

Staff Summary Report

City Council Hearing Date: 02/05/09

Agenda Item Number: 24

SUBJECT: This is the introduction and first public hearing for an Amended Planned Area Development Overlay for RIVERSIDE OFFICE PLAZA PHASE III, located at 1275 West Rio Salado Parkway. The second public hearing is scheduled for February 19, 2009.

DOCUMENT NAME: 20090205dskko01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **RIVERSIDE OFFICE PLAZA PHASE III (PL080263)** (Richard J. Lund, HOF Biltmore Rio Salado II LLC and City of Tempe, property owners; Stephen C. Earl, Earl, Curley & Lagarde, P.C., applicant) for a three story office of +/-83,330 s.f. building area on +/-4.19 net acres and a five story hotel of +/-84,274 s.f. building area on +/-2.78 net acres. The entire site is +/-6.97 net acres and is located at 1275 West Rio Salado Parkway. The site is within the General Industrial District, has a Planned Area Development Overlay and is within the Rio Salado Overlay District. The request includes the following:

PAD08021 – (Ordinance No. 2008.73) Amended Planned Area Development Overlay to allow a maximum 77'-0" tall hotel and a maximum 52'-0" tall office in the General Industrial District.

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

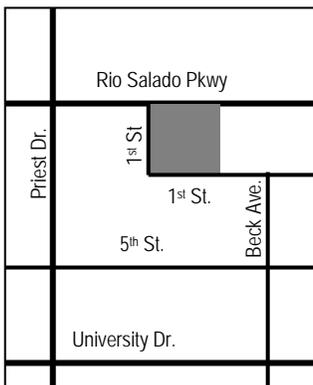
REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989) 
Chris Anaradian, Development Services Department Manager (480-858-2204)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATIONS: Staff – Approval, subject to conditions
Rio Salado Advisory Commission – Approval
Development Review Commission – Approval 7-0

ADDITIONAL INFO:



Gross/Net Site Area	+/-6.97 acres
Total Building Area	+/-167,604 s.f.
Lot Coverage	15 % (100% maximum allowed)
Hotel Height	77.00 ft (77.00 ft maximum allowed, P.A.D. standard)
Office Height	52.00 ft (52.00 ft maximum allowed, P.A.D. standard)
Building setbacks	55 ft front (West), 288 ft street-side (South), 40 ft rear (East), 37 ft street-side (North) (25 ft minimum front and street-side, 0 ft side and rear)
Landscape area	28 % (10 % minimum required)
Vehicle Parking	461 spaces (416 minimum required)
Bicycle Parking	18 spaces (16 minimum required)

After advertisement, a neighborhood meeting was held on 12/04/2008. Development Review Commission recommended approval for the Amended P.A.D., approved a Use Permit for a hotel in the GID and approved a Development Plan Review for design on 01/13/2009. The request this evening is an introduction and 1ST Hearing of an Amended P.A.D.

- PAGES:**
1. List of Attachments
 - 2-4. Comments / Reasons for Approval
 - 5-6. Conditions of Approval
 7. History & Facts
 8. Zoning & Development Code Reference

- ATTACHMENTS:**
- 1-2. Ordinance No. 2008.73
 - 3-5. Waiver of Rights and Remedies Form
 6. Location Map
 7. Aerial Photo
 - 8-13. Letter of Explanation
 14. Site Plan
 15. Site Data
 - 16-19. Office 1ST, 2ND, 3RD Floor and Roof Plans
 - 20-25. Hotel 1ST, 2ND, 3RD, 4TH, 5TH and Roof Plans
 - 26-27. Office Color Presentation Elevations
 - 28-29. Hotel Color Presentation Elevations
 30. Building Sections
 31. Site Section
 - 32-33. Office Concept Perspectives
 - 34-35. Hotel Concept Perspectives
 36. Landscape Plan
 37. Landscape Legend
 - 38-46. Building-Site Shade Studies
 47. Rio Salado Advisory Commission Recommendation, dated 08/26/2008
 - 48-49. City of Phoenix Aviation Department Communication, dated 09/28/2008
 - 50-54. Riverside Office Plaza Traffic Impact Analysis Revised Amendment I: Phase III Trip Generation Comparison Statement, dated 12/09/2008
 - 55-57. Neighborhood Involvement Report, dated 12/05/2008
 58. Neighborhood Meeting Sign-In Sheet, dated 12/04/2008
 - 59-65. Photo Exhibit Location Key and Existing Condition Site Photos
 66. City of Tempe Owner Authorization, dated 12/15/2008
 - 67-70. Federal Aviation Department Determination of No Hazard to Air Navigation and accompanying e-mail from LaDonna James of the F.A.A., both dated 01/22/2009

COMMENTS:

The site of Riverside Office Plaza Phase III at 1275 West Rio Salado Parkway is located east of Priest Road and north of University Drive at the southeast corner of Rio Salado Parkway and 1ST Street. This intersection is not signalized. Rio Salado Parkway curves along the north site frontage. 1ST St wraps around the western and southern site frontages. The completed Riverside Office Plaza Phase II, a pair of two story office condominiums, is to the east. The Phase III site is fenced and vacant and has been cleared, although young trees, mostly mesquite (*Prosopis*), have naturalized. Overhead utility lines supported by wooden poles are on the southern frontage, along 1ST Street. A mature salt cedar (*Tamarisk*) is located near the northeast property corner.

The previous development proposal for Riverside Office Plaza Phase III featured a four story for lease office building and a two level parking garage and included +/-127,121 s.f. of office, +/- 73,136 s.f. of garage structure, 35 percent office and garage site coverage, 33 percent landscape site coverage and parking quantity (surface and structure) of 583 spaces. At its 01/23/2007 Hearing, the Development Review Commission supported the P.A.D. request and approved the Development Plan Review request for building, site and landscape design. At its 03/01/2007 Hearing, the City Council approved the request for a Planned Area Development Overlay to allow a 77'-0" tall office building. With this approval the zoning district for the site changed from General Industrial and Rio Salado Overlay District to GID (PAD, RSOD) with an entitled office height of 77'-0".

On 08/26/2008 the Rio Salado Advisory Commission recommended approval of the revised development proposal concept for Riverside Office Plaza Phase III. The presentation by Development Services Planning staff of Site Plan Review drawing exhibits that were later developed into the revised proposal (PAD08021) described an office building and hotel. This proposal replaced an office building and a bi-level parking garage. The Rio Salado Advisory Commission recommended approval of the revised Riverside Office Plaza Phase III but wanted the Use Permit request for the hotel to be specific to the site layout and building form that would later be presented to the Development Review Commission and City Council. The Rio Salado Advisory Commission determined the revised use is appropriate and the project furthers the goals of the Rio Salado Overlay District.

At its 01/13/2009 Hearing, the Development Review Commission reviewed the revised development proposal for Riverside Office Plaza Phase III. The Development Review Commission supported an Amended P.A.D. request, approved a revised Development Plan Review for a hotel and office, including building elevations, site and landscape design, and approved a Use Permit request for a hotel in the GID District. Riverside Office Plaza Phase III features a three story office and a five story hotel and includes +/-83,330 s.f. of office area, +/-84,274 s.f. of hotel, 15 percent office and hotel overall site coverage, 28 percent landscape overall site coverage and surface parking quantity of 461 spaces (there no longer is a garage structure). The request to the City Council is for approval of an Amended Planned Area Development Overlay to allow a 77'-0" hotel and a 52'-0" tall office with a revised building and site configuration from that requested with the original P.A.D.

The entire site is +/-6.97 net acres. The proposal includes the division of the site into two parts: the office is on +/-4.19 net acres and the hotel on +/-2.78 net acres. Under separate process, a Final Subdivision Plat will be requested to reconfigure the existing parcels (a portion of Lot 45 and 46 of State Plat No. 9 and Lots 15, 16, 17 18 and 19 of State Plat No. 12) of the site into two parcels. Prior to a hearing for the Final Subdivision Plat, approval of sale and completion of ownership transfer for Lots 15 through 19 from the City of Tempe to the developer is required.

PUBLIC INPUT

- A required neighborhood meeting was held on 12/04/2008 from 6:00 to 6:30 p.m. at the Tempe Field Services Assembly Room at 55 South Priest. The meeting location is across the Rio Salado Parkway from the site.
- See attached summary of meeting included in the Neighborhood Involvement Report (attachments 55-57).
- Development Services Planning staff attended the meeting. Staff observations include the following: Two neighboring property owners attended the meeting and provided comment. Presentation was made for a revised development proposal that includes a hotel in addition to an office building. The office area is reduced from the previous, approved proposal. The two-level parking structure originally planned along 1ST Street is no longer proposed. The project was warmly received. The neighbors agree the site is an excellent location for a hotel due to convenience to the airport. The project is speculative; there is as yet no “flag” for the hotel. The developer is confident the location and design will attract a hotel user. The office space will be “for lease”, unlike the Phase I and II office condos. One neighbor inquired about restaurant service in the hotel. The architect answered that it is not determined if there will be a general eatery or a service that is exclusive to hotel guests, however, there is surplus parking on site that may accommodate a public restaurant. Staff and the architect discussed potential restrictions on plant placement over the buried high-voltage line easement that runs along Rio Salado Parkway between the right of way and the building elevations.
- Staff has not received any verbal or written communication from neighbors as of the publication of this report.

PROJECT ANALYSIS

PLANNED AREA DEVELOPMENT

The following table indicates the Amended Planned Area Development Overlay standards proposed in comparison with the standards for the existing Planned Area Development Overlay. The maximum height proposed for the hotel matches the height of the office building in the previous proposal. The proposed reduction in maximum height for the office building still exceeds the 35'-0" height standard for the General Industrial District and is listed in the Amended Planned Area Development Overlay request.

Building & Site Standard	GID PAD RSOD (existing)	GID Amend PAD, RSOD (proposed)
Building Height Maximum height for Hotel Maximum height for Office	- 77'-0"	77'-0" 52'-0"

Comparison of the site layout of the Amended Planned Area Development with the previously approved Planned Area Development Overlay request reveals two significant advantages for the Amended P.A.D. First: a smooth transition is attained between lower and taller buildings. The hotel in the Amended P.A.D. is in the northwest site corner while the tall office building of the approved PAD was in the northeast corner. The 52'-0" tall office of the Amended P.A.D. which replaces the 77'-0" tall office in the northeast corner provides a smooth transition to the 35'-0" tall office of Riverside Phase II to the east. Similarly, the 77'-0" tall hotel in the northwest corner provides a smooth skyline transition to the proposed 101'-0" tall Tempe Landing office buildings to the west. Second: the Amended P.A.D. removes a two level parking structure adjacent to 1ST Street and the residences on the south of 1ST Street. This arrangement preserves the general orientation of Riverside Office Plaza buildings away from the residences and toward Rio Salado Parkway. Landscape along 1ST Street frontage will more effectively screen surface parking than a two level parking structure.

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

- The proposed office land use is allowable in an industrial land use as defined in the Z.D.C. Part 3.
- The proposed hotel land use is allowable in industrial land use as defined in the Z.D.C. Part 3, subject to the conditions of a separate Use Permit approval.
- Riverside Office Plaza Phase III will be made to conform to the development standards established by the proposed Amended P.A.D. Overlay for this site.
- The proposed Amended P.A.D. Overlay conforms to the Rio Salado Overlay District provisions as defined in Z.D.C. Part 5.

CONCLUSION

Based on the information submitted and the analysis by Development Services Planning Division staff, staff recommends approval of the request for an Amended Planned Area Development Overlay for Riverside Office Plaza III. This request meets the required criteria and will be made to conform to the conditions of approval.

REASONS FOR APPROVAL:

1. The development complies with the land use goals and element objectives of General Plan 2030.
2. The development has been reviewed by the Rio Salado Advisory Commission and is found to be compatible with the goals of the Rio Salado Overlay District.
3. The addition of a hotel to the Office Plaza Phase III diffuses the vehicle traffic load so there is less traffic impact on typical work days than if the development was entirely composed of offices.
4. 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 re-establishment of the maximum building height for a new site plan and reconfigured building volumes in the context of a quality design which includes mitigation of the design impact of this development on its surroundings.
5. The Federal Aviation Administration has made a determination of "no hazard of air navigation" for the 77'-0" tall hotel structure of this development. The City of Phoenix Aviation Department has also agreed that Riverside III will comply with the height constraints for airline operations.
6. The development as proposed meets the approval criteria for a Planned Area Development Overlay.
7. 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.

PAD08021 CONDITIONS

General

1. This approval is based on conformance to drawings submitted for the requests for an Amended Planned Area Development Overlay, Use Permit and Development Plan Review, except where amended by the conditions of approval indicated below and by governing Code and Ordinance Standards. These drawings include the following:
 - a. Planned Area Development Title Sheet 1, dated 12/04/08
 - b. Architectural Site Plan and Project Data: A1.1, dated 12/09/08
 - c. Civil Grading and Drainage Plans: C-1 of 3, C-2 of 3 and C-3 of 3, dated 12/04/08
 - d. Landscape Plan: LA-01, dated 12/07/08.
 - e. Office Plans and Exterior Elevations: A2.1, A2.2, A2.3, A2.4, A4.1, A4.1c, A4.2 and A4.2c, all dated 10/21/08.
 - f. Hotel Plans and Exterior Elevations: A2.5, A2.6, A2.7, A2.8, A2.9, A2.10, A4.3, A4.3c, A4.4 and A4.4c, all dated 12/09/08.
 - g. Hotel and Office Building Sections A4.5 and Site Section A4-6: both dated 10/21/08.
 - h. Security Light Photometric and Schedules: DR1, DR2 and DR3 (unsealed) plot date 12/09/08.
 - i. Materials Sample Board (unsealed) date 09/04/08.
2. A building permit shall be obtained and substantial construction commenced on or before January 13, 2013 or the Amended Planned Area Development Overlay of the property may revert to that in place at the time of application, subject to a public hearing.
3. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, Owner(s) voluntarily waive(s) any right to claim compensation for diminution in property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Development Services Department no later than March 23, 2009 or the Amended Planned Area Development Overlay approval shall be null and void.
4. The Amended Planned Area Development for Riverside Office Plaza Phase III shall be put into proper engineered format (sample is available from the Development Services Department), sealed by an Arizona registered architect or registered professional engineer, fitted with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department. Complete this process prior to the issuance of building permits.
5. Maximum height of the hotel, 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 hotel shall not exceed 77'-0".
6. Maximum height of the office building, 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 office building shall not exceed 52'-0".
7. The increased height exception stipulated in ZDC Sec. 4-205(A) shall be waived for the hotel and office buildings.
8. Where a temporary site structure that exceeds the height of the building is utilized, such as a construction crane, submit height coordinate(s) for the structure to the Federal Aviation Administration (FAA 7460 form) and the City of Phoenix Aviation Department (Airside Operations staff) for review. Obtain and submit written approvals from each agency to the City of Tempe prior to issuance of a building permit.
9. Prepare a Subdivision Plat for Riverside Office Phase III to unify the existing parcels, make right of way dedications to public right of way if required by the C.O.T. Public Works Engineering Division, create property line between hotel and office and create cross access and cross drainage easements as required. Complete process for approval and purchase of property parcels so there is a unified ownership prior to submittal of Subdivision Plat. Within 30 days of plat submittal to C.O.T. Development Services Planning Division, provide a current Title Report. In advance of completion of the Subdivision Plat, separately process

removal of unneeded easements through the C.O.T. Engineering/Land Services Division and record the abandonment(s) with Maricopa County Recorder's Office as a separate instrument.

10. Process the Final Subdivision Plat request through the Planning Division for approval by City Council. Following redlines provided by Development Services Department and Engineering/Land Services Divisions staff, place the plat in proper engineered format with appropriate signature blanks. When document is ready, record the subdivision plat with the Maricopa County Recorder's Office through the Development Services Department. Complete recordation of the plat prior to issuance of building permit or by February 19, 2011 (two years from date of City Council approval), whichever comes first. Failure to record the plat within this window of time will make the City Council approval of the plat null and void.
11. Fulfill this condition for a Continuing Care Condition, Covenant and Restriction (CCR) for any feature held in common between the hotel and office property, otherwise this condition is not required. Provide CC&R's for features of this development that are held in common, including (but not limited to) the public art feature or site landscape and irrigation. The CC&R's shall be reviewed by and configured in a form satisfactory to the Development Services Manager and City Attorney. The CC&R's shall be signed and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to a Certificate of Occupancy for either the hotel or office, whichever comes first..
12. Provide a final Traffic Impact Analysis to C.O.T. Public Works Transit Studies Division prior to submittal for building permit either for the hotel or the office building, whichever is first. Approval of the Traffic Impact Analysis from the Public Works Transit Studies Division is required prior to issuance of a building permit.

