

Staff Summary Report



City Council Meeting: 01/24/08

Agenda Item Number: 28

SUBJECT: Request for a Final Subdivision and Condominium Plat for ONYX TOWER located at 909 East Playa Del Norte Drive.

DOCUMENT NAME: 20080124dskko02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request by **ONYX TOWER (PL060427)** (The City of Tempe (lot 3A) and John Iorillo, President, C.E.O / Weststone U.S.A.--Onyx Tower, L.P. (lot 3), property owners; Greg Loper / Weststone U.S.A.—Onyx Tower L.P., applicant) for a Final Subdivision and Condominium Plat on +/- 1.62 net acres located at 909 East Playa Del Norte Drive in the MU-4, Mixed-Use High Density District with Amended P.A.D. and the RSOD, Rio Salado Overlay District, including the following:

SBD07046 – Final Subdivision Plat to unify two lots into one and Final Condominium Plat for 196 residential dwelling units on the lot.

PREPARED BY: Kevin O'Melia, Senior Planner (480-350-8432)

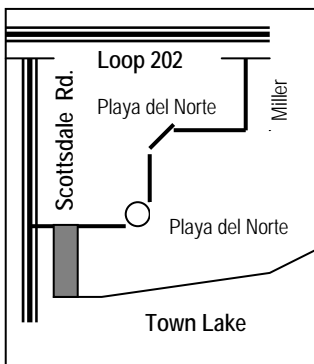
REVIEWED BY: Lisa Collins, Planning Director (480-350-8989) 

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions 1 - 4.

ADDITIONAL INFO:



Gross / Net Site Area +/- 1.62 acres

Number of condominiums 196

Total livable condo area 229,055 s.f. (excludes common interior spaces and garage levels)

This site is located at the southeast corner of Playa Del Norte Drive and Scottsdale Road and has a southern frontage on the Town Lake.

The proposal includes a Final Subdivision and Condominium Plat to combine lot 3 and lot 3A of Playa Del Norte into one parcel and provide 196 for sale residential condominiums. There are no adjustments to the public right of way included with this request. Lot 3 is the main portion of the site and will include the residential condominiums of the tower and podium. Lot 3A is a sliver of land immediately adjacent to the lake that was part of the lands administered by the Bureau of Land Management until the lands were transferred to the City of Tempe for development of the Town Lake in 1997. Lot 3A has no above-grade development but will include the southern ends of the two subterranean parking levels.

PAGES:

1. List of Attachments
2. Comments / Reason for Approval / Conditions of Approval
- 3-4. History & Facts
5. Description / Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
- 4-25. Subdivision and Condominium Plat (22 pages)

COMMENTS:

Project Analysis

Onyx Tower is located at the southeast corner of Playa Del Norte Drive and Scottsdale Road. The southern frontage of the site abuts the linear park and the Town Lake. The proposal includes a Subdivision Plat to unify lots 3 and 3A of Playa Del Norte and a Condominium Plat for 196 "for sale" residential condominiums. These two processes are combined into one document.

The development consists of a 23-story tower resting on a 2-story building podium over a 3-story parking structure. There are 28 levels in all, including two parking levels (P-2 and P-3) below grade. 28 of the residential condominiums are in the podium on the second and third above-grade levels and the remaining 168 residential condominiums are in the tower on the fourth through twenty-sixth above-grade levels. On the ground parking level and two subterranean parking levels the private storage closets, tandem parking spaces and private two-car garages are demarcated for individual ownership.

The development has previously processed an Amended Planned Area Development Overlay through Development Review Commission and City Council. A building height of 272 feet and a density of 132.4 dwelling units per acre are included in the Amended Planned Area Development Overlay. As part of this process, notification was made and a neighborhood meeting was conducted (the public did not attend the meeting). Additionally, the Development Review Commission has approved a Use Permit for tandem parking and a Development Plan for the building elevations, site plan and landscape plan of Onyx Tower.

The proposed Subdivision and Condominium Plat for Onyx Tower meets the minimum required technical standards of Tempe City Code Chapter 30, Subdivisions. Staff recommends approval of this request subject to conditions. Public input for the Subdivision and Condominium Plat is not required.

REASON FOR APPROVAL:

1. The Subdivision and Condominium Plat conforms to the technical standards of Tempe City Code Chapter 30, Subdivisions.

CONDITIONS OF APPROVAL:

1. The Final Subdivision and Condominium Plat for Onyx Tower shall be put into proper engineered format with appropriate signature blanks. Record the Final Subdivision and Condominium Plat with the Maricopa County Recorder's Office through the Tempe Development Services Department on or before one year from date of City Council approval (January 24, 2009). Failure to record the plat by one year from date of City Council approval shall make the approval of the Subdivision and Condominium Plat null and void. Record the Subdivision and Condominium Plat prior to issuance of building permit (or as allowed by the Building Safety Division).
2. Complete ownership transfer of lot 3A from City of Tempe to Weststone U.S.A. / Onyx Tower L.P.
3. Do not extend residential use to area of lot 3A in accordance with the condition of the United States Department of the Interior, Bureau of Land Management.
4. The owner(s) shall provide a continuing care condition, covenant and restriction (CC&R's) for all of the project's common features, including, but not limited to, the common portions of the building, building and site security lighting, landscape, and all features located in any common area. The CC&R's shall be reviewed by and placed in a form satisfactory to the Development Services Manager and City Attorney. The CC&R's shall be recorded with Maricopa County Recorder's Office prior to issuance of Certificate of Occupancy.

HISTORY & FACTS:

March 6, 1997	The United States Department of the Interior, Bureau of Land Management and the City of Tempe entered into agreement concerning the purchase of lands within and adjacent to the Salt River bed, including the land that became lot 3A of Playa Del Norte. The request to purchase the lands was first made by the City of Tempe on April 19, 1996. In the agreement, Tempe accepted transfer of title to the subject lands by a patent. The patent attached to this agreement is number 02-97-0005.
October 21, 2003	Redevelopment Review Commission held a review session regarding Playa del Norte. The applicant briefly explained the overall development and explained in more detail the Final P.A.D.'s (Lots 1, 4 and 5) the restaurant and residential portion of the master plan.
December 2, 2003	Redevelopment Review Commission recommended approval to City Council for a change in zoning, a Preliminary and Final Subdivision Plat, and a Preliminary Planned Area Development consisting of 90,000 s.f. of office space, 112 residential condominiums, 543 apartment/condominium units, 13,187 s.f. for restaurants and an additional 20,900 s.f. of mixed use for office/retail/restaurant (Lots 1, 2, 3, 4, 5, and 6) all on 22.78 net acres; and a Final Planned Area Development including site plan, landscape plan, and building elevations for Lot 1, 4, and 5 consisting of 3,187 s.f. for a restaurant (Lot 1), 112 residential condominiums (230,316 s.f. in Lot 4), and 543 apartment/condominiums (742,194 s.f. in Lot 5) on 12.44 net acres. Also included with this request was a use permit to allow outdoor dining in the MG, Multi-Use General District and five (5) variances. (7-0 vote)
January 8, 2004	City Council approved a change in zoning, a Preliminary and Final Subdivision Plat, and a Preliminary Planned Area Development consisting of 90,000 s.f. of office space, 112 residential condominiums, 543 apartment/condominium units, 13,187 s.f. for restaurants and an additional 20,900 s.f. of mixed uses for office/retail/restaurant (Lots 1, 2, 3, 4, 5, and 6) all on 22.78 net acres; and a Final Planned Area Development including site plan, landscape plan, and building elevations for Lot 1, 4, and 5 consisting of 3,187 s.f. for a restaurant (Lot 1), 112 residential condominiums (230,316 s.f. in Lot 4), and 543 apartment/condominiums (742,194 s.f. in Lot 5) on 12.44 net acres. Also included with this request was a use permit to allow outdoor dining in the MG, Multi-Use General District and five (5) variances
September 20, 2005	Redevelopment Review Commission recommended approval for an Amended Planned Area Development for Lot 2 of Playa del Norte.
September 20, 2005	Redevelopment Review Commission approved building elevations, site plan, landscape plan, and a variance to allow a drive-through to be oriented between the street right-of-way and the primary customer entrance for Playa del Norte Lot 2, located at 910 East Playa del Norte Drive, in the MU-4, Mixed Use, High Density Zoning District.
October 20, 2005	City Council approved the request by Playa del Norte Lot 2 for an Amended Planned Area Development for Lot 2 of Playa del Norte, consisting of 24,834 square feet of restaurant and office space, located at 910 East Playa del Norte Drive.
April 18, 2006	Redevelopment Review Commission recommended approval for an Amended Planned Area Development for Lot 2 of Playa del Norte on their consent agenda.
April 18, 2006	Redevelopment Review Commission approved a development plan, including building elevations, site plan, landscape plan, and a variance to reduce the required parking setback of the eastern edge of Lot 2 from 20 feet to 7 feet for Playa del Norte Lot 2, located at 910 East Playa del Norte Drive, in the MU-4, Mixed Use, High Density Zoning District on their consent agenda.
May 24, 2006	City Council approved the request by Playa del Norte Lot 2 for an Amended Planned Area

Development Lot 2 of Playa del Norte, consisting of 11,959 square feet of restaurant, retail and office space, located at 910 East Playa del Norte Drive.

