

Staff Summary Report



Development Review Commission Date: 07/29/08

Agenda Item Number: ____

SUBJECT: Hold a public hearing for a Zoning Map Amendment, Planned Area Development Overlay and Development Plan Review for THE RETREAT AT 1000 APACHE located at 1000 East Apache Boulevard.

DOCUMENT NAME: DRCr_Retreat1000Apache_072908

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **THE RETREAT AT 1000 APACHE (PL080071)** (David Freeman, GNJ Properties LLC, owner; Len Erie, Leonard J. II and Susan M. Erie Trust, owner; City of Tempe, owner; Manjula Vaz, Gammage & Burnham, applicant) consisting of two five-story mixed use buildings, 67'-0" high, including 124 student housing units with apartment/amenity area of 162,629 s.f. and retail/restaurant area of 4,352 s.f., and one five-level parking garage, 52'-0" high, with area of 96,665 s.f., including one subterranean level. The site is 1.81 gross acres and is located at 1000 East Apache Boulevard in the CSS, Commercial Shopping and Service District. The request includes the following:

ZON08003 – (Ordinance No. 2008.30) Zoning Map Amendment from CSS, Commercial Shopping and Service District to MU-4 (PAD) (TOD), Mixed-Use High Density District with a Planned Area Development Overlay and within the Transportation Overlay District.

PAD08008 –Planned Area Development Overlay to establish development standards to allow a maximum density of 70 dwelling units per acre, maximum building height of 67'-0", minimum building setbacks of 0'-0" at front and side yards, minimum 7'-0" building setback at rear yard, maximum building lot coverage of sixty-four (64) percent, and minimum landscape lot coverage of nineteen (19) percent.

DPR08110 – Development Plan Review including site plan, building elevations, and landscape plan.

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

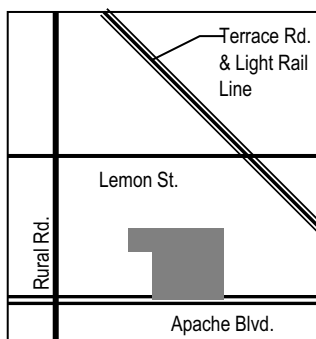
REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions
Apache Boulevard Project Area Committee – Approval
Tempe Apache Boulevard Association -- Approval

ADDITIONAL INFO:



Gross / Net site area	1.81 acres / 1.79 acres
Total Building area	263,646 s.f. (livable, retail & garage)
Density	70 d.u./acre maximum (P.A.D. standard)
Lot Coverage	64 % maximum (P.A.D. standard)
Building Height	67'-0" maximum (P.A.D. standard)
Building setbacks	0'-0" front & side, 7'-0" rear (P.A.D. standard)
Landscape Coverage	19 % minimum (P.A.D. standard)
Vehicle Parking	287 spaces (281 minimum required, T.O.D. standard)
Bicycle Parking	136 spaces (138 minimum required)

PAGES:

1. List of Attachments
- 2-5. Comments / Reasons for Approval
- 6-8. Conditions of Approval
- 9-11. Code / Ordinance Requirements
12. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

- 1-2. Ordinance No. 2008.30
- 3-5. Waiver of Rights and Remedies form
6. Location Map
7. Aerial Photo
- 8-12. Letter of Explanation
13. Project Data
14. Parking Information
15. Code and Zoning Information
16. Building Square Footage Matrix
17. Site Plan
- 18-23. Floor plans (Underground Parking Level and Levels One through Five)
24. Roof Plan
25. Typical Dwelling Unit Plans
- 26-28. Building Elevations
29. Elevations and Sections Keynotes
30. Building Sections
- 31-32. Landscape Plan and Plant legend
33. Landscape Sidewalk Shade Study on Apache (at Summer Solstice, 3:00pm)
- 34-42. Photo Exhibit Location Key and Selected Site Photos
- 43-51. Building Mass Seasonal Shade Study
- 52-55. Applicant's Memorandum of Public Outreach Summary
56. A.P.A.C. Meeting Minutes (Agenda Item 5), dated 3/10/2008
- 57-58. T.A.B.A. Meeting Minutes, dated 5/14/2008
59. Campus Edge Developer's 5/27/2008 Memorandum on the Retreat
60. Planning Staff's 6/23/2008 Memorandum of Neighborhood Meeting Notes
61. Street Color Presentation Perspective
- 62-65. Color Presentation Elevations

COMMENTS:

This vacant site is located on the north of Apache Boulevard a short distance from the Rural Road / Apache Boulevard intersection. Campus Edge, a mixed-use high rise housing development is under construction on the property to the west. The two-story Super 8 Motel is on Apache to the east and two story apartment buildings are across an alley to the north.

The property is within the Apache Boulevard Redevelopment Area but is not presently within an overlay district. The neighboring properties to the east, north and west are within the Transportation Overlay District Corridor. There are no existing entitlements for the site. The property is being used as a staging area for materials and vehicles associated with the construction of Campus Edge

The request includes a Zoning Map Amendment, which entails three components. The components are as follows:

- Transform the underlying district from Commercial Shopping and Service to Mixed-Use High Density.
- Provide a Planned Area Development Overlay for the Mixed use High Density District.
- Insert the site into the Transportation Overlay District Corridor.

The request also includes a Development Plan Review for the layout of the 1.81 acre site, the design of the three buildings, 263,646 s.f. of building area (including the garage) and the landscape on-site and including the off-site street frontage on Apache Boulevard.

The applicant requests the Development Review Commission take action on the Development Plan Review and provide recommendations to City Council for the Zoning Map Amendment. For further processing, the applicant will need approval for a Subdivision Plat, to combine the five individual lots into one.

Public Input

A seven story version of the Retreat, featuring housing above a parking podium, was presented to the Apache Boulevard Redevelopment Committee (A.P.A.C.) on March 10, 2008 and to the Tempe Apache Boulevard Association (T.A.B.A.) on March 12, 2008. A follow-up presentation of the present design concept for the Retreat was presented to T.A.B.A. on May 14, 2008. The applicant's notes of the meetings (the Summary of Neighborhood Outreach) and the minutes of the two organizations are included in the attachments to this report.

A required Neighborhood meeting was held on June 23, 2008 from 6:00 p.m. to 7:30 p.m. at the Apache Boulevard Police Substation located at 1855 East Apache Boulevard. The applicant's notes of the meeting are included in the Summary of Public Outreach attached to this report. Planning staff notes of the meeting are also attached.

PROJECT ANALYSIS

Zoning Amendment

The proposed change from Commercial Shopping and Service to Mixed-Use High Density conforms to General Plan 2030. The General Plan projected land use of mixed-use occurs continuously on both sides of Apache Boulevard between Rural Road and the Price Road/Pima Freeway. The proposed maximum density of 70 dwelling units per acre is in line with the General Plan projected residential density of greater than 25 dwelling units per acre. The density request is appropriate considering the density of the property to the west (Campus Edge: 87 dwelling units per acre) and reflects the response of developers to the demand for housing by neighboring A.S.U. and to the general trend of urbanization in central Tempe. The Mixed-Use High Density District requires a Planned Area Development Overlay, which will be discussed in the following section.

The request to opt into the Transportation Overlay District follows the desire to make use of a pedestrian oriented vehicle parking standard, allows use of on-street parking as part of the retail parking count and allows waiver of building step-back adjacent to a multi-family residential district. These standards are available for projects within the T.O.D. Corridor in exchange for a project that embraces pedestrian oriented design standards. The site is south and west of the light rail transit line on Terrace Road and Apache Boulevard and is bracketed by properties in the T.O.D. Corridor. The properties to the north and east were included in the original T.O.D. boundary while the property to the west has been inserted into the T.O.D. Corridor as part of the recent Campus Edge planning entitlement process.

Section 6-304 (C) (2) Approval criteria for Zoning Map amendment:

- The zoning amendment is in the public interest due to the re-use of a vacant property for the purpose of alleviating housing demand and providing a subsidiary retail component.
- The zoning amendment facilitates implementation of General Plan 2030 in providing a mixed-use, high residential density development in an area defined for mixed-use and high density by the Projected Land Use and Projected Density Maps.

Planned Area Development

The following table indicates the Planned Area Development Overlay standards proposed for the Retreat in comparison with the standards for the existing Commercial Shopping and Service District. P.A.D. standards for density, height, setbacks, lot coverage and landscape coverage that are established for the Mixed-Use High Density District are highlighted in bold text.

Building & Site Standard	CSS (existing)	MU-4 (PAD) (TOD) (proposed)
Density (dwelling units per acre)	20 DU/AC with use permit	70 DU/AC
Building Height & Step-Back Maximum height Building Height Step-Back Adjacent to Multi-Family District	35'-0" No	67'-0" No (T.O.D.)
Building / Lot Coverage Standard Maximum Lot Coverage	50 %	64 %
Landscape Standard Minimum Lot Landscape Area	15 %	19 %
Setback Standards Front Yard (south) Side Yard (east, west and south) Rear Yard (north)	0'-0" 0'-0" 10'-0"	0'-0" 0'-0" 7'-0"
Existing and Proposed Surface Parking Setback	20'-0"	20'-0"

The proposed density of 70 dwelling units per acre reflects the projected high density on both sides of Apache Boulevard between Dorsey Lane and Rural Road as established in General Plan 2030. The proposed building height of 67'-0", which contains five stories, provides a transition between the height of Campus Edge (116'-0") and the existing two story hotel and apartments to the east and north (approximately 25'-0"). A building step-back adjacent to Multi-Family District of 1'-0" step-back for every 1'-0" of height above 30'-0" does not apply in the Commercial Shopping and Services District and similarly is not required for sites within the Transportation Overlay District (a Multi-Family District touches the site for a short distance along the western side of the north property line, adjacent to the 52'-0" high garage). The proposed lot coverage of 64 percent matches that established for Campus Edge. The proposed minimum landscape coverage of 19 percent is entirely on ground level and includes significant perimeter landscape buffer area as well as significant plant area throughout site in the open space between buildings. The 0'-0" front-yard setback reflects the "building-forward" criteria of pedestrian oriented design. The 0'-0" side-yard setback reflects the southern property line adjacent to the garage which is adjacent to a landscape buffer area proposed on the Campus Edge site. The other side yards to east and west, as well as the 7'-0" rear yard to the north, have their own on-site landscape buffers. The east and west side yard setbacks will be maintained by condition of approval.

Section 6-305 (D). Approval criteria for P.A.D.:

- Mixed-Use, consisting of residential with supporting retail, is an allowable land use defined in the Z.D.C. Part 3.
- The Retreat will conform to the development standards listed above as established in the P.A.D. Overlay for this site.
- The P.A.D. Overlay conforms to Transportation Overlay District provisions as defined in the Z.D.C. Part 5.

Development Plan Review

The project has developed from a seven story, three driveway layout to an efficient, single driveway that is aligned with the existing median break in Apache Boulevard. The five story building mass is pushed forward to Apache Boulevard to take advantage of pedestrian oriented design standards as enumerated in the Transportation Overlay District standards. A five story freestanding residential building is placed in the northeast of the site. The overall building/site footprint is irregular, allowing meaningful ground level outdoor space on-site for vehicular and pedestrian circulation, amenities, and landscape. A parking garage is located in the northwestern site “panhandle” and is positioned to allow two on-site perimeter landscape buffers to west and north and at the same time takes advantage of a proposed, adjacent off-site landscape buffer to the south.

The building elevations reflect a solid, urban, medium rise development (67'-0"). The building stands close to Apache Boulevard but is articulated in plan with several niches to allow outdoor patio spaces contiguous with the sidewalk. The south elevation features a true porte co-chere over the driveway which connects the main building with a slender, western wing to the west of the drive aisle. The irregular building footprint allows ample views of portions of the Retreat from windows and exterior circulation corridors that are elsewhere in the development. The building form is notably shorter than the proposed Campus Edge to the west and becomes a transitional element between Campus Edge and the adjacent existing two-story structures to the east and north. The construction is a composite, consisting of a concrete masonry unit base at the ground level and wood frame / exterior plaster at the upper stories. The exposed masonry elements vary in height around the perimeter of the building. In contrast, an accent aluminum cladding is utilized at the jambs and lintel of the porte co-chere. The garage is composed of concrete tilt-slab panels, individually expressed on the three perimeter sides: enclosed with shallow projections on the south, conventionally open on the west, and partially enclosed with relatively small, angled openings and bracketed with metal vine lattice on the north.