HISTORY & FACTS:

- March 15, 2005 Redevelopment Review Commission approved building elevations, site plan and landscape plan for two office buildings that make up Plaza del Rio Phase I (Now Riverside Office Plaza Phase I) located at 1061 West Rio Salado Parkway in the General Industrial District and is within the Rio Salado Overlay District.
- May 17, 2006 Design Review Board approved building elevations, site plan and landscape plan for two office buildings that make up Riverside Office Plaza Phase II located at 1215 and 1255 West Rio Salado Parkway in the General Industrial District and is within the Rio Salado Overlay District.
- January 4, 2007 Project Review Committee of the Rio Salado Advisory Commission recommended approval of Riverside Office Plaza Phase III. The presentation by planning staff using drawing exhibits from the PAD06015 submittal describe a proposed 77'-0" high office building and a two level parking garage. The Committee determined the use is appropriate and the project furthers the goals of the Rio Salado District.
- January 4, 2007 A required neighborhood meeting for Riverside Office Plaza Phase III was conducted at the Tempe Field Services Assembly Room, 55 South Priest Drive. The public did not attend this meeting. Two electronic messages received by the applicant as a result of the neighborhood notification were favorably disposed toward the project.
- January 23, 2007 Development Review Commission approved the request for Riverside Office Plaza Phase III, for a Development Plan (DPR06136) including site plan, building elevations and landscape plan, and approved a recommendation to City Council of a Planned Area Development Overlay (PAD06015) for 6.96 acres located at 1275 West Rio Salado Parkway.
- March 01, 2007 City Council approved a Planned Area Development Overlay to allow a height increase from 35'-0" to 77'-0" for Riverside Office Plaza Phase III, consisting of a four story office building and a two level parking garage, located at 1275 West Rio Salado Parkway.
- May 03, 2007 City Council approved a request for a final subdivision plat to combine seven adjacent parcels into one lot on 6.968 net acres. This approval was allowed to expire for lack of recordation of the plat within one year of the City Council approval.
- August 26, 2008 The Rio Salado Advisory Commission recommended approval of the revised Riverside Office Plaza Phase III. The presentation by planning staff of Site Plan Review drawing exhibits that were later developed into the PAD08021 submittal describe a 60'-0" high office building and a 75'-0" tall hotel. This proposal replaces a proposed 77'-0" high office building and a two level parking garage. Commission determined the revised use is appropriate and the project furthers the goals of the Rio Salado District.
- December 4, 2008 A required neighborhood meeting for the revised Riverside Office Plaza Phase III was conducted by the applicant at the Tempe Field Services Assembly Room, 55 South Priest Drive. Two members of the public attended the meeting. The proposal including the Amended Planned Area Development Overlay request was described. The Amendment does not seek an increase in building height over that already approved, but the proposal is significantly different from the office building and parking garage previously approved for Phase III in that it features a five story hotel in addition to a three story office and there is no longer a parking structure. The proposal was favorably received by the public participants.
- January 13, 2009 Development Review Commission took the following action on behalf of Riverside Office Plaza Phase III: approved a Development Plan Review including site plan, building elevations and landscape plan, approved a Use Permit to allow a hotel in the General Industrial District, and recommended approval to City Council for an Amended Planned Area Development Overlay to allow a maximum 77'-0" tall hotel and a maximum 52'-0" tall office. The project is located at 1275 West Rio Salado Parkway in the General Industrial District with a Planned Area Development Overlay and is within the Rio Salado Overlay District.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-305, Planned Area Development Overlay District

ORDINANCE NO. 2008.73

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 adding an Amended Planned Area Development Overlay to the existing General Industrial District, Planned Area Development Overlay and Rio Salado Overlay District and designating the site as GID (PAD, RSOD), General Industrial District with an Amended Planned Area Development Overlay and within the Rio Salado Overlay District on +/-6.968 acres.

LEGAL DESCRIPTION

LOTS 15 THROUGH 19, STATE PLAT No. 12 AMENDED, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 69 OF MAPS, PAGE 38 AND A PORTION OF LOTS 45 AND 46 OF STATE PLAT No. 9, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 23 OF MAPS, PAGE 48, MARICOPA COUNTY RECORDS, ARIZONA, LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

COMMENCING AT A FOUND BRASS CAP FLUSH, MARKING THE CENTER OF SAID SECTION 16, FROM WHICH A FOUND BRASS CAP FLUSH IN SIDEWALK, LOCATING THE WEST QUARTER CORNER OF SAID SECTION 16, BEARS SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, 2681.73 FEET;

THENCE NORTH 00 DEGREES 48 MINUTES 26 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 1ST STREET;

THENCE SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1464.00 FEET TO THE SOUTHEAST CORNER OF LOT 15 OF SAID STATE PLAT No. 12 AND **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 501.38 FEET TO THE EAST LINE OF SAID LOT 45, STATE PLAT No. 9 AND SOUTHWEST CORNER OF SAID LOT 19 OF STATE PLAT No. 12;

THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 45, A DISTANCE OF 7.00 FEET (MEASURED) 6.28 FEET (RECORD) TO THE NORTH RIGHT-OF-WAY LINE OF 1ST STREET;

THENCE SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST (MEASURED) SOUTH 80 DEGREES 42 MINUTES 42 SECONDS WEST (RECORD) ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 76.33 FEET (MEASURED) 73.36 (RECORD);

THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 1ST STREET, ON A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 41.05 FEET (MEASURED) 41.00 FEET (RECORD); A CENTRAL ANGLE OF 89 DEGREES 26 MINUTES 53 SECONDS (MEASURED) 89 DEGREES 28 MINUTES 48 SECONDS (RECORD) AND AN ARC DISTANCE OF 64.03 FEET;

THENCE NORTH 00 DEGREES 49 MINUTES 05 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 156.07 FEET (MEASURED) 156.09 FEET (RECORD);

THENCE, ALONG SAID EASTERLY RIGHT-OF-WAY LINE ON A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 319.48 FEET; A CENTRAL ANGLE OF 23 DEGREES 10 MINUTES 56 SECONDS AND AN ARC DISTANCE OF 129.26 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF RIO SALADO PARKWAY;

THENCE NORTH 16 DEGREES 56 MINUTES 32 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 31.13 FEET;

THENCE NORTH 60 DEGREES 12 MINUTES 05 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 177.71 FEET;

THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 889.93 FEET; A CENTRAL ANGLE OF 32 DEGREES 09 MINUTES 45 SECONDS FOR AN ARC LENGTH OF 499.55 FEET TO THE EAST LINE OF THE AFORESAID LOT 15;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 00 DEGREES 40 MINUTES 29 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 546.84 FEET (MEASURED) 547.06 FEET (RECORD) TO THE **POINT OF BEGINNING**.

TOTAL AREA IS +/-6.968 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PAD08021** 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 _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WHEN RECORDED RETURN TO:
City of Tempe
Development Services Department
31 E. 5th Street
Tempe, AZ. 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 _____
_____ **HOF Biltmore Rio Salado II LLC** _____
_____ (Owner).

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. **PL080263** to the City requesting that the City approve the following:

- _____ GENERAL PLAN AMENDMENT
- _____ ZONING MAP AMENDMENT
- PAD OVERLAY (AMENDMENT)
- _____ HISTORIC PRESERVATION DESIGNATION/OVERLAY
- USE PERMIT
- _____ VARIANCE
- DEVELOPMENT PLAN REVIEW
- _____ SUBDIVISION PLAT/CONDOMINIUM PLAT
- _____ OTHER _____
(Identify Action Requested)

for development of the following real property (Property):

Parcel No's. : 124-27-001A, 124-27-008, 124-27-009, 124-27-010,
124-27-011 and 124-27-012

TOTAL AREA IS +/-6.968 GROSS ACRES

LEGAL DESCRIPTION

LOTS 15 THROUGH 19, STATE PLAT No. 12 AMENDED, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 69 OF MAPS, PAGE 38 AND A PORTION OF LOTS 45 AND 46 OF STATE PLAT No. 9, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 23 OF MAPS, PAGE 48, MARICOPA COUNTY RECORDS, ARIZONA, LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

COMMENCING AT A FOUND BRASS CAP FLUSH, MARKING THE CENTER OF SAID SECTION 16, FROM WHICH A FOUND BRASS CAP FLUSH IN SIDEWALK, LOCATING THE WEST QUARTER CORNER OF SAID SECTION 16, BEARS SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, 2681.73 FEET;

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THENCE SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1464.00 FEET TO THE SOUTHEAST CORNER OF LOT 15 OF SAID STATE PLAT No. 12 AND **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 501.38 FEET TO THE EAST LINE OF SAID LOT 45, STATE PLAT No. 9 AND SOUTHWEST CORNER OF SAID LOT 19 OF STATE PLAT No. 12;

THENCE SOUTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 45, A DISTANCE OF 7.00 FEET (MEASURED) 6.28 FEET (RECORD) TO THE NORTH RIGHT-OF-WAY LINE OF 1ST STREET;

THENCE SOUTH 89 DEGREES 41 MINUTES 31 SECONDS WEST (MEASURED) SOUTH 80 DEGREES 42 MINUTES 42 SECONDS WEST (RECORD) ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 76.33 FEET (MEASURED) 73.36 (RECORD);

THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 1ST STREET, ON A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 41.05 FEET (MEASURED) 41.00 FEET (RECORD); A CENTRAL ANGLE OF 89 DEGREES 26 MINUTES 53 SECONDS (MEASURED) 89 DEGREES 28 MINUTES 48 SECONDS (RECORD) AND AN ARC DISTANCE OF 64.03 FEET;

THENCE NORTH 00 DEGREES 49 MINUTES 05 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 156.07 FEET (MEASURED) 156.09 FEET (RECORD);

THENCE, ALONG SAID EASTERLY RIGHT-OF-WAY LINE ON A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 319.48 FEET; A CENTRAL ANGLE OF 23 DEGREES 10 MINUTES 56 SECONDS AND AN ARC DISTANCE OF 129.26 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF RIO SALADO PARKWAY;

THENCE NORTH 16 DEGREES 56 MINUTES 32 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 31.13 FEET;

THENCE NORTH 60 DEGREES 12 MINUTES 05 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 177.71 FEET;

THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 889.93 FEET; A CENTRAL ANGLE OF 32 DEGREES 09 MINUTES 45 SECONDS FOR AN ARC LENGTH OF 499.55 FEET TO THE EAST LINE OF THE AFORESAID LOT 15;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 00 DEGREES 40 MINUTES 29 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 546.84 FEET (MEASURED) 547.06 FEET (RECORD) TO THE **POINT OF BEGINNING**.

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 as a result of the City's approval of 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 _____, 2009.

(Signature of Owner) (Printed Name)

State of Arizona)
) ss
County of _____)

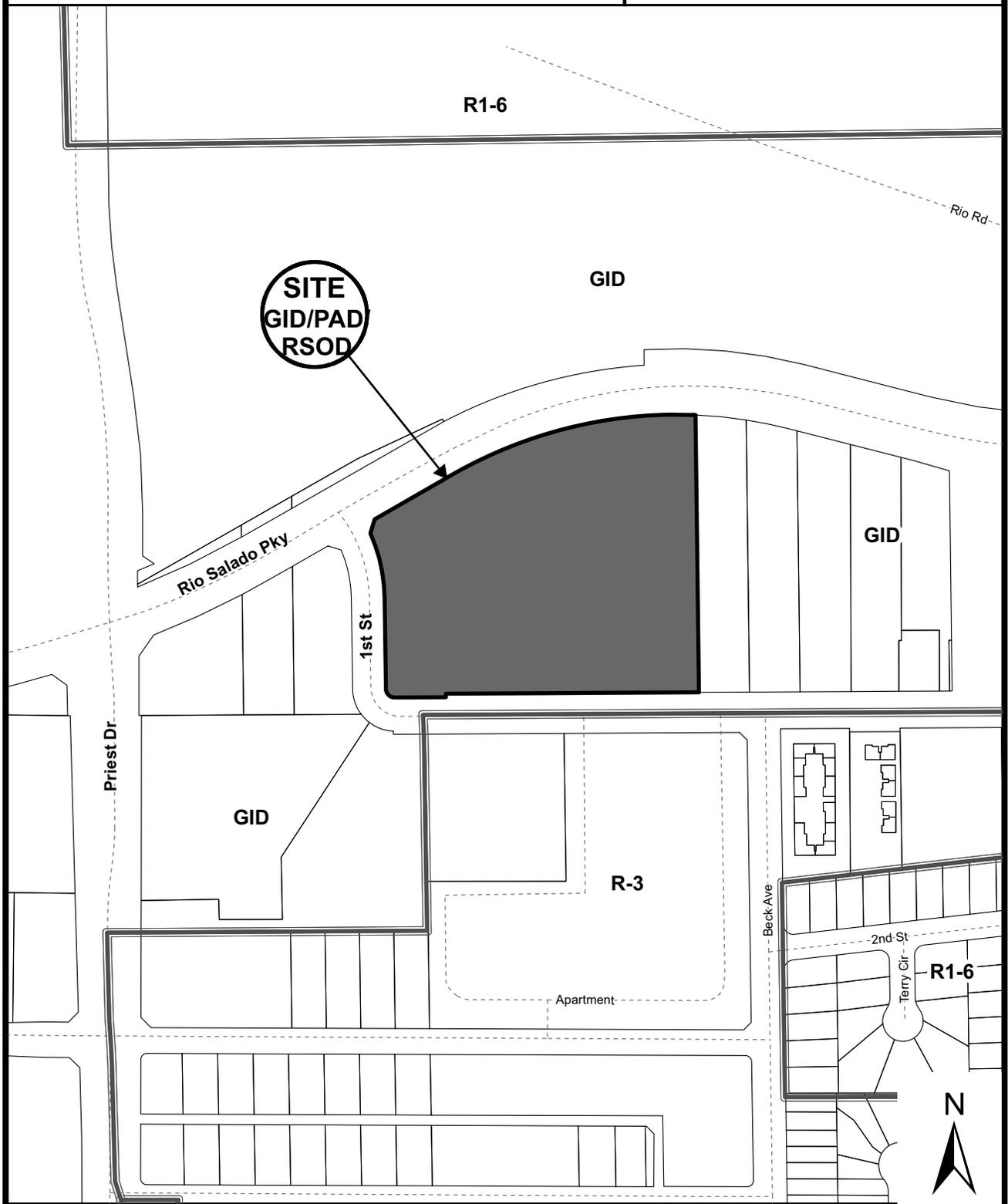
SUBSCRIBED AND SWORN to before me this _____ day of _____, 2009, by

(Signature of Notary)

(Notary Stamp)

RIVERSIDE OFFICE PLAZA PH III

PL080263



Location Map



RIVERSIDE OFFICE PLAZA PH III (PL080263)

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

December 1, 2008

Ms. Lisa Collins
Deputy Development Service Manager
City of Tempe
31 East 5th Street
Tempe, Arizona 85281

RE: Letter of Explanation - Riverside Office Plaza-Phase 3
SEC Rio Salado Parkway and 1st Street - 1275 West Rio Salado Parkway
Amendment to Approved Planned Area Development ("P.A.D"),
Development Plan Review, and Use Permit applications (PL080263)

Dear Lisa:

On behalf of our client, LGE Design Build, we are pleased to submit this letter and supporting information requesting: 1) an amendment to the approved Riverside Office Plaza Phase 3 Planned Area Development ("PAD") to reduce the size of the existing office building and to add a hotel; 2) a companion Development Plan Review ("DPR") application for site plan and design approval of the revised site plan with both office and hotel elements; and 3) a Use Permit to allow a complimentary hotel element, under Part 6, Chapter 3, Section 6-308. The proposed minor PAD/DPR modification does not change the overall intent of the approved PAD Overlay district or the approved building height.

Background

Riverside Office Plaza Phase 3 ("Riverside Phase 3") is located at the southeast corner of Rio Salado Parkway and 1st Street and consists of approximate 8.67 gross acres (6.95 net acres). This property is currently vacant. Riverside Phase 3 is the final phase of an office park project that stretches along the south side of Rio Salado Parkway from 1st Street on the west to an existing mini storage facility on the east. The entire Riverside Office Plaza property is zoned GID.