July 11, 2006	Playa Del Norte Lot 3 Condominiums was presented to the Development Review Committee of the Rio Salado Advisory Commission. This earlier scheme included 188 residential units, a 23 story tower and a four story wing. As with the latter scheme, the garage was three levels and included a secured residential component and an unsecured guest component. The three Commissioners present agreed the use is appropriate for the Rio Salado Overlay District and fits with the goals and policies of the District.
February 7, 2007	The Onyx Condominiums was presented to the Development Review Committee of the Rio Salado Advisory Commission. The Commissioners present agreed the project furthers the goals of the Rio Salado District and the residential use of the project is appropriate for the district.
May 15, 2007	The Federal Aviation Administration conducted an aeronautical study concerning Onyx and made determination of "no hazard to air navigation."
May 22, 2007	A Neighborhood Meeting was held (the first such meeting for any development within Playa Del Norte) to present the Onyx Condominiums to residents and property owners in the vicinity. The public did not attend. No public input was received.
May 31, 2007	City Council approved the request by Playa Del Norte Lot 6 for a Final Subdivision Plat to split the existing lot 6 into two adjacent parcels on +/-4.45 net acres, located at 951 East Playa Del Norte Drive, in the MU-4 Mixed Use, High Density District and the Rio Salado Overlay District (SBD07017).
June 12, 2007	The Development Review Commission approved the request for the Onyx Condominiums for a Use Permit to allow tandem parking in the garage and a Development Plan including building elevations, site plan and landscape plan. The Development Review Commission also recommended approval to City Council for an Amended Planned Area Development Overlay for the project. The residential building area (excluding the garage) is +/- 252,316 s.f. The site is +/- 1.481 acres. The site is in the MU-4, Mixed-Use, High Density District and the Rio Salado Overlay District.
July 19, 2007	City Council approved the request for the Onyx Condominiums for an Amended Planned Development Overlay for +/- 252,316 s.f. of residential building area on +/- 1.481 acres in the MU-4, Mixed-Use, High Density District and the Rio Salado Overlay District.
December 6, 2007	City Council approved the Second Modified Assessment Diagram for Playa Del Norte / Miller Road Street Improvements, Improvement District No. 179 (Res 2007.100). Note: the Modification to the Assessment Diagram allowed the recordation of the Final Subdivision Plat that created two lots out of Playa Del Norte Lot 6 (see May 31, 2007 entry above).
January 24, 2008	City Council is scheduled to hear the Third Modified Assessment Diagram for Playa Del Norte / Miller Road Street Improvements, Improvement District No. 179. The reason for this modification is to allow a lot split (for condominiums) in the form of a new subdivision known as Onyx Tower.

DESCRIPTION:

Property Owner (lot 3) --	John Iorillo, President, C.E.O / Weststone U.S.A. - Onyx Tower L.P.
Property Owner (lot 3A) --	City of Tempe
Applicant --	Greg Loper / Weststone U.S.A. - Onyx Tower L.P.
Land Surveyor --	Marvin G. Lovlein, V3 Companies of Arizona.

General Plan 2030

Projected Land Use --	Public Open Space (at lake shore) and Mixed Use
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Zoning

Existing Zoning --	MU-4, Mixed-Use High-Density District with Amended P.A.D. RSOD, Rio Salado Overlay District
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Site Data

Lot 3 area	+/- 1.40 acres (61,125 s.f.)
Lot 3A area	+/- 0.22 acres (9,454 s.f.)
Gross/ Net Site Area --	+/- 1.62 acres (70,579 s.f.)

Condominium Data

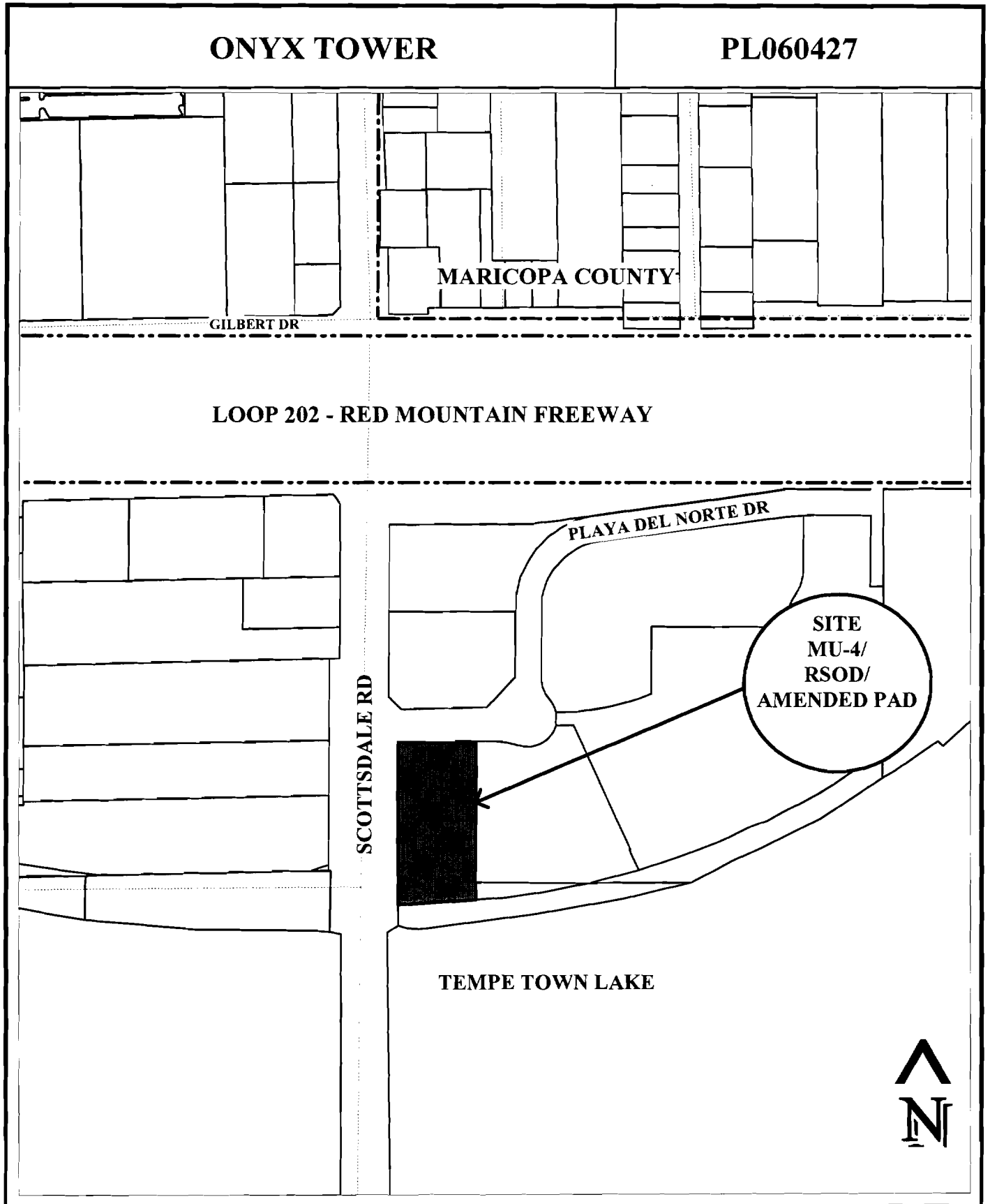
Unit A	1,089 s.f. ea.	19 units	20,691 s.f.
Unit B	1,215 s.f. ea.	15 units	18,225 s.f.
Unit C	1,167 s.f. ea.	13 units	15,171 s.f.
Unit D	1,231 s.f. ea.	15 units	18,465 s.f.
Unit E	1,176 s.f. ea.	19 units	22,344 s.f.
Unit F	1,174 s.f. ea.	9 units	10,566 s.f.
Unit G	1,018 s.f. ea.	9 units	9,162 s.f.
Unit H	955 s.f. ea.	16 units	15,280 s.f.
Unit I	779 s.f. ea.	10 units	7,790 s.f.
Unit J	721 s.f. ea.	10 units	7,210 s.f.
Unit K	711 s.f. ea.	10 units	7,110 s.f.
Unit L	1,206 s.f. ea.	3 units	3,618 s.f.
Unit M	1,757 s.f. ea.	3 units	5,271 s.f.
Unit N	1,491 s.f. ea.	3 units	4,473 s.f.
Unit O	763 s.f. ea.	4 units	3,052 s.f.
Unit P	1,158 s.f. ea.	4 units	4,632 s.f.
Unit Q	1,484 s.f. ea.	2 units	2,968 s.f.
Unit R	1,484 s.f. ea.	4 units	5,936 s.f.
Unit S	1,133 s.f. ea.	2 units	2,266 s.f.
Unit T	1,155 s.f. ea.	2 units	2,310 s.f.
Unit U	751 s.f. ea.	2 units	1,502 s.f.
Unit V	774 s.f. ea.	2 units	1,548 s.f.
Unit PH1	1,601 s.f. ea.	5 units	8,005 s.f.
Unit PH2	2,364 s.f. ea.	5 units	11,820 s.f.
Unit PH3	2,234 s.f. ea.	5 units	11,170 s.f.
Unit PH4	1,694 s.f. ea.	5 units	8,470 s.f.

Number of condominiums	196
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Total livable condominium area	229,055 s.f.
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ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-307, Subdivisions, Lot Splits and Adjustments



Location Map



PLAYA DEL NORTE - LOT 3 (PL060427)



January 11, 2008

Chris Anaradian, Director
Development Services Department
City of Tempe
31 East 5th Street
Tempe, AZ 85281

RE: Condominium plat for Onyx Tower (Lots 3 & 3A of Playa del Norte); DS 060441;
909 East Playa del Norte

Dear Chris,

WestStone USA seeks formal City of Tempe approval of the Condominium Plat for our Onyx Tower project, which is a 196-unit residential condominium development adjacent to Tempe Town Lake.

This Condominium Plat also includes the combination of Lots 3 and 3A of the Playa del Norte subdivision (MCR Book 685, Page 32) into one lot.

Included with this letter are copies of the Condominium Plat.

Please review and comment, and – once acceptable – please schedule for the earliest-available Tempe City Council meeting for their review and approval.

As always, your assistance is greatly appreciated.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Loper", with a stylized flourish extending from the end.

