

# Staff Summary Report



City Council Hearing Date: 11/20/08

Agenda Item Number: 34

**SUBJECT:** This is the introduction and first public hearing for an Amended Planned Area Development Overlay for UNIVERSITY SQUARE, located at 110 E. University Drive. The second public hearing is scheduled for December 11, 2008.

**DOCUMENT NAME:** 20081120dskko02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Request for **UNIVERSITY SQUARE (PL080280)** (Scott Turkington-Vice President, University Square Investors, L.L.C., owner; Stephen Anderson, Gammage and Burnham, P.L.C., applicant) for a 15 story, +/- 1,100,000 s.f. building featuring a 328 unit hotel and including a convention center, restaurant and retail space with on-site structured parking on +/- 3.18 net acres. The site is located at 110 East University Drive in the CC, City Center District with a P.A.D., Planned Area Development Overlay and within the T.O.D., Transportation Overlay District. The request includes the following:

**PAD08017 -- (Ordinance No. 2008.58)** Amended Planned Area Development Overlay to allow a maximum 300'-0" tall building with a revised site plan and volumetric configuration in the CC, City Center District and within the T.O.D., Transportation Overlay District.

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

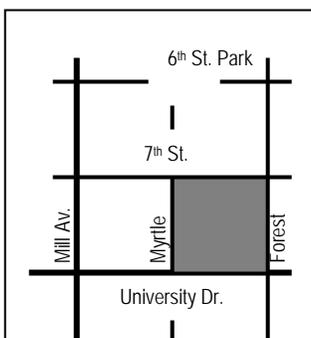
**REVIEWED BY:** Lisa Collins, Development Services Planning Director (480-350-8989)  
Chris Anaradian, Development Services Department Manager (480-858-2204)

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to conditions  
Development Review Commission – Approval 7-0

### ADDITIONAL INFO:



Gross / Net site area	3.22 ac / 3.18 ac
Total Building area	+/- 1,100,000 s.f.
Lot Coverage	
excluding motor court	53.5%
including motor court	100.0% (100% max allow)
Building Height	284.42 ft (300 ft P.A.D. std)
Building Setbacks	0.0 ft front and reverse front (west and east: 1.17 ft provided), 0.0 ft side (south and north: 0.0 ft provided)
Landscape area	18.9% including upper levels (0% min required)
Vehicle Parking	1,217 spaces (1,035 min required per shared parking analysis, a surplus of 182 vehicle spaces are available)
Bicycle Parking	84 spaces (79 min required)

This is the second development proposal for University Square. The first proposal was approved in 2006 but has been superseded by this proposal. A neighborhood meeting including a presentation of the second development proposal was held on August 21, 2008.

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

- ATTACHMENTS:**
- 1-6. Ordinance No 2008.58
  - 7-14. Waiver of Rights and Remedies form
  15. Location Map
  16. Aerial Photo
  - 17-24. Project Narrative
  - 25-26. Neighborhood Outreach Summary
  - 27-29. University Square Tenant Letter
  - 30-31. Site Plan & Pedestrian Shade Study Exhibit
  - 32-33. Project Data
  - 34-45. Floor Plans & Key Notes
  - 46-49. Building Elevations
  50. Building Elevation Materials Schedule and Section Keynotes
  51. Building Section
  - 52-55. Landscape Plans & Plant Legend
  - 56-64. Building Mass Shade Studies
  - 65-66. Federal Aviation Administration Extension of Finding of No Hazard to Air Navigation
  - 67-71. Photo Exhibit Location Key and Existing Condition Site Photos.
  - 72-74. Renderings
  75. Memorandum from Traffic Engineering Department concerning Traffic Impact Study
  - 76-77. Community Design Principals Downtown/Mill Avenue District with Commentary by City Architect

## COMMENTS:

This site is block 14 of the Tempe subdivision and is bounded by University Drive (8<sup>th</sup> Street) to the south, Forest Avenue to the east, Myrtle Avenue to the west and 7<sup>th</sup> Street to the north.

The property is in the CC, City Center District and is within the T.O.D., Transportation Center District Overlay (corridor). There are two existing entitlements for this property. These entitlements include an existing Planned Area Development Overlay for the first University Square proposal, consisting of a maximum building height of 300'-0" for a mixed use project of 2,142,900 sf. including hotel, ballroom and meeting rooms, office, residential, retail and parking. The applicant seeks to amend this entitlement. Additionally, the site has a planning entitlement for shared parking for the current University Square proposal. The current proposal consists of 1,100,000 sf. including hotel, conference center, retail and parking and requires 1,035 parking spaces (1,217 parking spaces are provided).

Existing uses on the site include the center building of the University Arches and an L-shape parking lot with access to Forest Avenue and 7<sup>th</sup> Street. The sole tenant of this retail building is Dave's The Dog House. The Dog House is located in the southeast corner of the building. The east and west buildings of the University Arches and the other residential and retail buildings of Block 14 have all been demolished. The parking lot includes tenant / employee parking for the Dog House but is principally metered public parking controlled by the city. The city is currently engaged in expanding this parking area to include the northwest corner of block 14, including the area to north to 7<sup>th</sup> Street, west to Myrtle Avenue, south to the old alley alignment and east to existing parking.

This request includes the following:

1. An Amended Planned Area Development Overlay. The 300'-0" maximum height standard is requested again with a revised site plan and building volumetric configuration.

The Development Review Commission has recommended approval of the Amended Planned Area Development Overlay to the City Council.

For further processing, the applicant will need approval for a Subdivision Plat, to combine the individual lots into one. Included with this re-plat is a 5'-0" wide dedication to University Drive public right of way.

## PUBLIC INPUT

- A required Neighborhood meeting was held on August 21, 2008 from 6:00 to 7:00 p.m. at Hatton Hall at 34 East 7<sup>th</sup> Street.
- See attached summary of meeting provided by the applicant (attachments 25-26).
- Development Services staff attended the meeting. Staff observations include the following. Five neighbors attended and provided comments. The neighbors included an owner of the Trick's Restaurant (7<sup>th</sup> Street north side, directly north of development), three staff members from the Congregational Church (north of northwest corner of the development) and a representative from CV Richard Ellis. The proposal seeks to emulate the Glendale Conference Center and the Glendale Renaissance Hotel. The presentation notes this development is scaled back from its 2006 proposal: specifically the removal of the office and residential components. The developer indicated the residential component may be inserted as a second tower facing University Drive as a second phase. The proposal on the table will take an estimated two years—first six months is processing and the remaining 18 months is construction. The presentation included sketch renderings indicating the resolution of pedestrian and vehicular traffic conflicts along Myrtle and Forest. The presentation generally was favorably received. "This is a 'beautiful' project—but be cognizant of our businesses." The restaurant owner, in particular, indicated the presence of this hotel, when completed, will benefit her business. The main concern expressed by neighbors is the anticipated prolonged dislocation of streets adjacent to the development due to the construction of University Square and how this will impact access to the church, the restaurant and other adjacent uses.
- Planning staff has received one letter from the Davison Law Firm on behalf of Dave's Dog House, the sole tenant of University Arches (see attachments 27-29). The letter expresses concern for the safety of the business owner, employees, vendors, customers and their properties as construction processes on University Square. The tenant-owner has noted the recent clearing and grading of the outlying, now vacant area at the northwest corner of Block 14 (this clearing is in advance of a city parking lot expansion). As indicated in the letter, the Dog House has a lease to remain in the University Arches through June, 2013.

## PROJECT ANALYSIS

### PLANNED AREA DEVELOPMENT

The following table indicates the Amended Planned Area Development overlay standards proposed in comparison with the standard for the existing Planned Area Development Overlay. The significant characteristic is the change in height from the maximum 75'-0" development standard for the CC, City Center District in the Transportation Overlay District. The P.A.D. Standards for maximum height as originally proposed in 2006 is listed, along with the P.A.D. for maximum height that was actually entitled by City Council, along with the Amended P.A.D. for maximum height that is currently proposed with the current site plan and building volumetric configuration.

Standard	CC/PAD/TOD SUBMITTAL (2006)	ENTITLED CC/PAD/TOD (2006)	PROPOSED CC/AmendedPAD/TOD (2008)
Residential Density (DU/acre)	131 du/acre	131 du/acre	none
Dwelling Units and Hotel Guest Rooms			
Number of Dwellings	422	422	none
Number of Hotel Rooms	225	225	328
Maximum Lot Coverage (% of net site area)	100%	100%	100%
Minimum Landscape Area (% of net site area)	n.a.	n.a.	18.9%
Building Volume Characteristics			
Minimum Setbacks: front, side, reverse front (s.f.)	0 ft	0 ft	0 ft
Maximum Building Height (feet)	370 ft equipment 345 ft tower	300 ft equipment 300 ft tower	300 ft equipment 285 ft tower
Overall Building Area (s.f.)	2,142,900 sf	2,142,900 sf	1,100,000 sf
Number of building floors (grade & above grade)	30	30	15
Number of subgrade levels	5	5	2
Vehicle Parking			
Spaces required prior to shared parking	2186	2186	1142
Spaces required after shared parking	2020	2020	1035
Quantity of spaces provided	2188	2188	1217
Bike Parking			
Spaces Required	513	513	79
Spaces Provided	513	513	84

The building height proposed exceeds that of the 75'-0" maximum height for the City Center / Transportation Overlay District but is no higher than the maximum height of 300'-0" allowed in the previously approved Planned Area Development. The maximum building height of 300'-0" for Block 14 is compatible with the Community Development Department's Concept Study for Downtown Building Heights, dated 30 March 2006. Block 14 is defined in the Concept Study as part of the Urban Center, with a suggested maximum height of 300'-0". The Federal Aviation Administration has extended the approval of the height for the original University Square proposal (370'-0" above ground level and 1,531'-0" above mean sea level). This proposal, which by condition of approval will have no appurtenance higher than 300'-0" above the top of curb on University or 7<sup>th</sup> Street, whichever is higher, fits comfortably within the approved maximum height of the Federal Aviation Administration. The F.A.A. extension of approval will expire on August 8, 2009.

The developer has submitted a Traffic Impact analysis which has been reviewed by the Traffic Engineering Division. A memorandum on traffic impact for the current proposal is included in the attachments. In fulfillment of a condition of the previous approval, University Square Investors LLC has submitted to the City of Tempe a payment of \$100,000.00. Payment is designated to help cover the expense of a general traffic analysis and traffic plan for the downtown area which will be commissioned by the city.

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

- The proposed conference hotel and retail are allowable in a mixed-use projected land use as defined in the Z.D.C. Part 3.
- University Square will be made to conform to the development standards established by the P.A.D. Overlay for this site.
- The proposed P.A.D. is in conformance with the Transportation Overlay District – Corridor, as stipulated in Z.D.C. Part 5

### Conclusion

Based on the information provided by the applicant and the analysis by Planning Division staff, staff recommends approval of the request for an Amended Planned Area Development Overlay for University Square. This request meets the required criteria and will be made to conform to the conditions of approval.