On January 23, 2007 the Development Review Commission unanimously approved the Development Plan Review application for a four level office building (with a maximum total height of 77 feet to the top of the mechanical room) and a separate two level parking garage, including the site plan, building elevations and landscape plans. Then on March 1, 2007 the City

Council unanimously approved the Riverside Phase 3 PAD subject to four stipulations. The PAD and DPR approvals included a four story office building, with a building area of approximately 127,121 square feet, and a two-story parking garage that was approximately 73,136 square feet for a total of 200,257 square feet of total development. In addition to the office building and parking garage approvals, the PAD also approved a height increase from 35-feet to 77-feet to accommodate the additional height necessary for the office building.

General Plan Consistency

This site is designated on the Tempe General Plan for "Commercial." Since the Commercial land use designation on this site is not being changed, a General Plan amendment is not necessary. The existing PAD Overlay District and this proposed minor modification to reduce the size of the office building and to add a new hotel are consistent with the General Plan designation and are compatible with the surrounding area. The City has previously approved hotel, office and ancillary retail uses in this immediate area. Commercial and Medium to High Density land use designation also border the site to the east and south.

Requests

LGE Design Build, the owner of the subject property, seeks approval of three companion requests; 1) an amendment to the approved Riverside Office Plaza Phase 3 Planned Area Development; 2) a companion Development Plan Review application for site plan and design approval; and 3) a Use Permit to allow a complimentary hotel.

PAD Amendment

The first request is for an amendment to the approved PAD on this western 8.89 acres of the 19.48 acre master planned office development to revise the approved office building and to add a five story hotel. The previously approved PAD (Application No. PAD06015) and DPR (Application No. DPR06136) approvals allowed a four story office building and a two-story garage totaling 200,257 square feet. This request reduces the approved office building size to +/- 84,686 square feet (from 127,121 sq. ft.), eliminates the parking structure (of 73,136 sq. ft.), and adds a five-story hotel of +/-77,500 square feet. The hotel element seeks to utilize the approved maximum building height of 77 feet. Since the square footage of the office building has been reduced, it is no longer necessary to construct the structure to provide sufficient parking. Therefore, one of the benefits of the new proposed mix of uses on this site is that the two-story parking structure adjacent to the neighbors along the south boundary has been eliminated. The total square footage of the revised plan is 162,186.

No change is being requested to the approved 77-foot overall building height. The approved PAD allowed a four story office building with a maximum height of 77-feet to allow the necessary mechanical equipment screening material. While the office portion of the project

is being reduced in height and stories, the 77-foot building height is still necessary for the proposed hotel. The hotel will be 72-feet to the top of the mechanical equipment penthouse, which will be placed near the center of the structure to mitigate any potential off-site impact.

Development Plan Review

The second request is for the companion Development Plan Review for site plan and design approvals to allow both a 3-story office building and new hotel element that are fully consistent with the mix of office, hotel, retail and multi-family uses in the area.

As designed, the site and building layout provides safe and attractive pedestrian interaction with adjacent buildings and out to the street. This site design also minimizes the potential for conflict between vehicles and pedestrians and increases the project's landscaping area. The inviting 37-foot wide lush exterior landscaping along the Rio Salado Parkway and the 30-foot wide landscaped buffer along the north side of 1st Street remain from the original plan. This lush landscape treatment along the perimeter will provide an enhancement to both the streetscape and a soft transition to other uses in the area.

The proposed buildings have used architectural styling closely resembling the esthetic design of the approved project. It still provides a high-quality/high-tech architectural vernacular that serves to enhance the visual backdrop of the Rio Salado mixed use area from the 202 Freeway and will compliment the existing and hotel, office and retail developments along both Mill Avenue and Rio Salado Parkway. This will add to the vibrancy Tempe has created in the greater downtown/Rio Salado Parkway area.

Use Permit

The third request seeks approval for a Use Permit to allow a five-story hotel use on the western portion of the western 8.89 acre site that represents the final phase of the 19.48 acre master planned office development. If approved, Riverside Office Plaza Phase 3 would then consist of a 3-story office building and a five-story hotel with 134 rooms. Under Part 6, Chapter 3, Section 6-308, use permits may be approved upon a finding that the proposed use will not create any of the following conditions:

- **Any significant increase in vehicular or pedestrian traffic in adjacent areas;**

The site fronts onto Rio Salado Parkway. The pattern of development for Riverside Office Plaza Phase 3 has been established with the earlier phases. This proposal is for the final phase of the "Riverside Office Plaza." The hotel and office uses being proposed are similar to those which already exist in the surrounding area and earlier phases of Riverside Office Plaza. The hotel use will certainly not generate additional vehicular or pedestrian traffic into nearby residential areas. Vehicular traffic from this use and this development will be utilizing the arterial streets system.

Special attention has been used to keep access points directed to Rio Salado Parkway and 1st Street to the west to minimize potential cut-through to the south. Access to the property will remain as previously approved with one entrance onto 1st Street to the west and one project entrances along Rio Salado that is shared with Phase 2. These project entrances on Rio Salado Parkway and 1st Streets will continue to have enhanced pavement and large landscape areas. A shared “emergency access only” driveway is also planned between Phases 2 and 3 on to 1st Street to the south.

- **Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;**

The proposed site design increases the project’s landscaping area. This site plan identifies approximately 2.4 acres or approximately 28 percent of the net site in landscaping, exceeding the ordinance requirement of 10% by more than two and a half times. As designed, the proposed development plan far exceeds the open space requirement of the zoning ordinance, which calls for 10% of the net site area to be landscaped which helps reduce heat from the project. In addition to the significant amount of landscaping, more mature trees are being planted to increase pedestrian and vehicular shade throughout the parking area and to help reduce the parking lot heat gain.

The impact of the revised plan with a smaller office building and a hotel will actually result in less potential for odor, dust, gas, noise, vibration, smoke or glare at levels that exceeds ambient conditions (that include the existing approvals).

- **Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans or general plan;**

We believe this development project will do just the opposite. This is an infill site that has not had a productive use over the past years. It is immediately adjacent to Phase 2 of the Riverside Office Plaza. This request for a hotel use is consistent with the General Plan designation and is compatible with the surrounding area. This final phase will improve the character of the area. If the site were to remain vacant, it would ultimately contribute to a downgrading of property values in the area, which conflicts with the City’s goals, objectives and policies for rehabilitation, redevelopment or conservation. This proposal meets the City’s objectives for development and will enhance this multi-phased office complex.

- **Compatibility with existing surrounding structures and uses; or**

The Rio Salado Parkway area between Priest Drive and Farmer has developed into an attractive blend of large and small office users, hotels, and condominiums, which allow small businesses to expand without having to leave the area. This mix creates long-term

stability and vitality. We believe this Use Permit to allow a 5-story hotel building in conjunction with a 3-story office building in the final phase of the master planned office project is consistent with the surrounding land uses and zoning and provides a good solution for this vacant site.

The site is zoned General Industrial District (“GID”) and fronts onto Rio Salado Parkway. This site also enjoys street frontages along 1st Street to the west and south. On the north side to the east Phase 3 abuts Phase 2 of the Riverside Office Plaza. On the north side of Rio Salado Parkway there is vacant land and the City’s maintenance yard zoned GID. Across 1st Street to the west is a newly approved office project with 2-six story (approximately 100-feet in height) office buildings, approximately 210,203 square feet for each building, and an approximately 96-foot height parking structure. And further west across Priest Drive are a series of existing hotels. To the south across 1st Street are multi-family residential apartments and condominiums zoned R-3.

The design of the office building uses an “L” shape footprint with the main building entrance facing inward. The office elevations utilize strong horizontal lines with extensive use of glass, an enhanced roof line details, horizontal banding with varying materials, metal shade/accent canopies, integral colored E.I.F.S. and masonry block, and use of window glazing and colors to stimulate visual interest. Strong vertical columns are used to create focal points within the horizontal movement. The entryways are highlighted with decorative horizontal and vertical plane projections and recesses, as well as a shade/trellis feature.

The hotel building is designed using a rectangular shape. The main entrance to the hotel is also designed inward to the site. The hotel has been designed to be complimentary to the office buildings within the overall Riverside Office Plaza, while also achieving a unique statement of its own. The hotel building facade is symmetrical and incorporates a variety of upscale elements such as human level architectural features, enhanced roof line details, horizontal banding with varying materials, metal shade/accent canopies, integral colored E.I.F.S. and masonry block, and good use of window glazing to stimulate visual interest and offset the building background. Special attention has been given to the front entry doors with enhanced features, such as strong vertical columns and shade/accent canopies.

Both the new hotel element and the 3-story signature office building are fully consistent with the eclectic mix of office, hotel, retail and multi-family uses in the area. The revised office and hotel buildings are being located consistent with the previously approved PAD layout with a northeast/southwest orientation along the angled northern property line - away from the residential neighborhood that is located south of 1st Street - to reduce any potential building height impact. As now designed, the building setbacks have been increased from the originally approved PAD. The office and hotel building setbacks are approximately 293-feet from the southern property line and approximately 37-feet from Rio Salado Parkway. The landscaped buffer along 1st street remains.

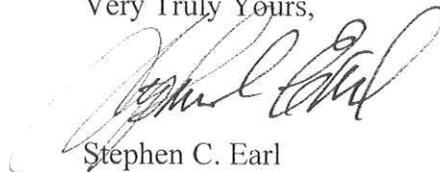
- **Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.**

As designed, the landscaping has been increased, so that it now has more than two and a half times the ordinance minimum requirement of 10%. Additional landscaping is being placed in areas to minimize any visual impacts to the adjacent property. The hotel building has been placed near the northwest corner of the site to allow for generous landscaping, parking and distance to properly buffer the use from the neighborhood to the south. The proposed access driveways orient uses away from the neighborhood.

Conclusion

The office and hotel uses and this site have been designed to be complimentary to and compatible with the established uses, pattern of development and architectural styling in the area. All six buildings in Riverside Office Plaza, including the proposed hotel, have been sited at the north end of each parcel and oriented toward Rio Salado Parkway. The overall building square footage has been reduced with this application and sufficient on-site parking has been provided. Stylish exterior architectural detailing, quality construction, along with lush exterior landscaping and common area amenities will transform this vacant parcel into a beautiful and productive addition to the area. We respectfully request approval of these requests.

Very Truly Yours,



Stephen C. Earl

SCE/rot



PHArchitecture
 Patrick Hayes Architecture
 1549 North 71st Street
 Scottsdale, Arizona 85254
 F: 480.556.9300
 www.prchitecture.com



Riverside Office Plaza
 Phase III
 1275 West Rio Salado Parkway
 Tempe, Arizona

PROJECT NO: DS080850
 SHEET NO: 07-119
 DATE: 10.21.2008
 DRAWING: 07119 A1-1
 CFE: CFE
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 SITE PLAN

BUILDING CODE COMPLIANCE
 Available codes: [List of codes including International Building Code, International Plumbing Code, etc.]
 All products listed by I.C.C./UL number(s) shall be listed and approved by I.C.C. approved evaluation organization. Product manufacturer(s) for product(s) listed shall also have I.C.C. approved evaluation organization. Other products not listed by I.C.C. shall be listed by other nationally recognized testing agencies.

SITE DATA
 PROJECT: [Name]
 LOCATION: [Address]
 OWNER: [Name]
 ARCHITECT: [Name]
 ENGINEER: [Name]
 CONTRACTOR: [Name]
 DATE: [Date]

PERMITS
 City of Tempe: [Status]
 County of Maricopa: [Status]
 State of Arizona: [Status]

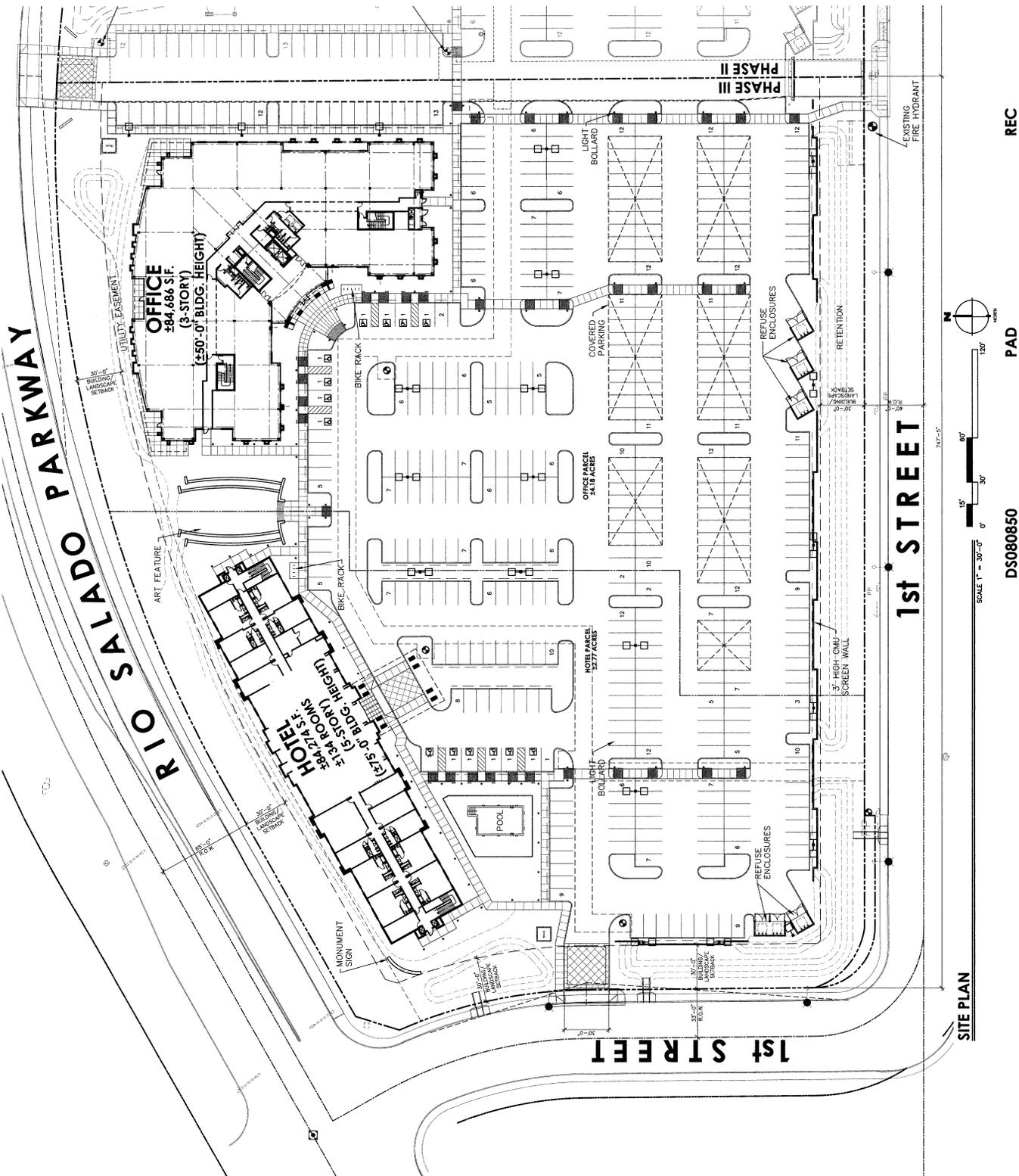
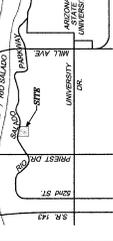
FINISHES
 Interior: [List of finishes]
 Exterior: [List of finishes]

PAVING
 Standard Paving: [Details]
 Bicycle Paving: [Details]

LANDSCAPE
 Planting Schedule: [Details]
 Irrigation: [Details]

UTILITIES
 Water: [Details]
 Sewer: [Details]
 Gas: [Details]

NOTES
 1. [Note text]
 2. [Note text]
 3. [Note text]



SITE DATA

Project address: Office Building
 Riverside Office Plaza - Phase III
 1275 West Rio Salado Parkway
 Tempe, AZ

Quarter Section: 16
A.P.N.: 123-33-046
Existing Zoning: GID/PAD/RSOD
Proposed Zoning: GID/PAD/RSOD
Proposed Use: OFFICE/HOTEL
 General Plan 2030
Projected Land Use: COMMERCIAL
 Gross Site Area ± 377,772 S.F. (± 8.67 acres)
 Net Site Area ± 302,728 S.F. (± 6.95 acres)
 Total Building Area ± 83,330 S.F. (Building)
 ± 84,274 S.F. (Hotel)
 ± 167,604 S.F. (Total)
 % Lot Coverage ± 44,837 S.F. (14.8% of site)
 NET F.A.R.: ± 55.4%

Building Height Maximum:
 Allowable: 77'-0"
 Requested: ± 50'-0" (Building)
 ± 75'-0" (Hotel)
 = (1148.25 FFE - 1144.25 Avg TOC) + (75'-0" Bldg)

Landscape Area Calculations - Overall Site

Required 10.0% (37,777S.F.)
 Provided ± 28.4% (107,138 S.F.)