Greg Loper, AICP
Director of Development

Enclosures: As stated

cc: Manjula Vaz, Gammage & Burnham

JAN 11 2008

8145 East Indian Bend Road – Suite 100 • Scottsdale, AZ 85250 • 480.355.4222 • Fax 480.355.4201

'ONYX TOWER'

909 E. PLAYA DEL NORTE, TEMPE, ARIZONA

A CONDOMINIUM DEVELOPMENT AND RE PLAT OF LOT 3 AND LOT 3A OF THE FINAL PLAT AT PLAYA DEL NORTE AS SHOWN IN BOOK 685 OF MAPS AT PAGE 32 WITH INSTRUMENT NO. 2004-0533042 MARICOPA COUNTY RECORDS WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT ONYX TOWER, L.P., AS OWNER, HAS REPLATTED UNDER THE NAME OF "ONYX TOWER" A CONDOMINIUM DEVELOPMENT AND RE PLAT OF LOT 3 AND LOT 3A OF THE FINAL PLAT AT PLAYA DEL NORTE AS SHOWN IN BOOK 685 OF MAPS AT PAGE 32 WITH INSTRUMENT NO. 2004-0533042 MARICOPA COUNTY RECORDS BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING CORRECTLY DESCRIBED HEREIN AND SHOWN ON THIS CONDOMINIUM MAP ("CONDOMINIUM REGIME"), AND HEREBY PUBLISHES THIS CONDOMINIUM REGIME AS AND FOR THE "ONYX TOWER" CONDOMINIUM REGIME, AND HEREBY DECLARES THAT THE INGRESS, EGRESS, REFUSE COLLECTION, FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, AND EMERGENCY VEHICLE ACCESS EASEMENTS CREATED HEREON ARE HEREBY MADE SUBJECT TO (1) INGRESS AND EGRESS AND OTHER EASEMENTS FOR THE USE AND BENEFIT OF THE MEMBERS OF THE ONYX TOWER CONDOMINIUM ASSOCIATION, THEIR TENANTS, GUESTS, AND INVITEES, AS PROVIDED IN THAT CERTAIN DECLARATION OF CONDOMINIUM FOR ONYX TOWER AT PLAYA DEL NORTE, A CONDOMINIUM, RECORDED OR TO BE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, (2) INGRESS AND EGRESS AND OTHER EASEMENTS FOR THE USE AND THE BENEFIT OF THOSE CONDOMINIUM ASSOCIATIONS, CONDOMINIUM UNIT OWNERS, AND OTHER PERSONS SUBJECT TO THAT CERTAIN DECLARATION OF COVENANTS AND EASEMENTS FOR ONYX TOWER, RECORDED OR TO BE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, AND THEIR RESPECTIVE TENANTS, GUESTS AND INVITEES, AND (3) REFUSE COLLECTION AND EMERGENCY VEHICLE ACCESS EASEMENT TO THE CITY OF TEMPE, AND THIS CONDOMINIUM MAP SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE BUILDINGS AND RESIDENTIAL UNITS (COLLECTIVELY, THE "UNITS"), AND SAID BUILDINGS AND UNITS SHALL BE KNOWN BY THE NUMBER OR LETTER SHOWN HEREON. NOTHING CONTAINED HEREIN SHALL BE DEEMED TO DEDICATE ANY PORTION OF THE CONDOMINIUM FOR PUBLIC USE EXCEPT AS EXPRESSLY PROVIDED HEREIN.

ACKNOWLEDGEMENT

STATE OF ARIZONA

COUNTY OF MARICOPA

ON THIS _____ DAY OF _____, 2008, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE _____ OF _____ (OWNER), AS AN AUTHORIZED MEMBER OF ONYX TOWER, L.P. AND ACKNOWLEDGED THAT HE, AS SUCH OFFICER AND BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

WITNESS MY HAND AND OFFICIAL SEAL,

_____, NOTARY PUBLIC

RESIDENT OF _____ COUNTY, ARIZONA

MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

LOT 3 AND LOT 3A, PLAYA DEL NORTE PER "FINAL PLAT OF PLAYA DEL NORTE" AS RECORDED IN BOOK 685, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA

OWNER

ONYX TOWER, L.P.
8145 EAST INDIAN BEND ROAD, SUITE 100
SCOTTSDALE, ARIZONA 85250
TELEPHONE: 480-355-4200
FAX: 480-355-4201

DEVELOPER

WESTSTONE USA
8145 EAST INDIAN BEND ROAD, SUITE 100
SCOTTSDALE, ARIZONA 85250
TELEPHONE: 480-355-4200
FAX: 480-355-4201

BENCHMARK

IRON PIPE/REBAR AT THE INTERSECTION OF 1ST STREET AND SOUTHERN PACIFIC RAILROAD EAST QUARTER CORNER, SEC. 16, T.1N., R.4E. ELEVATION=1162.30 (CITY OF TEMPE DATUM)

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN ON THE FINAL PLAT OF PLAYA DEL NORTE AS RECORDED IN BK. 685, P. 32, OF OFFICIAL RECORDS.

SAID BEARING = NORTH 00°07'02" EAST

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

ON THIS _____ DAY OF _____, 2008.

BY: _____ MAYOR _____ DATE _____

ATTEST: _____ CITY CLERK _____ DATE _____

BY: _____ CITY ENGINEER _____ DATE _____

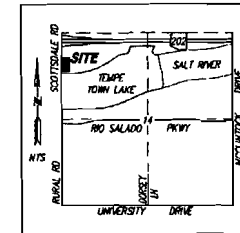
BY: _____ DEVELOPMENT SERVICES _____ DATE _____

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF AUGUST, 2008; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THE POSITIONS ARE CORRECTLY SHOWN AND THE SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Marvin G. Lovlein
MARVIN G. LOVLEIN, RLS# 36914

1/10/08
DATE



VICINITY MAP

NTS

LEGEND

RIGHT OF WAY LINE
PROPERTY LINE
EASEMENT LINE
MONUMENT LINE
SUBDIVISION CORNER PPM TO BE SET
FOUND BRASS CAP IN HAND HOLE
SET REBAR WITH PLASTIC CAP RLS 36914
MARICOPA COUNTY RECORDS

W.C.R.

NOTES

1. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TEMPE AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
2. LOT CORNERS TO BE SET WITH 1/2" REBAR RLS# 36914
3. ALL NEW AND EXISTING, AS WELL AS ON-SITE AND OFF-SITE UTILITY LINES (OTHER THAN TRANSMISSION LINES) SHALL BE PLACED UNDERGROUND.
4. CONSTRUCTION WITHIN UTILITY EASEMENTS SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING.
5. ALL BUILDING TIES ARE PERPENDICULAR OR RADIAL TO THE PROPERTY OR SURVEY LINE FROM WHICH THEY ARE EXTENDED. ALL DISTANCES ARE TO EXTERIOR FACE OF BUILDING.
6. THE CITY OF TEMPE IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE STREETS, PRIVATE UTILITIES, PRIVATE FACILITIES AND LANDSCAPE AREAS WITHIN ONYX TOWER.
7. IN APPROVING THE UNDERGROUND RETENTION SYSTEM (THE "SYSTEM") SHOWN ON THE GRADING AND DRAINAGE PLANS APPROVED BY THE CITY OF TEMPE FOR THE ONYX TOWER PROJECT (THE "PLANS"), THE CITY ASSUMES NO LIABILITY FOR ANY ONGOING MAINTENANCE OF THE SYSTEM. IT SHALL BE THE SOLE RESPONSIBILITY OF THE ONYX TOWER ASSOCIATION TO (1) REGULARLY INSPECT THE SYSTEM (AT LEAST ANNUALLY), AND (2) MAINTAIN THE SYSTEM IN A CONDITION THAT WILL ALLOW THE SYSTEM TO STORE AND DISSIPATE THE VOLUME OF STORM WATER SHOWN ON THE PLANS. THE FOREGOING RESTRICTION CANNOT BE CHANGED WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF TEMPE ENGINEER.

FLOOD PLAIN CERTIFICATION

THIS IS TO CERTIFY THAT THE ABOVE SUBJECT PROPERTY LIES WITHIN ZONE "SHADED X" AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP, MAP NUMBER 04013C2170G, DATED SEPTEMBER 30, 2005. AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.



ICE COMPANIES OF ARIZONA
3400 South 48th Street
Suite 100
Phoenix, Arizona 85018
P. 602.444.0000
www.ice.com

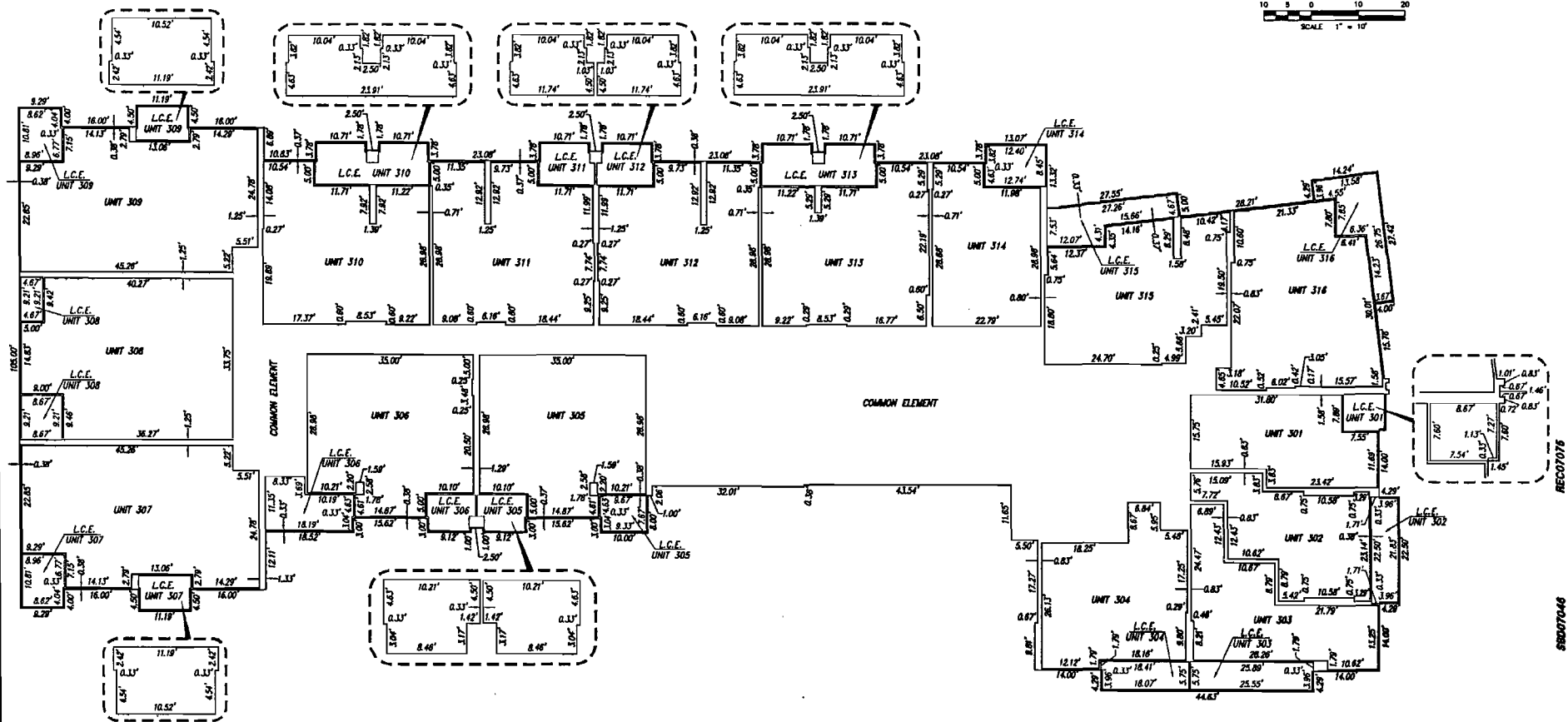
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DATE 01/01/08
SHEET 1 OF 22

