

DRAFT Minutes Neighborhood Advisory Commission May 4, 2022



Draft minutes of the Neighborhood Advisory Commission (NAC) held on Wednesday, May 4, 2022, hybrid meeting with in-person attendance option and a virtual component using Microsoft Teams platform

(MEMBERS) Present: Brandon Abrahams, Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Melanie Larimer, Nancy Puffer, Mark Rude, Joel Stern, Nicholas Weller

(MEMBERS) Absent: Annette Fields, Linda Knutson, Daniel Schugurensky

City Staff: Laura Kajfez, Neighborhood Services Specialist; Maria Laughner, Deputy Economic Development Director; Ryan Levesque, Deputy Community Development Director, Planning; Bonnie Richardson, Principal Planner – Transportation; Shauna Warner, Neighborhood Services Manager

Guests: Gabe Hagen, Michael Halsam, Heidi Kimball, Michael Maerowitz

Agenda Item 1 – Call to Order

The meeting was called to order at 5:33 p.m. by Chair Hannah Moulton Belec

Agenda Item 2 – Attendance Roll Call

Present: Brandon Abrahams, Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Melanie Larimer (arrived at 5:37 p.m.), Nancy Puffer, Mark Rude, Joel Stern, Nicholas Weller

Absent: Annette Fields, Linda Knutson, Daniel Schugurensky

Agenda Item 3 – Public Comment

None

Agenda Item 4 – Review and approval of meeting minutes: April 6, 2022

Motion: Commissioner Weller made a motion to approve the April 6 minutes as presented.

Second: Vice Chair Stern

Commission Member Ayes: Brandon Abrahams, Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Nancy Puffer, Mark Rude, Joel Stern, Nicholas Weller

Absent: Annette Fields, Linda Knutson, Melanie Larimer, Daniel Schugurensky

Result: Approved by a unanimous vote of those present 10-0.

Agenda Item 5 – Hayden Flour Mill Development Plan

Maria Laughner provided background on the Hayden Flour Mill project. The city had previously issued a Request for Proposals (RFP) that hadn't materialized in a built project. In September 2021, the city issued a new RFP for the lease and development of the Hayden Flour Mill site. In February 2022, City Council awarded the RFP to Venue Projects and Sunbelt Holdings, who are both locally based Arizona companies, with the intent to get a project that represents the community and respects the archaeological and historical significance of the site.

Heidi Kimball with Sunbelt Holdings spoke to the development teams' experience with complex transactions and joint partners and provided examples of local and out of state projects that influenced their proposal. She emphasized a light and sensitive approach with a smaller footprint than previous designs. They are not proposing anything taller than the existing silos.

Ms. Kimball also noted the development teams' commitment to engaging the community and the four Southern tribes to obtain ideas and suggestions that will inform the final project.

Commissioner questions and answers:

Q: Who is responsible for activation?

A: The team is working directly with the Downtown Tempe Authority on parking and security. There will be a property manager on site, but they haven't identified a structure or governance yet.

Q: Will there be anything in the silos?

A: No, the silos are tubes and there is nothing to the interior. They might activate the elevator building.

Q: Is there parking included onsite, or are they going for a car free environment like Culdesac?

A: The project will not include traditional parking, there will be places for drop off. There will be no one living onsite and there is public parking surrounding it, so they don't want to take up valuable onsite space.

Q: Will the buildings obscure the view?

A: The view corridor is part of the plan. Views to and from the butte will be maintained and buildings are low in profile and consider view corridors.

Ms. Kimball provided additional design details on view corridors and site circulation. Since the property is directly under the flight path, they are also considering what it looks like from a plane. They do intend to include a water feature of some sort as it was a water driven mill.

Q: Will there be an outdoor amphitheater? There was one in an old iteration.

A: They intend to preserve and enhance the event lawn and there will be other public plazas, but only on a small scale.

Q: What is building D on the site map?

A: A new 2-story building that could incorporate restaurant or retail space. It would replicate what was there before.

Q: What is going in the actual mill building?

A: Creative office space in the upper floors with the ground floor appropriate for restaurant, retail, or museum concept.

Q: Will you keep equipment?

A: There is a vertical penetration in floors in the mill building that must be taken out. They aren't far along enough in the project to know what equipment will be kept.

Q: Will there be shade?

A: Proposed buildings have an overhang to provide shade, they don't have a landscape plan yet.