Hotel Parcel

Net Site Area ± 120,532 S.F. (± 2.77 ACRES)
 Building Area ± 16,922 S.F. 1ST FLOOR
 ± 16,838 S.F. 2ND FLOOR
 ± 16,838 S.F. 3RD FLOOR
 ± 16,838 S.F. 4TH FLOOR
 ± 16,838 S.F. 5TH FLOOR
 ± 84,274 S.F. TOTAL
 Net Lot Coverage: ± 14.0%
 Net F.A.R.: ± 70.0%

Parking Calculations

1 Parking Space / Room = Req'd spaces
 1 Parking Space / 300 S.F. = Req'd spaces
 134 Rooms = 134 Spaces
 1,094 S.F. of Office / 300 = 4 Spaces
 Total = 138 Spaces

	Required	Provided
Standard Parking	132 Spaces	132 Spaces
Accessible Parking	6 Spaces	6 Spaces
Total Parking	138 Spaces	138 Spaces

Parking Ratio: ± 1.64 Spaces / 1,000 S.F.

Bicycle Parking Calculations

1 Space / 20 Rooms = Req'd Spaces
 134 rooms = 7 Spaces

	Required	Provided
Bicycle Parking	7 Spaces	8 Spaces

Office Parcel

Net Site Area	± 182,196 S.F. (± 4.18 ACRES)
Total Building Area	± 27,915 S.F. 1ST FLOOR
	± 27,710 S.F. 2ND FLOOR
	± 27,705 S.F. 3RD FLOOR
	± 83,330 S.F. TOTAL
Net Lot Coverage:	± 15.3%
Net F.A.R.:	± 46.4%

Parking Calculations

1 Parking Space / 300 S.F. = Req'd spaces
 ± 83,330 S.F. / 300 = 278 Spaces

	Required	Provided
Standard Parking	271 Spaces	313 Spaces
Accessible Parking	7 Spaces	8 Spaces
Total Parking	278 Spaces	321 Spaces

Parking Ratio: ± 3.91 Spaces / 1,000 S.F.

Bicycle Parking Calculations

1 Space / 10,000 s.f. = Req'd Spaces
 83,330 S.F. = 9 Spaces

	Required	Provided
Bicycle Parking	9 Spaces	10 Spaces

Total Site

Parking Calculations

	Required	Provided
Standard Parking	403 Spaces	447 Spaces
Accessible Parking	13 Spaces	14 Spaces
Total Parking	416 Spaces	461 Spaces

Parking Ratio: ± 2.80 Spaces / 1,000 S.F.

Bicycle Parking Calculations

	Required	Provided
Bicycle Parking	16 Spaces	18 Spaces



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Riverside Office Plaza
Phase III
1275 West Rio Salado Parkway
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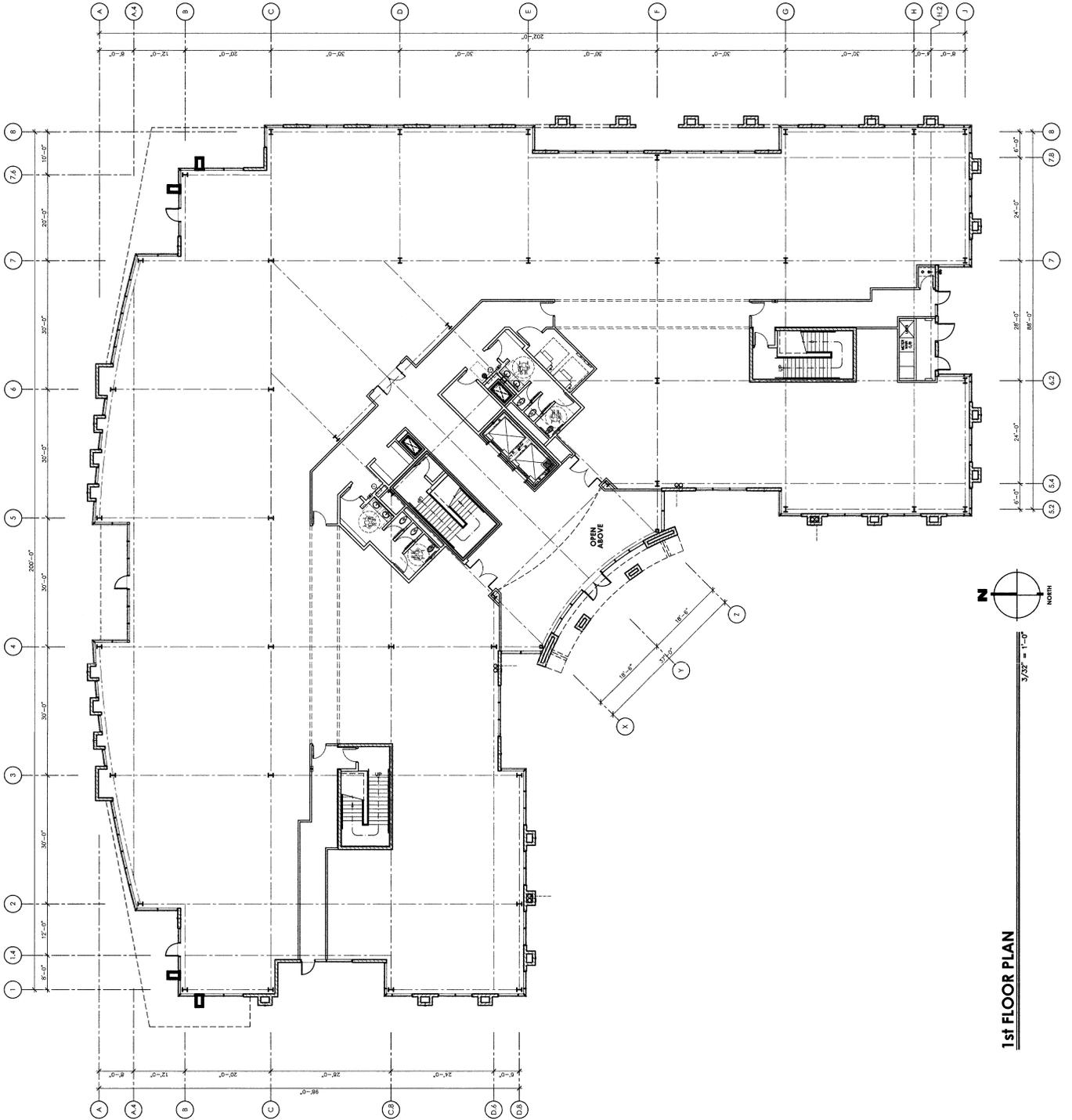
DATE: 10/21/2008

PROJECT NO.	07-119
SHEET NO.	3/32 = 1'-0"
DATE	10/21/2008
DESIGNED BY	PH
CHECKED BY	PH
DATE	10/21/2008
PROJECT	RIVERSIDE OFFICE PLAZA
PHASE	PHASE III
FLOOR	FLOOR PLAN

PROJECT NO. 07-119
SHEET NO. 3/32 = 1'-0"
DATE 10/21/2008
DESIGNED BY PH
CHECKED BY PH
PROJECT RIVERSIDE OFFICE PLAZA
PHASE III
FLOOR PLAN

SHEET NO. A2.1
A2.1

DS080850_SFR08093





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 F: 480.556.9490
 www.pharchitecture.com



DESIGN BUILD
 LGE

PHASE III
 Riverside Office Plaza
 1275 West Rio Salado Parkway
 Tempe, Arizona

DATE: 08/04/2008
 DRAWING NO: 08-044-3c_A4-A4c
 SCALE: 3/32" = 1'-0"

DATE: 12.07.2008
 DRAWING NO: 08-044-3c_A4-A4c
 SCALE: 3/32" = 1'-0"

DATE: 12.07.2008
 DRAWING NO: 08-044-3c_A4-A4c
 SCALE: 3/32" = 1'-0"

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DATE: 12.07.2008
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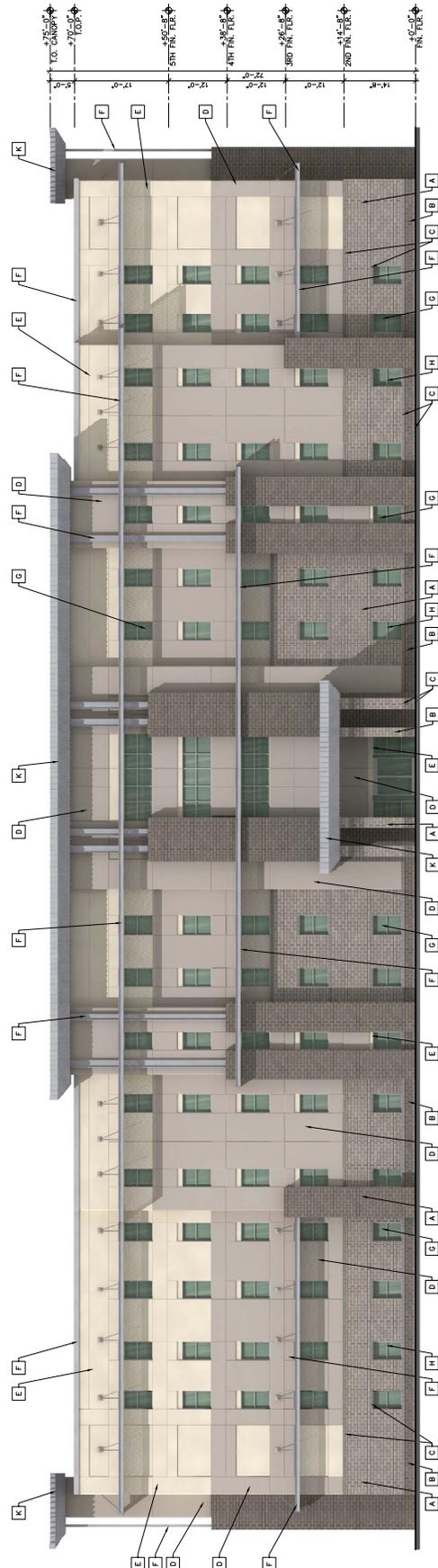
DATE: 12.07.2008
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 SCALE: 3/32" = 1'-0"

DATE: 12.07.2008
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 SCALE: 3/32" = 1'-0"

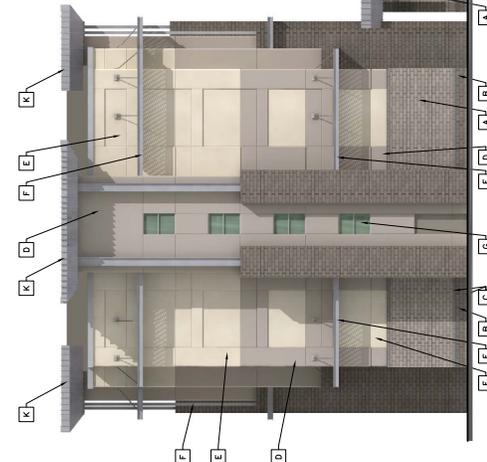
DATE: 12.07.2008
 DRAWING NO: 08-044-3c_A4-A4c
 SCALE: 3/32" = 1'-0"

DATE: 12.07.2008
 DRAWING NO: 08-044-3c_A4-A4c
 SCALE: 3/32" = 1'-0"

DATE: 12.07.2008
 DRAWING NO: 08-044-3c_A4-A4c
 SCALE: 3/32" = 1'-0"



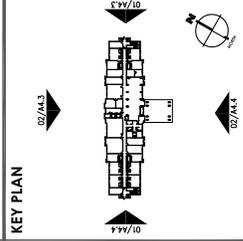
02 SOUTH ELEVATION
 0808-044-3c_A4-A4c
 3/32" = 1'-0"



01 WEST ELEVATION
 0808-044-3c_A4-A4c
 3/32" = 1'-0"

ALUMINUM STOREFRONT:	
H	MFR: ARCADIA (OR EQUAL) TYPE: ANODIZED ALUMINUM COLOR: AC-1, "CLEAR"
ROOFING:	
K	MFR: ATAS INTERNATIONAL, INC. (OR APPROVED EQUAL) TYPE: STANDING SEAM METAL (FIELD-LOOK) COLOR: 20 SLATE GREY
OTHER:	
L	MFR: (OR APPROVED EQUAL) TYPE: POLYURETHANE INSULATED GLAZING UNIT COLOR: SILVER METALLIC
NOTE: 1. COLORS SHOWN FOR DESIGN INTENT ONLY. MATERIALS TO BE PROVIDED BY ARCHITECT PRIOR TO INSTALLATION. 2. ALL MECHANICAL UNITS TO BE FULLY SCREENED BY FINISHES.	

FINISH SCHEDULE	
MASONRY:	
A	MFR: SUPERUTE (OR APPROVED EQUAL) TYPE: 8" & 16" SPLIT FACE COLOR: DUNN EDWARDS "FALLEN ROCK" MORTAR: DUNN EDWARDS "FALLEN ROCK" JOINTS: HORIZONTAL = WEATHERED VERTICAL = RAKED
B	MFR: SUPERUTE (OR APPROVED EQUAL) TYPE: STANDARD GRAY COLOR: DUNN EDWARDS "CHOCOLATE PUDDING" MORTAR: STANDARD GRAY (SEALED) JOINTS: HORIZONTAL = WEATHERED VERTICAL = RAKED
C	MFR: SUPERUTE (OR APPROVED EQUAL) TYPE: CENTER SCORED COLOR: 8" & 16" SMOOTH FACE MORTAR: STANDARD GRAY (SEALED) JOINTS: HORIZONTAL = WEATHERED VERTICAL = RAKED
D	MFR: SUPERUTE (OR APPROVED EQUAL) TYPE: CENTER SCORED COLOR: DUNN EDWARDS "DANGEROUS ROBOT" MORTAR: STANDARD GRAY (SEALED) JOINTS: HORIZONTAL = WEATHERED VERTICAL = RAKED
PAINT:	
D	MFR: DUNN EDWARDS TYPE: EXTERIOR COLOR: "SILVER METALLIC" APPLY: OVER EPS
E	MFR: DUNN EDWARDS TYPE: INTERIOR COLOR: "DUNN EDWARDS DE6206, LEV 55" APPLY: OVER EPS
F	MFR: DUNN EDWARDS TYPE: INTERIOR COLOR: "DUNN EDWARDS DE6376, LEV 23" APPLY: OVER EPS
GLAZING:	
G	MFR: VISTON (OR APPROVED EQUAL) TYPE: INSULATED GLAZING UNIT COLOR: REFLECTIVE APPLY: OVER EPS





PHA Architecture

PH Architecture
15849 North 71st Street
Suite 200
Scottsdale, Arizona 85254
P: 480.556.9000
F: 480.556.9490
www.pharchitecture.com



Riverside Office Plaza
Phase III
1275 West Rio Salado Parkway
Tempe, Arizona

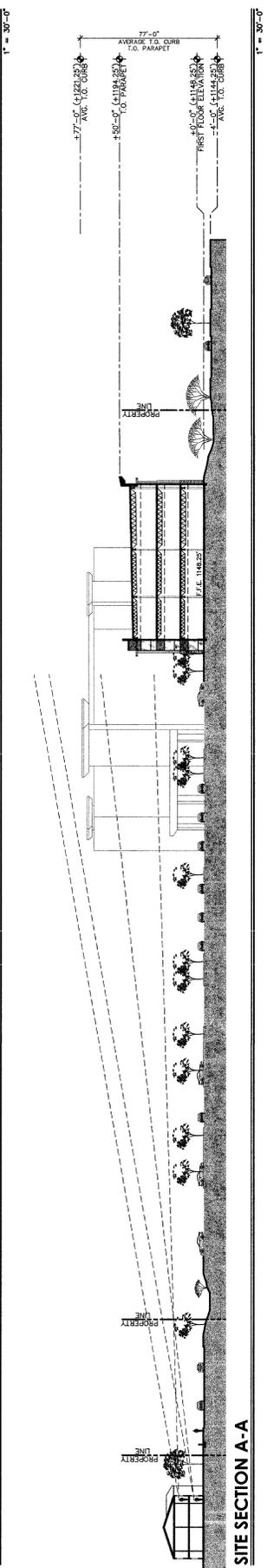
PROJECT NO.	07-119
SHEET NO.	1
SCALE	1" = 30'-0"
DATE	10.21.2008
DESIGNED BY	CEE
CHECKED BY	CEE
DATE	10.21.2008
SHEET TITLE	SITE SECTION