DS060441

SBD07046

REC07045





UNIT BOUNDARIES LEVEL 3

DS080441

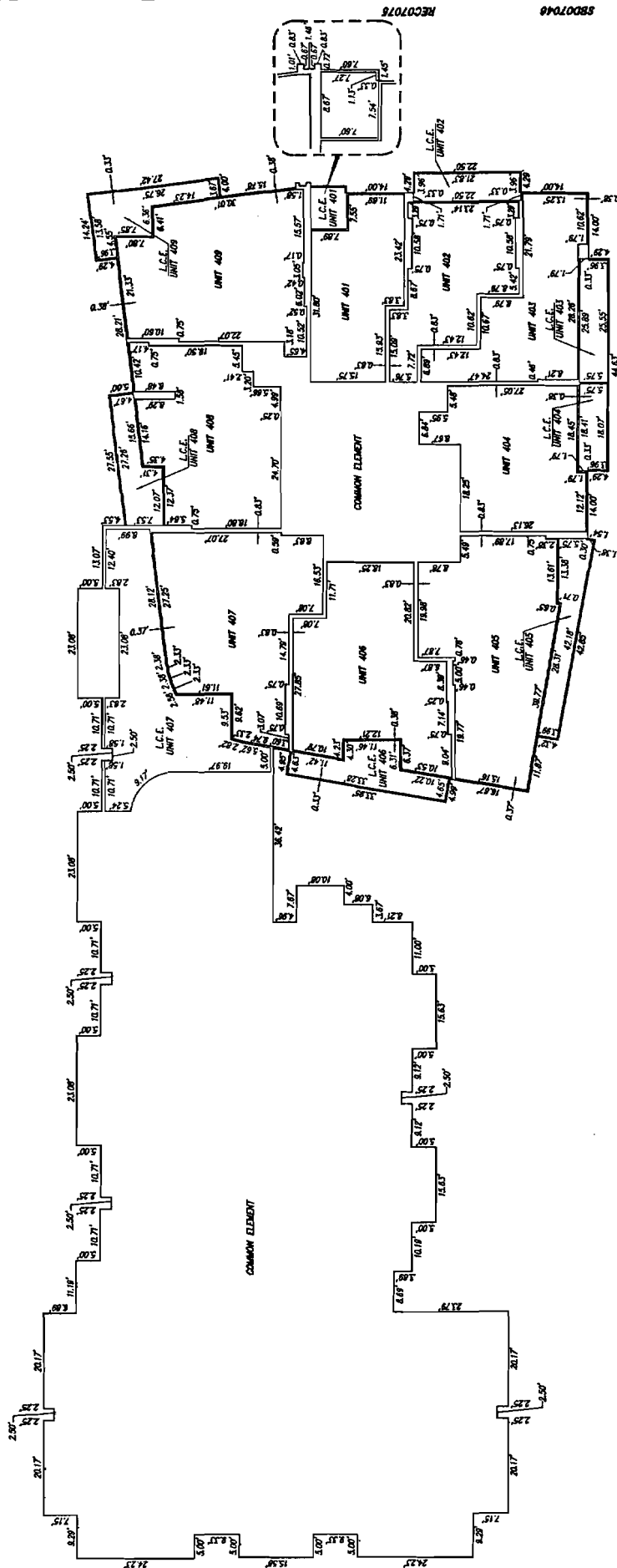
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REC07045

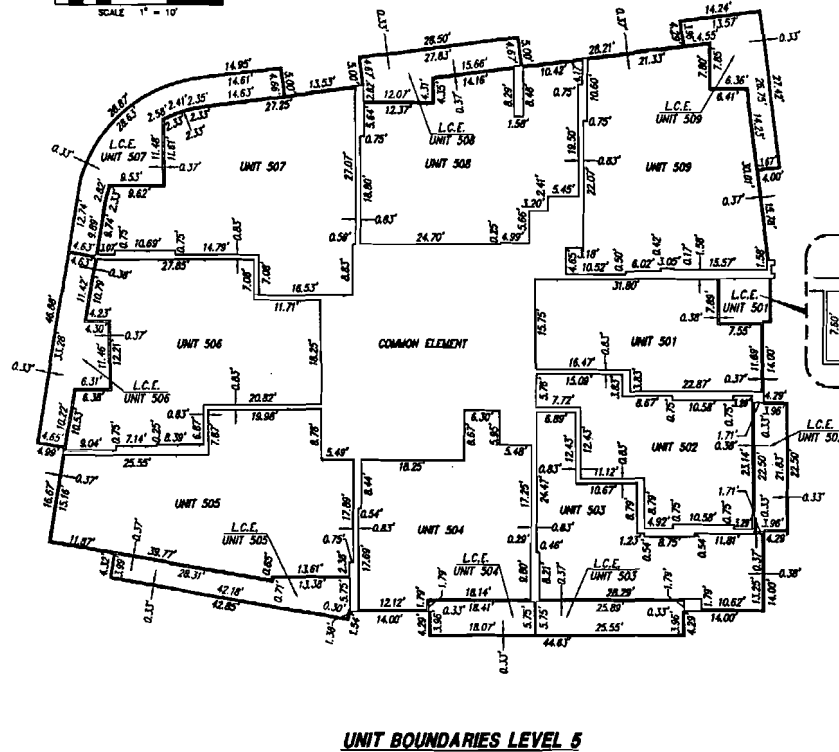
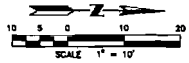


VS COMPANY OF ARIZONA
1044 North 4th Street
Suite 300
Phoenix, Arizona 85004
P. 602.448.4333
www.VS.com

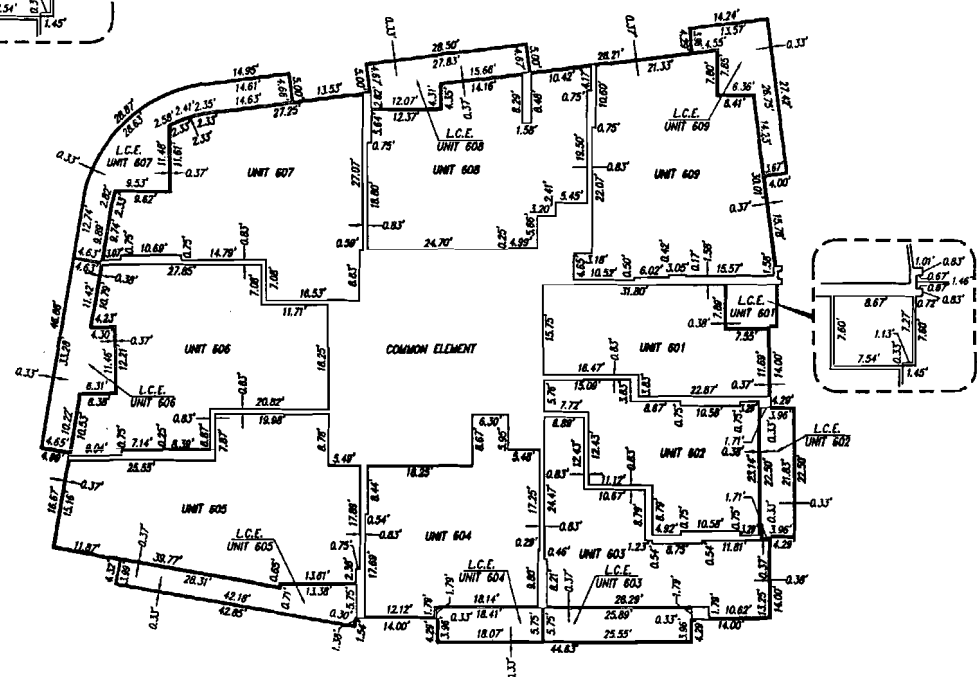
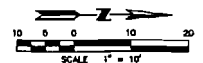
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UNIT BOUNDARIES LEVEL 4