### REASONS FOR APPROVAL:

1. This development complies with the land use goals and element objectives of General Plan 2030.
2. The site is within the CC, City Center District, is within the TOD, Transportation Overlay District and is considered part of the Downtown Tempe area.
3. The development will conform to the standards listed above, as part of the 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 volume in the context of a quality design which includes mitigation of the design impact of this development on its surroundings.
4. The "Downtown Building Heights Concept Study" anticipates, and supports, a building height of 300'-0" for this location.
5. The Federal Aviation Administration has extended the approval for the original University Square proposal (370'-0" above ground level and 1531'-0" above mean sea level) for this current proposal of 300'-0".
6. The development as proposed meets the approval criteria for 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.

### PAD08017 CONDITIONS

#### General

1. A building permit shall be obtained on or before December 11, 2011 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.
2. 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 January 12, 2009 or the Amended Planned Area Development Overlay approval shall be null and void.
3. The proposal as presented requires a vacant site.
  - a. If the applicant chooses to proceed with a project that involves building around any existing site structures, the applicant acknowledges that it will be necessary to develop a revised site plan with supporting drawings and process these documents through the City's standard review procedures.
  - b. Coordinate with Cultural Resources (Liz Lagman 480-350-5163) the removal of the existing, artist designed bus stop shelter # 378 on University Drive and the re-installation of this bus shelter at a downtown location prior to demolition of the University Arches building. Pay cost of relocation and reinstallation of existing shelter.
4. If the building permit has not been obtained before the expiration of the Federal Aviation Administration's approval of the extension of the original 370'-0" University Square proposal (August 8, 2009), obtain a new approval of height and position from the F.A.A. that reflects the 300'-0" current proposal. Additionally, provide approval of the height and position of the current proposal from the City of Phoenix Aviation Department. Submit this documentation prior to issuance of building permit.
5. The requested maximum height of 300'-0" shall apply to architectural appurtenances such as antennae or communications equipment. The maximum height of the building itself, including the highest portion of any roof or parapet and also including elevator and stair penthouses, shall be 285'-0" as indicated by the proposal.
6. The Planned Area Development for University Square shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
7. A Final Subdivision Plat for University Square is required to unify the various parcels of Block 14 into one parcel. Include a 5'-0" right of way dedication to the University Drive half-street as part of the plat. Do not provide cut offs at corners of property. Within 30 days of plat submittal, provide a current Title Report. In advance of the plat, separately process removal of unneeded easements through the C.O.T. Engineering/Land Services Division and record the abandonment(s) as a separate instrument.
8. 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 on or before December 11, 2010 or the City Council approval of the plat will become null and void.
9. A Traffic Impact Analysis, dated September 22, 2008, has been submitted for review by the Traffic Engineering Division. The developer shall undertake with the traffic consultant to review the comments from Traffic Engineering, revise the Analysis and provide a final Traffic Impact Analysis prior to any submittal for a building permit.
10. The developer must receive approval of the final Traffic Impact Analysis from the Traffic Engineering Division prior to issuance of a building permit.

## HISTORY & FACTS:

### General

- November 26, 1894 Block 14 (bounded by 8<sup>th</sup> Street-University Drive, Myrtle Avenue, 7<sup>th</sup> Street and Forest Avenue) is a part of the original town site for Tempe, identified as "Birchett Tract".
- No information on the original construction of the property at 707 S. Myrtle Ave (single family residence at SE corner of Myrtle and 7<sup>th</sup> Street, now demolished)
- No information on the original construction of the property at 711 S. Myrtle Ave (Tempe Trophy building, originally a single-family residence, now demolished)
- No information on the original construction of the properties at 107 and 111 E. 7<sup>th</sup> Street (two single-family residences, now demolished).
- No information on the original construction of the property at 115 E. 7<sup>th</sup> Street (Contrive Furniture Store, originally a single-family residence, now demolished).
- No information on the original construction of the property at 119 E. 7<sup>th</sup> Street (a single-family residence, now demolished).
- December 8, 1964 Certificate of Occupancy granted for commercial buildings located at 704-710 S. Forest Ave (a single story brick veneer neighborhood center with commercial businesses including Dax Clothing, now demolished)
- April 16, 1965 Certificate of Occupancy granted for a Burger Chef Restaurant located at 106 E. University Dr. (site of successive restaurants including Arthur Treacher's Fish & Chips, Mama's and Lorenzo's Pizzeria, now demolished).
- August 18 1967 A Certificate of Occupancy granted for Tijuana Taco, Inc. at 112 E. University Dr. (site of successive restaurants including Michael's Alley and Hogi Yogi, now demolished).
- January 2, 1970 A Certificate of Occupancy granted for University Arches commercial buildings at 120 E. University Dr. (a single story slump block neighborhood center consisting of three buildings separated by two courtyards, with commercial businesses including Restaurant Mexico and The Warehouse. The east and west buildings are now demolished. The center building, containing Dave's Dog House in the southeastern tenant space, still stands).

### University Square (first proposal)

- June 20, 2006 The Redevelopment Review Commission recommended approval of the request by University Square for a Planned Area Development Overlay, and approved the request for a Development Plan Review, including building elevations, site plan and landscape plan, for a thirty story, +/-2,142,900 s.f. building on 3.17 net acres located at 110 East University Drive, in the CC, City Center District.
- August 17,2006 The City Council approved the request by University Square for a Planned Area Development Overlay (#SPD-2006.58 Ordinance No. 2006.52), consisting of 678,900 s.f. of residential condominiums, 256,300 s.f. of hotel, 240,000 s.f. of office, 44,000 s.f. of retail and 2155 parking spaces within +/- 2,142,900 s.f. of building on 3.17 net acres, pursuant to Section 2-106 of the Zoning and Development Code. The approval includes a modification of development standards to allow for a building height increase from 50'-0" to 300'-0" to the top of a mechanical parapet in the CC, City Center District, and a Use Permit to allow tandem parking for a portion of the residential condominium units.
- June 27, 2007 Development Services Department staff approved the request by University Square (#SPD-2006.58) for a one year extension (from August 17, 2007 to August 17, 2008) of the Development Plan Review approval (condition 4) and the deadline to complete and record a subdivision plat (condition 8). This approval was allowed to lapse.

**University Square (current proposal)**

- August 21, 2008      The development team held a required neighborhood meeting and presented University Square at Hatton Hall beginning at 6:00pm. Five neighbors attended and provided comments. The neighbors included the Trick's restaurant owner (7<sup>th</sup> Street north side, directly north of development), three staff members from the Congregational Church (north of northwest corner of the development) and a representative from CV Richard Ellis. The presentation generally was favorably received. DSD Staff observes the main concern expressed by neighbors is the anticipated prolonged dislocation of streets adjacent to the development due to the construction of University Square and how this will impact access to the church and restaurant.
- October 1, 2008      Development Service Department staff approved the request by University Square for a required parking quantity reduction based on a shared parking analysis. The site is located at 110 East University Drive in the CC, City Center District with a PAD, Planned Area Development Overlay and within the TOD, Transportation Overlay District.
- October 28, 2008      The Development Review Commission approved the site plan, building elevations and landscape plan for University Square. Also regarding University Square, the Development Review Commission recommended approval to City Council the following: an Amended Planned Area Development Overlay to allow a maximum 300'-0" tall building with a revised site plan and volumetric configuration. The project is located at 110 E. University Drive in the CC, City Center District with a PAD, Planned Area Development Overlay and within the TOD, Transportation Overlay District.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

- Section 6-305, Planned Area Development Overlay District
- Section 6-306, Development Plan Review

ORDINANCE NO. 2008.58

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.

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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 amending a Planned Area Development Overlay to the existing CC (PAD) (TOD), City Center District with a Planned Area Development Overlay and within the Transportation Overlay District and designating it as CC (PAD) (TOD), City Center District with an Amended Planned Area Development Overlay and within the Transportation Overlay District on +/- 3.18 net acres.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

PARCEL NO.1:

Lots 1, 2 and 4, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona, AND the North 16 feet of 8th Street abandoned lying South of and adjacent to the South line of said Lots 1 and 2, and between the Southerly prolongation of the East line of Lot 2 and West line of Lot 1 thereof;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.2:

LOT 3, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona, AND the North 16 feet of 8th Street abandoned lying South of and adjacent to the South line of said Lot 3, and between the Southerly prolongation of the East and West lines thereof;

EXCEPT the North 35 feet of said Lot 3; and also

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.3:

Lots 5 and 6, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or

possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.4:

LOT 7, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any. valid claim or possession held under the existing laws of Congress, as set forth In Patent from United States of America.

PARCEL NO.5:

Lot 8 and the North 35 feet of Lot 3, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.6:

Lot 9, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.7:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point in the East line of Block 14, TEMPE, distant thereon South 75 feet from the Northeast corner of said Block;

Thence West and parallel with the North line of said Block, 50 feet;

Thence South and parallel to the East line of said Block, 100 feet;

Thence East and parallel to the North line of said Block, 50 feet to the East line of said Block;

Thence North 100 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 8:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa

County, Arizona, being more particularly described as follows:

BEGINNING at the Northeast corner of said Block 14;

Thence West 50 feet along the North line of said Block;

Thence South 75 feet along a line of parallel to the East line of said Block; Thence East 50 feet to the East line of said Block;

Thence North 75 feet to the beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 9:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point on the North boundary line 150.00 feet West of the Northeast corner of said Block 14;

THENCE South 175.00 feet; THENCE East 50.00 feet;

THENCE North 175.00 feet to the North boundary line of said Block 14;

THENCE West 50.00 feet along said North boundary line to the POINT OF BEGINNING;

EXCEPT the South 72.00 feet; and

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 10:

The South 72.00 feet of that portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point on the North boundary line 150.00 feet West of the Northeast corner of said Block 14;

THENCE South 175.00 feet;

THENCE East 50.00 feet;

THENCE North 175.00 feet to the North boundary line of said Block 14;

THENCE West 50.00 feet along said North boundary line to the POINT OF BEGINNING;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.11:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point on the North boundary line 50.00 feet West of the Northeast corner of said Block 14;

THENCE West 50.00 feet;

THENCE South 175.00 feet; THENCE East 50.00 feet;

THENCE North 175.00 feet to the POINT OF BEGINNING;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 12:

All of that portion of Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

Beginning at the Southeast corner of said Block 14;

Thence West along the South line of said Block, a distance of 91.5 feet;

Thence North parallel to the East line of said Block, a distance of 175 feet;

Thence East 91.5 feet, parallel to the South line of said Block to the East line of said Block;

Thence South along the East line of said Block, a distance of 175 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 13:

Beginning at the Southeast corner of Lot 4, Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and in Book 2 of Maps, Page 26, records of Maricopa County, Arizona;

Thence South along the prolongations Southerly of the East line of said Block 14, a distance of 16 feet to the North line of Eighth Street as it now exists;

Thence Westerly and along the North line of said Eighth Street, a distance of 91.50 feet;

Thence North 16 feet;

Thence East along the south line of Lot 4, Block 14, a distance of 91.50 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO 14:

That portion of Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and in Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

Beginning at a point on the South boundary line of said Block and 141.5 feet West of the Southeast corner of said Block;

Thence Northerly on a line parallel to the East boundary line of said Block, a distance of 175 feet;

Thence Easterly on a line parallel to the South boundary line of said Block (and 175 feet distant therefrom) a distance of 50 feet;

Thence South on a line parallel to the East boundary line of said block, a distance of 175 feet to a point on the South boundary line of said Block and 91.5 feet West of the Southeast corner of said Block;

Thence West along the South boundary line of said Block to the Place of Beginning,

Together with that parcel of land beginning at a point on the South line of Lot 4, of said Block 14, said point being 91.5 feet West of the Southeast corner of said Lot 4;

Thence Southerly a distance of 16 feet to the North line of Eighth Street as it now exists;

Thence West a distance of 50 feet;

Thence North 16 feet to the South line of said Lot 4;

Thence East 50 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 15:

That portion of Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and in Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

Beginning at a point on the South boundary line of said Block 14, a distance of 191.5 feet West of the Southeast corner of said Block;

Thence Northerly on a straight line parallel to the East boundary of said Block, 175 feet, more or less, to center corner of said Block;

Thence Easterly on the center line of said Block, 50 feet;

Thence Southerly 175 feet to a point on the South boundary of said Block and 141.5 feet West of the Southeast corner thereof;

Thence Westerly on said South boundary of said Block, 50 feet to the Point of Beginning,

Together with that portion of abandoned 8th Street (now University Drive), as shown on recorded plat of West Tempe, according to Book 2 of Maps, Page 79, and Book 2 of Maps, Page 26, records of Maricopa County, Arizona, lying within the North 16 feet of the South 66 feet of the Southwest quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, being adjacent to the South line of and lying between a Southerly extension of the East and West line of that part of Block 14, described above;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

TOTAL AREA IS +/- 3.224 GROSS ACRES.

**Section 2.** Further, those conditions of approval imposed by the City Council as part of Case # PAD08017 are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

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

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**WHEN RECORDED RETURN TO:**  
City of Tempe  
Development Services Department  
ATTN: Kevin O'Melia, Senior Planner  
31 E. 5<sup>th</sup> 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 \_\_\_\_\_  
**University Square Investors, L.L.C.** \_\_\_\_\_  
\_\_\_\_\_(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. **PL080280** to the City requesting that the City approve the following:

- \_\_\_\_\_ GENERAL PLAN AMENDMENT
- \_\_\_\_\_ ZONING MAP AMENDMENT
- PAD OVERLAY
- \_\_\_\_\_ 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):

A.P.N. No. : 132-27-001, 132-27-002, 132-27-003, 132-27-004,  
132-27-005, 132-27-006, 132-27-007, 132-27-008, 132-27-009,  
132-27-010, 132-27-128, 132-27-129B, 132-27-132, 132-27-133A,  
132-27-133B and 132-27-134.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

PARCEL NO.1:

Lots 1, 2 and 4, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona, AND the North 16 feet of 8th Street abandoned lying South of and adjacent to the South line of said Lots 1 and 2, and between the Southerly prolongation of the East line of Lot 2 and West line of Lot 1 thereof;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.2:

LOT 3, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona, AND the North 16 feet of 8th Street abandoned lying South of and adjacent to the South line of said Lot 3, and between the Southerly prolongation of the East and West lines thereof;

EXCEPT the North 35 feet of said Lot 3; and also

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.3:

Lots 5 and 6, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.4:

LOT 7, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any. valid claim or possession held under the existing laws of Congress, as set forth In Patent from United States of America.

PARCEL NO.5:

Lot 8 and the North 35 feet of Lot 3, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.6:

Lot 9, BIRCHETT TRACT, according to Book 27 of Maps, Page 9, records of Maricopa County, Arizona;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.7:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point in the East line of Block 14, TEMPE, distant thereon South 75 feet from the Northeast corner of said Block;

Thence West and parallel with the North line of said Block, 50 feet;

Thence South and parallel to the East line of said Block, 100 feet;

Thence East and parallel to the North line of said Block, 50 feet to the East line of said Block;

Thence North 100 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 8:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the Northeast corner of said Block 14;

Thence West 50 feet along the North line of said Block;

Thence South 75 feet along a line of parallel to the East line of said Block; Thence East 50 feet to the East line of said Block;

Thence North 75 feet to the beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 9:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point on the North boundary line 150.00 feet West of the Northeast corner of said Block 14;

THENCE South 175.00 feet; THENCE East 50.00 feet;

THENCE North 175.00 feet to the North boundary line of said Block 14;

THENCE West 50.00 feet along said North boundary line to the POINT OF BEGINNING;

EXCEPT the South 72.00 feet; and

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 10:

The South 72.00 feet of that portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point on the North boundary line 150.00 feet West of the Northeast corner of said Block 14;

THENCE South 175.00 feet;

THENCE East 50.00 feet;

THENCE North 175.00 feet to the North boundary line of said Block 14;

THENCE West 50.00 feet along said North boundary line to the POINT OF BEGINNING;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO.11:

That portion of Block 14, TEMPE, according to Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a point on the North boundary line 50.00 feet West of the Northeast corner of said Block 14;

THENCE West 50.00 feet;

THENCE South 175.00 feet; THENCE East 50.00 feet;

THENCE North 175.00 feet to the POINT OF BEGINNING;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 12:

All of that portion of Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

Beginning at the Southeast corner of said Block 14;

Thence West along the South line of said Block, a distance of 91.5 feet;

Thence North parallel to the East line of said Block, a distance of 175 feet;

Thence East 91.5 feet, parallel to the South line of said Block to the East line of said Block;

Thence South along the East line of said Block, a distance of 175 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 13:

Beginning at the Southeast corner of Lot 4, Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and in Book 2 of Maps, Page 26, records of Maricopa County, Arizona;

Thence South along the prolongations Southerly of the East line of said Block 14, a distance of 16 feet to the North line of Eighth Street as it now exists;

Thence Westerly and along the North line of said Eighth Street, a distance of 91.50 feet;

Thence North 16 feet;

Thence East along the south line of Lot 4, Block 14, a distance of 91.50 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO 14:

That portion of Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and in Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

Beginning at a point on the South boundary line of said Block and 141.5 feet West of the Southeast corner of said Block;

Thence Northerly on a line parallel to the East boundary line of said Block, a distance of 175 feet;

Thence Easterly on a line parallel to the South boundary line of said Block (and 175 feet distant therefrom) a distance of 50 feet;

Thence South on a line parallel to the East boundary line of said block, a distance of 175 feet to a point on the South boundary line of said Block and 91.5 feet West of the Southeast corner of said Block;

Thence West along the South boundary line of said Block to the Place of Beginning,

Together with that parcel of land beginning at a point on the South line of Lot 4, of said Block 14, said point being 91.5 feet West of the Southeast corner of said Lot 4;

Thence Southerly a distance of 16 feet to the North line of Eighth Street as it now exists;

Thence West a distance of 50 feet;

Thence North 16 feet to the South line of said Lot 4;

Thence East 50 feet to the Point of Beginning;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

PARCEL NO. 15:

That portion of Block 14, WEST TEMPE, according to Book 2 of Maps, Page 79 and in Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being more particularly described as follows:

Beginning at a point on the South boundary line of said Block 14, a distance of 191.5 feet West of the Southeast corner of said Block;

Thence Northerly on a straight line parallel to the East boundary of said Block, 175 feet, more or less, to center corner of said Block;

Thence Easterly on the center line of said Block, 50 feet;

Thence Southerly 175 feet to a point on the South boundary of said Block and 141.5 feet West of the Southeast corner thereof;

Thence Westerly on said South boundary of said Block, 50 feet to the Point of Beginning,

Together with that portion of abandoned 8th Street (now University Drive), as shown on recorded plat of West Tempe, according to Book 2 of Maps, Page 79, and Book 2 of Maps, Page 26, records of Maricopa County, Arizona, lying within the North 16 feet of the South 66 feet of the Southwest quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, being adjacent to the South line of and lying between a Southerly extension of the East and West line of that part of Block 14, described above;

EXCEPT title to any mine of gold, silver, cinnabar, copper or lead or to any valid claim or possession held under the existing laws of Congress, as set forth in Patent from United States of America.

---

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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
(Signature of Owner) (Printed Name)

\_\_\_\_\_  
(Signature of Owner) (Printed Name)

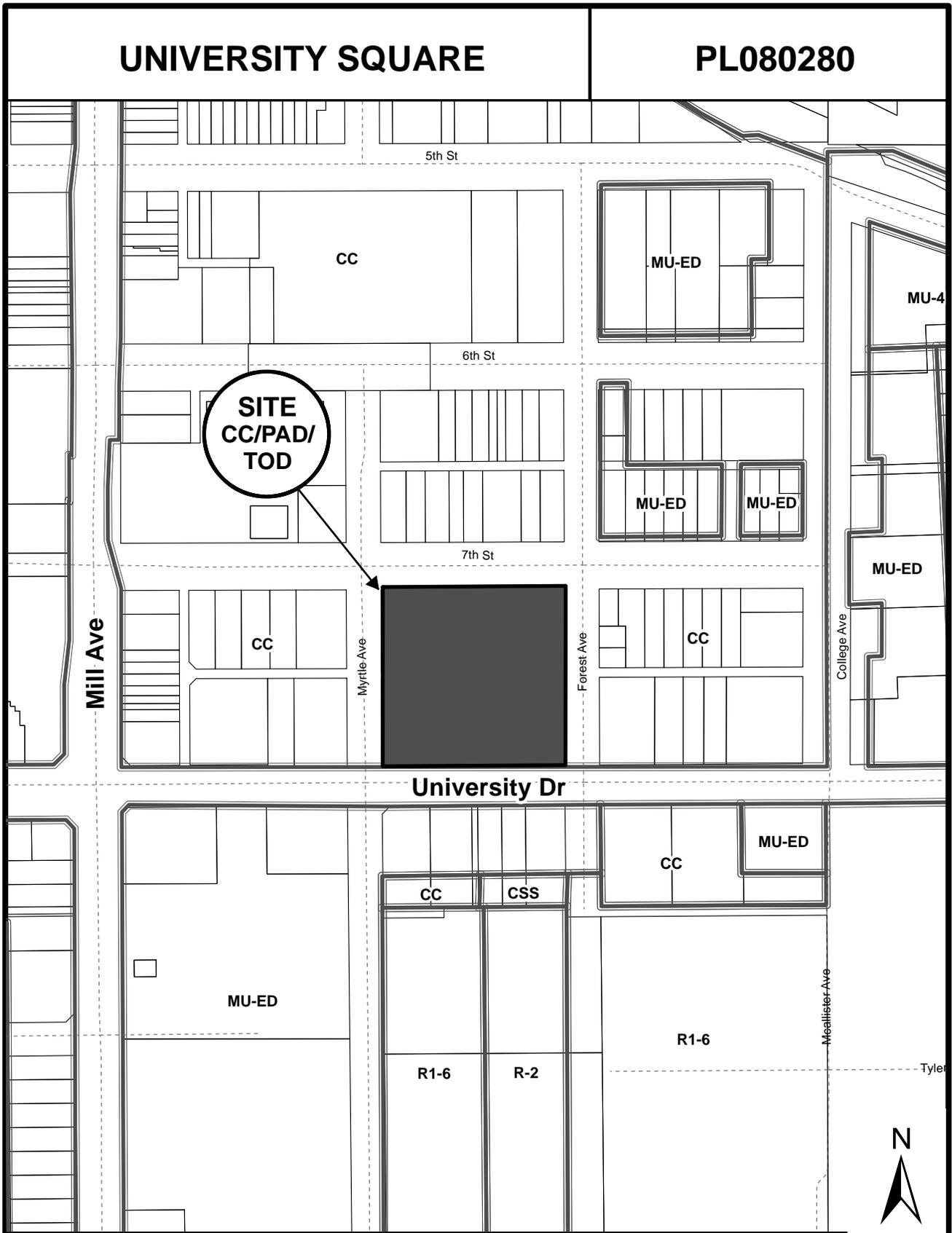
State of Arizona                    )  
  ) ss  
County of \_\_\_\_\_ )