SHEET NO. **A4.6**

D5080850_SFR08059



SITE PLAN



SITE SECTION A-A



ATTACHMENT 32

PHArchitecture



BALTIMORE HOLDINGS

12.04.08

CONCEPTUAL RENDERING

RIVERSIDE OFFICE PLAZA PHASE III



PHArchitecture

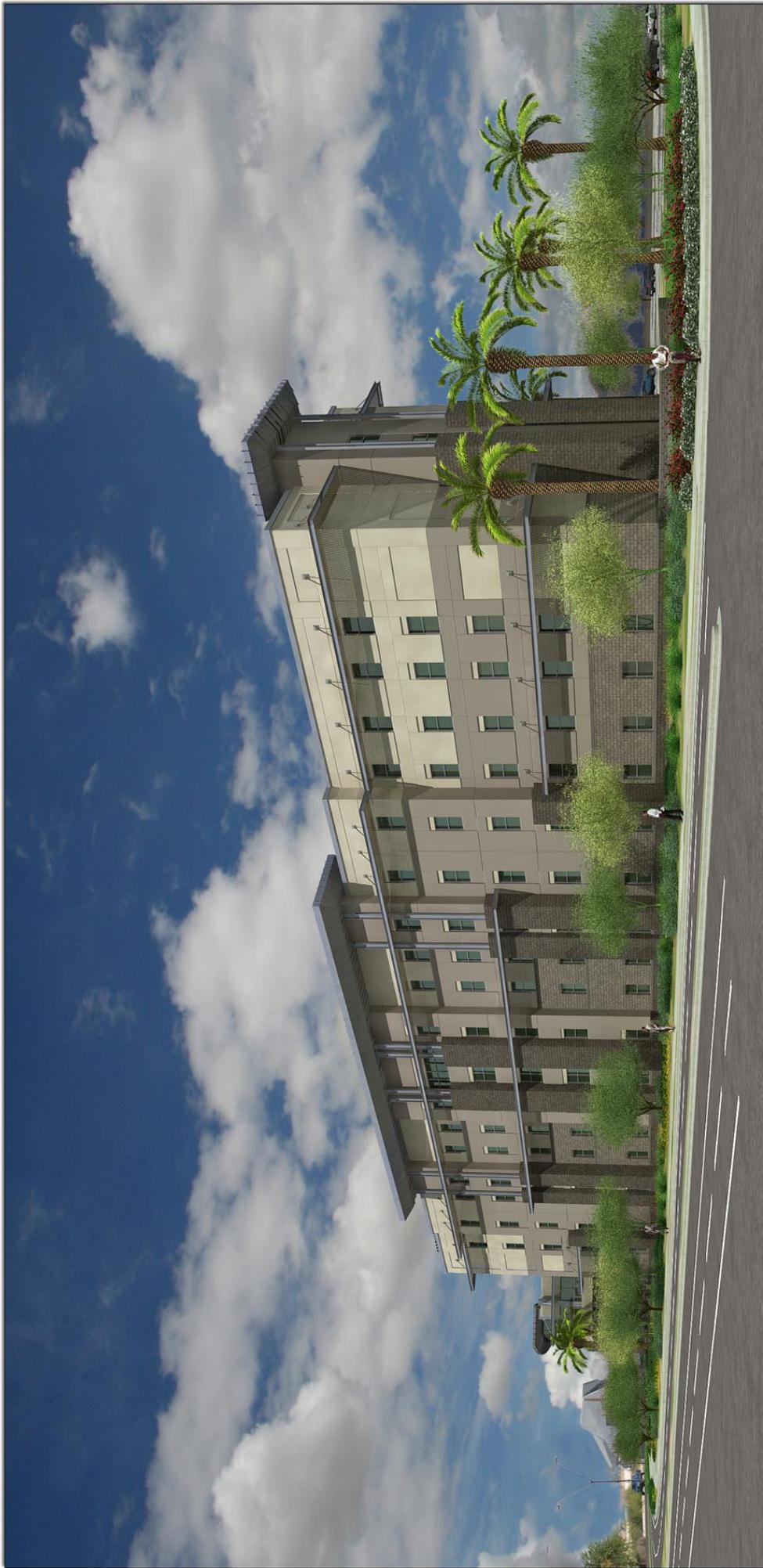


BILTMORE HOLDINGS

CONCEPTUAL RENDERING

12.04.08

RIVERSIDE OFFICE PLAZA PHASE III



ATTACHMENT 34

PHArchitecture



BILTMORE HOLDINGS

CONCEPTUAL RENDERING

12.04.08

RIVERSIDE OFFICE PLAZA PHASE III



PHArchitecture

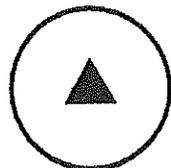
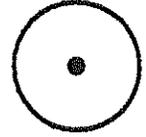
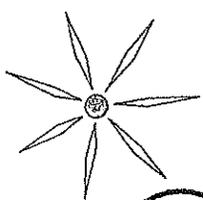


CONCEPTUAL RENDERING

12.04.08

RIVERSIDE OFFICE PLAZA PHASE III

LANDSCAPE LEGEND



WASHINGTONIA ROBUSTA
MEXICAN FAN PALM
16' TRUNK FT. (MATCHING, SKINNED)

PROSOPIS CHILENSIS
CHILEAN MESQUITE (THORNLESS)
15 GALLON

LANTANA MONTEVIDENSIS
'GOLD MOUND'
1 GALLON

LANTANA MONTEVIDENSIS
'PURPLE TRAILING'
1 GALLON

ROSEMARINUS OFFICINALIS
'PROSTRATUS' ROSEMARY
5 GALLON (KEEP TRIMMED AT 2')

1/2" MINUS MADISON GOLD
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS

CALLIANDRA EROPHYLLA
BAJA FAIRY DUSTER
5 GALLON

HESPERALOE PARVIFLORA
RED YUCCA
5 GALLON

ONAGRACEAE GAURA LINDHEIMERI
PINK GAURA
1 GALLON (KEEP TRIMMED AT 2')