UNIT BOUNDARIES LEVEL 5



UNIT BOUNDARIES LEVEL 6

DS060441

SRD07048

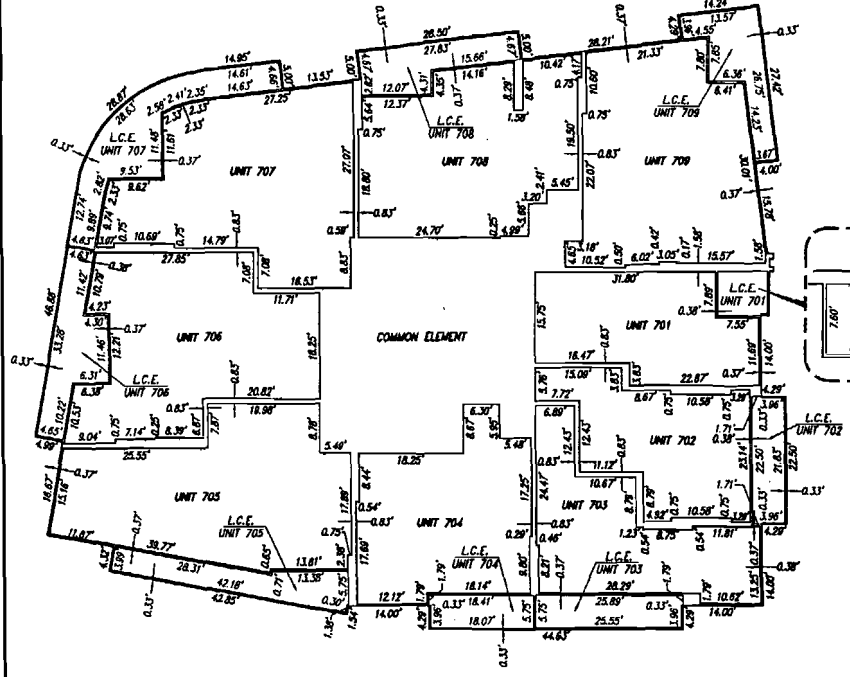
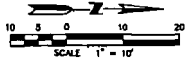
REC07045



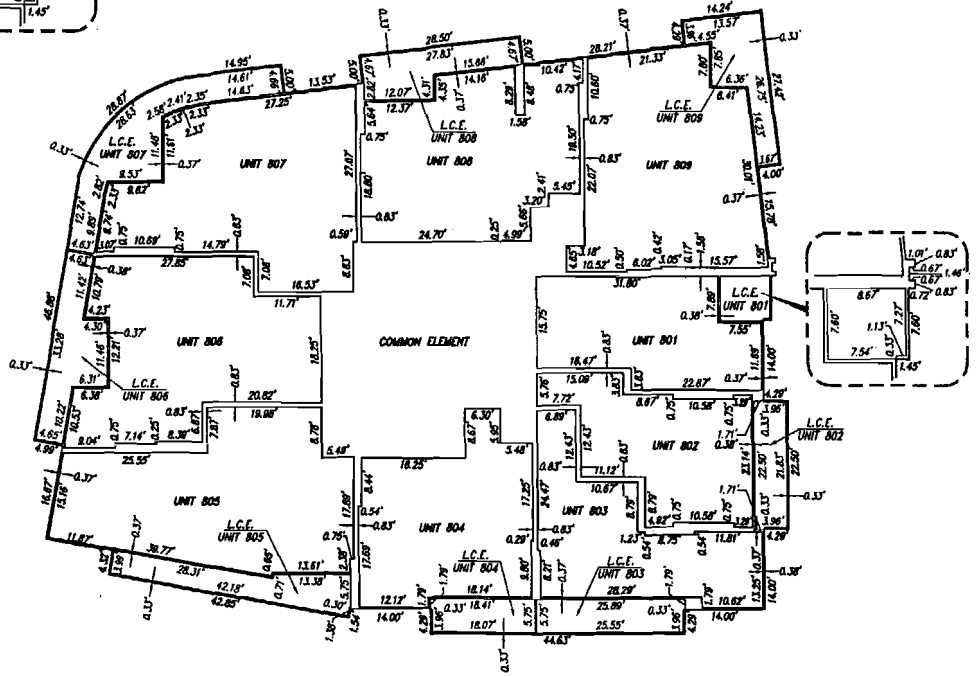
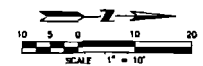
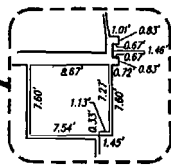
30 COMPANIES OF ARIZONA
1040 North 44th Street
Suite 100
Phoenix, Arizona 85018
P. 602.444.4400
www.30ca.com

JOB NO. AD0131
ACAD FILE R1314041
DATE 01/01/2004
SHEET 7 of 22

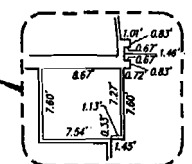
JAN 10 2006



UNIT BOUNDARIES LEVEL 7



UNIT BOUNDARIES LEVEL 8

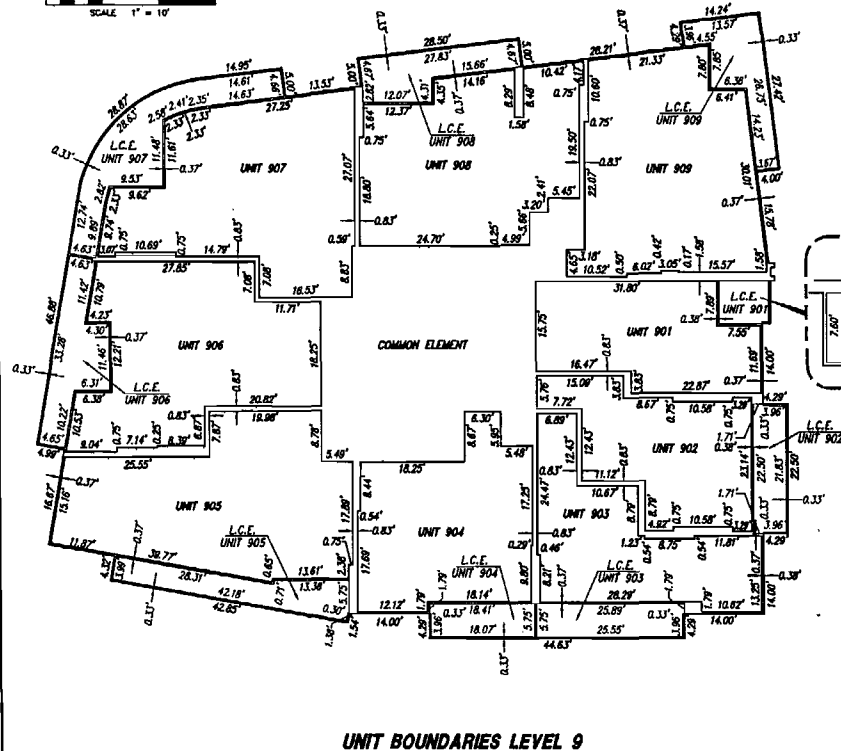
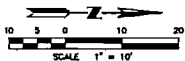