Recommended by Commissioner Abrahams to look at [Camp North End](#) in Charlotte, NC. It's an old industrial site that was turned into collaborative/flexible space with an outdoor food hall.

Outreach to the community, including the Neighborhood Advisory Commission, will continue throughout the process. Commissioners were encouraged to reach out with any other ideas or questions.

Agenda Item 6 – Adaptive Streets Presentation of Guide

Bonnie Richardson provided an update on Adaptive Streets, including details on what is proposed to be included in an Adaptive Streets Implementation Design Guide.

As background, Ms. Richardson shared Adaptive Streets provides a chance to utilize public right-of-way for a variety of temporary and relatively quick activities and uses. It provides the community an opportunity to get involved in their neighborhood and is location specific.

Feedback collected during the public outreach process showed the community thought Adaptive Streets was a good way to support other city goals and initiatives. There was a desire for placemaking in the right-of-way, with a need for a fast process.

The proposed strategies in the guide address identified needs, including an enhanced environments for pedestrians at an intersection, transit riders, more space for bikes, outdoor businesses, or community use and placemaking. The guide itself will provide design standards for each strategy as well as instructions on how to implement a project.

Next steps include assembling the design guide and refining processes to have a Draft Adaptive Streets Implementation Design Guide ready in May of 2022. City staff are currently providing presentations to City Commissions and will share with the City Council at a June Work Study Session.

Commissioner questions and answers:

Q: Who will be able to put in applications? Neighborhoods or businesses? How do you ask for funds besides the grant process?

A: The current budget is for developing and creating the guide. City staff is looking at a variety of ways to fund projects, including neighborhood grants. There could also potentially be a line item out of transit funds. They are currently working on a few funded demonstration projects. DTA is paying to hire an artist and paint a section of the street. There is also interest from Culdesac in painting a more creative and colorful bike lane on Smith Road. Neighborhoods may collaborate with businesses and the community can raise funds. Most adaptive street projects are done by community with help from an artist.

Q: Any consideration for adaptive street designs around schools where there is a lot of pedestrian traffic?

A: Yes, there are a lot of examples of designs near schools and parks. It's key in these areas to make sure to cross safely and bring attention to crosswalks.

Q: Who will be responsible to maintain the "pretty painted" street art? The artists or the City? I'm confused as to why "enhancing the environment" for people walking on the sidewalks or taking a bus. Seems a bit of a frivolous use of funds. (Shade for these environments is great - but the artwork seems a bit much). Perhaps some of these funds can be directed at more important things such as homeless people support.

A: The care & maintenance of a street painting is discussed at the time of application. The neighbors/businesses/donors would likely agree to refresh the paint if needed. There are some circumstances where the images may be paved over (street improvements, new permanent CIP modifications, etc.). Please keep in mind that Adaptive Streets strategies are intended to be temporary and, if successful, would likely lead to a CIP funded permanent improvement in future years. They are designed to be low cost, easy to implement, and meet a need of the local residents/businesses/community. The program includes a variety of strategies, and many do not include paint.

The Bloomberg Asphalt Art Safety Study that I referenced in my presentation, <https://assets.bbhub.io/dotorg/sites/43/2022/04/Asphalt-Art-Safety-Study.pdf>, offers compelling data and analysis that street art can improve safety for bicyclists and pedestrians while they are crossing the street.

Comparing the average of crash rates for before-after analysis periods, results from the Historical Crash Analysis include:

- » 50% decrease in the rate of crashes involving pedestrians or other vulnerable road users
- » 37% decrease in the rate of crashes leading to injuries
- » 17% decrease in the total crash rate

Similarly, the Observational Behavior Assessment indicates:

- » 25% decrease in pedestrian crossings involving a conflict with drivers
- » 27% increase in frequency of drivers immediately yielding to pedestrians with the right of way
- » 38% decrease in pedestrians crossing against the walk signal

You can imagine that this would be helpful to the elderly, mobility assisted people, and young children. I'd also like to be clear that we are not going to be using any funds that could otherwise be used for homeless support. The applicants are responsible for proposing how they will fund their project. Meanwhile, we are looking for opportunities where the city might provide some assistance.

Agenda Item 7 – Proposed Zoning and Development Code Marijuana Infusion Facility Text Amendment

Michael Maerowitz, a zoning attorney at Gammage and Burnham, introduced himself. Their firm is the applicant for the code text amendment on Mike Halsam's behalf. The NAC meeting is the first public meeting on the issue. The text amendment would be on the Development Review Commission's May 24 agenda for action and then early and late June hearings at Council.