CECIDIUM MICROPHYLLA
FOOTHILL PALO VERDE
36" BOX

MUHLENBERGIA RIGIDA 'NASHVILLE'
NASHVILLE
5 GALLON

MUHLENBERGIA 'REGAL MIST',
REGAL MIST
5 GALLON

CARRISA GRANDIFLORA
'NATAL PLUM' BOXWOOD
5 GALLON

MULENBERGIA RIGENS
DEER GRASS
5 GALLON

CECIDIUM 'HYBIRD'
DESERT MUSEUM
24" BOX

GAZANIA RIGENS LEUCOLAEANA
GASANIA 'SUNGLOW'
1 GALLON

AGAVE GEMINIFLORA
TWIN FLOWERING AGAVE
5 GALLON

HESPERALOE PARVIFLORA
GAINT HESPERALOE
5 GALLON

CECIDIUM FLORIDUM
BLUE PALO VERDE
48" BOX

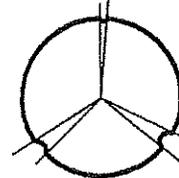
CARNEGIEA GIGANTEA
SAGUARO CACTUS
8' MIN SPEAR

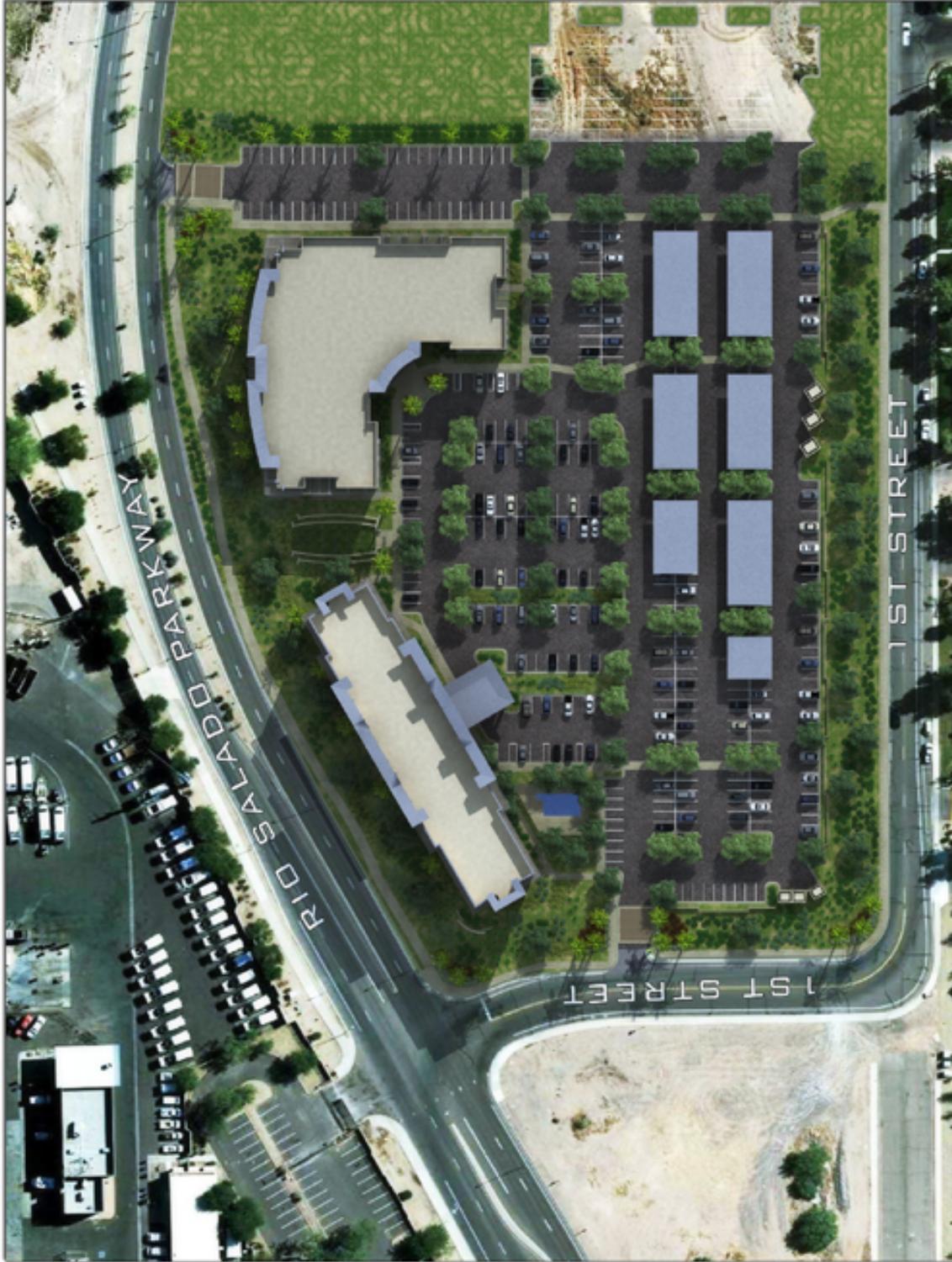
GUTIERREZIA SAROTHRAE
BROOM SNAKEWEED
5 GALLON

DELEA GREGGII
INDIGO BUSH
5 GALLON

TURF
TURF
SOD

6" EXTRUDED CURB
CONCRETE HEADER
SEE DETAIL





PHArchitecture



SHADOW STUDY MARCH 21st 9:00 AM

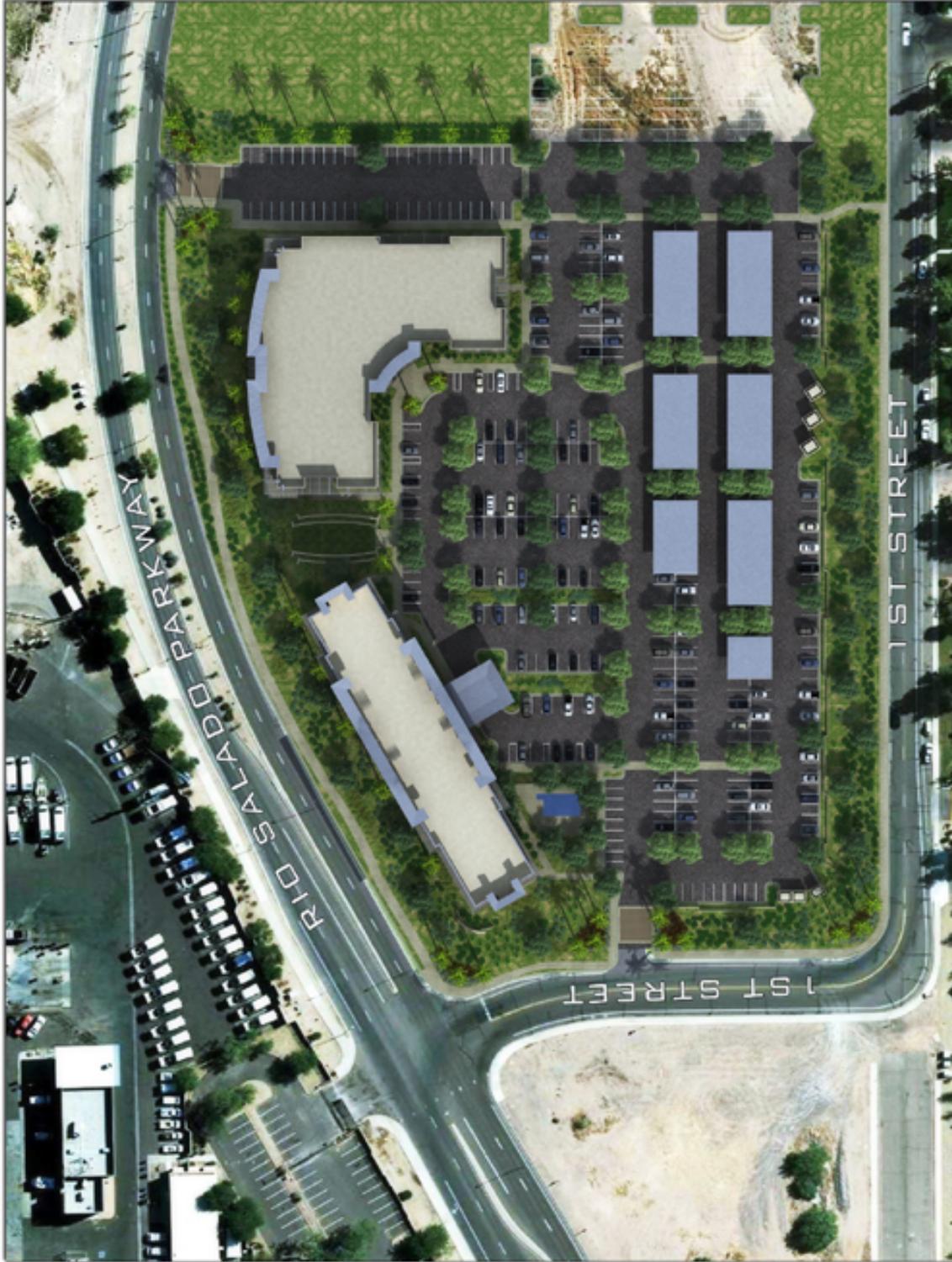
RIVERSIDE OFFICE PLAZA PHASE III

12.09.08



RIVERSIDE OFFICE PLAZA PHASE III
12.09.08

SHADOW STUDY MARCH 21st 12:30 PM



RIVERSIDE OFFICE PLAZA PHASE III
12.09.08

SHADOW STUDY MARCH 21st 4:00 PM



RIVERSIDE OFFICE PLAZA PHASE III
12.09.08

SHADOW STUDY JUNE 21ST 9:00 AM

PHArchitecture





RIVERSIDE OFFICE PLAZA PHASE III
12.09.08

SHADOW STUDY JUNE 21st 12:30 PM

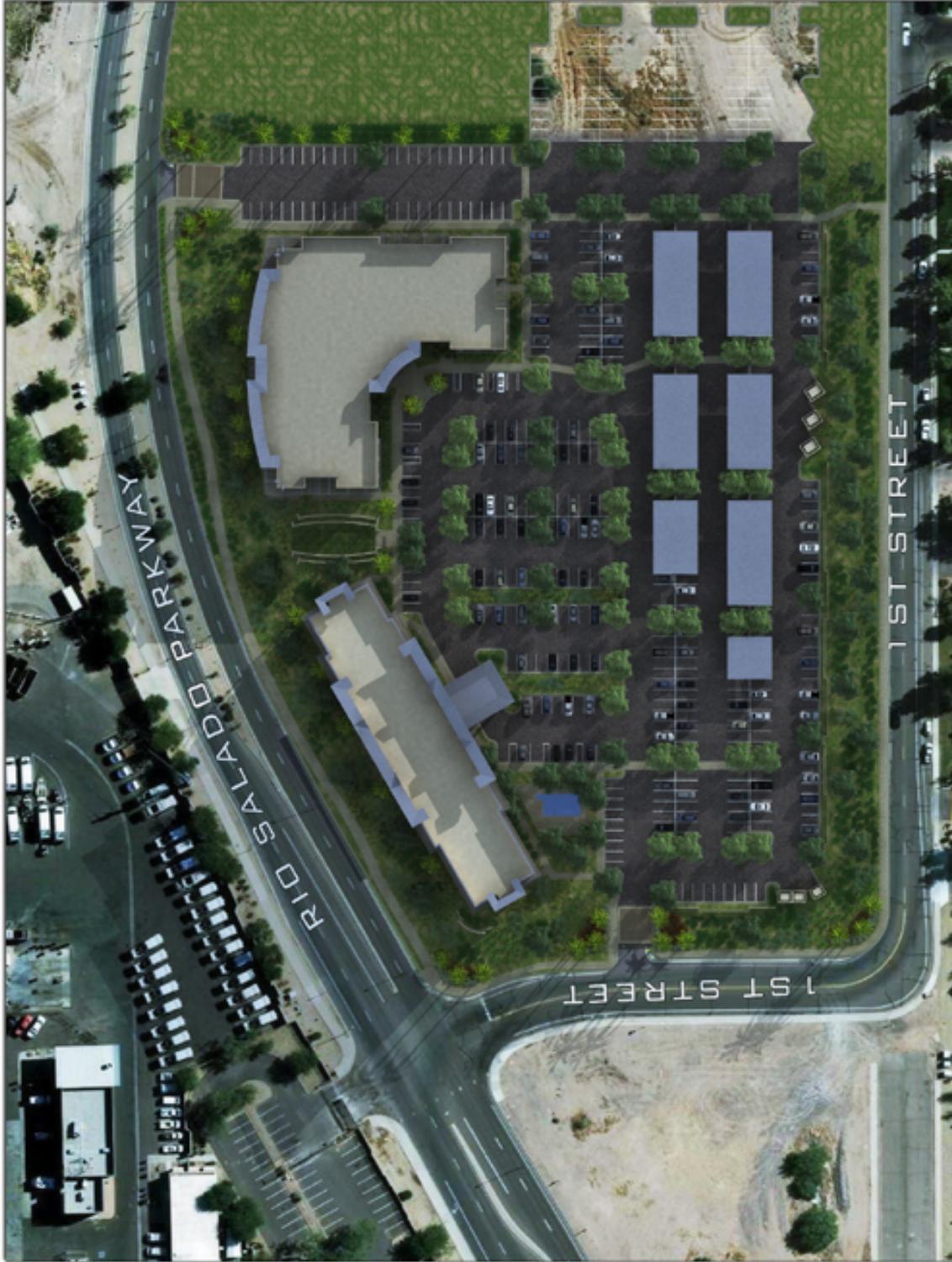


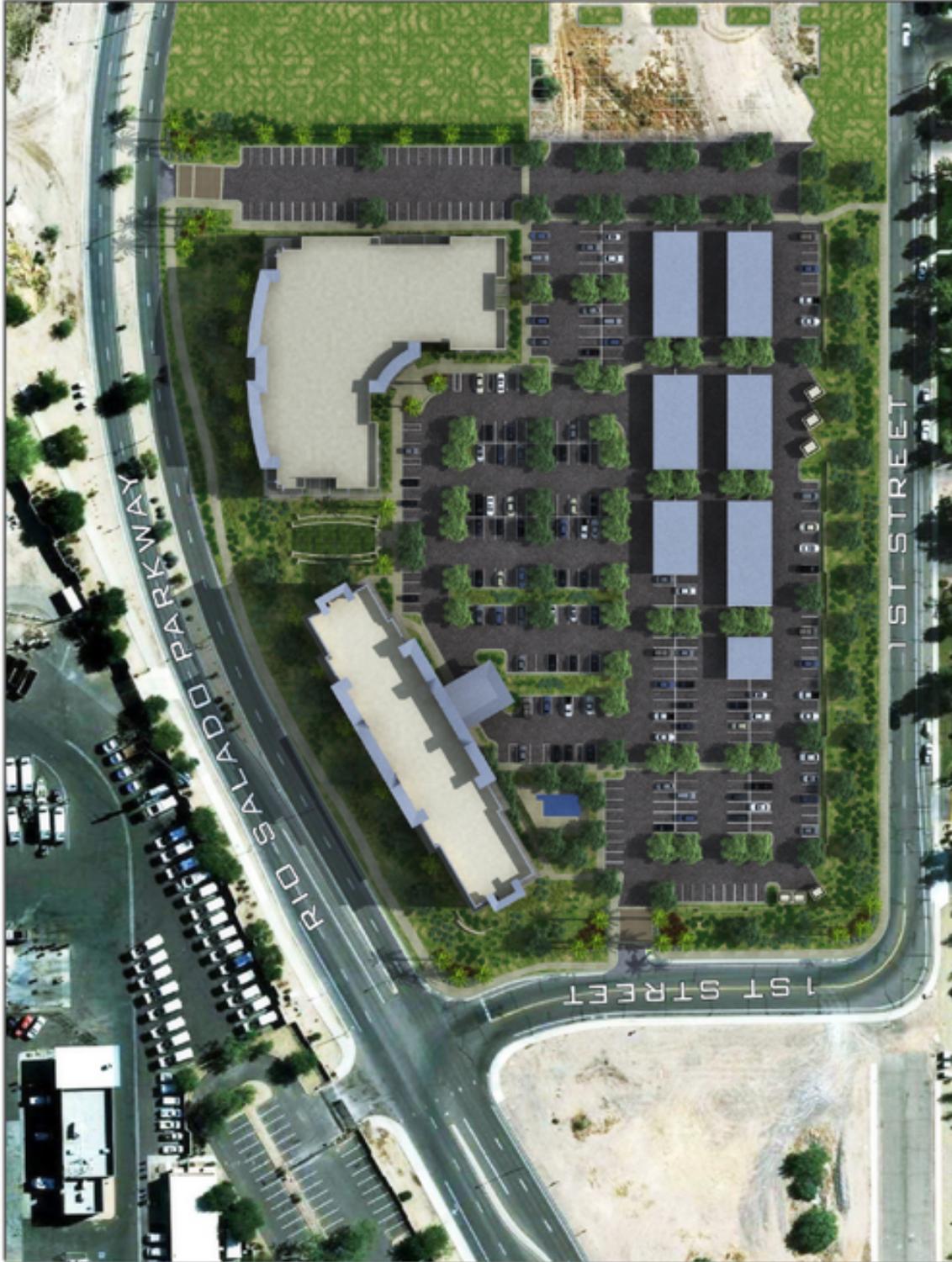
RIVERSIDE OFFICE PLAZA PHASE III
12.09.08

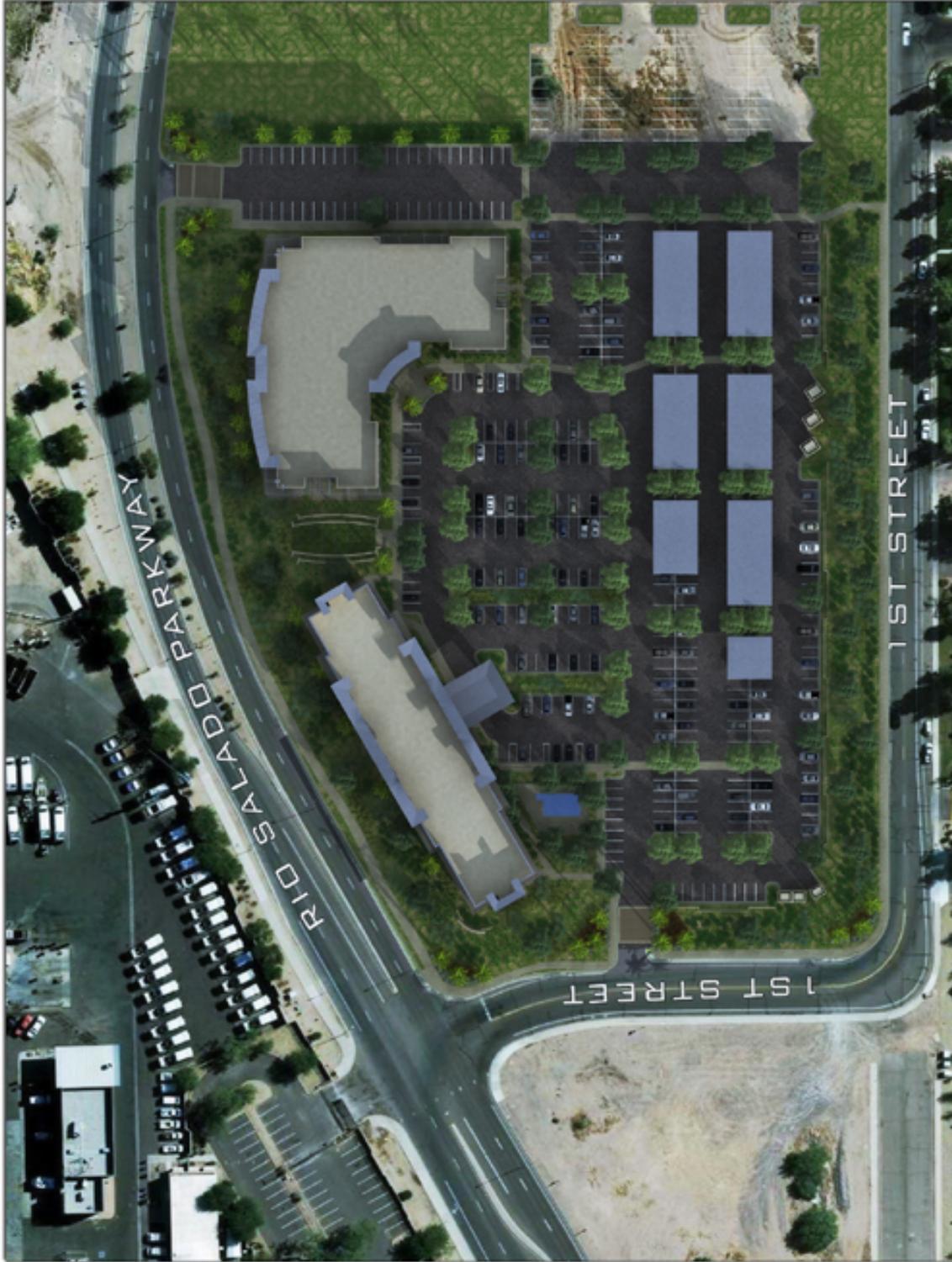
SHADOW STUDY JUNE 21st 4:00 PM

PHArchitecture

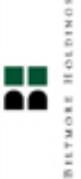








PHArchitecture



SHADOW STUDY DECEMBER 21st 4:00 PM

RIVERSIDE OFFICE PLAZA PHASE III

12.09.08

From: O'Melia, Kevin
Sent: Wednesday, August 27, 2008 12:08 PM
To: Ryan, Nancy
Cc: Kimbrell, Deedee; Johnson, Diane B
Subject: RIVERSIDE PLAZA III OFFICE & HOTEL / SPR08059

08-26-08 RIO SALADO ADVISORY COMMISSION REVIEW
KKO e-mail to Nancy Ryan, Dee Dee Kimbrell & Diane Johnson (Rio Salado staff) on 8/27

Greetings,
Please review and indicate corrections if needed.

ATTENDEES three guests; Commissioners: Alana Chavez, Walter McCraney, Maureen DeCindes, Sue Lofgren, Michael Curley, Julie Ramsey, Mary Hannaman; C.O.T. Staff: Nancy Ryan, Dee Dee Kimbrell, Diane Johnson, Joe O'Connor and Kevin O'Melia.

PRESENTATION by K O'Melia

- 1) Case revisits site design. Current proposal of a 60' high office building and a 75' high hotel replaces a proposal of a 77' high office building and two level parking garage. Hotel and office proposal includes a property division between the two uses. Hotel and office each have parking on their own site.
- 2) Building heights gradually step up east to west toward the Priest/Rio Salado intersection: Riverside Plaza I and II are 35', Riverside Plaza III Office will be 60'. Riverside Plaza III Hotel will be 75'. Tempe Landing offices (across 1st Street) will be 100'
- 3) Entitlement process for Riverside Plaza III Office & Hotel includes the following:
 - 3a) Recommendation from the R.S.A.C.,
 - 3b) Administrative P.A.D. modification to insert the new site plan in the existing P.A.D. This is allowed if the hotel and office proposal does not exceed the 77' height or otherwise overturn the development standards of the existing P.A.D. (this would be a staff review without a public hearing).
 - 3c) Use permit request to allow hotel in GID District (Development Review Commission).
 - 3d) Development Plan Review for site plan, building elevations and landscape plan (Development Review Commission-- same hearing as that for Use Permit).
 - 3e) Plat to unify and resubdivide property. C.O.T. is separately processing an abandonment in October 2008 that is related to this development.

COMMISSIONER COMMENTS / DISCUSSION

- 1) Riverside Office Plaza Phase I and Phase II are completed.
- 2) Each phase of Riverside Office Plaza has pedestrian access north-south through site with walkway connections south to First Street. There are no vehicle points of access to First Street except for normally close, gated emergency driveways.
- 3) With the entitlement process outlined above, neighborhood meeting is recommended but is not required. Neighborhood notification is required as part of the Use Permit request.
- 4) Concern that hotel will be entitled but will not be built.
- 5) Make Use Permit request for hotel specific to this site design development and not transferable.
- 6) If Riverside Plaza III is built in two phases, extend emergency access drive to north leg of First Street in first phase OR build entire parking lot in first phase.

RECOMMENDATION

- 1) The proposed Riverside III Hotel and Office uses are appropriate for the Rio Salado Overlay District.
- 2) This development is compatible with the goals of the Rio Salado Overlay District.

*



City of Phoenix

AVIATION DEPARTMENT
PLANNING & ENVIRONMENTAL DIVISION

September 28, 2008

Mr. Chandler Eskew
PH Architecture
15849 N. 71st Street, Suite 200
Scottsdale, Arizona 85254

Re: Riverside III Project

Dear Mr. Eskew:

Thank you for working with Phoenix Sky Harbor International Airport staff regarding the height of Riverside III project and helping us protect the integrity of the airspace around the Airport. As proposed, the project will comply with the height constraints for the airlines operating to and from Phoenix Sky Harbor International Airport.

I have attached an illustration depicting the components that define how maximum building height is calculated for any project.

As you continue to work through the development process, please continue to communicate with the Federal Aviation Administration and our office for requirements during the construction phase, particularly the installation of construction cranes. The Airport planning staff can be reached at 602-273-3340.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Andres".