D8060441 88D07048 REC07045

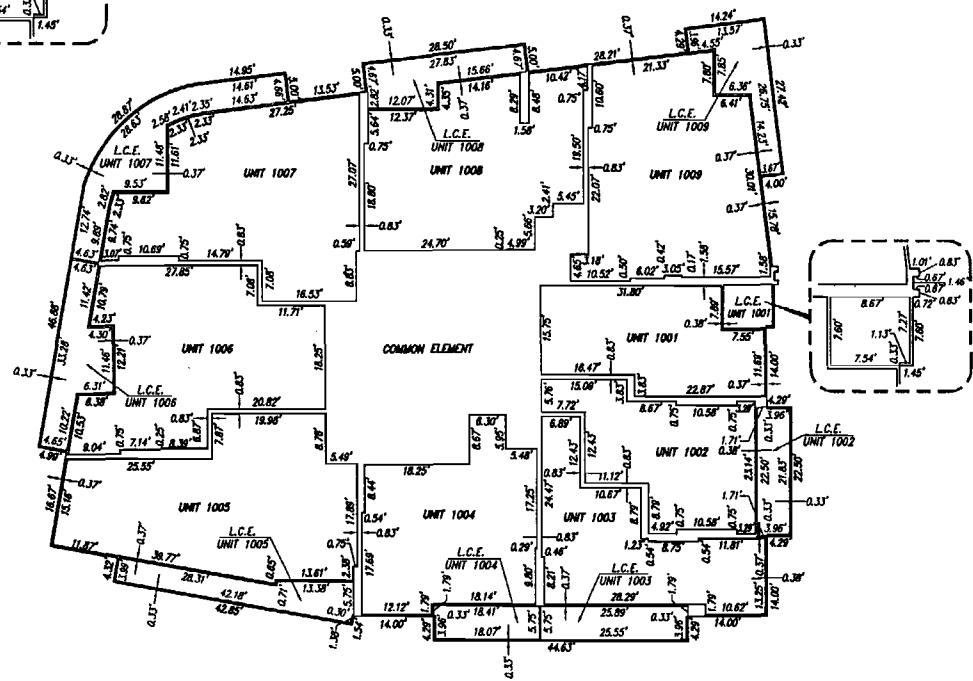


10 COMPANIES OF ARIZONA
2000 North 44th Street
Suite 200
Phoenix, Arizona 85018
P 602.446.0000
www.10co.com

JOB NO. 100131
DRAWN BY: J131008
DATE: 10/01/08
SHEET 8 OF 22



UNIT BOUNDARIES LEVEL 9



UNIT BOUNDARIES LEVEL 10

DS060441

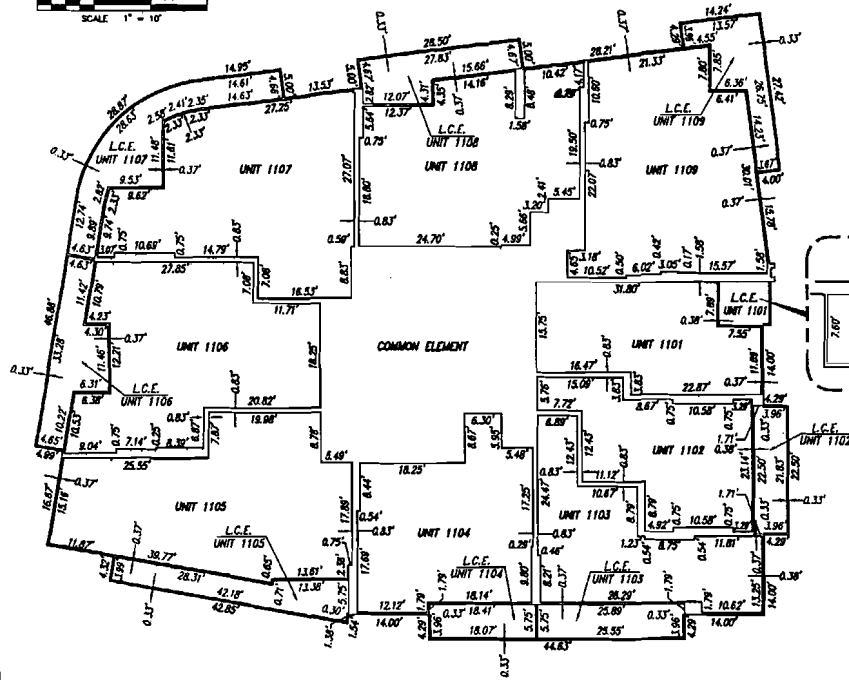
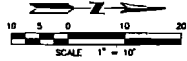
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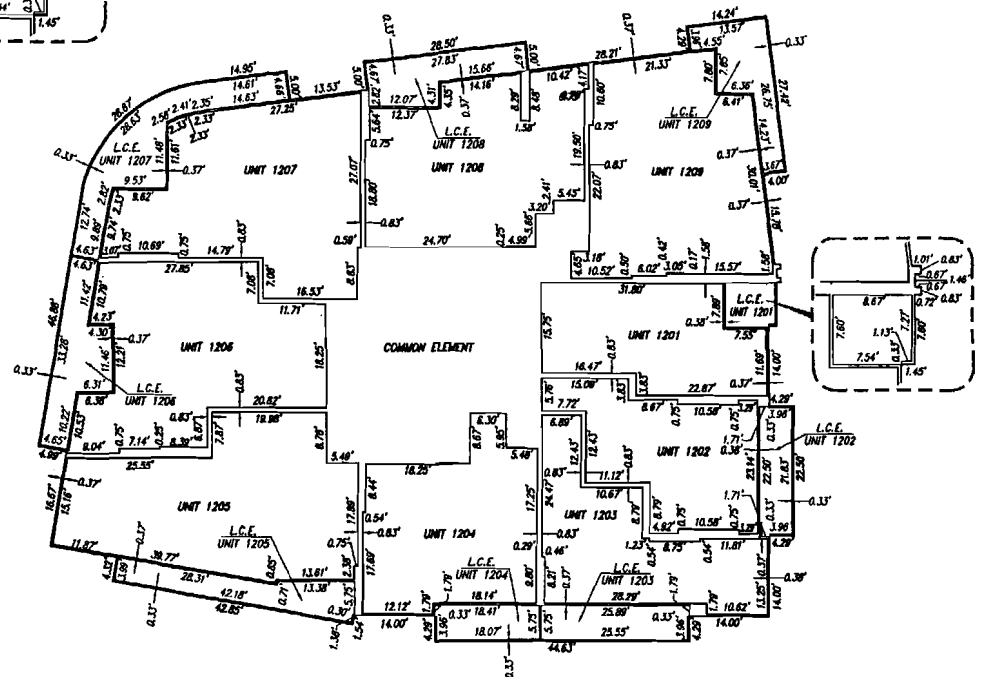


V3 COMPANIES OF ARIZONA
3248 North 44th Street
Suite 100
Phoenix, Arizona 85018
P. 602.444.6200
www.v3.com

JOB NO. A08131
ACAD. YRS. 01/10/08
DATE 07/07/08
SHEET 9 OF 22



UNIT BOUNDARIES LEVEL 11



UNIT BOUNDARIES LEVEL 12

DS060441

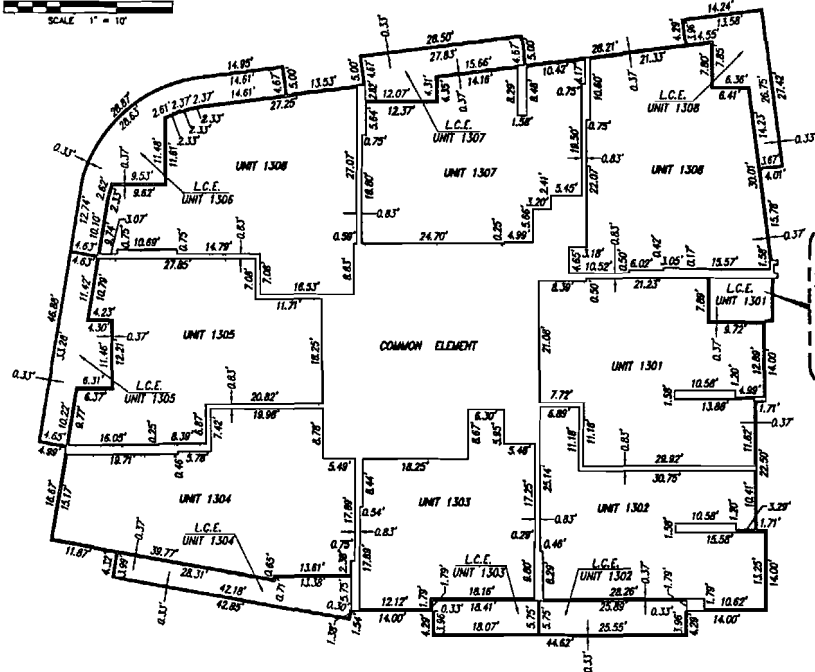
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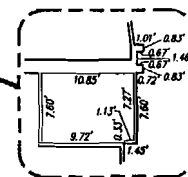
10 COMPANIES OF ARIZONA
3500 North 4th Street
Suite 200
Phoenix, Arizona 85018
P. 602.446-0000
www.10co.com

JTS NO. A06131
SCALE: 1/4" = 1'-0"
DATE: 01/01/08
SHEET 10 OF 22



ICI COMPANIES OF ARIZONA
1048 North 44th Street
Suite 100
Phoenix, Arizona 85008
P. 602.848.4800
www.ici.com

JOB NO. AC40731
AC40 FILE #1310011
DATE 01/07/08
SHEET 11 of 22





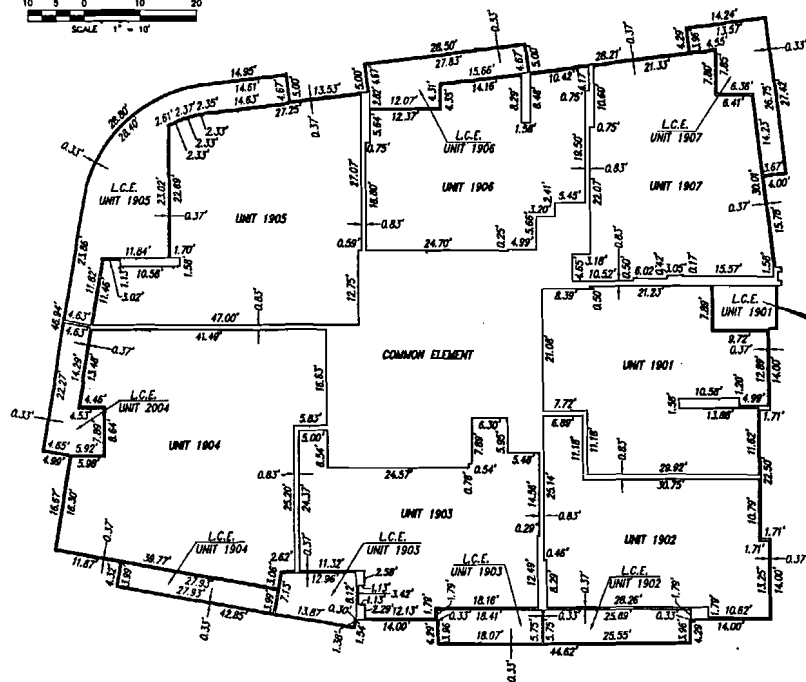
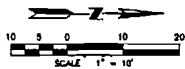
UNIT BOUNDARIES LEVEL 18



92C07043

91020088

08060441

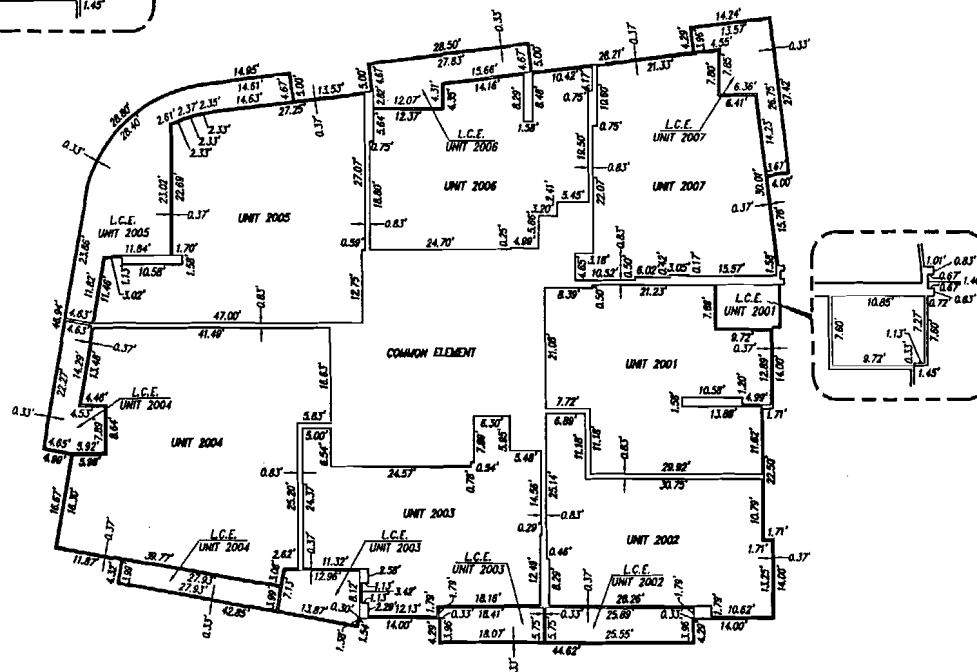
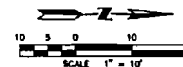