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

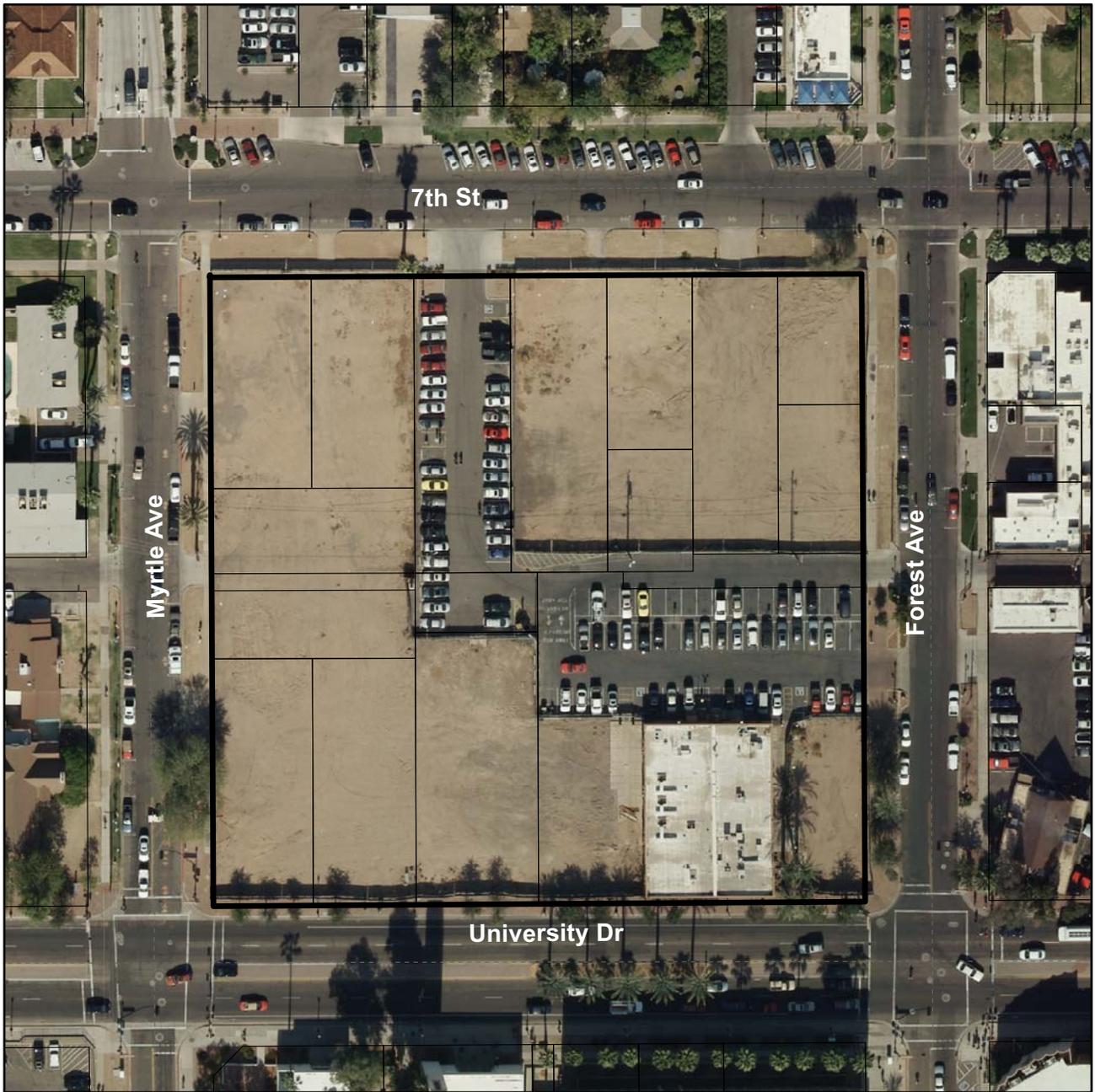
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Notary)

(Notary Stamp)



**Location Map**



**UNIVERSITY SQUARE (PL080280)**

**University Square**  
Development Plan Review & PAD Amendment  
*Project Narrative*

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University Square is located at the convergence of two of Tempe's most vibrant areas --- the growing Tempe Downtown and Arizona State University. The project will include construction of a high-rise hotel to a maximum height of 300 feet, a convention center, and multi-floor retail areas.

**REQUEST**

University Square Investors, LLC, an Arizona limited liability company ("USI" or the "Developer"), is proposing an amendment to the Planned Area Development (the "PAD") for the University Square mixed-use project ("University Square" or the "Project"). University Square is a fully assembled 3.2-acre site that is bordered by 7<sup>th</sup> Street on the north, Forest on the east, University on the south and Myrtle on the west. Specifically the Project is located on Parcels 1, 2, 3, 4, 7, and 19 of Book 27 of Maps 9; Parcels 5, 6, 8, 9, and 10 of Book 2 of Maps 26; and Parcels 11, 12, 13, and 14 of Book 2 of Maps 79, Maricopa Country Records. The Project is depicted on the attached Site Plan.

The purpose of the PAD amendment is to request approval for the construction of a 1,090,000 square foot mixed-use building comprised of : (i) a 242,000 square foot, 328 key hotel built to a maximum height of 300 feet; (ii) a 95,000 square foot convention center; (iii) 111,000 square feet of commercial / retail uses (first and second floor retail); (iv) 27,000 square feet of restaurant areas; (v) 20,000 square feet of back office and service loading areas; and (vi) 595,000 square feet of parking and motor-court areas.

**PROJECT HISTORY**

This proposed development is significantly less in density and intensity than the previously approved project. The 3.2-acre square block that comprises University Square was acquired by USI in April 2006. Soon thereafter, University Square was fully entitled for an urban master planned community with three separate towers and 2,142,871 million square feet of total space. That approval consists of: (i) a 300-key hotel; (ii) 420 residential condominiums; (iii) 240,000 square feet of office; and (iv) 44,000 square feet of retail. The aforementioned proposed development totaled approximately 1,200,000 square feet plus an additional 900,000 square feet of above and below grade parking spaces.

Since the local and national downturn of the real estate markets combined with a tightening of the capital markets and the decrease in demand for urban vertical residential living, USI strategized a change in the product types to be included in the newly proposed University Square as described more fully under Planned

SEP 10 2008

Land Uses of this Project Narrative. Specifically, USI has removed all residential condominiums and office components from the Project.

## **BUILDING USES**

The proposed University Square has been nearly halved, with the total square footage reduced from 2,100,000 square feet to 1,090,000 square feet. The Developer has eliminated both the office and residential towers and instead designed street and second level retail combined with the conference and hotel areas. At grade, above grade and below grade parking totals 1,217 spaces.

**Hotel:** The core component of the newly proposed University Square is a 328-key full service hotel. The hotel's main address will be on 7<sup>th</sup> Street. The hotel will also be accessible through a two-story tall mid-block pedestrian spine and motor-court area that is at the heart of the ground floor. Views in all directions will be unprecedented, with an expansive outdoor area on Floor 6 featuring a pool, terrace and lounge area for hotel guests. The hotel will provide visitors with easy access to Mill Avenue, Arizona State University, Tempe Town Lake and the Light Rail. Floor 15, the top floor of the hotel, will be occupied by two story tall indoor and outdoor restaurant spaces offering guests the most vertical dining in Tempe.

**Convention Center:** A 95,000 square foot convention center will act as a catalyst to drive additional guests and activity to Tempe's Core. The convention center will compete with users that have traditionally utilized convention center facilities in Phoenix and Glendale. The convention center will be the largest facility of its kind in Tempe with a grand ballroom capable of holding several thousand people. Moveable walls will enable the ballroom and meeting rooms to be divided into separate rooms with various amounts of seating capacities. The convention center will host events from business conferences to trade shows and from corporate meetings to graduations. Additionally, there will be 9,000 square feet of outdoor convention space on Floor 5.

**Retail/Commercial:** With the goals of complimenting and extending retail areas from Mill Avenue to the east, University Square will offer approximately 111,000 square feet of retail space on the first and second floors. The retail area will serve an important role in extending the pedestrian spine and facilitating the connectivity between Mill Avenue and Arizona State. The proposed development is consistent with surrounding properties and will augment the current "look and feel" of Tempe. Street level and second floor retail and café areas will wrap the corners of University Drive and 7<sup>th</sup> Street along Myrtle and Forest Avenues.

**Ground Entry & Parking:** Parking at grade and on Lower Levels 1 and 2 will total 659 spaces. Floor 1 will be a street level enclosed motor-court

bisecting the site with entrances and exits on Forest Avenue and Myrtle Avenue, as well as a small at-grade parking area on the interior of the project. The intent is to quickly draw vehicular traffic into the project interior and thereby reduce traffic on University Drive and 7<sup>th</sup> Street. Floors 3 and 4 will be comprised of above grade parking totaling 558 spaces.