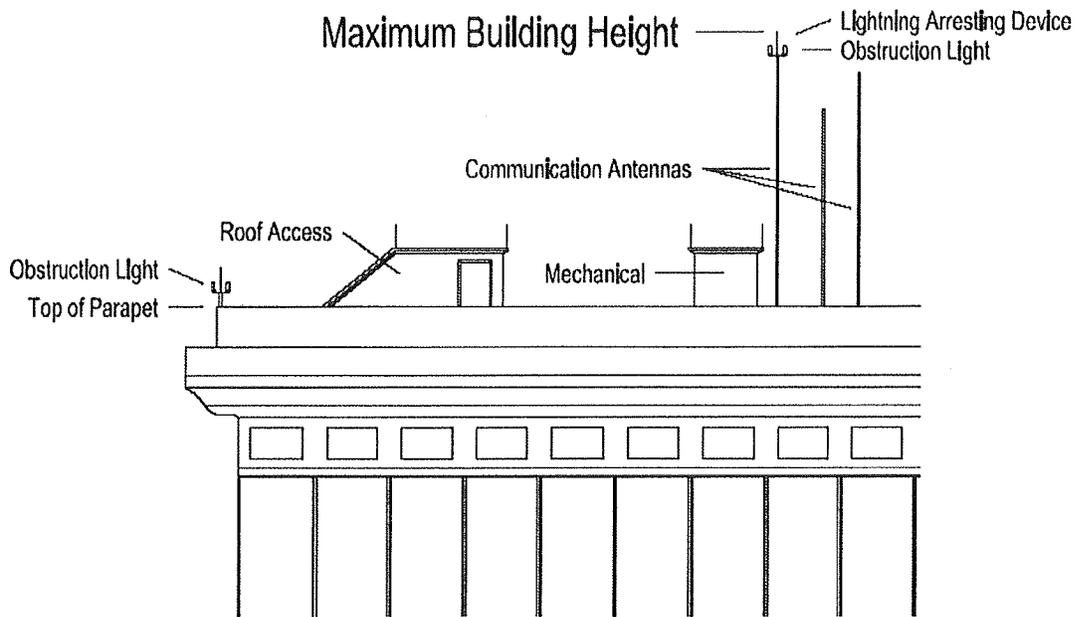
Chris Andres
Acting Deputy Aviation Director

Attachment

cc: Jane Morris, City of Phoenix
Kevin O'Melia, City of Tempe

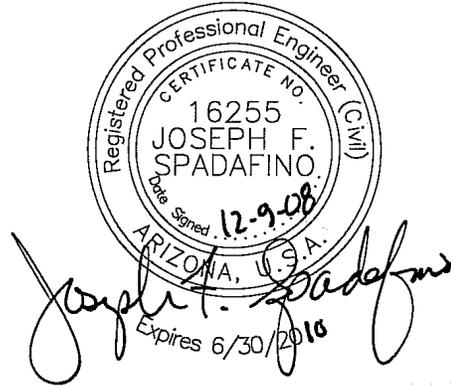
Maximum Building Height

Maximum building height includes all rooftop appurtenances, obstruction lights, lightning arresting devices, etc. as shown below. All elevations are above Mean Sea Level (NAVD 88).



December 9, 2008

Ms. Shelly Seyler, PE
Traffic Engineer
City of Tempe Public Works Department
200 East Fifth Street, 2nd Floor
Tempe, Arizona 85281



**RE: REVISED Amendment #1 - Riverside Office Plaza Traffic Impact Analysis
Phase III Trip Generation Comparison Statement**

Dear Ms. Seyler:

CivTech Inc. has been retained by LGE Design Build to amend the *Riverside Office Plaza Traffic Impact Analysis* (CivTech, May 2006) with a Trip Generation Comparison Statement due to changes proposed for Phase III of the development. Phase I of the development is completed and occupied and Phase II is currently being developed. Phase III of the development will be located on the southeast corner of 1st Street and Rio Salado Parkway in the City of Tempe.

CivTech understands the purpose of this amendment is to compare the trips generated by the currently proposed hotel and office uses to those of the approved office use in Phase III. The City of Tempe has indicated that it will accept a trip generation comparison statement in lieu of a full Traffic Impact Analysis (TIA) if the trips generated under the new development scenario approximate those anticipated in the approved TIA, which, as will be demonstrated, they are.

The revisions incorporated in this revised amendment address the two City comments on the October 21, 2008 version of this amendment. The comments requested: that trips generated by the now-approved Tempe Landing, which is located to the west of the Riverside site, be considered in the analysis; that a queuing analysis be conducted on First Street with the total traffic volumes; and that Access B be analyzed without a traffic signal. A copy of the comments and CivTech's responses are attached for reference so that this document can stand on its own.

Approved Phase III Development

Phase III occupies 8.67 gross acres (6.95 net acres) of the development site. Previously, a four-story, 147,336 square foot (SF) office building was proposed in Phase III of the development. This building was considered in CivTech's May 2006 TIA.

Proposed Phase III Development

The current development proposal (see attached) for Phase III includes an 83,330-SF office building and a 134-room hotel.

Table 1 shows the numbers of trips expected to be generated by Phase III under the original approved development scenario and under the latest proposed mix of uses being requested for the parcel.

Table 1 - Trip Generation Comparison

Land Use	ITE LUC	ITE Land Use Name	Total	Units	AM Distribution		PM Distribution			
					In	Out	In	Out		
Proposed										
General Office Building	710	General Office Building	83.330	1,000 SF	88%	12%	17%	83%		
Hotel or motel	310	Hotel	134	Rooms	58%	42%	49%	51%		
Approved										
General Office Building	710	General Office Building	147.336	1,000 SF	88%	12%	17%	83%		
Land Use	ADT		AM Peak Hour			PM Peak Hour				
	Avg Rate	Total	Avg Rate	Total	In	Out	Avg Rate	Total	In	Out
Proposed										
General Office Building	11.01	918	1.55	130	114	16	1.49	125	21	104
Hotel or motel	8.17	1,096	0.67	90	52	38	0.70	94	46	48
Totals		2,014		220	166	54		219	67	152
Approved										
General Office Building	11.01	1,624	1.55	230	202	28	1.49	220	37	183
Differences (Trips)		390		-10	-36	26		-1	30	-31
Differences (Percentages)		24.0%		-4.3%	-17.8%	92.9%		-0.5%	81.1%	-16.9%

The results summarized in **Table 1** reveal that if the site were developed per the currently proposed mix of hotel and office uses, it could generate approximately 2,014 trips per day, with approximately 220 occurring in the AM peak hour, and approximately 219 in the PM peak hour. Compared to the trips anticipated from the office use in the approved TIA, there could be an overall increase of 390 daily trips (24.0%), but a net 4.3% decrease in trips generated during the AM peak hour and a net 0.5% decrease in trips during the PM peak hour.

Intersection Capacity Analysis Comparison

As can be seen in **Table 1**, the inbound/outbound trip distribution characteristics of offices and hotels are different. For offices, 7 of 8 trips during the AM peak hour are inbound and 5 of 6 trips during the PM peak hour are outbound trips. For hotels, the trips are more evenly split in both peak hours. As compared to the results analyzed in the approved TIA, there are fewer trips in the AM and PM peak hours anticipated with the new development; however, the proposed land use changes do not have a uniform effect on the trips generated by the site because the trip distribution percentages are different.

Table 2 compares levels of service for selected intersections as studied in the original TIA (as found in Table 9 of that report) to those same intersections using the new trip generation and trips from the now-approved neighboring Tempe Landing development. (On the analysis sheets Tempe Landing trips are labeled "Tempe Lndng.") Additionally, an analysis of Site Access B as a stop-controlled intersection has been added, as City staff has indicated that a traffic signal has not been approved by the City for that intersection. CivTech notes that in the May 2006 TIA approved by the City, a traffic signal needs study indicated that traffic volumes at Access B would meet Warrant 1, Condition A, the Minimum Vehicular Volumes warrant, and Warrants 2 and 3, the Four Hour Vehicular Volume and Peak Hour warrants, respectively. Since a signal would be warranted under build-out conditions, this was listed in the conclusions and recommendations of the study.

The comparison reveals that there is just one change in level of service due to the changes in trips generated and the addition of Tempe Landing trips. This change occurs on westbound Rio Salado Parkway at First Street, where the level of service drops from less than 10 seconds delay per vehicle (LOS A) to 13.1 seconds per vehicle (LOS B). Analysis sheets are attached. The results also indicate very poor levels of service at Access B if it were to remain unsignalized, a condition not analyzed in the approved May 2006 TIA. Considering the documentation in the TIA that concludes a traffic signal is warranted at the driveway and the poor levels of service without it, CivTech reiterates a recommendation that a traffic signal be provided at the intersection of Access B and Rio Salado Parkway to mitigate the

anticipated poor levels of service. A signal at Access B, spaced at approximately 1,270 feet (on center) from Priest Drive, would be spaced at nearly one-quarter mile (1,320 feet), from the nearest signal, a factor that should be considered in favor of providing a traffic signal if and when it is warranted.

Table 2 - 2026 Intersection Level of Service Analysis Comparison

Intersection	Intersection Control	Approach	Per Table 9 Original TIA AM / PM	With New Site Plan and Tempe Landing AM / PM
First Street & Rio Salado Parkway	2-way stop	Northbound	F / F	F / F
		Southbound	F / F	F / F
		Eastbound	B / A	B / A
		Westbound	A / B	B / B
Site Access B & Rio Salado Parkway	Signal	Overall	A / A	A / A
Site Access B & Rio Salado Parkway	1-way stop	Northbound	n/a	E / F
		Westbound		A / B
1 st Street & Access E	1-way stop	Northbound	A / A	A / A
		Southbound	A / A	A / A
		Westbound	A / A	A / A

Trip Generation comparison

A comparison of the trips generated by the currently planned mix of hotel and office uses to the office use specified in the approved TIA reveals that there could be 390 additional trips on the adjacent roadways each day. CivTech estimates that daily volumes on Rio Salado Parkway could be 20,000 vehicles per day (vpd) by 2026.¹ The added site trips represent a less than 2.0 percent increase in daily traffic volumes, the new total daily volumes on Rio Salado Parkway will remain well under the 38,650 vpd threshold volume beyond which a four-lane arterial roadway could be expected to operate at an overall “poor” level of service of “E” as documented in the City of Tempe’s *Rio Salado Parkway Design Project Areawide Traffic Study* (BRW, September 22, 1998). Please note, also, that these 390 trips are “trip-ends” that represent 195 vehicles added to the adjacent roadway completing 195 trips in and 195 trips out. These trip-ends average fewer than 17 trips—or 9 additional vehicles—per hour on the adjacent streets.

Queuing Analysis.

A queuing analysis of outbound traffic on First Street was conducted to determine if vehicles waiting to enter, or cross, Rio Salado Parkway from First Street would queue sufficiently to obstruct Site Access E on First Street. Access E is located 130 feet south of Rio Salado Parkway as measured from the curb line of Rio Salado Parkway to the northern edge of driveway. It was assumed that queuing in the PM peak hour would be of most concern to the City because that is the period when much more traffic is exiting the two developments (Riverside Office Plaza and Tempe Landing).

CivTech used the methodology to estimate turn lane storage lengths documented in the AASHTO *A Policy on Geometric Design of Highways and Streets* to approximate the queues that could be expected on the northbound approach of First Street to Rio Salado Parkway. According to the methodology, a turn lane should typically hold the average number of arriving vehicles per two minutes where an intersection is unsignalized. The formula used for this calculation is shown below.

For unsignalized intersections, the storage length is determined by the following formula:

$$\text{Storage Length} = [(\text{veh/hr}) / (30 \text{ periods/hr})] \times 25 \text{ feet}$$

With 244 northbound vehicles approaching Rio Salado from First Street (175 of which are expected to make left turns toward nearby freeways), the result of this analysis is that queues of up to 225 feet could

¹ This volume was estimated first by estimating a current daily volume from recorded 2006 hourly volumes (assuming that 8% and 9% of the daily traffic volumes occur during the AM and PM peak hours, respectively) and then applying the 2006-2026 growth factor (2.04) applied in the original TIA.

be expected on First Street during the PM peak hour. Such a queue in a single lane would obstruct Access E.

In determining ways to possibly address this issue, CivTech noted that First Street approaching Rio Salado Parkway is approximately 48 feet from curb to curb. Net of the existing bicycle lanes, there is 36 feet of pavement currently striped for one lane in each direction. A simple treatment that could be implemented relatively inexpensively and quickly would be to restripe the roadway to provide three 12-foot wide lanes: one inbound and two outbound lanes, one that would be an exclusive left-turn lane and one a shared through/right-turn lane. While left-turn volumes of 175 vehicles per hour are sufficient to create 150-foot queues, right-turning vehicles would have an opportunity to avoid these delays.

CONCLUSIONS

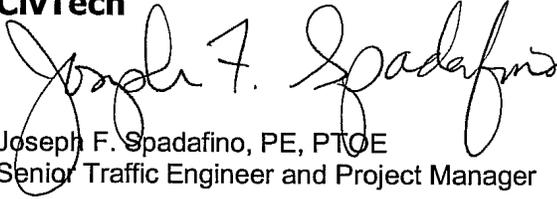
From the above, the following could be concluded:

- ◆ The 6.95-acre (net) Phase III site developed per the currently proposed uses could generate approximately 2,014 trips per day with hotel and office uses, with approximately 220 occurring in the AM peak hour, and approximately 219 in the PM peak hour.
- ◆ Compared to the trips anticipated from the uses in the approved TIA, there could be 390 more trips daily, an increase of 24.0%, but a net 4.3% decrease in trips generated during the AM peak hour and a net 0.5% decrease in trips during the PM peak hour.
- ◆ With daily volumes on Rio Salado Parkway estimated to be 20,000 vehicles per day by 2026, the 390 additional trips anticipated from the revised land uses represent a less than 2.0 percent increase. The new total daily volumes on Rio Salado Parkway will remain well under the 38,650 vpd threshold volume beyond which a four-lane arterial roadway could be expected to operate at an overall "poor" level of service of "E" as documented in Tempe's 1998 *Rio Salado Parkway Design Project Areawide Traffic Study*.
- ◆ A comparison of levels of service for three selected intersections as studied in the original TIA to those same intersections using the new trip generation reveals that there is just one change in level of service due to the changes in trips generated and the addition of Tempe Landing trips. This change occurs on westbound Rio Salado Parkway at First Street, where the level of service drops from LOS A to LOS B.
- ◆ The results of the intersection capacity analysis also indicate very poor levels of service at Access B if it were to remain unsignalized, a condition not analyzed in the approved May 2006 TIA. Considering the documentation in the TIA that concludes a traffic signal is warranted at the driveway and the poor levels of service without it, CivTech reiterates a recommendation that a traffic signal be provided at the intersection of site access B and Rio Salado Parkway to mitigate the anticipated poor levels of service, noting that a signal at Access B, spaced at approximately 1,270 feet (on center) from Priest Drive, would be spaced at nearly one-quarter mile (1,320 feet), from the nearest signal, a factor that should be considered in favor of providing a traffic signal if and when it is warranted.
- ◆ A queuing analysis of outbound traffic on First Street revealed that vehicles waiting to enter or cross Rio Salado Parkway from First Street. Queues of up to 225 feet could be expected on First Street and such a queue in a single lane would obstruct site access E. A simple treatment that could be implemented relatively inexpensively and quickly would be to restripe the existing 36 feet of pavement between the bicycle lanes to provide three 12-foot wide lanes: one inbound and two outbound lanes, one that would be an exclusive left-turn lane and one a shared through/right-turn lane. While left-turn volumes of 175 vehicles per hour are sufficient to create 150-foot queues, right-turning vehicles would have an opportunity to avoid these delays.

In closing, CivTech believes we have provided the required information to allow the City to understand the traffic impacts of approving the proposed changes in Phase III of the development. Should you wish to discuss this information further, please contact me at (480) 659-4250, extension 12.

Sincerely,

CivTech



Joseph F. Spadafino, PE, PTOE
Senior Traffic Engineer and Project Manager

JFS:jfs

- Attachments (2)
- cc: D. Sellers, LGE
C. Eskew, PHA

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

December 5, 2008

NEIGHBORHOOD INVOLVEMENT REPORT

Riverside Office Plaza Phase 3-SEC Rio Salado Parkway and 1st Street
PAD Amendment, Development Plan Review and Use Permit applications
1275 West Rio Salado Parkway
CASE NUMBER: PL080263

In accordance with the City of Tempe Zoning Ordinance and Neighborhood Involvement process, this Neighborhood Meeting Report has been prepared to identify the results of citizen participation efforts under taken by the applicant, LGE Design Build, on the proposed PAD Amendment, Development Plan Review, and Use Permit applications for Phase 3 of Riverside Office Plaza. The invitation letter, mailing list, and meeting attendance list for this meeting are attached.

Project Description

LGE Design Build, the owner of the subject property, seeks approval of three companion requests; 1) an amendment to the approved Riverside Office Plaza Phase 3 Planned Area Development; 2) a companion Development Plan Review application for site plan and design approval; and 3) a Use Permit to allow a complimentary hotel.