UNIT BOUNDARIES LEVEL 19

DS060441

SB07046

REC07043



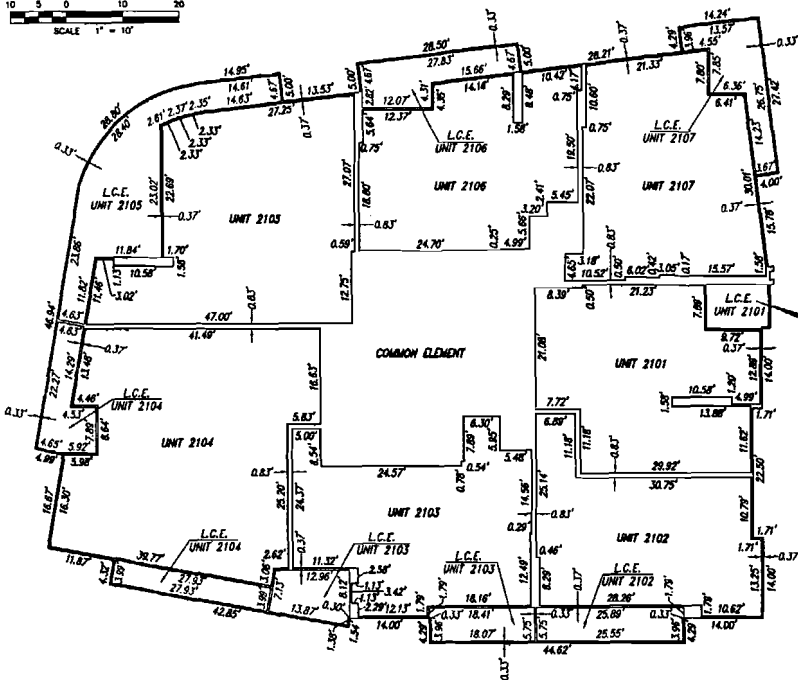
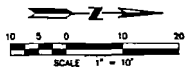
UNIT BOUNDARIES LEVEL 20



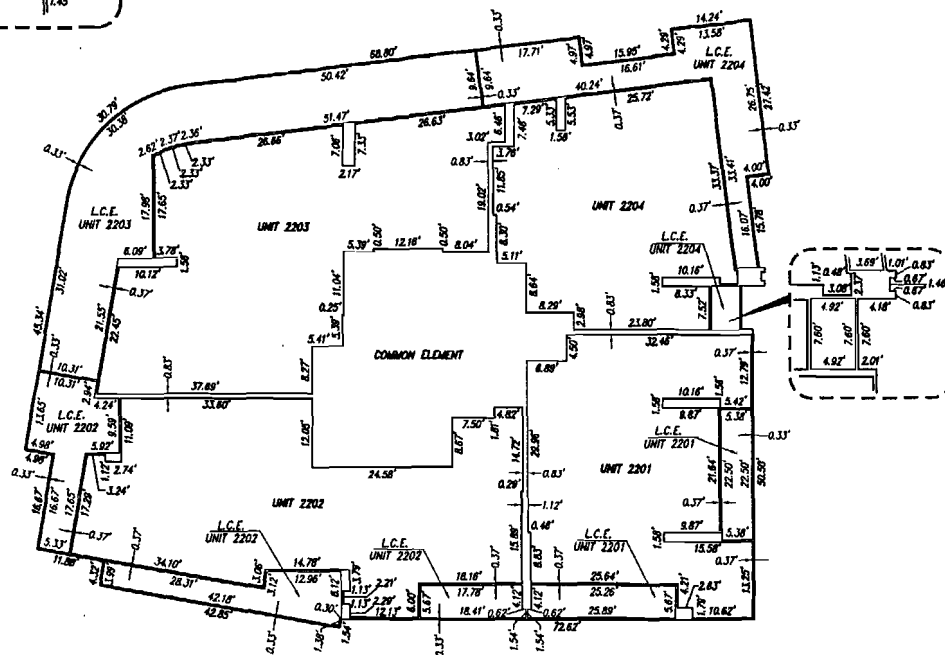
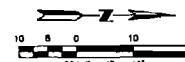
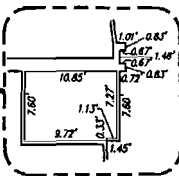
BY COMPANIES OF ARIZONA
 39914
 01/27/00
 P. 002/046-0000
 www.v3eng.com

JOB NO. 100121
 ACAD FILE 01/27/00
 DATE 01/27/00
 SHEET 14 of 22

REC07043
 SB07046
 DS060441



UNIT BOUNDARIES LEVEL 21



UNIT BOUNDARIES LEVEL 22



NO COMPANIES BY ARCHITECT
 10-00 North 4th Street
 Suite 200
 Phoenix, Arizona 85004
 P. 602.448.4800
 www.v3a.com

DESIGN: 000171
 DATE: 01/07/08
 SHEET: 18 OF 22

DS060441

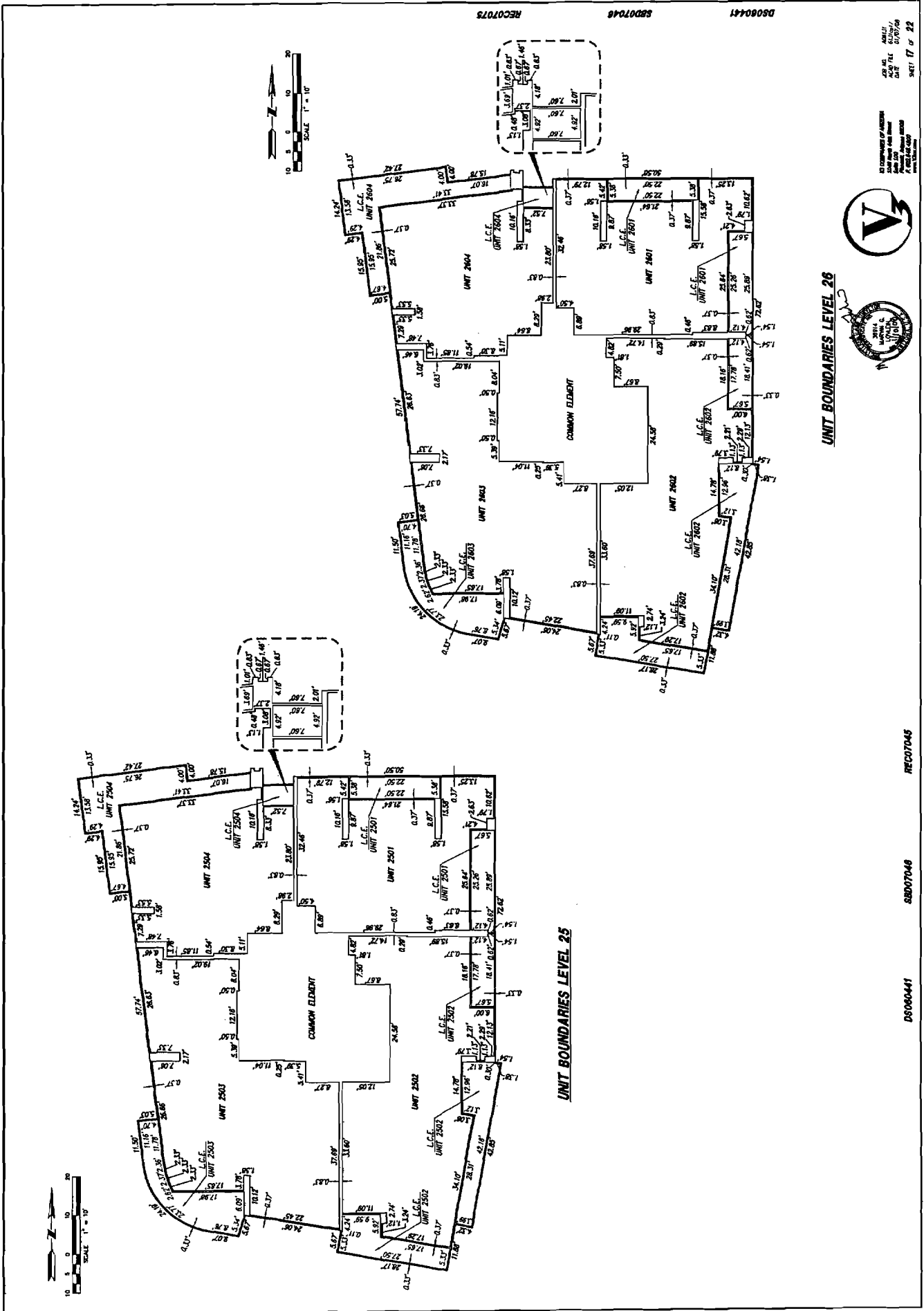
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REC07045

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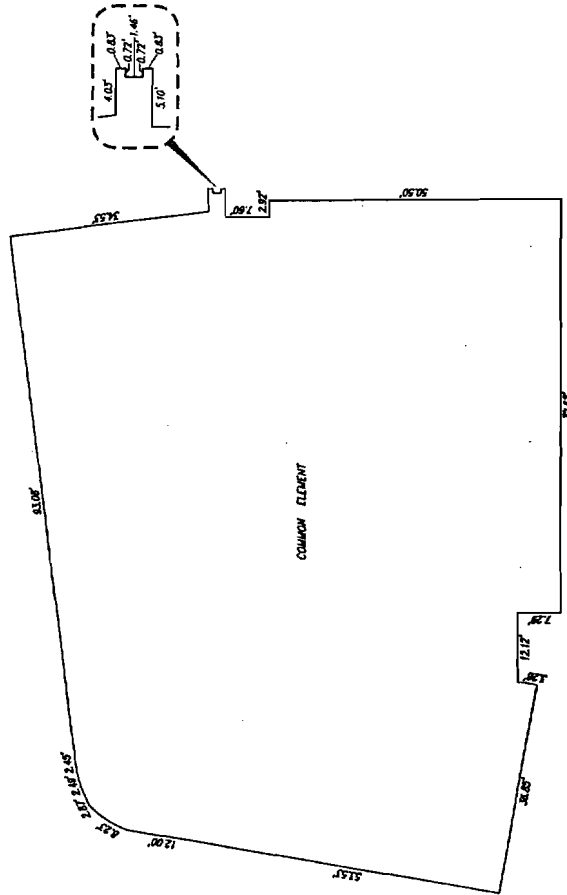
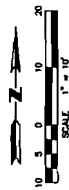
SBD07048