The decisive feature of the landscape plan is the strategic placement of ground level planting areas throughout and around the perimeter of the Retreat that also benefits adjacent developments. The original design concept for the Retreat included a residential development on top of a podium, a retail component facing Apache Boulevard and a garage beneath the podium. One draw back of this scheme was the limited amount of ground level planting area, including the exclusion of ground level planting in the interior of the development. The concept presented allows substantial ground level planting area of width sufficient for trees along the perimeter and within the interior of the development. The nineteen percent minimum landscape coverage expressed in the Planned Area Development Overlay proposal includes principally ground level planting area—a generous portion for landscape in an urban setting. Additionally, off-site street trees on Apache are positioned between walkway and street-side parallel parking in front of the Retreat to provide substantial summer shade.

Section 6-306 D Approval criteria for Development Plan Review:

- The placement of building reinforces the street wall and maximizes natural surveillance and visibility of pedestrian areas (building entrances, pathways, parking areas, etc.), enhances the character of the surrounding area, and facilitates pedestrian access and circulation.
- Shade for energy conservation and comfort is an integral part of the design
- Materials of superior quality distinguish the Retreat but do not detract the surrounding existing and proposed developments.
- Buildings and landscape elements are of proper scale with the site and surroundings. The height of the Retreat provides the “step” between Campus Edge and the developments to the east and north.
- The building mass is divided into smaller components and uses a variety of materials and detailing that facilitate a “sticky” human-scale development. These elements contribute to attractive public spaces molded between building elevations.
- Building fenestration creates visual interest and facilitates security of adjacent outdoor spaces by maximizing natural surveillance.
- Crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance are incorporated into the design.
- Full cut-off security lighting will be made by condition of approval to conform with the ordinance and will provide mandated light levels while limiting light “bounce” to the sky and to surrounding properties.
- Pedestrian walkways connect building entrances to one another and to the sidewalk on Apache Boulevard. Accessibility will be provided in conformance with the Americans with Disabilities Act.
- Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. The single driveway minimizes traffic impact on surrounding development in conformance with the city transportation policies and design criteria.

Conclusion

Based on the information provided by the applicant, the public input received and the analysis by staff, staff recommends approval of the requested Zoning Amendment and Development Plan Review. This request meets the required criteria and will conform to the conditions of approval.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use (mixed-use) and Projected Residential Density (greater than 25 dwelling units per acre) for this site.
2. The development will conform to the standards listed above, as part of the Amended Planned Area Development Overlay. The P.A.D. Overlay process was specifically created to allow flexibility to establish development standards, including maximum residential density, building lot coverage, building height, building setbacks, and minimum landscape lot coverage in the context of a quality design which includes mitigation of the design impact of this development on its surroundings.
3. The development meet the pedestrian oriented design standards required for insertion in the Transportation Overlay District.
4. The proposed project meets the approval criteria for a Zoning Map Amendment and Development Plan Review.
5. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

CONDITIONS OF APPROVAL:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

ZON08003 and PAD08008 CONDITIONS

1. A building permit shall be obtained on or before September 11, 2010 or the property may revert to the previous zoning designation, subject to a formal public hearing.
2. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 that may now or in the future exist, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than October 11, 2008, thirty calendar days after the date of approval, or the Zoning Map Amendment (including the insertion into the Transportation Overlay District and the Planned Area Development Overlay) shall be null and void.
3. The Planned Area Development Overlay for the Retreat shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
4. Maximum residential density shall not exceed seventy (70) dwelling units per acre.
5. Maximum building height, as measured from the top of curb adjacent to the center of the front-yard of the site, to the highest portion of the roof or parapet of the buildings shall not exceed 67'-0".
6. The increased height exception stipulated in ZDC Sec. 4-205(A) shall be waived for the buildings.
7. The minimum front yard and side yard setbacks shall be 0'-0". The minimum side yard setback of 0'-0" shall apply to the south side yard only. The minimum east and west side yard setbacks shall be no less than 7'-0", **EXCEPT GARAGE VENTILATION RETAINING WALLS SHALL BE NO LESS THAN 4'-0". (ADDED BY THE COMMISSION)**
8. The minimum rear setback shall be no less than 7'-0", **EXCEPT GARAGE VENTILATION RETAINING WALLS SHALL BE NO LESS THAN 4'-0". (ADDED BY THE COMMISSION)**
9. The maximum building lot coverage shall be no more than sixty-four (64) percent of net site area.
10. The minimum landscape lot coverage shall be no less than nineteen (19) percent of net site area.

DPR08110 CONDITIONS

Site Plan

11. Provide 2'-0" wide paving strip, including width of curb, between parallel parking on Apache Boulevard and street front planting strip to facilitate exit from parked vehicles. Provide planting strips along Apache of minimum 4'-0" width.
12. Provide upgraded modular paving at full width of drive aisle at driveway from back of public sidewalk bypass to minimum 20'-0" north of the right of way line. Match this upgraded paving at driveway to paving proposed at emergency turnaround opposite garage entrance.
13. Provide 8'-0" tall steel vertical picket and masonry perimeter fence. Provide fence of maximum 2'-0" tall masonry base and 8'-0" tall masonry pilasters of exposed material that matches the building. Provide 6'-0" tall steel vertical picket fence panels between pilasters with pointed caps and turnouts, maximum 4" spacing between pickets. Provide 8'-0" tall gate panels similar to fence panels. Design fence and gates to minimize foot and hand holds.
14. Finish utility equipment boxes in a neutral color (subject to utility provider approval) that compliments building finish. Place exterior, freestanding reduced pressure and double check backflow devices in lockable cages (one device per cage). If device is for a 3" or greater water line, delete cage and screen device behind an exposed masonry screen wall.

Floor Plans

15. Exit Security, Visual surveillance:
 - a. Where possible, provide exit stairs towers at perimeter that are open, such as is indicated at the northeast corner of the garage
 - b. Where not possible, provide fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
 - c. Where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow a person standing in the exit doorway to observe in the mirror the area around the corner or within the alcove.
16. Public Restroom Security: (bathrooms in dwelling units are exempt)
 - a. Provide 50% night lights. Activate lights by key switch or remote control so users cannot manipulate lights.
 - b. Single user restroom door hardware: Provide a key bypass on the exterior side
17. Parking Garage:
 - a. Provide parking spaces of required size that are clear of structural members or any other obstruction.
 - b. At the ends of dead-end drive aisles, provide a designated, clearly demarcated turn-around space, minimum 8'-6" clear in width and positioned at 90 degrees to the drive aisle.
 - c. Provide a minimum 2'-0" additional width for parking spaces that are adjacent to a wall.
 - d. Paint interior wall and overhead surfaces in garage levels with a highly reflective white color, minimum LRV of 75 percent.
 - e. Provide canopies for parking spaces on garage levels where drive aisles are open to sky. Design and finish canopies to be attractive, including when viewed from above. Apply finish of maximum 75% light reflectance value to top of canopy. Provide minimum 8" deep canopy fascia all around canopy edge. Conceal lighting conduit in the folds of the canopy structure and finish conduit to match.

Building Elevations

18. On garage, design lattice without foot or hand holds and stand the lattice away slightly from the tilt slab concrete structure or provide lattice depth to foster vine growth.
19. The materials and colors are approved as presented except provide substitute paint color for Kwal Howells Deer Feather LRV 85 that has an LRV (light reflectance value) of 75 or less. The other paint colors (Kwall Howells Holland LRV 51 and Dog Paw LRV 21) are acceptable as presented. Identify manufacturer and type of aluminum cladding. Integral color concrete masonry unit (Amcor Sagewood) is acceptable as presented. Submit any additions for review during building plan check process.
20. Provide secure roof access from the interior of the buildings to each roof. Do not expose roof access to public view, including ladders between adjacent roofs. Provide continuous parapets. Do not expose any portion of roof top equipment.
21. Conceal roof drainage system within the building interior. Minimize visible, external features, such as overflows. Position overflows and other appendages such as lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) so they are part of the composition of the elevations. Locate electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view. Exposed conduit, piping, or similar materials is not allowed.

Lighting

22. Security light development standards as listed in ZDC Sec. 4-801 through 4-805 apply to this Mixed-Use District. Illuminate building entrances, vehicular gates, stairwells and stair landings from dusk to dawn same as the other required security lighting.

Landscape

23. Landscape development standards as listed in ZDC Sec. 4-701 through 4-706 apply to this Mixed-Use District.
24. Select vine for lattice on garage that will thrive on northern orientation.

25. Maintain tree buffer as presented along east, west or north property lines, except reposition trees at north of garage to stay clear of the sewer easement extension. Coordinate position of subsurface retention structure along perimeter with tree placement so the trees are not sacrificed during design development or construction document plan check process.
26. Check site and frontage for existing native and protected plants. Remove Mexican palo verdes and other non-protected trees where these occur on site. Reuse existing mesquite in Apache Boulevard frontage landscape or remove tree for another location in accordance with State Agriculture Department standards. If mesquite is salvaged or demolished, file State Notice of Intent to Clear Land with the Agriculture Department and include copy of the Notice in the City's construction document submittal.
27. De-compact soil in planting areas on site and in public right of way. Remove construction debris from planting areas prior to landscape and irrigation installation.
28. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
 - c. Extend on-site irrigation system to landscape in public right of way in front of site. If an existing city irrigation through line is located in the street frontage, maintain and do not sever this line.
 - d. Locate valve controller in a secure, vandal resistant housing.
 - e. Hardwire power source to controller (a receptacle connection is not allowed).
 - f. Conceal controller valve wire conduit in a wall or pedestal if controller is in an exterior location.

Signage

29. Provide address signs at locations and height as indicated on elevations in 5/28/08 Site Plan review mark-up, including the following: one sign on the west elevation of the rear building. Also provide one address sign on the garage east elevation above the garage entrance. Provide address signs that are 12" high, individual mount, metal reverse pan channel numbers.
30. Oversized address signs on the south elevation are considered identification signs and require a sign permit.
31. Provide a directory sign inside the Apache Boulevard lobby vestibule. Depict building and entrances, floors, courtyard, parking and street. Conform to the following guidelines OR supply an alternate design, subject to Development Services Planning staff approval.
 - a. Utilize contrasting colors for sign and background.
 - b. Orient sign with respect to the viewer. Highlight position of lobby vestibule in directory with a "you are here" indication.
 - c. Internally illuminate sign housing.
 - d. House sign in a vandal resistant, glazed cabinet.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- **LENGTH OF APPROVAL:** Submit drawings to the Development Services Building Safety Division for building permit by July 29, 2009 or Development Plan Review approval will expire.
- **SITE PLAN REVIEW:** Verify comments by the Public Works, Development Services, and Fire Departments given on the Preliminary Site Plan Reviews dated March 05, 2005, April 23, 2008 and May 28, 2008. Direct questions to the appropriate department, and coordinate any necessary modifications with all concerned parties, prior to completion of building permit process. Planning staff reviews construction documents submitted to the Building Safety Division to ensure consistency with the Planned Area Development and Development Plan approvals.
- **HISTORIC PRESERVATION:** State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process.
- **ZONING & DEVELOPMENT CODE:** Requirements of the Zoning and Development Code apply to any application. Become familiar with the ZDC to avoid unnecessary review time and reduce the potential for multiple plan check submittals. The ZDC may be accessed through www.tempe.gov/zoning or purchased at Development Services.
- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov, to Departments, to Building Safety, to Applications and Forms, and the DS details are found under Civil Engineering.
- **EMERGENCY RADIO AMPLIFICATION (ITD Communications Dave Heck 480-350-8777):** Provide emergency radio amplification for the buildings as required by ZDC Section 4-402. Amplification will allow Police and Fire personnel within the building to communicate during a catastrophe. Refer to this link: http://www.tempe.gov/itd/Signal_booster.htm. Contact Dave Heck to discuss the size and materials of the buildings, to verify radio amplification requirement, and determine the extent of construction to fulfill this requirement.
- **WATER CONSERVATION:** Per agreement between City of Tempe and State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the retail portion of this project. Residential portion of project is exempt. Mechanical Engineer prepares and submits water conservation report with the construction drawings during building plan check process. Report example is contained in Office Procedure Directive # 59, which may be accessed through www.tempe.gov, to Departments, to Building Safety, to Applications and Forms, and Office Procedure Directive # 59 is found under Forms. Contact Water Resources Pete Smith 480-350-2668 with questions regarding the purpose or content of the water conservation report.
- **SUBDIVISION PLAT:** Final Subdivision Plat is required for this development to unify the various parcels into one property and dedicate land to the public right of way to provide a total of 55'-0" half-street right of way along Apache Boulevard. Place Final Subdivision Plat into proper engineered format with appropriate signature blanks. Record the plat with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of building permits, or at a date as allowed by the Development Services Building Safety Division.
- **WATER UTILITIES (Water Utilities Department Tom Ankeny 480-350-2648):**
 - Extend public sewer in Apache Boulevard to southeast site corner and connect site from this sewer. Coordinate sewer extension with Campus Edge Development.
 - Provide sewer easement width addition at northern edge of property so a 10'-0" clearance is maintained between the existing 8" V.C.P. in the alley to the south edge of the easement. Indicate portion of easement on property on the Final Subdivision Plat.