Riverside Office Plaza Phase 3 ("Riverside Phase 3") is located at the southeast corner of Rio Salado Parkway and 1st Street and consists of approximate 8.67 gross acres (6.95 net acres). This property is currently vacant. Riverside Phase 3 is the final phase of an office park project that stretches along the south side of Rio Salado Parkway from 1st Street on the west to an existing mini storage facility on the east. The entire Riverside Office Plaza property is zoned GID.

On January 23, 2007 the Development Review Commission unanimously approved the Development Plan Review application for a four level office building (with a total height of 77 feet to the top of the mechanical room) and a separate two level parking garage, including the site plan, building elevations and landscape plans. Then on March 1, 2007 the City Council unanimously approved the Riverside Phase 3 PAD subject to four stipulations.

The previously approved PAD (Application No. PAD06015) and DPR (Application No. DPR06136) approvals allowed a four story office building and a two-story garage totaling 200,257 square feet. This request reduces the approved office building size to +/-84,686 square feet (from 127,121 sq. ft.), eliminates the parking structure (of 73,136 sq. ft.), and adds a five-story hotel of +/-77,500 square feet that utilizes the approved building height to 77 feet. Since

the square footage of the office building has been reduced, it is no longer necessary to provide a two story parking structure to provide sufficient parking. Therefore, one of the benefits of the new mix of uses is that the two-story parking structure adjacent to the neighbors to the south has been eliminated. The total square footage of the revised plan is 162,186.

No change is being requested to the approved 77-foot overall building height. The approved PAD allowed a four story office building with a maximum height of 77-feet to allow the necessary mechanical equipment screening material. While the office portion of the project is being reduced in height and stories, the 77-foot building height is still necessary for the proposed hotel. The hotel will be 72-feet to the top of the mechanical equipment penthouse, which will be placed near the center of the structure to reduce its impact off-site.

The proposed buildings have used architectural styling closely resembling the esthetic design of the approved project. It still provides a high-quality/high-tech architectural vernacular that serves to enhance the visual backdrop of the Rio Salado mixed use area from the 202 Freeway and will compliment the existing and hotel, office and retail developments along both Mill Avenue and Rio Salado Parkway. This will add to the vibrancy Tempe has created in the greater downtown/Rio Salado Parkway area.

All 5 buildings in Riverside Office Plaza are located at the north end of the overall site and their orientation is toward Rio Salado Parkway. Surface parking is proposed for the office and hotel buildings and are located along the south side of the site to provide separation between the office and hotel buildings and the multi-family residential uses across 1st Street.

Neighborhood Involvement

On November 19, 2008, Earl, Curley & Lagarde sent out first class letters (See neighborhood letter, Exhibit A) inviting all adjacent property owners within 300-feet of the subject site, as well as nearby homeowner associations and neighborhood associations (as outlined by the City's Planning Department) to a neighborhood meeting to review and discuss the proposed applications. The letter included a site plan outlining the boundaries of the subject property and a brief explanation of the proposed applications and the purpose of the meeting. The neighborhood letter also included the applicant contact information so that if anyone wanted to express concerns, issues, or problems they could do so by calling, writing, emailing, or faxing the applicant. The property was also posted with two signs informing neighbors of the neighborhood meeting date, time and location.

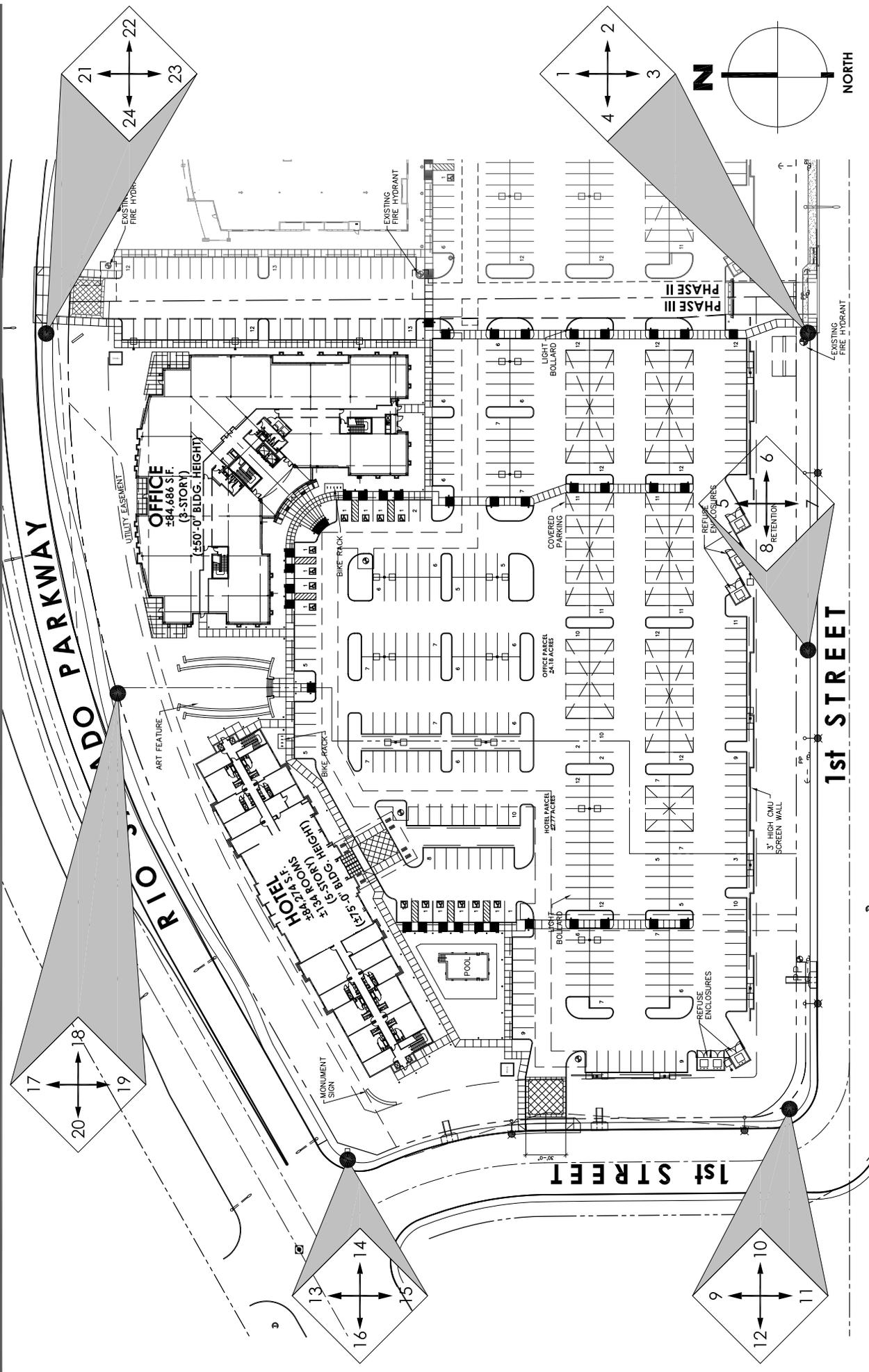
The meeting was held on Thursday, December 4, 2008 @ 6:00 p.m. at the nearby City of Tempe Field Services-Assembly Room, 55 S. Priest Drive. LGE Design Build representatives, Mr. Kevin O'Melia, Development Services Department Senior Planner, and 2 neighbors attended the neighborhood meeting. Both persons were supportive of the applicant's requests and they indicated that they looked forward to the "quality project LGE has planned." General questions such as, the user for the hotel, Staff's recommendation on the application, tenant space in the office building as rental or ownership, and the expected development schedule were asked. The

neighbors were satisfied with the applicant's answers and the high quality nature of the project. The fact that LGE has already demonstrated the quality nature of the architecture and landscaping through the construction of Phase 1 and 2 established a level of confidence with the neighboring property owners.

Should any adjacent property owners and/or other interested individuals raise any concern between now and the hearing dates, the Project Team will make every effort to address these concerns. Members of the Project Team are committed to working with the City of Tempe, surrounding neighbors, and any interested parties to ensure the compatibility and success of the Riverside Office Plaza project.

O:\INDEX\LGE Design\Rio Salado Pkwy & 1st\Docs\PAD Amendment (Hotel)\Neighborhood Meeting Report_12 5 08.doc

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CONTEXT SITE PLAN

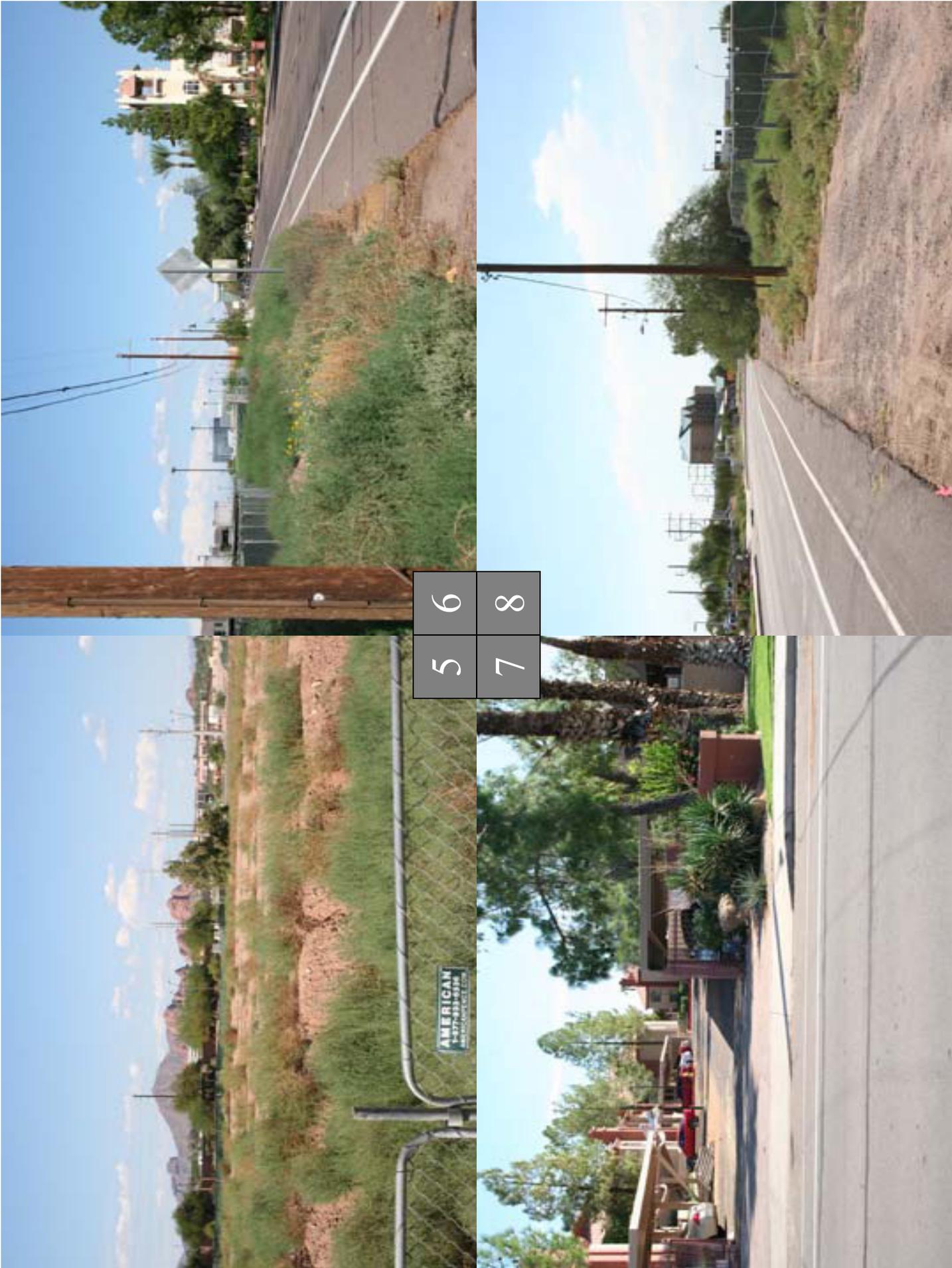
PHArchitecture

RIVERSIDE OFFICE PLAZA - PHASE III
 1275 W. RIO SALADO
 TEMPE, ARIZONA
 10.21.2008



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Memorandum

Community Development Department



December 15, 2008

To: Kevin O'Melia – Development Services --Planning
From: Heidi Graham – Community Development -- Redevelopment 
Re: Riverside Office Plaza III – 1275 W. Rio Salado Parkway (DS 080850)

The City of Tempe extends authorization to HOF-Biltmore to submit development plans for the above-referenced project (proposed new office building and hotel). I am working with Rick Chester (on behalf of HOF-Biltmore) to exercise their option to purchase Parcel 3 (also known as Lots 15-19 of State Plat 12 Amended, Book 69, Page 38 MCR) The current extension to purchase the property expires on April 2, 2009, per Contract C2001-178h). Thank you.



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2008-AWP-7015-OE

Issued Date: 01/22/2009

Fran Pettit
LGE Design Build
740 N. 52nd Street
Phoenix, AZ 85008

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building / Riverside Office Plaza - Phase III
Location:	Tempe, AZ
Latitude:	33-25-47.00N NAD 83
Longitude:	111-57-28.00W
Heights:	75 feet above ground level (AGL) 1223 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6558. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-AWP-7015-OE.

Signature Control No: 609082-107903293

(DNE)

LaDonna James
Technician

Form 7460-1 for ASN: 2008-AWP-7015-OE

Overview

Study (ASN): 2008-AWP-7015-OE
 Prior Study:
 Status: Determined
 Letters: Determination 

Received Date: 12/08/2008
 Entered Date: 12/08/2008
 Completion Date: 01/22/2009
 Expiration Date:
 Map: [View Map](#)

Supplemental Form 7460-2: [Please login to add a Supplemental Form 7460-2.](#)

Sponsor Information

Sponsor: LGE Design Build
 Attention Of: Fran Pettit
 Address: 740 N. 52nd Street
 Address2:
 City: Phoenix
 State: AZ
 Postal Code: 85008
 Country: US
 Phone: (480) 966-4001
 Fax: (602) 225-5968

Sponsor's Representative Information

Representative: PHArchitecture
 Attention Of: Ryan Christiansen
 Address: 15849 N. 71st Street Suite 200
 Address2:
 City: Scottsdale
 State: AZ
 Postal Code: 85296
 Country: US
 Phone: 480-556-9000
 Fax: 480-556-9490

Construction Info

Notice Of: CONSTR
 Duration: PERM (Months: 0 Days: 0)
 Work Schedule: 05/25/2009 to 02/17/2010
 Date Built:

Structure Summary

Structure Type: Building
 Other Description: / Riverside Office Plaza - Phase III
 NACG Number:
 FCC Number:

Structure Details

Latitude (NAD 83): 33° 25' 47.00" N
 Longitude (NAD 83): 111° 57' 28.00" W
 Horizontal Datum: NAD 83
 Survey Accuracy: 4D
 Marking/Lighting: None
 Other Description:

Height and Elevation

	Proposed	DNE	DET
Site Elevation:	1148		
Structure Height:	75	0	75
Total Height (AMSL):	1223	0	1223

Name:

City: Tempe
 State: AZ
 Nearest Airport: PHX
 Distance to Structure: 16500 feet
 On Airport: No
 Direction to Structure: 95.75°

Frequencies

Low Freq	High Freq	Unit	ERP	Unit

Description of Location: Southeast corner of Priest and Rio Saldo Parkway

Description of Proposal: Riverside Office Plaza Phase III will have a 3-story office building and a 5-story hotel on 6.95 acres of land.

Frank Pettit

From: noreply@faa.gov
Sent: Thursday, January 22, 2009 3:16 PM
To: Frank Pettit; rchristiansen@pharchitecture.com
Subject: Status of FAA Filing

Your filing is assigned Aeronautical Study Number 2008-AWP-7015-OE.

An aeronautical study has been completed and the FAA issued a determination. Please review the letter and adhere to all conditions. If you require additional assistance, please contact LaDonna James via phone: (310)725-6558 or email: ladonna.james@faa.gov. Please refer to the assigned ASN on all future inquiries regarding this filing.

To review your electronic record, go to our website ocaaa.faa.gov and select the Search Archives link to locate your case using the Aeronautical Study Number (ASN). Copies of your letter are available on the website for your convenience.