DS060441



UNIT BOUNDARIES LEVEL 26

JAN 10 2006



ROOF PLAN



DATE: 1/10/08
 DRAWN BY: J. F. F.
 CHECKED BY: J. F. F.
 SHEET 18 OF 22

NO. 12345
 MARK C. VANCE
 ENGINEER
 STATE OF ARIZONA
 EXPIRATION DATE: 12/31/08
 www.ncees.org

REC07043

SBD07048

DS060441

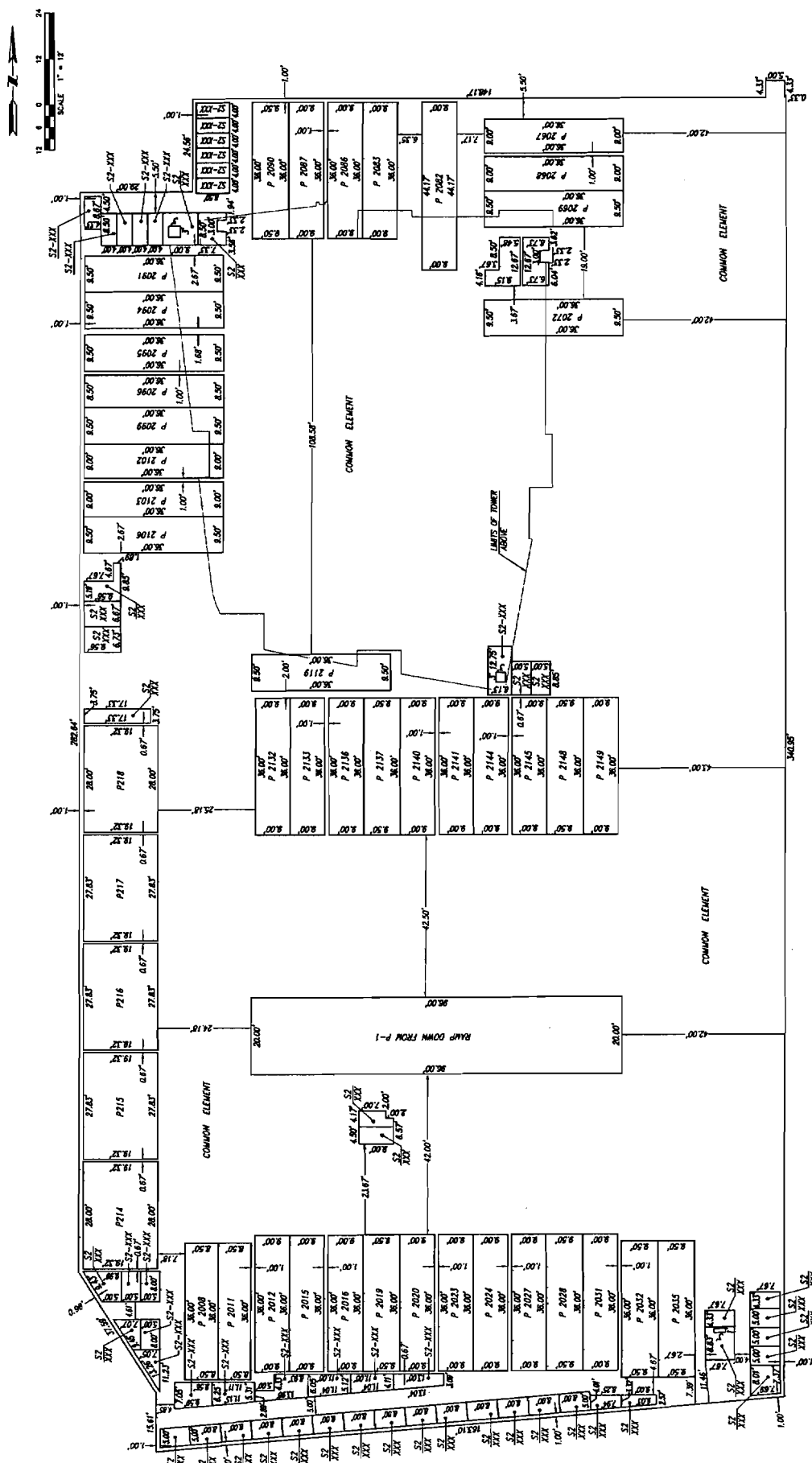
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JAN 10 2008

PARKING GARAGE BOUNDARIES LEVEL P-2



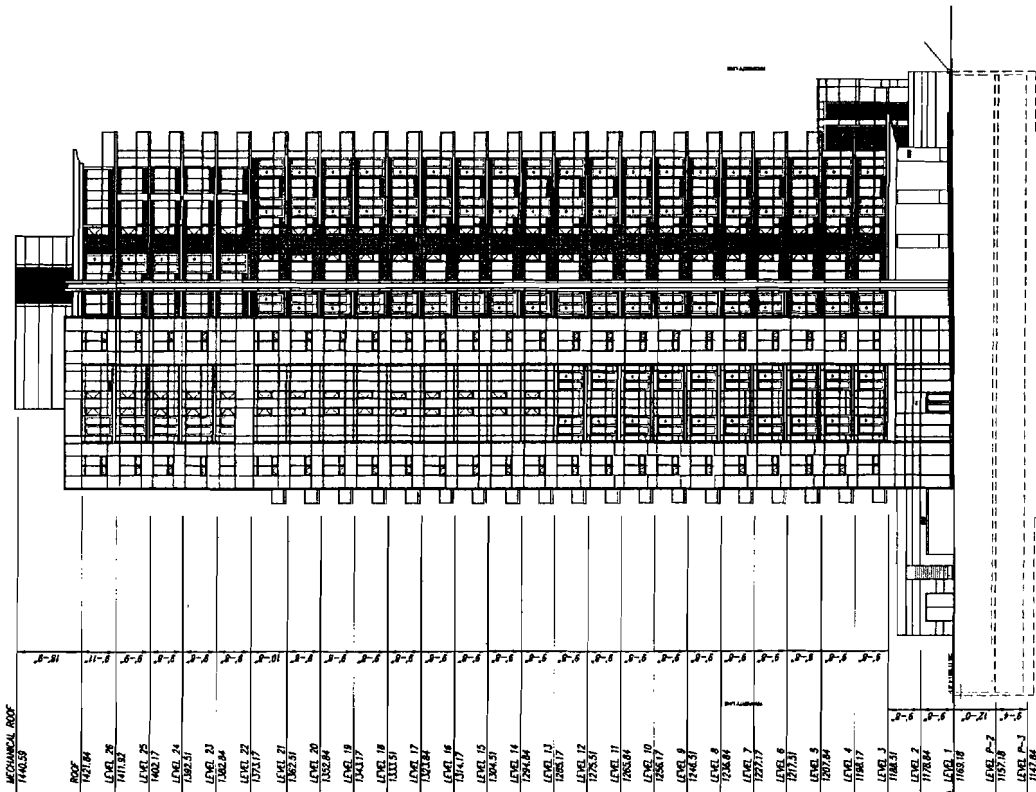
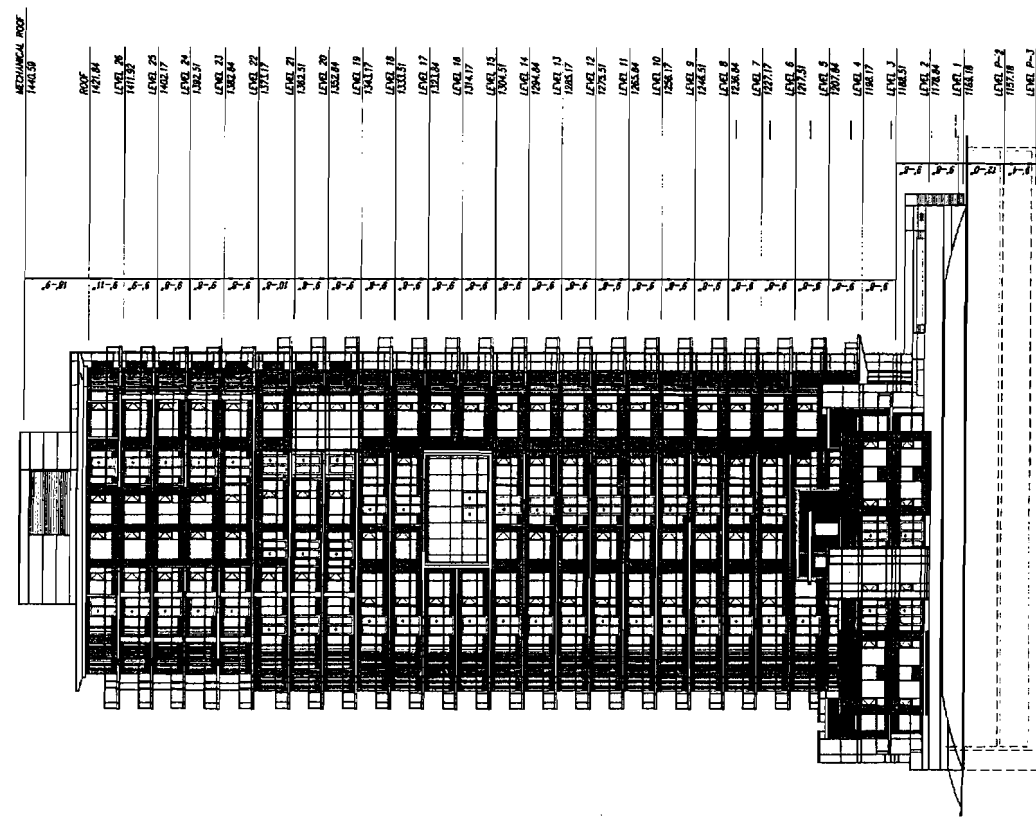


REC07045

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08080441





TRANSVERSE BUILDING SECTION
LOOKING SOUTH

TRANSVERSE BUILDING SECTION
LOOKING NORTH



IN CHARGE OF ARCHITECT
JAN 10 2003
PROJECT NO. 000000
SHEET 22 OF 22

DATE 01/10/03
SHEET 22 OF 22

D8060441 S8D07046 REC07046