- LAND SERVICES: (Engineering Division Constance Sheller 480-350-8860)
 - Dimension easements to remain on plat. Remove unneeded easements by separate instrument.
 - Complete acquisition of parcels. Acknowledgement on plat must correspond to ownership listed in County record.
- ENGINEERING (Ken Halloran 480-350-8341). Limitations shall be as determined by the Engineering Division
 - Indicate and dimension right of way and easements.
 - Underground utility extensions to site. Underground existing overhead utilities adjacent to site in alley to north, including utility feeds to adjacent developments, or contact Engineering Division and fulfill their criteria to waive underground of existing utilities.
 - Provide on-site retention for 100 year storm of two hour duration. Coordinate location of underground retention structure with tree placement. Coordinate location of drywell with maintenance access.
 - Install streetlights. Coordinate placement of streetlights with frontage trees.
 - If any portion of building projects onto the public side of the right of way line after right of way dedication, obtain an Encroachment Permit from the Engineering Department prior to submittal of construction documents for building permit.
- SECURITY PLAN (Police – Crime Prevention Cyndi Calender 480-858-6027)
 - The Owner is required to prepare a security plan with the Police Department for the residential and retail components of the project. Involvement by architect is recommended to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, recommend initial meeting with the Police Department before building permits are issued. At a minimum begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - Provide address sign on roof as indicated. Place sign on horizontal surface, with 6'-0" high address number and 3'-0" high street name. Provide characters of minimum 50 percent contrast with background. Do not illuminate sign.
- FIRE (Fire Department Jim Walker 480-350-8341) Details subject to approval of Fire Department:
 - Identify fire lane. Ensure at least a 20'-0" horizontal width and a 14'-0" vertical clearance to the underside of tree canopies or overhead structure. Detail fire lane paving surfaces.
 - Locate fire department connection.
 - Locate fire hydrants. Operational hydrants required prior to staging combustible materials on construction site.
 - Verify emergency ingress hardware at gates, including perimeter yard gates and vehicle gate in garage.
- BUILDING (Building Safety Roger Vermillion 480-350-8071)
 - Clearly indicate property lines and easements, the dimensional relation of the buildings to the property lines and easements and the separation of the buildings from each other.
 - Occupancy: Resolve different occupancy types in building with construction separations and protection at openings.
 - Garage: Resolve percentage of openings in garage with requirement for ventilation in garage
 - Vertical Circulation: Ensure rated stair enclosure and secure exit-way to public right of way. Provide elevator lobby at each level or meet exception.
 - Corridors: Rate walls and corridors for fire and sound.
 - Courtyard: Verify no direct entrance from dwelling units into enclosed courtyard.
 - Fenestration: Resolve percentage of openings at building elevations with proximity of property lines.
 - Accessibility: Indicate type "A" (accessible) and type "B" units. Design units accordingly.
- SECURITY AT DOORS AND WINDOWS:
 - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
 - Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, laminated glazing may be considered at these locations.

- REFUSE (Solid Waste Joseph Kolesar 480-350-8127):
 - Construct compactor enclosure, pad and bollards in conformance with Standard Detail DS-118.
 - Develop strategy for refuse and recycling collection and pick-up from site with Solid Waste. Coordinate storage area for recycling containers with overall site and landscape layout.
- DRIVEWAYS:
 - Construct driveway in public right of way per Standard Detail T-320.
 - Correctly indicate clear vision triangles at driveway on landscape plan. Identify speed limit for Apache Boulevard. Begin sight triangle in driveways 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from John Brusky in Transportation (480-350-8219) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- PARKING SPACES:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- BUILDING HEIGHT & EQUIPMENT SCREEN: Measure height of building to tops of roof well parapet from top of Apache Boulevard curb along center front of property. Do not allow vents or incidental roof top mechanical or electrical equipment to protrude above top of parapet.
- SECURITY LIGHTS
 - Follow the guidelines listed under Z.D.C. Appendix E "Photometric Plan".
 - Provide Photometric Plan with a screen (faded) planting layout superimposed on the site plan.
 - Coordinate security light locations with tree placement.
- LANDSCAPE:
 - Individually symbolize plants listed in landscape legend so they can be identified on landscape plan.
 - Coordinate position of trees with position of buried utilities and retention structures.
- IDENTIFICATION SIGNS: Obtain sign permit for building mounted signs, monument signs and site directory map. Submit a sign package for the property that will establish design criteria for the retail signs. Way finding signs (if proposed) may not require a sign permit, depending on size. Design signs per the Z.D.C. Part 4 Chapter 9.
- ADDRESS SIGNS: Self illuminate or direct illuminate each wall mount sign. Provide signs of finish that is 50 percent minimum contrast with background.

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HISTORY & FACTS:

- September 19, 1962: Building Permit issued for two-story office building located at 1000 East Apache Boulevard in the C-2, General Commercial District. Final Inspection made for the construction on April 19, 1963. Parking for this project included a portion of the parcel at 948 East Apache Boulevard. The smaller, land locked parcels north of 936 and 948 E. Apache Boulevard have remained largely undeveloped from the 1960's to the present. An access easement was established linking these parcels to Apache Boulevard through the 948 East Apache Boulevard parcel.
- May 8, 2006: LandSource Tempe, an eighteen story mixed-use project featuring street front retail and including 104 residential and four live/work condominiums at 948 and 1000 East Apache Boulevard in the CSS District, was presented to the Apache Boulevard Project Area Committee. The proposal was favorably received by A.P.A.C.. This project subsequently grew to nineteen stories and 134 condominiums before being shelved by LandSource Holdings LLC in late 2006.
- December, 2007: Fire damage to existing office building at 1000 E. Apache Boulevard. Complaint initiated on December 27, 2007.
- March 10, 2008: The Retreat at 1000 Apache was presented to the Apache Boulevard Project Area Committee. The proposal was favorably received.
- March 17, 2008: Building Permit issued for demolition of existing fire-damaged building at 1000 E. Apache Boulevard.
- May 14, 2008: The Retreat at 1000 Apache was presented as a follow-up to the Tempe Apache Boulevard Association. The original presentation before T.A.B.A. was made on March 12, 2008. The follow-up proposal, which reflects the proposal before the Development Review Commission and City Council, as well as the original proposal, were both favorably received by T.A.B.A.
- June 23, 2008: The Retreat at 1000 Apache was presented at a neighborhood meeting at the Apache Boulevard Police Substation. A representative of Campus Edge, a proposed development immediately west of the Retreat, and two neighboring property owners were in attendance. The proposal, which is the same as that before the Development Review Commission and City Council, was favorably received by the attendees.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (P.A.D.) Overlay District
Section 6-306, Development Plan Review

Staff Summary Report



Development Review Commission Date: 07/29/08

Agenda Item Number: ____

SUBJECT: Hold a public hearing for a Zoning Map Amendment, Planned Area Development Overlay and Development Plan Review for THE RETREAT AT 1000 APACHE located at 1000 East Apache Boulevard.

DOCUMENT NAME: DRCr_Retreat1000Apache_072908

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **THE RETREAT AT 1000 APACHE (PL080071)** (David Freeman, GNJ Properties LLC, owner; Len Erie, Leonard J. II and Susan M. Erie Trust, owner; City of Tempe, owner; Manjula Vaz, Gammage & Burnham, applicant) consisting of two five-story mixed use buildings, 67'-0" high, including 124 student housing units with apartment/amenity area of 162,629 s.f. and retail/restaurant area of 4,352 s.f., and one five-level parking garage, 52'-0" high, with area of 96,665 s.f., including one subterranean level. The site is 1.81 gross acres and is located at 1000 East Apache Boulevard in the CSS, Commercial Shopping and Service District. The request includes the following:

ZON08003 – (Ordinance No. 2008.30) Zoning Map Amendment from CSS, Commercial Shopping and Service District to MU-4 (PAD) (TOD), Mixed-Use High Density District with a Planned Area Development Overlay and within the Transportation Overlay District.

PAD08008 –Planned Area Development Overlay to establish development standards to allow a maximum density of 70 dwelling units per acre, maximum building height of 67'-0", minimum building setbacks of 0'-0" at front and side yards, minimum 7'-0" building setback at rear yard, maximum building lot coverage of sixty-four (64) percent, and minimum landscape lot coverage of nineteen (19) percent.

DPR08110 – Development Plan Review including site plan, building elevations, and landscape plan.

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

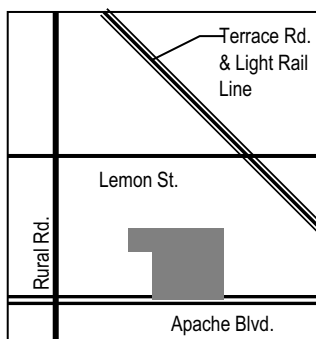
REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions
Apache Boulevard Project Area Committee – Approval
Tempe Apache Boulevard Association -- Approval

ADDITIONAL INFO:



Gross / Net site area	1.81 acres / 1.79 acres
Total Building area	263,646 s.f. (livable, retail & garage)
Density	70 d.u./acre maximum (P.A.D. standard)
Lot Coverage	64 % maximum (P.A.D. standard)
Building Height	67'-0" maximum (P.A.D. standard)
Building setbacks	0'-0" front & side, 7'-0" rear (P.A.D. standard)
Landscape Coverage	19 % minimum (P.A.D. standard)
Vehicle Parking	287 spaces (281 minimum required, T.O.D. standard)
Bicycle Parking	136 spaces (138 minimum required)

PAGES:

1. List of Attachments
- 2-5. Comments / Reasons for Approval
- 6-8. Conditions of Approval
- 9-11. Code / Ordinance Requirements
12. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

- 1-2. Ordinance No. 2008.30
- 3-5. Waiver of Rights and Remedies form
6. Location Map
7. Aerial Photo
- 8-12. Letter of Explanation
13. Project Data
14. Parking Information
15. Code and Zoning Information
16. Building Square Footage Matrix
17. Site Plan
- 18-23. Floor plans (Underground Parking Level and Levels One through Five)
24. Roof Plan
25. Typical Dwelling Unit Plans
- 26-28. Building Elevations
29. Elevations and Sections Keynotes
30. Building Sections
- 31-32. Landscape Plan and Plant legend
33. Landscape Sidewalk Shade Study on Apache (at Summer Solstice, 3:00pm)
- 34-42. Photo Exhibit Location Key and Selected Site Photos
- 43-51. Building Mass Seasonal Shade Study
- 52-55. Applicant's Memorandum of Public Outreach Summary
56. A.P.A.C. Meeting Minutes (Agenda Item 5), dated 3/10/2008
- 57-58. T.A.B.A. Meeting Minutes, dated 5/14/2008
59. Campus Edge Developer's 5/27/2008 Memorandum on the Retreat
60. Planning Staff's 6/23/2008 Memorandum of Neighborhood Meeting Notes
61. Street Color Presentation Perspective
- 62-65. Color Presentation Elevations

COMMENTS:

This vacant site is located on the north of Apache Boulevard a short distance from the Rural Road / Apache Boulevard intersection. Campus Edge, a mixed-use high rise housing development is under construction on the property to the west. The two-story Super 8 Motel is on Apache to the east and two story apartment buildings are across an alley to the north.