## DESIGN & FORM

The architecture of University Square is consistent with newly developed buildings in Downtown Tempe. Similar to new development on Tempe Town Lake, the materials of the building provide a sleek, modern look. High performance blue glass and three different colors of aluminum panels adorn the building's facade. Massing elements step back at the corners and step down toward University Drive to minimize the scale of the building and offer visitors above grade landscape areas to enjoy. Architectural elements are well defined offering the building a specific character.

University Square is intentionally designed to capitalize on the surrounding character of the area and adjacent areas. The design incorporates several elements for each of the primary forms:

**Street Level and Setbacks:** University Square is designed to "meet the street" on all four street sides. While most high-rise urban buildings are designed as a single element without regard to the surrounding neighborhood, University Square seeks to incorporate these elements. The City Center ("CC") District allows a setback of zero (0) feet, by right, and the project conforms to this requirement by placing the building at the street setback line along all four perimeter streets. Retail with recessed patio areas is located on all four sides to encourage street level vitality. Second floor balcony spaces do the same. In addition to the covered walkway and patio areas, an unobstructed eight foot wide sidewalk provides ample room for visitors and passers-by alike. In order to maintain the wide sidewalk area while still providing patio areas, there is an 18 inch building encroachment onto the University Drive right-of-way.

In addition to the perimeter sidewalks, two pedestrian spines bisect the site. The first and primary spine runs east to west from Myrtle Avenue to Forest Avenue through the large, two story tall pedestrian area and motor-court. The second spine runs south to north from the retail lobby on University, across the pedestrian area and motor-court, and through the hotel's ground floor foyer onto 7<sup>th</sup> Street. At the intersection of these two pedestrian spines is a substantial water feature incorporating a public art element. As previously detailed, this pedestrian space is two stories tall, and therefore continues a sense of openness into the site from the adjacent sidewalks.

**Parking Areas:** Parking garage areas are de-emphasized by the design of the building. Two levels of parking are located on Lower Levels 1 and 2, and two levels of parking located on Levels 3 and 4. Additional parking to support the ground level retail is located within the semi-enclosed motor-court, and there is also some on-street parking along Myrtle Avenue, Forest Avenue and 7<sup>th</sup> Street. Recessed entrances minimize conflicts with pedestrians. The width of the garage ramp driveway is reduced to 26 feet to lessen the visual impact on the building and pedestrian experience. Driveways are spaced a minimum of 69 feet between the motor-court drive and the parking ramp. There are 26 feet between the parking ramp and the modestly used loading area. Bicycle racks are provided at grade and on Lower Level 1.

A Shared Parking Analysis was conducted by Kimley-Horn & Associates. The result of the analysis indicates that 1,035 spaces are necessary to sufficiently park University Square. This represents a reduction of 107 spaces. However, USI is providing a total of 1,217 spaces in the garage and at street level. This results in an excess of 182 spaces. The applicant is in discussions with the City to make these spaces available to the City for public use.

**Building Heights:** The portion of the building located along University Drive is approximately 80 feet in height. The hotel structure on the 7<sup>th</sup> Street side rises to 284 feet (300 feet maximum inclusive of architectural elements which double as mechanical, apparatus and antennae screening). USI has intentionally chosen this design approach for several reasons. First, this places the hub of activity for the site closer to 7<sup>th</sup> Street and, by extension, to Mill Avenue. Second, the northern location on the site maximizes views for hotel guests. Third, the orientation of the hotel allows maximum uses of the green roofs detailed below for hotel, convention and restaurant activities, none of which would be possible were the tower to be on the south side of the site. As discussed in greater detail below, the 300 feet is also consistent with the Downtown Heights Study and continues the Mill Corridor Concept of placing taller structures away from arterial streets. The 300 foot height is also consistent with the existing University Square's PAD approved height.

**Open Space & Landscape Areas:** Open space and landscape areas are dispersed throughout the entire project.

At street level, a total of 14,096 square feet of landscaping is located on all four sides and, adjacent to the street within the right-of-way. Trees species are selected for variety of height and canopy widths. Landscaping along University Drive is within a combination of raised planter boxes and in-ground plantings. Where possible, the project will preserve the existing mature trees.

Additional landscaping occurs within the interior two-story motor-court, including a water feature in the center and planter pots along the east to west pedestrian spine.

The first of several vertical green areas occurs at Floor 5, where there is a 9,000 square foot outdoor gathering space provided as part of the convention center.

Floor 6 at the Hotel Plaza Level includes a highly vegetated roof totaling 11,325 square feet in landscaped area. This guest area includes two pools, water and fire features, and expansive sunning and cabana areas. Trees, shrubs and landscaping in this level are potted or in raised planter boxes. Two large cactus gardens are located on the north side of building where the wings of the hotel structure step back from the northeast and northwest corners of the site along 7<sup>th</sup> Street.

An additional roof landscaped area is located on Floor 15, the restaurant level. Adjacent to the two restaurants are two large, landscaped terraces and cabana dining areas. Terrace landscaping includes water and fire features, as well as tree and shrub plantings.

Overall, the site includes a total of 26,173 square feet in landscaped areas.

## **SITE AREA**

The Site consists of approximately 3.224 gross acres. A full metes and bounds legal description is included as part of this PAD Application.

## **AREA CONTEXT**

The proposed development is consistent with surrounding properties and will augment the current "look and feel" of Tempe. In addition, the Project will further vitalize the area between Arizona State University, one of the nation's largest and fastest growing universities, and the Mill Avenue Corridor. University Square will provide retail and service points of interest and will facilitate the connectivity of two of Tempe's most vibrant areas. An innate benefit of the Project is its location. University Square is proximate to the growing Downtown, Arizona State University, Light Rail, Sky Harbor, major roadways and diverse recreation and entertainment areas.

North of the site is the popular restaurant "House of Tricks," the First Congregational Church and the Islamic Community Center of Tempe. The Brickyard commercial, office, and educational space and the eight-story Orchidhouse residential lofts are to the northwest of the Site. West of the Site is the proposed M7 mixed use development recently approved by the City of Tempe. To the south and southwest is Arizona State University. Finally, to the

east is the Chuckbox restaurant, and small scale retail including a printshop and salon.

Comparable projects (planned or under construction) include:

M7  
Centerpoint on Mill  
One Hundred Mill Avenue  
Hayden Ferry Lakeside  
South Bank of Tempe Town Lake

### **CONFORMANCE WITH THE GENERAL PLAN**

The proposed PAD is consistent with the City of Tempe General Plan 2030 (the "General Plan"). The existing land use designation for University Square is Commercial, allowing a host of work related uses such as retail, service and light industrial and medical uses. The General Plan use designation for this site is MU-Mixed Use. The proposed design accommodates hospitality, retail and restaurant uses. University Square will assist in achieving the goal of the General Plan by creating a vital urban environment.

### **COMPATIBILITY TO EXISTING ZONING/DEVELOPMENT STANDARDS**

The site is currently zoned CC. This application is not a rezoning request. Instead, this is an amendment to the existing approved Planned Area Development. Various uses are allowed within the CC Zoning District, including hotel and retail uses proposed for University Square. According to the Zoning Ordinance, "the CC district fosters employment and livability in Tempe's city center by providing retail, offices, moderate and high-density residential uses, entertainment, civic uses, and cultural exchange in a mixed-use environment that supports the public investment in transit and other public facilities and services. This district may also be considered mixed-use when the design provides a mix of uses for the purposes of implementing the General Plan Land Use." This application is consistent with the CC Zoning District.

According to the Tempe Development Code, the maximum building height allowed within the CC zoning district is fifty (50) feet. A prior PAD increased the maximum permitted building height for the Project to three hundred (300) feet. This application is not a request for additional height or density. Rather, it is a disclosure of the newly proposed University Square development.

In April of 2006, the Tempe City Council adopted the "Downtown Building Heights Concept Study." This study designated this location as an "urban center." With that designation, a recommended building height envelope of 300 feet was assigned to University Square, with no setback requirements. As

presented, the hotel tower extends to an overall height of 300 feet which includes architectural embellishments. The PAD height request of 300 feet conforms both with the Downtown Heights Study and the existing and approved PAD.

## **PROCESS**

USI seeks an amendment to the previously approved PAD as part of the application. In addition, this submittal includes a site plan for Development Plan approval. Specific building designs and site plans will be submitted in the future as part of the Construction Document submittal. The Developer anticipates filing a one-lot subdivision plat separate from this PAD and Development Plan Review ("DPR") request. The Project will require encroachment permits for an 18 inch building / subsurface garage encroachment, a 7-foot non-structural architectural element encroachment located 230 feet above ground level on the east and west sides and a 16-foot, 6-inch awning encroachment located on the north building side.

## **PHASING**

University Square is a single phase development. Construction Document submittal is expected to occur in 2009 after the completion of PAD / DPR approval. Construction will begin thereafter, with initial certificate of occupancies anticipated in 2012.

## **COMMUNITY OUTREACH**

In addition to multiple meetings USI had with the neighbors throughout the previously approved University Square, USI met with the neighbors on August 21, 2008. A summary of the neighborhood outreach is included with the Application submittal, separate from this narrative.

## **FINDINGS**

- A. The Application is an extension of the currently approved PAD;
- B. The Application is not a request for additional height from the currently approved PAD;
- C. The Application is a decrease in the density from the currently approved PAD;
- D. The Application is consistent with the General Plan;
- E. The Application is consistent with the Tempe Zoning Ordinance standards;
- F. The Application will further the renaissance of the Downtown area of the Tempe;
- G. The Application will create an appropriate mixture of hotel, convention and retail uses;

- H. The Application will contribute to building a positive sense of place within Tempe consistent with the goals and visions of the City;
- I. The Application will implement Tempe's vision to bring forth unique and pedestrian oriented urban design by extending the retail opportunities to the east of Mill Avenue;
- J. The Application will enhance public gathering and special event spaces that promote tourism and social gathering spaces within the Downtown;
- K. The update to the PAD meets the City's vision of creating innovative ways to energize and revitalize Tempe;
- L. With the mixture of uses, open space plazas and pedestrian oriented urban design, the proposal will enhance not only the Downtown experience, but continue to support the Downtown as a tourist destination and gathering place.

## **CONCLUSION**

The development and design team for this project includes Saxa, Inc. Triyar Hospitality and Patrick Hayes Architecture. Saxa, Triyar and Patrick Hayes have extensive experience building and designing large mixed use developments.

This development plan represents a thorough analysis of University Square. It also includes careful attention to the relationship with the surrounding neighborhood. The design reflects the vibrant character of Downtown Tempe and seeks to connect the areas east and west of University Square.

If approved, the application will result in the redevelopment of one of the most visible locations in Tempe. University Square will contribute to the economic growth of Tempe by offering tourists a destination of interest and needed amenities. We respectfully request your support.

