



City of Phoenix
AVIATION DEPARTMENT

November 14, 2022

VIA EMAIL

Suparna Dasgupta
Principal Planner
Suparna_Dasgupta@Tempe.gov

RE: Objection to Proposed Residential Zoning, General Plan Amendment, and Overlay at Tempe Entertainment District Site

Dear Ms. Dasgupta,

On behalf of the City of Phoenix, we write to continue to object to the inclusion of residential in the Tempe Entertainment District (the “Project”) and to any associated rezoning, general plan amendment, or overlay to accommodate this residential use. We renew this objection in advance of the planning hearing before the Development Review Commission on November 15, 2022. Please transmit this objection to the Commission.

Again, Phoenix objects to the Project because its approval would violate the 1994 Intergovernmental Agreement between Phoenix and Tempe (the “IGA”).

In the IGA, Tempe has agreed both (1) to “take all actions necessary . . . to implement the land use management strategies recommended in the F.A.R. Part 150 [Plan],” and (2) to “take such measures as are necessary to ensure that new development undertaken in connection with the Rio Salado project or in noise sensitive environs within [Tempe’s] jurisdiction will be compatible with the noise levels predicted in the [Part 150 Plan].” IGA, art. III, sec. 3. These two obligations, among others, prohibit Tempe from approving or allowing new residential developments within the noise contours for the 65 day-night average sound level (“DNL”). Indeed, Tempe has an affirmative obligation under the IGA to ensure that such projects are not approved.

The Project, however, now proposes to authorize the inclusion of at least 1,995 incompatible residential dwelling units (an increase over the amount initially proposed) entirely within the 65 DNL contour.

By taking steps to authorize residential as part of the Project, Tempe will violate its obligations and will breach the IGA with Phoenix. For this reason, Phoenix objects to the inclusion of residential in the Project and encourages Tempe not to proceed with steps, including rezoning and general plan amendments, to authorize such residential development.





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While this objection is based on the well-known provisions of the IGA, Phoenix reserves the right to bring additional challenges to the development, if it moves forward. For instance, the Staff Report notes (at 5) that “[t]raffic will be one of the most significant impacts to address for this development.” Phoenix is not aware of a review of whether this traffic issue will increase cut-through traffic at Sky Harbor—potentially increasing the congestion on already congested roadways owned, operated, and maintained by the airport. This must be considered.

Sincerely,

Chad R. Makovsky, C.M.
Director of Aviation Services

CC: Andrew Ching, Tempe City Manager
Tempe City Council
Sonia Blain, Tempe City Attorney
Ryan Levesque, City of Tempe, Deputy Director - Planning
Jeffrey Barton, Phoenix City Manager
Mario Paniagua, Phoenix Deputy City Manager

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