- Northeast corner of Rio Salado and 1st street
- Former Penny savers site
- 14 story office
- 6 stories of parking garage and remaining is office
- Involves acquisition of city receiving additional parking area

- Historic Ash Ave bridge abutment to the east
- Improved entry way into the public parking space at Beach Park
- Improves historic Ash Ave alignment opportunity to celebrate historic natural of bridge but incorporate veterans' memories of viewing deck
- North end of building has additional tower of office space
- 210 feet of total height
- Building orientation to be accessible on east elevation rather than west elevation where the street is.
- Not taking away any current surface parking at Beach Park

Vice Chair Lynch states this development isn't really in the flight line, is it? Levesque says the development is on the flight path.

Levesque says the development is still within review and likely public meetings in May.

Chair Doiron asks if anyone has any questions. There is none.

South Pier at Tempe Town Lake Phase I

- Development Review Commission heard this case on Feb 22 and City Council already had a first read with second read happening in April
- Established agreement with city for city owned land
 - "Phase 1" is moving forward on the parcel that is not city owned.
- Lot 5 is entitled and about to start construction
- Lot 3 residential development they are preparing
- Currently a vacant recessed property site
- Several amendments to their past Master Plan development
- Max overall height was 310 feet
- Lot 6 specifically has three tower elements
- All three are residential with incorporating ground level retail
- Heights 236-259
- 724 residential units
 - 1129 studios; 391 one bedroom; 146 two bedrooms and 58 three bedrooms
- Boardwalk feel with splash pad and entertainments stage – all private developed and managed
- Within in the development agreement they are contemplating a future Ferris wheel.

Levesque asks if there are any questions. There are none.

Agenda Item 6 – Tempe Today Commission Communication

Chair Doiron asks if everyone had a chance to review the draft article. He states he would like to see an addition of the how to interact with the commission.

Lynch says just for some background, Mitnik drafted this article and Doiron and I made some edits and this collective effort is what you see here. I think we could definitely add the piece that Doiron mentions, and I am happy to help draft that section.

Chair Doiron asks if there are any other concerns or comments. There are none.

Vice Chair Lynch confirms that he will draft the discussed section and will send it to Fisher and Chair Doiron.

Agenda Item 8 – Commissioners Businesses

Chair Doiron says he has a “Flight Track Enforcement” presentation he would like to present in May that reviews why flights are flying over north Tempe more so than south Tempe.

Chair Doiron asks if there is anything else. There is no other comments.

Agenda Item 8 – Schedule Next TAVCO Meeting

The next meeting is proposed for Tuesday May 10 at 6:30pm.

Ellen Poole notes that she was having technical difficulties about joining the meeting. She wanted it noted in the minutes that she was able to attend.

Vice Chair Lynch moves to adjourn the meeting. Mitnik seconds. Ayes: Lynch, Doiron, Mitnik, Poole, Walker, McBride, and Schelstraete.

The meeting adjourned at 7:12 p.m.

Prepared by: Brianne Fisher



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Administrator

777 S. Aviation Blvd., Ste.150
El Segundo, CA 90245

April 1, 2022

Ms. Lisa Goodman
City of Tempe Procurement Officer
31 East Fifth Street
Tempe, AZ 85281

RE: Tempe Entertainment District (TED) Proposal

Dear Ms. Goodman:

The purpose of this letter is to inform the City of Tempe that the Federal Aviation Administration (FAA) is concerned about potential impacts to Phoenix Sky Harbor International Airport (PHX), land use changes, and the introduction of airport incompatible land use relating to the proposed Tempe Entertainment District (TED). As currently planned, this new development would introduce land use compatibility issues and increase noise incompatibility due to arrival and departure operations from PHX. The FAA's mission is to provide the safest and most efficient aerospace system in the world. Within the context of our mission, the FAA continues to seek ways to mitigate the effects of aviation-related noise by providing financial and technical assistance to airport sponsors on airport compatible land use, noise reduction planning and abatement activities.

The FAA is concerned about potential changes in airport land use compatibility and the introduction of high-density residences within an area known to experience considerable aircraft noise. The proposed TED development raises a number of concerns which include but are not limited to 1) Mixed use development in proximity to runway thresholds at PHX; 2) Development of housing, office space, hotel & arena with height exceeding eighty feet; 3) Airport air navigation; 4) Aircraft emergency flight profile, specifically One Engine Inoperable (OEI) departure & arrival profiles; 5) Construction equipment impacting PHX arrivals and departures, specifically construction cranes; 6) Aircraft performance limitations based on weather conditions, TED construction (interim) and developed (permanent) hazards to air navigation; and 7) Lasers, Fireworks, Promotional Spotlights, Drone Flight Operations and area lighting that will negatively impact aircraft performance and visibility associated with PHX. The FAA is aware that the City of Phoenix and air carriers which serve PHX have expressed related concerns with the TED and potential residential development.