Mr. Maerowitz provided background on the different types of marijuana facilities, which include dispensaries, cultivation facilities and infusion facilities. Infusion facility produce a consumable product where the extracted oil from marijuana plants is baked or blended into products. Tempe's current Zoning and Development Code groups cultivation and infusion facilities together and subjects them to the same zoning restrictions of what type of zoning they can be in as well as required separation requirements from defined places.

Current Separation Requirements:

- Childcare facility – 1,320 feet
- Schools – 1,320 feet
- Place of Worship – 1,320 feet
- Public Park, Library or Community Building – 1,320 feet
- Residential Zoning District – 500 feet

The proposed text amendment would separate infusion from the definition of Marijuana Cultivation Facility and Medical Marijuana Cultivation Facility. It would then create a new definition/land use for a Marijuana Infusion Facility and a Medical Marijuana Infusion Facility. This includes establishing new separation requirements for these types of facilities.

Proposed Separation Requirements:

- Childcare facility – 500 feet
- Schools – 500 feet
- Place of Worship – 500 feet
- Public Park, Library or Community Building – 500 feet
- Residential Zoning District – 500 feet

Mr. Maerowitz noted they are proposing the changes as Mr. Halsam would like to open an infusion facility in an industrial area that currently does not meet the separation requirement. He also explained the operational differences of an infusion facility, which works more like a lab with minimal odor, dust, gas, noise, or other nuisances. Odor comes with the cultivation/growing process. The change in zoning code would also help to serve a tremendous demand for medical and recreational use.

Commissioner questions and answers:

Q: Why are the ordinances for these facilities restricted differently than alcohol distribution or distillery facilities?

A: The marijuana act in 2010 included regulatory statutes that required separation requirements of 500 feet from schools. Local jurisdictions could put in other separation requirements. The numbers for other separations aren't dictated anywhere, it's just the 500 feet from schools that is required.

Q: Do other states with legalized recreational marijuana (CA, OR, CO) also have cultivation and infusion together? Have they separated?

A: Arizona grouped cultivation and infusion together with the legalization of medical marijuana in 2010 and didn't allow for them to take place separately. That requirement was updated with the legalization of recreational marijuana in November of 2020. They would have to survey other states to know how they categorize cultivation and infusion.

Q: Have any other cities approached amending their zoning requirements?

A: The first city to make a change is Tucson. They had similar regulations to Tempe, but in 2021 they separated the uses and created a new definition. Tucson only requires separation from schools for infusion and left the other requirements for cultivation.

Q: Have there been any challenges in Tucson?

A: Not that they are aware of. Infusion takes place in fully enclosed buildings in industrial areas that are not open to the public.

Q: What are the arguments used by those who would not support this change?

A: The argument depends on what you think are appropriate uses within industrial areas. Some cities limit the type of use when they don't want them to bunch up. Tempe doesn't. Most arguments relate to cultivation and are around odor mitigation. Infusion is different.

Motion: Commissioner Weller made a motion to support the proposed Zoning and Development Code text amendment related to marijuana infusion facilities.

Second: Vice Chair Stern

Commission Member Ayes: Brandon Abrahams, Hannah Moulton Belec, Maureen Eastty, Diane Harden, Barb Harris, Melanie Larimer, Nancy Puffer, Mark Rude, Joel Stern, Nicholas Weller

Commission Member Abstention: Jana Lynn Granillo,

Absent: Annette Fields, Linda Knutson and Daniel Schugurensky

Result: Approved by a vote of those present with 10 in favor, 1 abstention and 0 against.

Agenda Item 8 – Tempe Tomorrow: General Plan 2050 working group opportunity

Commissioners were requested to nominate representatives to the Tempe Tomorrow: General Plan 2050 Technical Advisory Group. Commissioner Abrahams volunteered to be the representative and Commissioner Weller volunteered to be the alternative representative.

Agenda Item 9 – Proposed Future Agenda Items

Zoning and Development Code Text Amendments

Short Term Rentals Update

Number of Registered Neighborhoods

Update on Maryanne Corder Neighborhood Grants

Water Conservation -- anticipated water usage policy changes and approach given drought

Entertainment District Noise Issues

Habitat for Humanity
Maker's District Update

Agenda Item 10 - Adjournment
Meeting was adjourned at 7:01 p.m.

Prepared by: Shauna Warner