The property is within the Apache Boulevard Redevelopment Area but is not presently within an overlay district. The neighboring properties to the east, north and west are within the Transportation Overlay District Corridor. There are no existing entitlements for the site. The property is being used as a staging area for materials and vehicles associated with the construction of Campus Edge

The request includes a Zoning Map Amendment, which entails three components. The components are as follows:

- Transform the underlying district from Commercial Shopping and Service to Mixed-Use High Density.
- Provide a Planned Area Development Overlay for the Mixed use High Density District.
- Insert the site into the Transportation Overlay District Corridor.

The request also includes a Development Plan Review for the layout of the 1.81 acre site, the design of the three buildings, 263,646 s.f. of building area (including the garage) and the landscape on-site and including the off-site street frontage on Apache Boulevard.

The applicant requests the Development Review Commission take action on the Development Plan Review and provide recommendations to City Council for the Zoning Map Amendment. For further processing, the applicant will need approval for a Subdivision Plat, to combine the five individual lots into one.

Public Input

A seven story version of the Retreat, featuring housing above a parking podium, was presented to the Apache Boulevard Redevelopment Committee (A.P.A.C.) on March 10, 2008 and to the Tempe Apache Boulevard Association (T.A.B.A.) on March 12, 2008. A follow-up presentation of the present design concept for the Retreat was presented to T.A.B.A. on May 14, 2008. The applicant's notes of the meetings (the Summary of Neighborhood Outreach) and the minutes of the two organizations are included in the attachments to this report.

A required Neighborhood meeting was held on June 23, 2008 from 6:00 p.m. to 7:30 p.m. at the Apache Boulevard Police Substation located at 1855 East Apache Boulevard. The applicant's notes of the meeting are included in the Summary of Public Outreach attached to this report. Planning staff notes of the meeting are also attached.

PROJECT ANALYSIS

Zoning Amendment

The proposed change from Commercial Shopping and Service to Mixed-Use High Density conforms to General Plan 2030. The General Plan projected land use of mixed-use occurs continuously on both sides of Apache Boulevard between Rural Road and the Price Road/Pima Freeway. The proposed maximum density of 70 dwelling units per acre is in line with the General Plan projected residential density of greater than 25 dwelling units per acre. The density request is appropriate considering the density of the property to the west (Campus Edge: 87 dwelling units per acre) and reflects the response of developers to the demand for housing by neighboring A.S.U. and to the general trend of urbanization in central Tempe. The Mixed-Use High Density District requires a Planned Area Development Overlay, which will be discussed in the following section.

The request to opt into the Transportation Overlay District follows the desire to make use of a pedestrian oriented vehicle parking standard, allows use of on-street parking as part of the retail parking count and allows waiver of building step-back adjacent to a multi-family residential district. These standards are available for projects within the T.O.D. Corridor in exchange for a project that embraces pedestrian oriented design standards. The site is south and west of the light rail transit line on Terrace Road and Apache Boulevard and is bracketed by properties in the T.O.D. Corridor. The properties to the north and east were included in the original T.O.D. boundary while the property to the west has been inserted into the T.O.D. Corridor as part of the recent Campus Edge planning entitlement process.

Section 6-304 (C) (2) Approval criteria for Zoning Map amendment:

- The zoning amendment is in the public interest due to the re-use of a vacant property for the purpose of alleviating housing demand and providing a subsidiary retail component.
- The zoning amendment facilitates implementation of General Plan 2030 in providing a mixed-use, high residential density development in an area defined for mixed-use and high density by the Projected Land Use and Projected Density Maps.

Planned Area Development

The following table indicates the Planned Area Development Overlay standards proposed for the Retreat in comparison with the standards for the existing Commercial Shopping and Service District. P.A.D. standards for density, height, setbacks, lot coverage and landscape coverage that are established for the Mixed-Use High Density District are highlighted in bold text.

Building & Site Standard	CSS (existing)	MU-4 (PAD) (TOD) (proposed)
Density (dwelling units per acre)	20 DU/AC with use permit	70 DU/AC
Building Height & Step-Back Maximum height Building Height Step-Back Adjacent to Multi-Family District	35'-0" No	67'-0" No (T.O.D.)
Building / Lot Coverage Standard Maximum Lot Coverage	50 %	64 %
Landscape Standard Minimum Lot Landscape Area	15 %	19 %
Setback Standards Front Yard (south) Side Yard (east, west and south) Rear Yard (north)	0'-0" 0'-0" 10'-0"	0'-0" 0'-0" 7'-0"
Existing and Proposed Surface Parking Setback	20'-0"	20'-0"

The proposed density of 70 dwelling units per acre reflects the projected high density on both sides of Apache Boulevard between Dorsey Lane and Rural Road as established in General Plan 2030. The proposed building height of 67'-0", which contains five stories, provides a transition between the height of Campus Edge (116'-0") and the existing two story hotel and apartments to the east and north (approximately 25'-0"). A building step-back adjacent to Multi-Family District of 1'-0" step-back for every 1'-0" of height above 30'-0" does not apply in the Commercial Shopping and Services District and similarly is not required for sites within the Transportation Overlay District (a Multi-Family District touches the site for a short distance along the western side of the north property line, adjacent to the 52'-0" high garage). The proposed lot coverage of 64 percent matches that established for Campus Edge. The proposed minimum landscape coverage of 19 percent is entirely on ground level and includes significant perimeter landscape buffer area as well as significant plant area throughout site in the open space between buildings. The 0'-0" front-yard setback reflects the "building-forward" criteria of pedestrian oriented design. The 0'-0" side-yard setback reflects the southern property line adjacent to the garage which is adjacent to a landscape buffer area proposed on the Campus Edge site. The other side yards to east and west, as well as the 7'-0" rear yard to the north, have their own on-site landscape buffers. The east and west side yard setbacks will be maintained by condition of approval.

Section 6-305 (D). Approval criteria for P.A.D.:

- Mixed-Use, consisting of residential with supporting retail, is an allowable land use defined in the Z.D.C. Part 3.
- The Retreat will conform to the development standards listed above as established in the P.A.D. Overlay for this site.
- The P.A.D. Overlay conforms to Transportation Overlay District provisions as defined in the Z.D.C. Part 5.

Development Plan Review

The project has developed from a seven story, three driveway layout to an efficient, single driveway that is aligned with the existing median break in Apache Boulevard. The five story building mass is pushed forward to Apache Boulevard to take advantage of pedestrian oriented design standards as enumerated in the Transportation Overlay District standards. A five story freestanding residential building is placed in the northeast of the site. The overall building/site footprint is irregular, allowing meaningful ground level outdoor space on-site for vehicular and pedestrian circulation, amenities, and landscape. A parking garage is located in the northwestern site “panhandle” and is positioned to allow two on-site perimeter landscape buffers to west and north and at the same time takes advantage of a proposed, adjacent off-site landscape buffer to the south.

The building elevations reflect a solid, urban, medium rise development (67'-0"). The building stands close to Apache Boulevard but is articulated in plan with several niches to allow outdoor patio spaces contiguous with the sidewalk. The south elevation features a true porte co-chere over the driveway which connects the main building with a slender, western wing to the west of the drive aisle. The irregular building footprint allows ample views of portions of the Retreat from windows and exterior circulation corridors that are elsewhere in the development. The building form is notably shorter than the proposed Campus Edge to the west and becomes a transitional element between Campus Edge and the adjacent existing two-story structures to the east and north. The construction is a composite, consisting of a concrete masonry unit base at the ground level and wood frame / exterior plaster at the upper stories. The exposed masonry elements vary in height around the perimeter of the building. In contrast, an accent aluminum cladding is utilized at the jambs and lintel of the porte co-chere. The garage is composed of concrete tilt-slab panels, individually expressed on the three perimeter sides: enclosed with shallow projections on the south, conventionally open on the west, and partially enclosed with relatively small, angled openings and bracketed with metal vine lattice on the north.

The decisive feature of the landscape plan is the strategic placement of ground level planting areas throughout and around the perimeter of the Retreat that also benefits adjacent developments. The original design concept for the Retreat included a residential development on top of a podium, a retail component facing Apache Boulevard and a garage beneath the podium. One draw back of this scheme was the limited amount of ground level planting area, including the exclusion of ground level planting in the interior of the development. The concept presented allows substantial ground level planting area of width sufficient for trees along the perimeter and within the interior of the development. The nineteen percent minimum landscape coverage expressed in the Planned Area Development Overlay proposal includes principally ground level planting area—a generous portion for landscape in an urban setting. Additionally, off-site street trees on Apache are positioned between walkway and street-side parallel parking in front of the Retreat to provide substantial summer shade.

Section 6-306 D Approval criteria for Development Plan Review:

- The placement of building reinforces the street wall and maximizes natural surveillance and visibility of pedestrian areas (building entrances, pathways, parking areas, etc.), enhances the character of the surrounding area, and facilitates pedestrian access and circulation.
- Shade for energy conservation and comfort is an integral part of the design
- Materials of superior quality distinguish the Retreat but do not detract the surrounding existing and proposed developments.
- Buildings and landscape elements are of proper scale with the site and surroundings. The height of the Retreat provides the “step” between Campus Edge and the developments to the east and north.
- The building mass is divided into smaller components and uses a variety of materials and detailing that facilitate a “sticky” human-scale development. These elements contribute to attractive public spaces molded between building elevations.
- Building fenestration creates visual interest and facilitates security of adjacent outdoor spaces by maximizing natural surveillance.
- Crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance are incorporated into the design.
- Full cut-off security lighting will be made by condition of approval to conform with the ordinance and will provide mandated light levels while limiting light “bounce” to the sky and to surrounding properties.
- Pedestrian walkways connect building entrances to one another and to the sidewalk on Apache Boulevard. Accessibility will be provided in conformance with the Americans with Disabilities Act.
- Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. The single driveway minimizes traffic impact on surrounding development in conformance with the city transportation policies and design criteria.

Conclusion

Based on the information provided by the applicant, the public input received and the analysis by staff, staff recommends approval of the requested Zoning Amendment and Development Plan Review. This request meets the required criteria and will conform to the conditions of approval.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use (mixed-use) and Projected Residential Density (greater than 25 dwelling units per acre) for this site.
2. The development will conform to the standards listed above, as part of the Amended Planned Area Development Overlay. The P.A.D. Overlay process was specifically created to allow flexibility to establish development standards, including maximum residential density, building lot coverage, building height, building setbacks, and minimum landscape lot coverage in the context of a quality design which includes mitigation of the design impact of this development on its surroundings.
3. The development meet the pedestrian oriented design standards required for insertion in the Transportation Overlay District.
4. The proposed project meets the approval criteria for a Zoning Map Amendment and Development Plan Review.
5. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

CONDITIONS OF APPROVAL:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

ZON08003 and PAD08008 CONDITIONS

1. A building permit shall be obtained on or before September 11, 2010 or the property may revert to the previous zoning designation, subject to a formal public hearing.
2. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134 that may now or in the future exist, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than October 11, 2008, thirty calendar days after the date of approval, or the Zoning Map Amendment (including the insertion into the Transportation Overlay District and the Planned Area Development Overlay) shall be null and void.
3. The Planned Area Development Overlay for the Retreat shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
4. Maximum residential density shall not exceed seventy (70) dwelling units per acre.
5. Maximum building height, as measured from the top of curb adjacent to the center of the front-yard of the site, to the highest portion of the roof or parapet of the buildings shall not exceed 67'-0".
6. The increased height exception stipulated in ZDC Sec. 4-205(A) shall be waived for the buildings.
7. The minimum front yard and side yard setbacks shall be 0'-0". The minimum side yard setback of 0'-0" shall apply to the south side yard only. The minimum east and west side yard setbacks shall be no less than 7'-0".
8. The minimum rear setback shall be no less than 7'-0".
9. The maximum building lot coverage shall be no more than sixty-four (64) percent of net site area.
10. The minimum landscape lot coverage shall be no less than nineteen (19) percent of net site area.