The proposed development would be located within two miles of PHX within the Day-Night Average Sound Level (DNL) 65 decibel (dB) contour and is heavily affected by aircraft arrivals/departures (see enclosure 1)¹. FAA policy states that residential development within

¹ Enclosure 1 (illustration of proposed TED site PHX)

an airport 65 DNL noise contour is incompatible land use. The City of Phoenix, as the owner/operator of PHX, is obligated to challenge all incompatible land uses, including residential development for the safety and health of prospective residents, homeowners, businesses, communities and the general public. In accordance with FAA *Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects* (63 FR 16409) structures and new non-compatible development built after October 1, 1998 are not eligible for approval of remedial noise mitigation measures under Part 150 or for AIP funding.

According to the TED proposal presentation², the development proposes to add over 1,600 residential units. This plan would expose thousands of new residents to significant noise (65 dB DNL and higher), on the order of 4000 persons, using the average number of 2.62 persons per household according to the United States Census Bureau. Given that there are currently on the order of 440,000 persons nationwide exposed to significant noise, this development alone would increase the number of people exposed to significant noise by 0.9 percent.

PHX primary departure operations utilize Runways 7L/25R. The proposed development would be approximately 9,800 feet east of the south Runway complex. When operations utilize east flow, using Runway 7L as primary departure, aircraft departing straight out on Runway 7L will overfly the TED site. Runway 7L departures make up about 40% of annual operations. December 2019 was the peak month for departures on Runway 7L, with a monthly total of 11402 and an average of 368 departures per day. December 2021 had the highest number of heavy jet departures for Runway 7L, with a monthly total of 405 and an average of 13 heavy jet departures per day. Of the December 2021 total heavy jet departures on 7L, about 28% were during the nighttime hours of 2200-0700. During a one-week sample of heavy jet departures on 7L in December 2021, the average altitude of heavy jets over the proposed site was 1883 feet above ground level (AGL) and the lowest altitude of heavy jets was 1350 feet AGL.

During west flow operations, aircraft arrivals would fly over the TED site, arriving on Runway 25R. Runway 25R arrivals make up about 20% of annual operations. July 2019 was the peak month for arrivals on Runway 25R, with a monthly total of 1251 and an average of 31 arrivals per day. Proposed TED residential units would be exposed to the type and frequency of aviation activity described above.

FAA is also concerned about the proposed development introduction of multistory residential, hotel and office buildings ranging in height from 80 feet to 140 feet above ground level located within the PHX Part 77 approach surface to Runway 25L. The TED development project is located within the footprint of the Approach/Departure Obstruction Clearance Surface (OCS)³ for existing Runway 08/26 and Runway 7L/25R. Maintaining clearance and protection of the OCS is among critical safety factors for protection of the Nation's airspace and aviation operations to and from PHX. For safety reasons, the height

² [PAAB Meeting \(110921\) \(skyharbor.com\)](#)

³ Defined in FAA Advisory Circular (AC) 150/5300-13, Airport Design, and Engineering Brief 99A.

of proposed structures must be below the OCS. Additionally, the FAA is concerned about impacts to air navigation due to the presence of large scale (height) construction cranes.

The City of Tempe is responsible for ensuring proper planning and environmental studies are initiated in partnership with federal agencies, state, local, and private entities, in addition to notifying real estate investors, homeowners, and business owners of their exposure to direct overflight and airport noise in excess to 65 DNL contours.

Noise and land use compatibility planning are complex issues which need active engagement by the City of Tempe together in partnership with the City of Phoenix and Maricopa County, PHX, Sky Harbor Airport Commission, aeronautical users, airport business stakeholders, the business community, Phoenix/Tempe communities, citizens and the general public to establish a cohesive strategy for the health and well-being of the entire community. Please review the FAA [Airport Noise Compatibility Planning Toolkit \(Land Use Compatibility and Airports, A Guide for Effective Land Use Planning \[PDF\]\)](#).

Should the City of Tempe proceed with the TED project exposing on the order of 4000 residents to significant noise, residential sound insulation for these properties would not be eligible for federal funding assistance (Airport Improvement Program) from the FAA. As noted previously, residential housing placed within the 65 DNL is incompatible airport land use. Future TED residents' concerns about PHX aircraft operations sent to the FAA would be respectfully referred back to the City of Tempe. Therefore, we strongly encourage the City of Tempe to consider the FAA's concerns and look to develop and maintain compatible land uses around PHX.

The TED development Project is within Title 14 CFR Part 77 Notice Criteria where filing is required to ensure the safe, efficient use, and preservation of navigable airspace. The Notice Criteria Tool is available on-line at <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>. Filing Notice can be accomplished on-line at <https://oeaaa.faa.gov/oeaaa>. There are no filing fees associated with the filing Notice. Instructions are available at the website.