**University Square  
DPR & PAD Amendment**

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**NEIGHBORHOOD OUTREACH SUMMARY**

**PARTIES NOTIFIED**

- City of Tempe
- All property owners within 300 feet of the property
- All interested parties and Neighborhood Associations as identified on attached List

**NOTIFICATION AND INFORMATION PROCEDURES**

The Applicant sent a notice of neighborhood meeting by first class mail to each real property owner on the last assessment of the property within 300 feet of the proposed applications. A copy of the letter and attachments is included as part of this summary report.

A neighborhood meeting was held on August 21, 2008. The meetings were held at the Hatton House located directly across the street from the proposed University Square site (34 E. 7<sup>th</sup> St.).

**SITE POSTING**

A minimum 16 square feet public notice sign was posted on site notifying the community of the neighborhood meeting. This sign will be updated to reflect calendar changes for public hearings if so needed. The sign was posted not less than fifteen (15) calendar days prior to the neighborhood meeting. A photo of the most recent sign posting is attached.

**NEIGHBORHOOD MEETING TOPIC & RESULTS**

The meeting began at 6PM.

Five neighbors, one city representative and four representatives from the University Square development team attended. See attached sign in sheet for attendee names and contact information. Comment cards were available, but none were filled out.

The meeting began with Scott Turkington presenting an overview of the project design changes and summarizing the upcoming development process. After the presentation, the discussion was open to neighbor questions and comments. Issues and items of discussion included:

- Construction timeline and staging planning. A common issue was to reduce impact to surrounding businesses and churches with a preference to stage construction either off of Myrtle Avenue or Forest Avenue;
- Discussion on design methodology and why hotel tower located on north half of site;
- Questions regarding shade study results and impacts on adjacent properties. We agreed to review the shade study when completed with meeting attendees;

SEP 10 2008

- Discussion on noise generated from outdoor decks and how location on south side of tower would help to alleviate impact on neighborhood to the north;
- Discussion on whether 300 ft. height is inclusive of mechanical equipment and / telecommunication towers.

The meeting adjourned at 7PM.

**TIMELINE**

- Neighborhood meeting was held on August 21, 2008 as mentioned above.
- Additional neighborhood meetings will be scheduled if so needed.
- This neighborhood meeting summary submitted to the Planning Department on September 9, 2008, which is prior to the Development Review Board hearing.



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7 October 2008

Mr. Andrew B. Ching  
City Attorney  
City of Tempe  
P.O. Box 5002  
Tempe, Arizona 85280

**Re: *Dave's The Dog House - Safety Issues***

Dear Mr. Ching:

This law firm represents Dave's The Dog House (the "Dog House") and its owner, David Cheren. As you may recall, I sent a letter to you on 17 May 2007, pertaining to concerns my client had regarding the then-current demolition phase of the University Square project at which the Dog House continues to remain located. As you may have heard, the litigation with University Square Investors, LLC ("University Square") was settled and the Dog House remains the sole remaining tenant on the University Square property.

In recent weeks, it has come to our attention that the University Square project is apparently moving forward, with plans having been submitted to the City for consideration by the Development Review Board and City Counsel. It is our understanding that the construction efforts related to University Square are currently intended to focus on the northern portion of the property, i.e., that portion furthest away from University Drive. In our previous correspondence, we communicated our safety concerns regarding the then-current demolition activities, with those concerns focused on the safety of our client's employees, vendors and customers, the business and others visiting the Dog House.

Although the currently planned activity is now related to the construction of the project, instead of demolition, my client continues to have grave concerns with regard to the safety of any

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Mr. Andrew B. Ching, Esq.

7 October 2008

and all individuals either working at, or visiting, the Dog House, and the potential liability to the City resulting from bodily injury or death to any of those individuals, as well as potential damage to personal property. Whilst our client shares the interests of University Square in completing a first class development on the property, that interest is certainly affected by the realities of the risks associated with construction activities during such time as the Dog House remains a tenant on the property. As previously related to you, having been a plaintiff's counsel, dealing with tort claims for over 40 years, Mr. Cheren is intimately aware of the risks associated with such exposure and the financial liability to the City resulting therefrom. The risk is further exacerbated when the City is put on notice of the potential of such an occurrence.

During our client's discussions with you in May of last year, you indicated your willingness to "keep an eye" on the matter and see if there was some way of alleviating our client's concerns, as well as the City's potential liability. We sincerely hope that you and the City Council, Staff and applicable Boards and Commissions, will continue to review and address the safety issues. To that end, we ask that any consideration of plans for the project, and implementation of those plans, be considered in light of the potential safety issues related to the Dog House's continued tenancy through what will most likely be June of 2013. In furtherance thereof, by copy of this letter to Lisa Collins, we are requesting that she provide the members of the Development Review Board with a copy of this letter and ask that their consultations and considerations include a thorough assessment of the safety issues and measures to be taken to mitigate any possible impact on the Dog House, its employees, customer and visitors, as well as any impact on the City of Tempe and University Square.

We remain available to discuss the matters raised herein and arrive at some mutually beneficial manner of addressing our collective concerns and exposures.

Once again, on behalf of Mr. Cheren and the Dog House, thank you very much for your previous time and efforts. Mr. Cheren is appreciative of the opportunity to conduct business in the City of Tempe and appreciates the City's responsiveness to his concerns.

Very truly yours,

THE DAVIDSON LAW FIRM, P.C.

*Frederick E. Davidson*

Frederick E. Davidson  
For the Firm

cc: Mayor, Hugh Hallman (via e-mail @ hugh\_hallman@tempe.gov)  
Vice Mayor, Shana Ellis (via e-mail @ shana\_ellis@tempe.gov)  
Council Member, Ben Arredondo (via e-mail @ ben\_arredondo@tempe.gov)

Page Three

Mr. Andrew B. Ching, Esq.

7 October 2008

Council Member, Mark Mitchell (via e-mail @ mark\_mitchell@tempe.gov)

Council Member, Joel Navarro (via e-mail @ joel\_navarro@tempe.gov)

Council Member, Onnie Shekerjian (via e-mail @ onnie\_shekerjian@tempe.gov)

Council Member, Corey Woods (via e-mail @ corey\_woods@tempe.gov)

Development Services Manager, Christopher J. Anaradian

(via e-mail @ chris\_anaradian@tempe.gov)

Deputy Development Services Manager, Planning Division, Lisa Collins

(via e-mail @ lisa\_collins@tempe.gov)





**University Square**  
 Site Plan & PAD Amendment  
*PPR* Project Data

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**QUARTER SECTION:** SW ¼ Section 15

**A.P.N.:**

	132-27-001	132-27-009
	132-27-002	132-27-010
	132-27-003	132-27-128
	132-27-004	132-27-129-B
	132-27-005	132-27-132
	132-27-006	132-27-133-A
	132-27-007	132-27-133-B
	132-27-008	132-27-134

**GEN. PLAN 2030 PROJECTED LAND USE:** Mixed Use

**PROPOSED USE:** Mixed Use

**ZONING:** CC/TOD/PAD Overlay

**SITE AREA:**

Gross Site Area	±140,446 S.F. (±3.224 Acres)
Net Site Area	±138,530 S.F. (±3.180 Acres)

**BUILDING AREA:**

Facilities:

Retail	±111,000 s.f.
Convention Center	± 95,000 s.f.
Hotel	±248,000 s.f.
Restaurant	± 30,000 s.f.
Motor Court	± 60,000 s.f.
Loading/Service/Trash/Office	<u>± 21,000 s.f.</u>
Building Sub-Total	±565,000 s.f.

Parking:

Levels B1, B2, 3 & 4	<u>±535,000 s.f.</u>
Building Grand-Total	±1,100,000 s.f.

**CONSTRUCTION TYPE:** I-A

**FIRE SPRINKLERS:** Fully Sprinkled PER NFPA-13-2002

**BUILDING HEIGHT:**

Allowable	300'-0" (Existing PAD) 300'-0" (Amended PAD)
Provided	15 Stories, 284'-5" Height = top of feature, from reference elev.

**REQUESTED:** 300'-0"

**University Square**  
Site Plan & PAD Amendment

*DPR* Project Data

**SETBACKS:**

	<b><u>REQUIRED:</u></b>	<b><u>PROVIDED</u></b>
Front (N)	0'-0"	0"
Front (S)	0'-0"	0"
Street Side (E)	0'-0"	1'-2"
Street Side (W)	0'-0"	1'-2"

**BUILDING/NET SITE AREA COVERAGE:**

Allowable	(No Standard)	NS
Provided	(First Floor Gross Area) / (Net Lot Area) 74,050 S.F. / 138,530 S.F. = 0.535	53.5%

**LANDSCAPE/NET SET AREA COVERAGE:**

Required	(No Standard)	NS
Provided	(Landscape Area) / (Net Lot Area) 26,173 S.F. / 138,530 S.F. = 0.189	18.9%

**GROUND FLOOR WINDOWS:**

Required	COT ZDC 5-612,F,1	50.0%
Provided	(Ground Floor Window Length) / (Building Length) 703 L.F. / 1,270 L.F. = 0.554	55.4%
Required	COT ZDC 5-612,F,1	25.0%
Provided	(Ground Floor Window Area) / (Ground Level Wall Area) 3,267 S.F. / 6,357 S.F. = 0.514	51.4%

**STREET FACING FACADES:**

Required	COT ZDC 5-612,G	15.0%
Provided	(Window / Opening Area) / (Façade Area of all Stories) 129,000 S.F. / 295,000 S.F. = 0.437	43.7%