DPR08110 CONDITIONS**Site Plan**

11. Provide 2'-0" wide paving strip, including width of curb, between parallel parking on Apache Boulevard and street front planting strip to facilitate exit from parked vehicles. Provide planting strips along Apache of minimum 4'-0" width.
12. Provide upgraded modular paving at full width of drive aisle at driveway from back of public sidewalk bypass to minimum 20'-0" north of the right of way line. Match this upgraded paving at driveway to paving proposed at emergency turnaround opposite garage entrance.
13. Provide 8'-0" tall steel vertical picket and masonry perimeter fence. Provide fence of maximum 2'-0" tall masonry base and 8'-0" tall masonry pilasters of exposed material that matches the building. Provide 6'-0" tall steel vertical picket fence panels between pilasters with pointed caps and turnouts, maximum 4" spacing between pickets. Provide 8'-0" tall gate panels similar to fence panels. Design fence and gates to minimize foot and hand holds.
14. Finish utility equipment boxes in a neutral color (subject to utility provider approval) that compliments building finish. Place exterior, freestanding reduced pressure and double check backflow devices in lockable cages (one device per cage). If device is for a 3" or greater water line, delete cage and screen device behind an exposed masonry screen wall.

Floor Plans

15. Exit Security, Visual surveillance:
 - a. Where possible, provide exit stairs towers at perimeter that are open, such as is indicated at the northeast corner of the garage
 - b. Where not possible, provide fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
 - c. Where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow a person standing in the exit doorway to observe in the mirror the area around the corner or within the alcove.
16. Public Restroom Security: (bathrooms in dwelling units are exempt)
 - a. Provide 50% night lights. Activate lights by key switch or remote control so users cannot manipulate lights.
 - b. Single user restroom door hardware: Provide a key bypass on the exterior side
17. Parking Garage:
 - a. Provide parking spaces of required size that are clear of structural members or any other obstruction.
 - b. At the ends of dead-end drive aisles, provide a designated, clearly demarcated turn-around space, minimum 8'-6" clear in width and positioned at 90 degrees to the drive aisle.
 - c. Provide a minimum 2'-0" additional width for parking spaces that are adjacent to a wall.
 - d. Paint interior wall and overhead surfaces in garage levels with a highly reflective white color, minimum LRV of 75 percent.
 - e. Provide canopies for parking spaces on garage levels where drive aisles are open to sky. Design and finish canopies to be attractive, including when viewed from above. Apply finish of maximum 75% light reflectance value to top of canopy. Provide minimum 8" deep canopy fascia all around canopy edge. Conceal lighting conduit in the folds of the canopy structure and finish conduit to match.

Building Elevations

18. On garage, design lattice without foot or hand holds and stand the lattice away slightly from the tilt slab concrete structure or provide lattice depth to foster vine growth.
19. The materials and colors are approved as presented except provide substitute paint color for Kwal Howells Deer Feather LRV 85 that has an LRV (light reflectance value) of 75 or less. The other paint colors (Kwall Howells Holland LRV 51 and Dog Paw LRV 21) are acceptable as presented. Identify manufacturer and type of aluminum cladding. Integral color concrete masonry unit (Amcor Sagewood) is acceptable as presented. Submit any additions for review during building plan check process.
20. Provide secure roof access from the interior of the buildings to each roof. Do not expose roof access to public view, including ladders between adjacent roofs. Provide continuous parapets. Do not expose any portion of roof top equipment.
21. Conceal roof drainage system within the building interior. Minimize visible, external features, such as overflows. Position overflows and other appendages such as lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) so they are part of the composition of the elevations. Locate electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view. Exposed conduit, piping, or similar materials is not allowed.

Lighting

22. Security light development standards as listed in ZDC Sec. 4-801 through 4-805 apply to this Mixed-Use District. Illuminate building entrances, vehicular gates, stairwells and stair landings from dusk to dawn same as the other required security lighting.

Landscape

23. Landscape development standards as listed in ZDC Sec. 4-701 through 4-706 apply to this Mixed-Use District.
24. Select vine for lattice on garage that will thrive on northern orientation.

25. Maintain tree buffer as presented along east, west or north property lines, except reposition trees at north of garage to stay clear of the sewer easement extension. Coordinate position of subsurface retention structure along perimeter with tree placement so the trees are not sacrificed during design development or construction document plan check process.
26. Check site and frontage for existing native and protected plants. Remove Mexican palo verdes and other non-protected trees where these occur on site. Reuse existing mesquite in Apache Boulevard frontage landscape or remove tree for another location in accordance with State Agriculture Department standards. If mesquite is salvaged or demolished, file State Notice of Intent to Clear Land with the Agriculture Department and include copy of the Notice in the City's construction document submittal.
27. De-compact soil in planting areas on site and in public right of way. Remove construction debris from planting areas prior to landscape and irrigation installation.
28. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
 - c. Extend on-site irrigation system to landscape in public right of way in front of site. If an existing city irrigation through line is located in the street frontage, maintain and do not sever this line.
 - d. Locate valve controller in a secure, vandal resistant housing.
 - e. Hardwire power source to controller (a receptacle connection is not allowed).
 - f. Conceal controller valve wire conduit in a wall or pedestal if controller is in an exterior location.

Signage

29. Provide address signs at locations and height as indicated on elevations in 5/28/08 Site Plan review mark-up, including the following: one sign on the west elevation of the rear building. Also provide one address sign on the garage east elevation above the garage entrance. Provide address signs that are 12" high, individual mount, metal reverse pan channel numbers.
30. Oversized address signs on the south elevation are considered identification signs and require a sign permit.
31. Provide a directory sign inside the Apache Boulevard lobby vestibule. Depict building and entrances, floors, courtyard, parking and street. Conform to the following guidelines OR supply an alternate design, subject to Development Services Planning staff approval.
 - a. Utilize contrasting colors for sign and background.
 - b. Orient sign with respect to the viewer. Highlight position of lobby vestibule in directory with a "you are here" indication.
 - c. Internally illuminate sign housing.
 - d. House sign in a vandal resistant, glazed cabinet.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- **LENGTH OF APPROVAL:** Submit drawings to the Development Services Building Safety Division for building permit by July 29, 2009 or Development Plan Review approval will expire.
- **SITE PLAN REVIEW:** Verify comments by the Public Works, Development Services, and Fire Departments given on the Preliminary Site Plan Reviews dated March 05, 2005, April 23, 2008 and May 28, 2008. Direct questions to the appropriate department, and coordinate any necessary modifications with all concerned parties, prior to completion of building permit process. Planning staff reviews construction documents submitted to the Building Safety Division to ensure consistency with the Planned Area Development and Development Plan approvals.
- **HISTORIC PRESERVATION:** State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process.
- **ZONING & DEVELOPMENT CODE:** Requirements of the Zoning and Development Code apply to any application. Become familiar with the ZDC to avoid unnecessary review time and reduce the potential for multiple plan check submittals. The ZDC may be accessed through www.tempe.gov/zoning or purchased at Development Services.
- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov, to [Departments](#), to [Building Safety](#), to [Applications and Forms](#), and the DS details are found under [Civil Engineering](#).
- **EMERGENCY RADIO AMPLIFICATION (ITD Communications Dave Heck 480-350-8777):** Provide emergency radio amplification for the buildings as required by ZDC Section 4-402. Amplification will allow Police and Fire personnel within the building to communicate during a catastrophe. Refer to this link: http://www.tempe.gov/itd/Signal_booster.htm. Contact Dave Heck to discuss the size and materials of the buildings, to verify radio amplification requirement, and determine the extent of construction to fulfill this requirement.
- **WATER CONSERVATION:** Per agreement between City of Tempe and State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the retail portion of this project. Residential portion of project is exempt. Mechanical Engineer prepares and submits water conservation report with the construction drawings during building plan check process. Report example is contained in Office Procedure Directive # 59, which may be accessed through www.tempe.gov, to [Departments](#), to [Building Safety](#), to [Applications and Forms](#), and Office Procedure Directive # 59 is found under [Forms](#). Contact Water Resources Pete Smith 480-350-2668 with questions regarding the purpose or content of the water conservation report.
- **SUBDIVISION PLAT:** Final Subdivision Plat is required for this development to unify the various parcels into one property and dedicate land to the public right of way to provide a total of 55'-0" half-street right of way along Apache Boulevard. Place Final Subdivision Plat into proper engineered format with appropriate signature blanks. Record the plat with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of building permits, or at a date as allowed by the Development Services Building Safety Division.
- **WATER UTILITIES (Water Utilities Department Tom Ankeny 480-350-2648):**
 - Extend public sewer in Apache Boulevard to southeast site corner and connect site from this sewer. Coordinate sewer extension with Campus Edge Development.
 - Provide sewer easement width addition at northern edge of property so a 10'-0" clearance is maintained between the existing 8" V.C.P. in the alley to the south edge of the easement. Indicate portion of easement on property on the Final Subdivision Plat.

- LAND SERVICES: (Engineering Division Constance Sheller 480-350-8860)
 - Dimension easements to remain on plat. Remove unneeded easements by separate instrument.
 - Complete acquisition of parcels. Acknowledgement on plat must correspond to ownership listed in County record.
- ENGINEERING (Ken Halloran 480-350-8341). Limitations shall be as determined by the Engineering Division
 - Indicate and dimension right of way and easements.
 - Underground utility extensions to site. Underground existing overhead utilities adjacent to site in alley to north, including utility feeds to adjacent developments, or contact Engineering Division and fulfill their criteria to waive underground of existing utilities.
 - Provide on-site retention for 100 year storm of two hour duration. Coordinate location of underground retention structure with tree placement. Coordinate location of drywell with maintenance access.
 - Install streetlights. Coordinate placement of streetlights with frontage trees.
 - If any portion of building projects onto the public side of the right of way line after right of way dedication, obtain an Encroachment Permit from the Engineering Department prior to submittal of construction documents for building permit.
- SECURITY PLAN (Police – Crime Prevention Cyndi Calender 480-858-6027)
 - The Owner is required to prepare a security plan with the Police Department for the residential and retail components of the project. Involvement by architect is recommended to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, recommend initial meeting with the Police Department before building permits are issued. At a minimum begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - Provide address sign on roof as indicated. Place sign on horizontal surface, with 6'-0" high address number and 3'-0" high street name. Provide characters of minimum 50 percent contrast with background. Do not illuminate sign.
- FIRE (Fire Department Jim Walker 480-350-8341) Details subject to approval of Fire Department:
 - Identify fire lane. Ensure at least a 20'-0" horizontal width and a 14'-0" vertical clearance to the underside of tree canopies or overhead structure. Detail fire lane paving surfaces.
 - Locate fire department connection.
 - Locate fire hydrants. Operational hydrants required prior to staging combustible materials on construction site.
 - Verify emergency ingress hardware at gates, including perimeter yard gates and vehicle gate in garage.
- BUILDING (Building Safety Roger Vermillion 480-350-8071)
 - Clearly indicate property lines and easements, the dimensional relation of the buildings to the property lines and easements and the separation of the buildings from each other.
 - Occupancy: Resolve different occupancy types in building with construction separations and protection at openings.
 - Garage: Resolve percentage of openings in garage with requirement for ventilation in garage
 - Vertical Circulation: Ensure rated stair enclosure and secure exit-way to public right of way. Provide elevator lobby at each level or meet exception.
 - Corridors: Rate walls and corridors for fire and sound.
 - Courtyard: Verify no direct entrance from dwelling units into enclosed courtyard.
 - Fenestration: Resolve percentage of openings at building elevations with proximity of property lines.
 - Accessibility: Indicate type "A" (accessible) and type "B" units. Design units accordingly.
- SECURITY AT DOORS AND WINDOWS:
 - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
 - Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, laminated glazing may be considered at these locations.