Sincerely,



Raquel Girvin
Regional Administrator

Enclosure

cc:

Andrew Ching, Tempe City Manager
Chad Makovsky, C.M, Director of Aviation Services, City of Phoenix

Proposed Tempe Entertainment District

In July 2021, the City of Tempe solicited proposals to develop a new sports arena and mixed-use development adjacent to Phoenix Sky Harbor International Airport. Tempe received one proposal from Bluebird Development, a firm that represents the Arizona Coyotes Hockey Franchise. The proposed location is at the northeast corner of Rio Salado Parkway and Priest Drive. Learn more about [Tempe's Request for Proposals](#).

The development could pose significant operational challenges for the airport, including potential flight path impacts from structures and intended uses.

The airport has called on the developer to provide more detailed information about the development that will allow the airport conduct a thorough analysis of potential impacts. City of Phoenix Director of Aviation Services Chad Makovsky sent a letter regarding the Tempe Arena Request for Proposals, no. 22-030 (Rio Salado Pkwy & Priest Drive); Arizona Coyotes (IceArizona Hockey Co LLC) & Bluebird Development LLC's Proposal to Nicholas Wood of Snell & Wilmer on Sept. 20. [See the letter](#).

Sept. 24, 2021, Director of Aviation Services Chad Makovsky sent a letter to the procurement officer for Tempe Arena Request for Proposals, no. 22-030 inviting Tempe officials to begin discussions with Sky Harbor about key features of the proposed development. [See the letter](#).

On Oct. 20, 2021 Airlines for America, which represents the busiest airlines at Sky Harbor, [sent a letter expressing concerns](#), requesting additional information, and urging a thorough evaluation of the proposed development.

On Oct. 21, 2021 staff from the Phoenix Aviation Department [made this presentation](#) to the Phoenix Aviation Advisory Board.

On Oct. 25, 2021 the attorney representing the developer of the proposed project [sent a letter](#) to the City of Phoenix Aviation Department. On Nov. 2, 2021, the Phoenix Aviation Department [responded with this letter](#).

On Nov. 9, 2021 the attorney representing the developer of the proposed project [sent this letter](#) to Phoenix Director of Aviation Services Chad Makovsky as a follow-up to a meeting.

On Nov. 18, 2021 the Coyotes [made a presentation](#) to the Phoenix Aviation Advisory Board.

While the City of Phoenix Aviation Department has questions about several items in the Nov. 9 letter and the Nov. 18 presentation, technical meetings will be taking place in an effort to resolve remaining concerns.

While Sky Harbor awaits detailed data from the developer, the City of Phoenix Aviation Department has conducted an [initial analysis of potential flight traffic](#) over the proposed development. Sky Harbor has repeatedly called on the developer to provide the additional data it needs to conduct, along with its industry partners, a comprehensive analysis of potential impact. It remains our goal to cooperatively work with the developer to mitigate identified impacts in order to protect the airport's ability to grow and serve our region for generations to come.

On April 6, 2022, the Director of Aviation Services was copied on [a letter the FAA sent to the City of Tempe](#) dated April 1, 2022 regarding the proposed Rio Salado Project. [Please see Enclosure 1, an illustration of the proposed TED site PHX.](#)

On April 8, the Coyotes responded to the FAA's letter, [with this correspondence](#).

- The Coyotes' letter contradicts the FAA's clear statements (in its letter) that the proposed Tempe Entertainment District's residential units would be considered incompatible land use because of their location in an area severely impacted by aircraft noise (65 DNL).
- In their letter, the Coyotes point to what other communities have decided is acceptable, but the FAA states in its guidance letter to Tempe that residential is not a compatible land use in this location. Sky Harbor expects the Coyotes to live up to their commitment to "follow all FAA guidelines" for noise issues, and other issues raised by the FAA and Sky Harbor.
- Sky Harbor and the City of Tempe have a longstanding Intergovernmental Agreement in place which dictates how aircraft may operate at Sky Harbor in order to minimize noise over existing Tempe neighborhoods. In exchange, Tempe agreed to not permit incompatible uses including new residential development in noise impacted areas. Elements of the proposed Tempe Entertainment District will violate this agreement if implemented regardless of proposed mitigations.
- In order for Phoenix Sky Harbor International Airport to grow and serve the entire community as the State's number-one economic engine, it is imperative that land uses under the Airport's flight paths are protected and compatible with Sky Harbor's operations.

On April 21, Deputy Aviation Director Jordan Feld [gave this presentation to the Phoenix Aviation Advisory Board](#).

After the April 21 presentation, the developer of the proposed Tempe Entertainment District sent follow-up questions about the construction crane and economic impact analysis. The Phoenix Aviation Department [responded to the questions](#) on May 6, 2022. In addition, the Aviation Department provided further [Construction Crane](#) and [Economic Impact](#) information requested by the developer.

New information about this topic will be published to this page.

Learn more about [Phoenix Sky Harbor International Airport's Economic Impact](#).