**SHADE STANDARDS:**

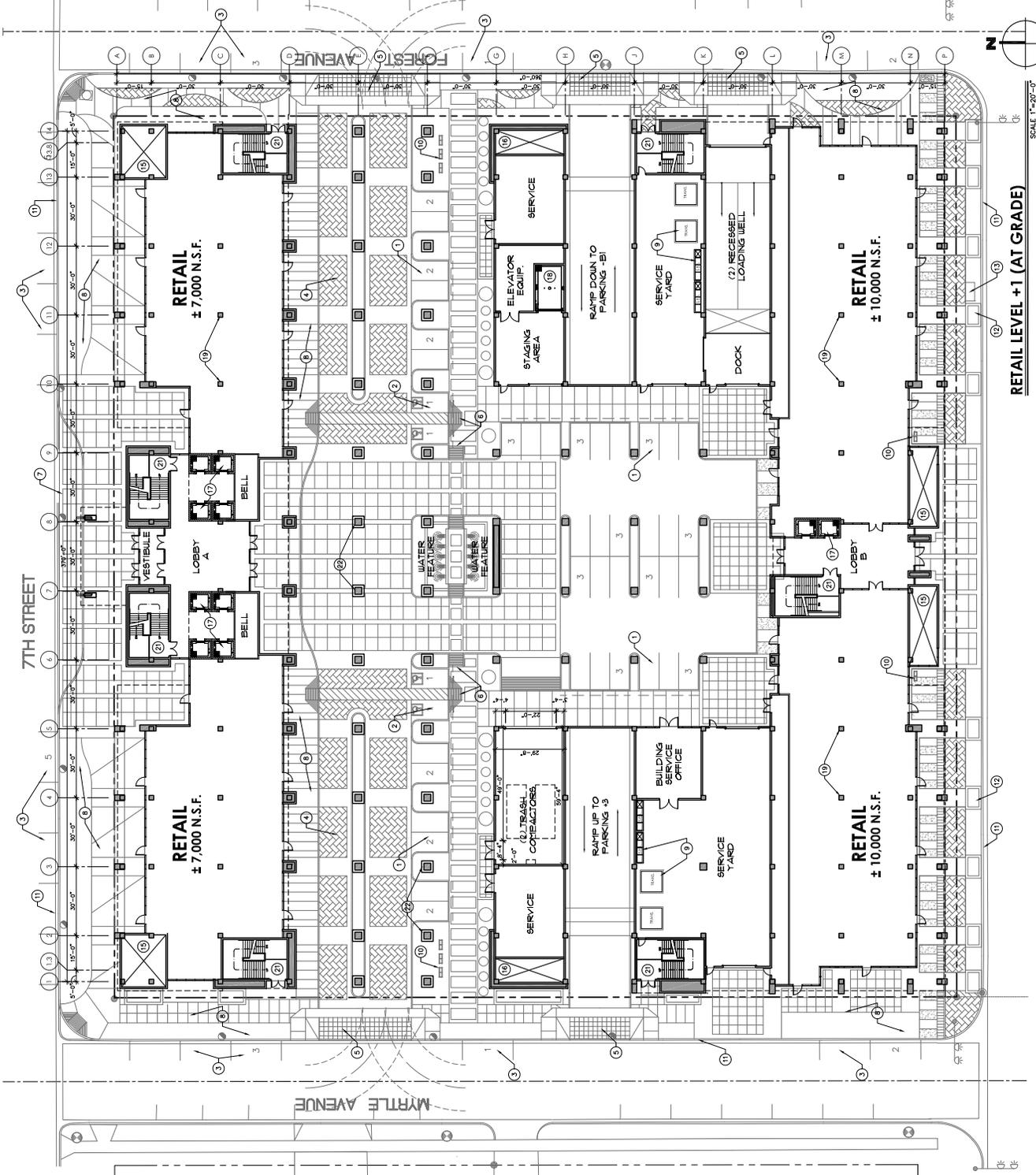
Required	COT ZDC 5-612,R	33.0%
Provided	(Shaded Sidewalk Area) / (Sidewalk Area) 30,317 S.F. / 47,932 S.F. = 0.632	63.0%







- KEYNOTES**
- NOTE: GENERAL ROOM PLAN KEYNOTES.  
NOT ALL KEYNOTES APPLY TO ALL SHEETS.
1. STANDARD PARKING STALL 8'-0" W. x 16'-0" L.
  2. ACCESSIBLE PARKING STALL PER CITY OF TEMPE
  3. STANDARD PARALLEL PARKING STALL PER CITY OF TEMPE
  4. CONCRETE STAMPS, COLOR, PATTERN TBD.
  5. DRIVEWAY ENTRANCE, PER CITY OF TEMPE DETAIL
  6. ASSEMBLY CURB PAVEMENT FINISHES, COLOR & TYPE TBD.
  7. LANDSCAPE, Hardscape/Landscape Area, SEE LANDSCAPE ARCHITECTURE DRAWING.
  8. BIKE RACK, PER CITY OF TEMPE REQUIREMENTS.
  9. EXISTING STRUCTURE, SEE LANDSCAPE ARCHITECTURE DRAWING.
  10. EXISTING STRUCTURE, SEE LANDSCAPE ARCHITECTURE DRAWING.
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  26. EXISTING STRUCTURE, SEE LANDSCAPE ARCHITECTURE DRAWING.
  27. EXISTING STRUCTURE, SEE LANDSCAPE ARCHITECTURE DRAWING.



SCALE 1"=20'-0"

RETAIL LEVEL +1 (AT GRADE)

A2.3















**KEYNOTES**

1. STANDARD PARKING STALL 8'-0" W. x 14'-0" L.
2. CITY OF TEMPE STANDARDS FOR TEMPORARY PARKING SHALL PER CITY OF TEMPE STANDARDS.
3. STANDARD PARKING STALL PER CITY OF TEMPE STANDARDS.
4. TEMPORARY PARKING STALL PER CITY OF TEMPE STANDARDS.
5. CONCRETE CURB RAMP PER CITY OF TEMPE STANDARDS.
6. ACCESSIBLE CURB RAMP.
7. HANDICAP HANDICAP/LANDSCAPE AREA, SEE T.B.D.
8. TRANSFORMER / S.E.C. LOCATION REQUIREMENTS.
9. CONCRETE CURB, SEE CIVIL/LANDSCAPE.
10. EXISTING ARTISTIC BUS SHELTER TO REMAIN.
11. EXISTING ARTISTIC BUS SHELTER TO REMAIN.
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14. EXISTING ARTISTIC BUS SHELTER TO REMAIN.
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17. PASSENGER ELEVATOR.
18. STRUCTURAL CONCRETE COLUMN.
19. STRUCTURAL CONCRETE COLUMN.
20. STRUCTURAL CONCRETE COLUMN.
21. STRUCTURAL CONCRETE COLUMN.
22. STRUCTURAL CONCRETE COLUMN.
23. CLADDING PER SCHEDULE.
24. CLADDING PER SCHEDULE.
25. 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# KEYNOTES

NOTE: GENERAL FLOOR PLAN KEYNOTES,  
NOT ALL KEYNOTES APPLY TO ALL SHEETS.

1. STANDARD PARKING STALL, 8'-6" W. x 16'-0" L. (TYP.), PER CITY OF TEMPE STANDARDS.
2. ACCESSIBLE PARKING STALL, PER CITY OF TEMPE STANDARDS.
3. STANDARD PARALLEL PARKING STALL, PER CITY OF TEMPE STANDARDS.
4. COLORED, STAMPED CONCRETE. COLOR/PATTERN T.B.D.
5. DRIVEWAY ENTRANCE, PER CITY OF TEMPE DETAIL T-320.
6. ACCESSIBLE CURB RAMP.
7. DROP-OFF AREA. CONCRETE PAVERS, COLOR & TYPE T.B.D.
8. PEDESTRIAN HARDSCAPE/LANDSCAPE AREA, SEE LANDSCAPE.
9. TRANSFORMER / S.E.S. LOCATION.
10. BIKE RACK, PER CITY OF TEMPE REQUIREMENTS.
11. 6" CONCRETE CURB, SEE CIVIL.
12. RAISED LANDSCAPE PLANTER, SEE LANDSCAPE.
13. EXISTING ARTISTIC BUS SHELTER TO REMAIN.
14. FREIGHT ELEVATOR CLEARANCE.
15. EXHAUST AIR SHAFT
16. FRESH AIR SHAFT
17. PASSENGER ELEVATOR
18. FREIGHT ELEVATOR.
19. STRUCTURAL CONCRETE COLUMN.
20. CONCRETE RETAINING WALL.
21. EGRESS STAIR.
22. DECORATIVE COLUMN WRAP O/ STRUCTURAL CONCRETE COLUMN.
23. GLAZING PER SCHEDULE.
24. TILED BALCONY.
25. PHONES.
26. 5'-0" HIGH SCREEN WALL.
27. ACM O/ CONCRETE SPANDREL PANEL.