- REFUSE (Solid Waste Joseph Kolesar 480-350-8127):
 - Construct compactor enclosure, pad and bollards in conformance with Standard Detail DS-118.
 - Develop strategy for refuse and recycling collection and pick-up from site with Solid Waste. Coordinate storage area for recycling containers with overall site and landscape layout.
- DRIVEWAYS:
 - Construct driveway in public right of way per Standard Detail T-320.
 - Correctly indicate clear vision triangles at driveway on landscape plan. Identify speed limit for Apache Boulevard. Begin sight triangle in driveways 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from John Brusky in Transportation (480-350-8219) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- PARKING SPACES:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- BUILDING HEIGHT & EQUIPMENT SCREEN: Measure height of building to tops of roof well parapet from top of Apache Boulevard curb along center front of property. Do not allow vents or incidental roof top mechanical or electrical equipment to protrude above top of parapet.
- SECURITY LIGHTS
 - Follow the guidelines listed under Z.D.C. Appendix E "Photometric Plan".
 - Provide Photometric Plan with a screen (faded) planting layout superimposed on the site plan.
 - Coordinate security light locations with tree placement.
- LANDSCAPE:
 - Individually symbolize plants listed in landscape legend so they can be identified on landscape plan.
 - Coordinate position of trees with position of buried utilities and retention structures.
- IDENTIFICATION SIGNS: Obtain sign permit for building mounted signs, monument signs and site directory map. Submit a sign package for the property that will establish design criteria for the retail signs. Way finding signs (if proposed) may not require a sign permit, depending on size. Design signs per the Z.D.C. Part 4 Chapter 9.
- ADDRESS SIGNS: Self illuminate or direct illuminate each wall mount sign. Provide signs of finish that is 50 percent minimum contrast with background.

•
HISTORY & FACTS:

- September 19, 1962: Building Permit issued for two-story office building located at 1000 East Apache Boulevard in the C-2, General Commercial District. Final Inspection made for the construction on April 19, 1963. Parking for this project included a portion of the parcel at 948 East Apache Boulevard. The smaller, land locked parcels north of 936 and 948 E. Apache Boulevard have remained largely undeveloped from the 1960's to the present. An access easement was established linking these parcels to Apache Boulevard through the 948 East Apache Boulevard parcel.
- May 8, 2006: LandSource Tempe, an eighteen story mixed-use project featuring street front retail and including 104 residential and four live/work condominiums at 948 and 1000 East Apache Boulevard in the CSS District, was presented to the Apache Boulevard Project Area Committee. The proposal was favorably received by A.P.A.C.. This project subsequently grew to nineteen stories and 134 condominiums before being shelved by LandSource Holdings LLC in late 2006.
- December, 2007: Fire damage to existing office building at 1000 E. Apache Boulevard. Complaint initiated on December 27, 2007.
- March 10, 2008: The Retreat at 1000 Apache was presented to the Apache Boulevard Project Area Committee. The proposal was favorably received.
- March 17, 2008: Building Permit issued for demolition of existing fire-damaged building at 1000 E. Apache Boulevard.
- May 14, 2008: The Retreat at 1000 Apache was presented as a follow-up to the Tempe Apache Boulevard Association. The original presentation before T.A.B.A. was made on March 12, 2008. The follow-up proposal, which reflects the proposal before the Development Review Commission and City Council, as well as the original proposal, were both favorably received by T.A.B.A.
- June 23, 2008: The Retreat at 1000 Apache was presented at a neighborhood meeting at the Apache Boulevard Police Substation. A representative of Campus Edge, a proposed development immediately west of the Retreat, and two neighboring property owners were in attendance. The proposal, which is the same as that before the Development Review Commission and City Council, was favorably received by the attendees.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (P.A.D.) Overlay District
Section 6-306, Development Plan Review

ORDINANCE NO. 2008.30

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO
THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2,
CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION
AND BOUNDARIES OF DISTRICTS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by removing the below described property from the CSS, Commercial Shopping and Service District and designating it as MU-4 (PAD) (TOD) Mixed-Use High Density District with a Planned Area Development Overlay and within the Transportation Overlay District on 1.81 acres.

LEGAL DESCRIPTION

Parcel 1: The East 165 feet of the West 759 feet of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County; Arizona: EXCEPT the South 50 feet thereof.

Parcel 2: The North 105 feet of the East 60 feet of the West 594 of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County; Arizona: EXCEPT the North 8 feet thereof.

Parcel 3: The East 60 feet of the West 594 feet of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County; Arizona: EXCEPT the South 50 feet thereof.

Parcel 4: The North 130 feet of the West 105 feet of the East 165 feet of the West 594 feet of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County; Arizona.

An easement for ingress and egress 20 feet in width as created in Document No. 98-0510724, Records of Maricopa County, Arizona, described as follows:

Beginning at a point 20 feet West of the Southeast corner of the parcel of land described as the East 60 feet of the West 594 feet of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the South 50 feet thereof (the parcel);

Thence continuing North, parallel with the East line of the above described parcel, a distance of 236.50 feet to a point;

Thence West, parallel with the North line of the above described parcel, a distance of 40 feet to a point on the West line of the above described parcel;

Thence South, along the West line of the above described parcel, a distance of 20 feet to a point;

Thence East, parallel with the North line of the above described parcel, a distance of 20 feet to a point;

Thence South, parallel with the east line of the above described parcel, a distance of 216.50 feet to a point on the South line of the above described parcel;

Thence East, along the South line of the above described parcel, a distance of 20 feet to the point of beginning.

Parcel 5: The North 8.00 feet of the following described property: the North 105 feet of the East 60 feet of the West 594 feet of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOTAL AREA IS 1.81GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case ZON08003** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WHEN RECORDED RETURN TO:

City of Tempe
Development Services Dept
c/o Kevin O'Melia
31 East 5th Street
Tempe, Arizona 85281

**WAIVER OF RIGHTS AND REMEDIES
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by _____

(Owner/s).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. **PL080071** to the City requesting that the City approve the following:

_____ GENERAL PLAN AMENDMENT
___x___ ZONING MAP AMENDMENT
___x___ PAD OVERLAY
_____ HISTORIC PRESERVATION DESIGNATION/OVERLAY
_____ USE PERMIT
_____ VARIANCE
___x___ DEVELOPMENT PLAN REVIEW
_____ SUBDIVISION PLAT/CONDOMINIUM PLAT
___x___ OTHER INSERTION INTO T.O.D. OVERLAY
(Identify Action Requested))

for development of the following real property (Property):

Parcel No. 1 : 132 - 73 – 117
Parcel No. 2 : 132 - 73 – 116A
Parcel No. 3 : 132 - 73 – 116B
Parcel No. 4 : 132 - 73 – 115B
Parcel No. 5 : Alley Dedication

LEGAL DESCRIPTION

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Thence South, along the West line of the above described parcel, a distance of 20 feet to a point;

Thence East, parallel with the North line of the above described parcel, a distance of 20 feet to a point;

Thence South, parallel with the east line of the above described parcel, a distance of 216.50 feet to a point on the South line of the above described parcel;

Thence East, along the South line of the above described parcel, a distance of 20 feet to the point of beginning.

Parcel 5: The North 8.00 feet of the following described property: the North 105 feet of the East 60 feet of the West 594 feet of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

By signing below, Owner voluntarily waives any right to claim compensation for diminution in Property value under A.R.S. §12-1134 that may now or in the future exist if the City approves the above-referenced Application, including any conditions, stipulations and/or modifications imposed as a condition of approval.

This Waiver shall run with the land and shall be binding upon all present and future owners having any interest in the Property.

This Waiver shall be recorded with the Maricopa County Recorder's Office.

Owner warrants and represents that Owner is the fee title owner of the Property, and that no other person has an ownership interest in the Property.

Dated this _____ day of _____, 2008.

(Signature of Owner)

(Printed Name)

(Signature of Owner)

(Printed Name)

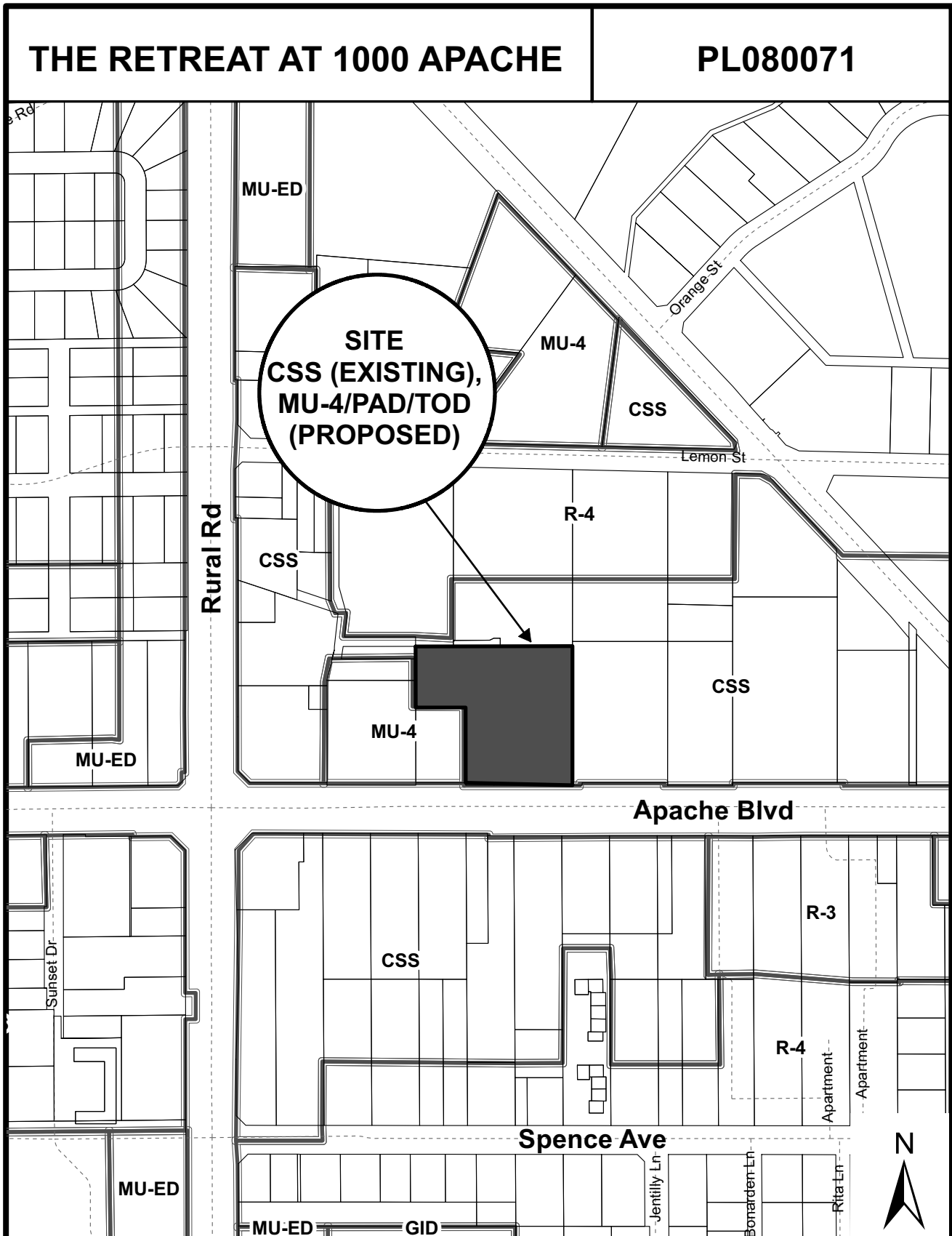
State of Arizona)
) ss
County of _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2008, by

_____.

(Signature of Notary)

(Notary Stamp)



Location Map



THE RETREAT AT 1000 APACHE (PL080071)

THE RETREAT

Applicant's Letter of Intent

Glenwood Student Communities (the "Applicant") is proposing to redevelop approximately 1.79 acres located approximately 475 feet east of the northeast corner of Apache Boulevard and Rural Road (the "Site"). Glenwood Student Communities ("Glenwood") is a nationally recognized property management company that specializes in the development and management of student housing and is the largest student housing property manager of student housing properties in Utah. Over the past two decades, Glenwood has managed over 3,400 student housing bedrooms including student housing developments with more than 1,100 beds.

Application

The Applicant is submitting a zoning amendment, planned area development (PAD) overlay amendment, and a development plan review (DPR) application as part of the Applicant's application for the redevelopment of the Site (the "Application"). Specifically, the zoning amendment request is to rezone the Site from the Commercial, Shopping and Service (CSS) District to the Mixed-Use, High Density (MU-4) District and to include the Site in the Transportation Overlay District (TOD). As part of the Application, we are also submitting a site plan and PAD application to create a vibrant mixed-use development that will enhance street activity on Apache Boulevard and add to the residential and retail mix of Tempe.

The Site is a prime opportunity for redevelopment given its proximity to two nearby light rail stations and Arizona State University (ASU). The Site's location also provides an opportunity to make a significant statement on Apache Boulevard leading up to the nearby future light rail line and station to the east with the introduction of a high-quality, mixed-use project representative of the ongoing private and public investment along Apache Boulevard.

The Site, which was formally used for an office building, is currently vacant. The Applicant proposes to develop a five-story (67 feet) mixed-use project consisting of 124 total modern student housing apartment units, 4,350 square feet of retail space, and a five-level parking garage, four levels above grade and one level below grade (the "Project"). The goal of the Project, which will be branded "The Retreat at 1000 Apache", is to promote a sustainable concept of living, working and recreating in one location and to serve as an asset to the future success of the surrounding neighborhood and nearby light rail line scheduled to open in December 2008.

PAD Development Standards

The Commercial, Shopping and Service (CSS) District allows a maximum residential density of 20 units per acre with a use permit and a maximum building height of 35 feet. This Application requests a maximum building height of 67 feet and a maximum residential density of 70 units per acre, which represents an increase of 32 additional feet of building height and 50 additional units per acre from the density and height allowed under the Site's current zoning, the CSS District. The increase in height and density will allow a high-quality residential/retail design that will

provide much needed viable long-term housing and commercial retail opportunities along Apache Boulevard.

Site Area

The Site is comprised of four parcels located approximately 475 feet east of the northeast corner of Apache Boulevard and Rural Road in Tempe, Arizona. The Site consists of approximately 1.79 net acres. The formal address is 1000 East Apache Boulevard, Tempe. A full legal description is included in the Application submittal.

Area Context

As indicated above, the Site is located along the north side of Apache Boulevard, just east of Rural Road. A 10-story (116 feet) mixed-use development consisting of apartments targeted to students and street level retail uses known as Campus Edge was recently approved by the City Council and is located adjacent to the west. A Taco Bell restaurant is located further to the west. Apartments and a Super 8 motel are located immediately to the north and east. The Four Points Sheraton and apartment complexes, including a student housing development known as Villas on Apache, are located across Apache Boulevard to the south. The Site is located within walking distance of the ASU Campus to the north and the future light rail transit stations to the east and north. The Applicant envisions that the Project will significantly enhance the area's urban environment and serve as a catalyst for future redevelopment opportunities along Apache Boulevard.

Planning Context

General Plan 2030

The land use and projected residential density for the Site by General Plan 2030 are Mixed-Use and High-Density (greater than 25 units per acre). According to General Plan 2030, the Mixed-Use category is designed to accommodate land use mixes with a mixture of residential and commercial uses. This category also encourages creatively designed developments that create a living environment which reflect a "village" concept where there is opportunity to live, work and recreate within one development or area. The Project will provide opportunities to live, work, and recreate in the same area. In fact, the Project is exactly the type of mixed-use, high-density project envisioned by General Plan 2030. The Applicant is proposing a high-density residential building with accompanying commercial retail opportunities located along the street which will energize Apache Boulevard and provide additional pedestrian activities for the Tempe community.

Apache Boulevard Redevelopment Plan

The Site is located in the Apache Boulevard Redevelopment Plan planning area. The mission of the Apache Boulevard Redevelopment Plan is to "encourage reinvestment in the Apache Boulevard area in order to build a more desirable neighborhood in which people will enjoy living and working." In specific relation to Apache Boulevard, the plan's mission is to "upgrade

commercial development by introducing viable long-term businesses and mixed-use projects.” The Project, located along Apache Boulevard, represents a substantial reinvestment in the area that will replace an antiquated commercial/office development with a viable mixed-use project that will help to foster an enjoyable living and working environment.

Current Zoning

The Site is currently zoned for Commercial, Shopping and Service (CSS) District uses. As referenced above, the CSS District allows a maximum residential density and maximum building height of 20 dwelling units per acre and 35 feet respectively. The CSS allowable density is not consistent with the density projected for the Site by General Plan 2030. The CSS allowable height and density are also inconsistent with the mission of the Apache Boulevard Redevelopment Plan, as the development standards are not conducive to the development of high-quality mixed-use developments which will provide needed viable long-term housing and commercial retail opportunities along Apache Boulevard. Therefore, the purpose of this Application is to rezone the Site to develop a project that is consistent with the vision and direction for Apache Boulevard. We are submitting a PAD to allow the Project to develop its own unique standards.

Project Description

The Site, which is currently underutilized and vacant, is strategically located to make a significant statement on Apache Boulevard leading up to the nearby future light rail line and station. The intent of this Application is to provide a unique opportunity to energize the Apache Boulevard street frontage and provide much needed additional modern, high-quality student housing opportunities. The expansion of ASU has placed continuous pressure on Tempe’s residential market. Disproportional parking demands and extraordinary occupancy levels have placed considerable strain on the fabric of the City, displacing residential uses to outlying areas and increasing vehicular traffic to the ASU Main Campus. Considering that the localized population nearly triples in size during peak enrollment, the transient nature of the student population is taxing on both residential and commercial markets. Due to the Site’s proximity to the ASU Campus and public transit routes, the Applicant strongly believes that the Project will appeal strongly to students.

The Application consists of the construction of two five-story (67-feet) buildings that will encompass 124 residential units (representing a density of 69.27 units per acre) and 4,350 square feet of commercial retail space, and a five-level parking garage. The mix of residential units includes one, two and four bedroom flat style apartment units. The proposed building height and density, while less than the height and density of the recently approved Campus Edge development, are generally consistent with the City’s vision for the provision of mixed uses along the light rail line. In addition, the proposed building form maintains a significant urban presence along Apache Boulevard with active uses lining the entire street frontage.

With the exception of a few units, residential units are located above street level commercial and lobby uses along Apache Boulevard, as well as ground-level office, lobby and amenity (e.g. pool, exercise room etc.) uses located within the interior of the Site. The parking garage and an

at-grade courtyard will serve as parking for the entire Site. The courtyard will not be visible from the street frontage. The parking garage will be hidden from the street level by the Project and the Campus Edge Development. Both the courtyard and parking garage are accessed from Apache Boulevard through an entry drive located approximately 45 feet east of the Site's west property line. Bicycle parking will also be provided on Site. A bike room will be provided within the parking garage for residents and a bike rack will be provided near the front of the Site for patrons and visitors.

With the completion of the nearby light rail stations on Apache Boulevard and Rural Road, Apache Boulevard will serve as a conduit for light rail passengers to the ASU Campus. Therefore, the ground level of the Site has been designed to energize pedestrian activities by providing a continuous frontage that includes commercial retail uses and a lobby. These street level uses, combined with the Project's dynamic contemporary architecture and the provision of ample landscaping, will successfully activate the Site's street frontage.

A multitude of common area amenities will be provided on the ground-level for residents use. The amenities include a pool area, exercise room, residential lounge and lobby, study room and technology room.

Project Design

The Project is a contemporary design that will fit well into the physical environment, create visual interest and provide a secure environment. The primary building materials, (CMU block, plaster, stucco, metal cladding and glass) accomplish the desired contemporary look. Varying the horizontal placement of building walls and the building height will provide visual interest and breakup the buildings' massing. In addition, varying horizontal placement of the building walls will create shadow lines on the façade that will offer their own detail. Additional detailing is accomplished by intersecting rectangular forms of various shapes within the buildings. Visual texture is added by providing metal cladding at vehicular and pedestrian ingress/egress locations along Apache, through the provision of awnings along the street frontage, which will also provide shade for pedestrian circulation, and the incorporation of block into the building facades. The provision of private exterior balconies will also add to the visual texture and provide visual interest. Meanwhile, the street-level of the building along Apache Boulevard, which consists primarily of glass will offer high-visibility along the street frontage and provide residents, patrons and visitors with a secure environment.

The Project is also designed to provide well lighted, accessible walkways with minimal conflict with vehicular circulation on the Site. The parking garage itself, connections between the garage and buildings, and connections between the Project and public right-of-way will be well lit to increase visibility. The provision of elevated walkways between the buildings and the parking garage will allow for easier and safer pedestrian and vehicle maneuvering.

Site Circulation and Parking

As referenced above, both residential and commercial parking will be accessed from Apache Boulevard via a driveway located approximately 45 feet east of the Site's west perimeter property line. The parking garage will serve the parking needs of the residents, while the parking needs of patrons and visitors will be primarily served by the at-grade courtyard. A limited number of parking spaces in the parking garage will also be available for use by patrons and visitors. The number of parking spaces provided is consistent with code requirements for multi-family residential and commercial uses located within the transportation overlay district (TOD).

Apache Boulevard Project Area Committee

The Applicant presented a previous design of Project to the Apache Boulevard Project Area Committee (APAC) for consideration on March 10, 2008. APAC recommended that the Project's original design consisting of a seven-story building height and multi-family residential and retail uses be approved.

Tempe Apache Boulevard Business Association

The Applicant presented the Project to the Tempe Apache Boulevard Business Association (TABBA) for consideration on March 12, 2008 and May 14, 2008. The Project's original design consisting of a seven-story building was presented to TABBA on March 12, 2008 while the current five-story design included as part of this Application submittal was presented to TABBA on May 14th. TABBA recommended that both the original and current designs be approved.

Conclusion

The Retreat at 1000 Apache is a high-quality student housing and retail design that will provide much needed viable long-term housing and commercial retail opportunities along Apache Boulevard. The proposed development will serve as a catalyst for future redevelopment opportunities that will enhance the urban development environment and experience envisioned by the City for this area. The Project is consistent with the mission of the Apache Boulevard Redevelopment Plan, and is supported by both the Apache Boulevard Project Area Committee and the Tempe Apache Boulevard Business Association. We look forward to discussing the proposal with you in the near future and respectfully request your support.



PROJECT DATA

<u>GROSS SITE AREA:</u>	1.81 ACRES / 78,843 S.F.
<u>NET SITE AREA:</u>	1.79 ACRES / 77,970 S.F.
<u>GENERAL PLAN 2030 PROJECTED LAND USE & DENSITY:</u>	MIXED USE / >25 DU/ACRE
<u>EXISTING ZONING:</u>	CSS
<u>PROPOSED ZONING:</u>	MU-4 / PAD / TOD
<u>TOTAL BUILDING AREA:</u>	
STUDENT APARTMENTS / AMENITIES:	162,629 S.F.
COMMERCIAL RETAIL:	3,481 S.F.
COMMERCIAL RESTAURANT:	871 S.F.
PARKING GARAGE:	96,665 S.F.
TOTAL:	263,646 S.F.
<u>BUILDING FOOTPRINT (GROUND LEVEL):</u>	49,651 S.F.
<u>LOT COVERAGE:</u>	64%
<u>DWELLING UNIT QUANTITY:</u>	124
4 BEDROOM UNITS:	48
2 BEDROOM UNITS:	49
1 BEDROOM UNITS:	27
<u>BEDROOM QUANTITY:</u>	317
<u>DENSITY:</u>	68.5 DU/ACRE
<u>SETBACKS:</u>	
FRONT:	5'-0" TYPICAL / 0'-6" MIN.
REAR:	7'-8" MIN.
SIDES:	0'-6" MIN.
<u>BUILDING HEIGHT:</u>	67'-0"
<u>LANDSCAPE AREA (INCLUDES NON-VEHICULAR HARDSCAPE):</u>	14,852 S.F.
<u>LANDSCAPE COVERAGE (INCLUDES NON-VEHICULAR HARDSCAPE):</u>	19%
<u>PARKING REQUIRED: (FOR DETAILED PARKING CALCULATIONS SEE SHEET A0.1)</u>	
RESIDENTIAL:	238 SPACES
VISITOR:	25 SPACES
COMMERCIAL RETAIL:	9 SPACES
COMMERCIAL RESTAURANT:	9 SPACES
TOTAL:	281 SPACES
(7 STALLS ARE REQ'D TO BE ACCESSIBLE W/ ONE BEING VAN ACCESSIBLE)	
<u>PARKING PROVIDED: (FOR DETAILED PARKING CALCULATIONS SEE SHEET A0.1)</u>	
RESIDENTIAL:	244 SPACES
VISITOR:	25 SPACES
COMMERCIAL RETAIL:	9 SPACES
COMMERCIAL RESTAURANT:	9 SPACES
TOTAL:	287 SPACES
(7 OF THE PROVIDED STALLS ARE ACCESSIBLE W/ ONE BEING VAN ACCESSIBLE)	
<u>BICYCLE PARKING REQUIRED:</u>	136 SPACES
<u>BICYCLE PARKING PROVIDED:</u>	138 SPACES
(FOR DETAILED BICYCLE PARKING CALCULATIONS SEE SHEET A0.1)	

PARKING INFORMATION

REQUIRED PARKING

RESIDENTIAL PARKING:	317 Total bedrooms x 0.75 spaces/bedrm	=	238 spaces
VISITOR PARKING:	0.20 Spaces/Unit x 124 DU	=	25 spaces
RETAIL PARKING:	1 Space/300 SF (@ 3,481) w/ 25% Parking Reduction	=	9 spaces
RESTAURANT PARKING:	1 Space/75 SF (@ 871) w/ 25% Parking Reduction	=	9 spaces
(20% of commercial space to be dedicated to restaurant for parking calculation purposes)			
TOTAL REQ'D PARKING:		=	281 spaces
(7 stalls required to be accessible w/ one of these being van accessible)			
(parking reductions as per ZDC Table 5-612A)			

PROVIDED PARKING

RESIDENTIAL PARKING:		=	244 spaces
VISITOR PARKING:		=	25 spaces
RETAIL PARKING:		=	9 spaces
RESTAURANT PARKING:		=	9 spaces
TOTAL PROVIDED PARKING:		=	287 spaces
(7 accessible stalls provided w/ one of these being van accessible)			

BICYCLE PARKING (for bicycle commute area)

RESIDENTIAL BICYCLE PARKING REQUIRED:

4 BEDROOM	48 units x 1.0 per unit	=	48 spaces
2 BEDROOM	49 units x 0.75 per unit	=	37 spaces
1 BEDROOM	27 units x 0.75 per unit	=	20 spaces
GUEST	124 units x 0.2 perunit	=	25 spaces

RETAIL BICYCLE PARKING REQUIRED:

1 per 7500 Sq. Ft. (4 min.)	=	4 spaces
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RESTAURANT BICYCLE PARKING REQUIRED:

1 per 500 Sq. Ft.	=	2 spaces
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TOTAL BICYCLE PARKING REQUIRED:	=	136 spaces
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TOTAL BICYCLE PARKING PROVIDED:	=	138 spaces
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CODE & ZONING INFORMATION

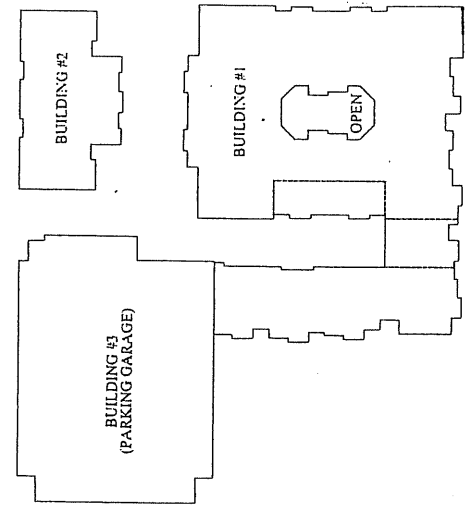
GENERAL PLAN 2030

PROJECTED LAND USE:	Residential/Commercial - Mixed Use
PROJECTED DENSITY:	High Density (>25 DU/Acre) (Actual Proposed Density: 70 DU/Acre)
EXISTING ZONING:	CSS (Commercial, Shopping, & Service)
PROPOSED ZONING:	MU-4 (Mixed Use-4)
OVERLAY DISTRICT:	PAD (as part of MU-4) & TOD
CONSTRUCTION TYPE (per 2003 IBC):	
OPEN PARKING GARAGE (non-sprinklered):	Type 2B
RES./COMM. - MIXED USE (sprinklered):	Type 3A
GROSS SITE AREA (before dedication):	1.81 Acres/78,843 Sq. Ft.
NET SITE AREA (after dedication):	1.79 Acres/77,970 Sq. Ft.
BUILDING SQUARE FOOTAGE:	See Square Footage Table This Sheet
BUILDING FOOTPRINT AREA (ground level):	49,651 Sq. Ft.
BUILDING HEIGHT:	67'-0"
NUMBER OF STORIES:	5
SETBACKS:	See Comparative Table - this sheet
STEP-BACKS:	Not Required
LANDSCAPE COVERAGE (% @ GRADE):	19 %
LOT COVERAGE:	64%

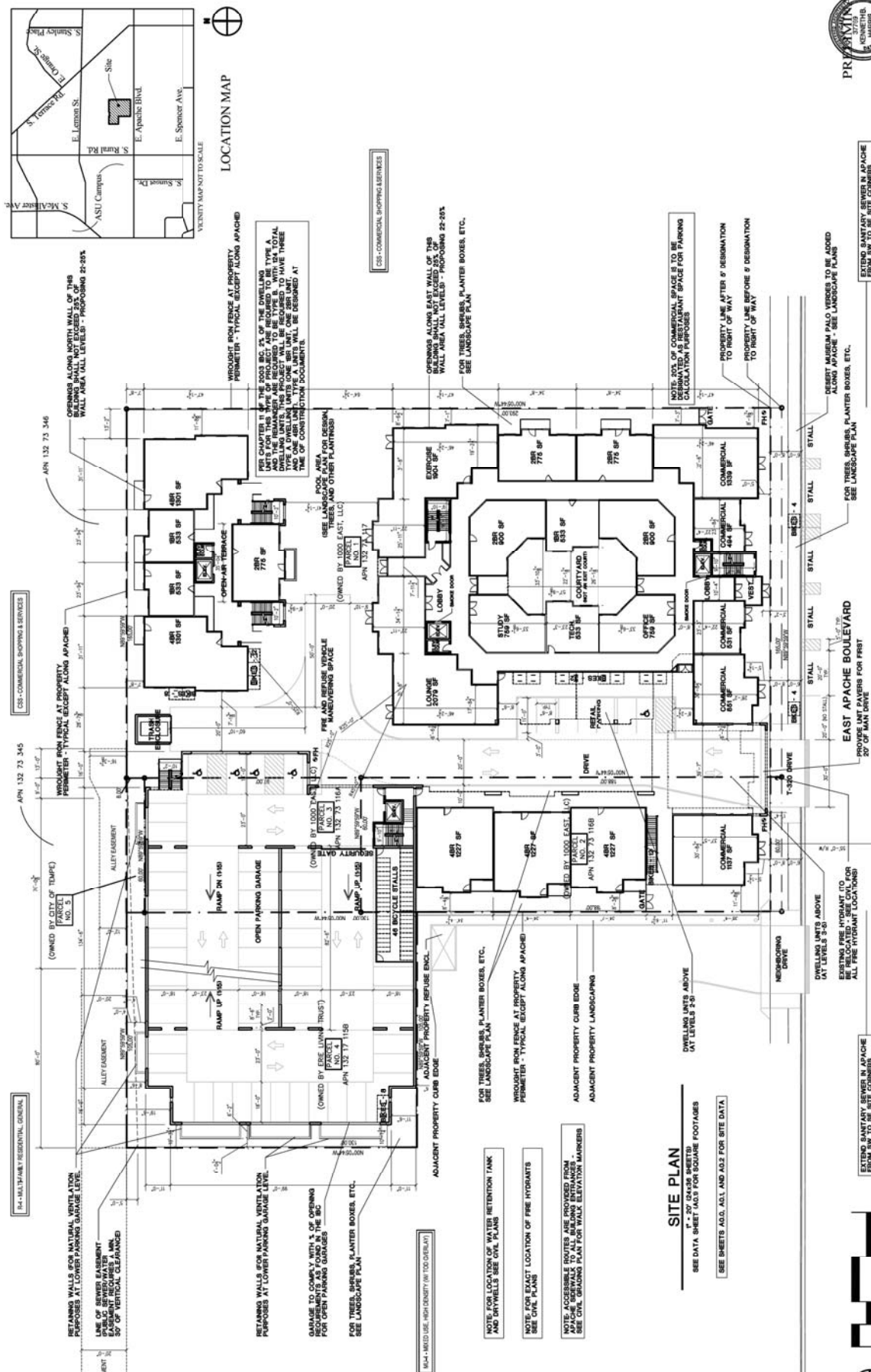
BUILDING SQUARE FOOTAGE

LEVEL	TYPE OF SPACE	COMMERCIAL	ADMIN.	AMENITY	DWELLING UNITS	INTERIOR COMMON AREA (ELEVATORS, STAIRS, CORRIDORS, LOBBIES)	EXTERIOR WALKWAYS, STAIRS, AND ELEVATORS	PARKING GARAGE AREA	TOTAL AREA
BUILDING #1									
LEVEL 01		4,330	738	5,284	7,582	4,832	1,231	---	24,037
LEVEL 02		---	---	---	20,568	4,302	1,502	---	26,372
LEVEL 03		---	---	---	21,787	4,302	1,680	---	27,769
LEVEL 04		---	---	---	21,787	4,302	1,680	---	27,769
LEVEL 05		---	---	---	21,787	4,302	1,680	---	27,769
SUB-TOTAL		4,330	738	5,284	93,511	22,040	7,773	---	133,716
BUILDING #2									
LEVEL 01		---	---	---	4,526	---	2,127	---	6,653
LEVEL 02		---	---	---	4,526	---	2,127	---	6,653
LEVEL 03		---	---	---	4,526	---	2,127	---	6,653
LEVEL 04		---	---	---	4,526	---	2,127	---	6,653
LEVEL 05		---	---	---	4,526	---	2,127	---	6,653
SUB-TOTAL		---	---	---	22,630	---	10,635	---	33,265
BUILDING #3									
LEVEL 00		---	---	---	---	---	---	18,961	18,961
LEVEL 01		---	---	---	---	---	---	18,961	18,961
LEVEL 02		---	---	---	---	---	---	18,961	18,961
LEVEL 03		---	---	---	---	---	---	18,961	18,961
LEVEL 04		---	---	---	---	---	---	20,821*	20,821
SUB-TOTAL		---	---	---	---	---	---	96,665	96,665
OVERALL TOTALS (ADD SUBTOTALS ONLY)									
		4,330	738	5,284	116,141	22,040	18,408	96,665	263,646

* THE ADDITIONAL 1,860 SQUARE FEET AT LEVEL 4 PARKING GARAGE IS ACTUALLY A SMALL PORTION OF THE ROOF LEVEL THAT PROVIDES ACCESS TO STAIRS (DUE TO CONTINUOUS RAMP)



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