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**MATERIAL SCHEDULE**

**STANDING SEAMS:**  
**A** TYPE: INTERNATIONAL (OR EQL)  
 COLOR: SLATE GREY

**E.L.S. FINISH:**  
**B** TYPE: SENERGY (OR EQL)  
 INTEGRAL COLOR: FINE SAND FINISH  
 DECORAL INSIDE PASSAGE

**C** TYPE: SENERGY (OR EQL)  
 INTEGRAL COLOR: FINE SAND FINISH  
 DECORAL INSIDE PASSAGE

**D** TYPE: SENERGY (OR EQL)  
 INTEGRAL COLOR: FINE SAND FINISH  
 DECORAL INSIDE PASSAGE

**METALS:**  
**E** TYPE: T.B.D. (OR EQL)  
 COLOR: TO MATCH OTANEL SILVER METALLIC

**F** TYPE: BRISTOLSCOPE  
 COLOR: STORM

**G** TYPE: CHANGING (OR EQL)  
 ENVELOPE 2000  
 COLOR: GUN METAL

**H** TYPE: OTANEL (OR EQL)  
 ENVELOPE 2000  
 COLOR: SILVER METALIC

**I** TYPE: ENVELOPE 2000  
 COLOR: NORTH SEA MIST

**J** TYPE: ALTA (OR ALUSAL)  
 GRAND 30 PANEL  
 BELVEDERE  
 COLOR: SLATE GRAY

**CLAUDE:**  
**K** TYPE: TRI-VANTAGE (OR EQM/A)  
 FABRIC: P600/SYNTHESIS COMMERCIAL  
 COLOR: 95 KNITTED SHADECLOTH

**MULLIONS:**  
**L** TYPE: ARCADIA (OR EQL)  
 COLOR: CLEAR ANODIZED

**GLAZING:**  
**M** TYPE: WIPACON (OR EQL)  
 INSULATION: 1" INSULATION VS 9-108  
 COLOR: VS 9-108

**N** TYPE: WIPACON (OR EQL)  
 INSULATION: 1" INSULATION VS 9-108  
 COLOR: VS 9-108

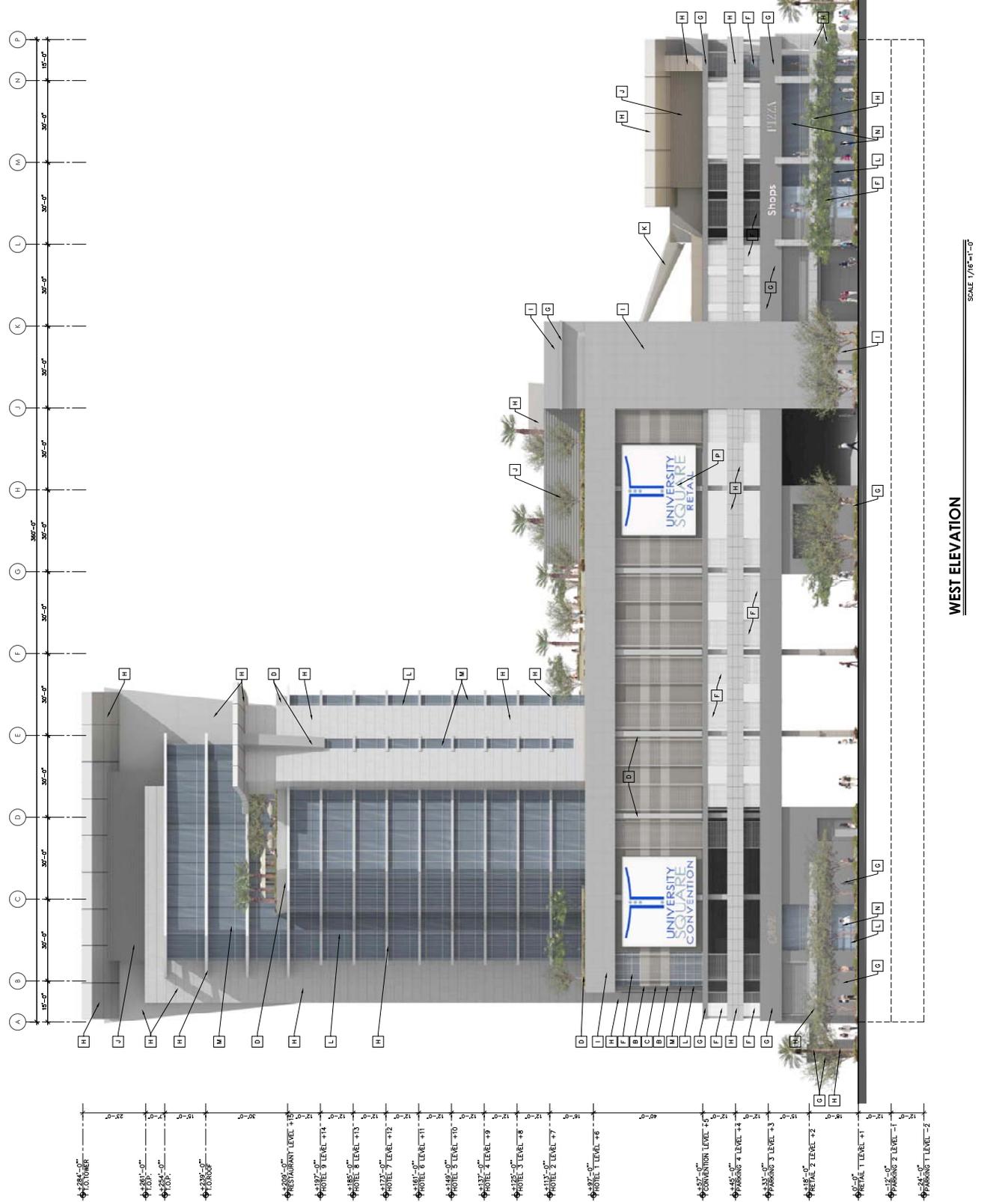
**MESSAGE BOARDS:**  
**P** TYPE: ADVERTISEMENT TV

**GENERAL NOTES**

A. ALL ROOF MOUNTED MECHANICAL EQUIPMENT TO BE FULLY SCREENED BY PARAPET FROM PUBLIC VIEW.

B. ALL SIGNAGE TO BE UNDER SEPARATE REVIEW AND APPROVAL BY THE CITY OF TEMPE.

C. ALL EXTERIOR ARCHITECTURAL METALWORK TO BE PAINT FINISH WITH ALL WELDS GROUND NEAT AND PAINT FINISH.



**WEST ELEVATION**

SCALE 1/16" = 1'-0"

ATTACHMENT 47





## KEYNOTES

1. RAISED LANDSCAPE PLANTER, SEE LANDSCAPE.
2. PASSENGER ELEVATORS BEYOND.
3. STRUCTURAL CONCRETE COLUMN.
4. CONCRETE RETAINING WALL.
5. DECORATIVE COLUMN WRAP O/ STRUCTURAL CONCRETE COLUMN.
6. GLAZING PER SCHEDULE.
7. CONCRETE FLOOR STRUCTURE.

## MATERIAL SCHEDULE

### STANDING SEAM:

A	MFR:	ATAS INTERNATIONAL (OR EQL.)
	TYPE:	T.B.D.
	COLOR:	SLATE GREY

### E.I.F.S.:

B	MFR:	SENERGY (OR EQL.)
	TYPE:	INTEGRAL COLOR, FINE SAND FINISH
	COLOR:	DEC764, 'INSIDE PASSAGE'

C	MFR:	SENERGY (OR EQL.)
	TYPE:	INTEGRAL COLOR, FINE SAND FINISH
	COLOR:	DEC750, 'BISON BEIGE'

D	MFR:	SENERGY (OR EQL.)
	TYPE:	INTEGRAL COLOR, FINE SAND FINISH
	COLOR:	DEC751, 'ASH GRAY'

### METALS:

E	MFR:	T.B.D. (OR EQUAL)
	TYPE:	STYRO-FOAM W. METAL CLAD
	COLOR:	TO MATCH CITADEL SILVER METALLIC

F	MFR:	ORSOGRIL (OR EQUAL)
	TYPE:	BRITOSTEROPE
	COLOR:	STORM

G	MFR:	CITADEL (OR EQUAL)
	TYPE:	ENVELOPE 2000
	COLOR:	GUN METAL

H	MFR:	CITADEL (OR EQUAL)
	TYPE:	ENVELOPE 2000
	COLOR:	SILVER METALLIC

I	MFR:	CITADEL (OR EQUAL)
	TYPE:	ENVELOPE 2000
	COLOR:	NORTH SEA MIST

J	MFR:	ATAS (OR EQUAL)
	TYPE:	METAL PANELS - BELVEDERE GRAND 'R' PANEL
	COLOR:	SLATE GRAY

### CANOPY:

K	MFR:	TRI-VANTAGE (OR EQUAL)
	TYPE:	FABRIC
	COLOR:	COOLAROO/SYNTHESIS COMMERCIAL 95 KNITTED SHADECLOTH

### MULLIONS:

L	MFR:	ARCADIA (OR EQUAL)
	TYPE:	ALUMINUM
	COLOR:	CLEAR ANODIZED

### GLAZING:

M	MFR:	VIRACON (OR EQUAL)
	TYPE:	1" INSULATED REFLECTIVE
	COLOR:	VS 9-08

N	MFR:	VIRACON (OR EQUAL)
	TYPE:	1" INSULATED, CLEAR, LOW-E

### MESSAGE BOARDS:

P	MFR:	DAKTRONICS (OR EQUAL)
	TYPE:	ADVERTISEMENT TV

**KEYNOTES**

1. FINISHES, MATERIALS, PLANTERS, SEE LANDSCAPE.
2. FINISHES, MATERIALS, PLANTERS, SEE LANDSCAPE.
3. FINISHES, MATERIALS, PLANTERS, SEE LANDSCAPE.
4. FINISHES, MATERIALS, PLANTERS, SEE LANDSCAPE.
5. FINISHES, MATERIALS, PLANTERS, SEE LANDSCAPE.
6. FINISHES, MATERIALS, PLANTERS, SEE LANDSCAPE.
7. FINISHES, MATERIALS, PLANTERS, SEE LANDSCAPE.

PHArchitecture  
 Patrick Hayes Architecture  
 5849 North 71st Street  
 Scottsdale, Arizona 85254  
 F: 480.556.9000  
 www.pharchitecture.com



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 110 East University Drive  
 Tempe, Arizona 85281

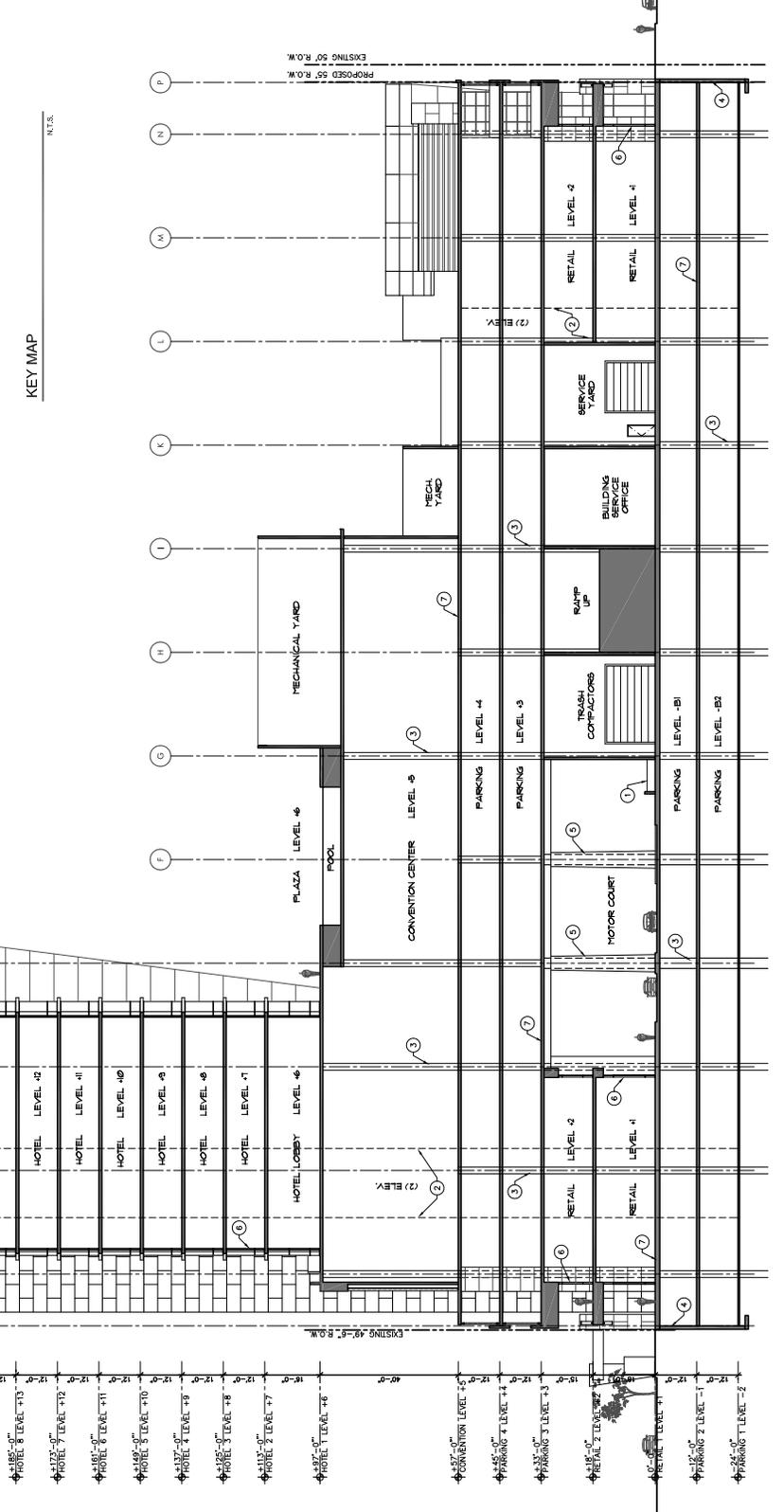
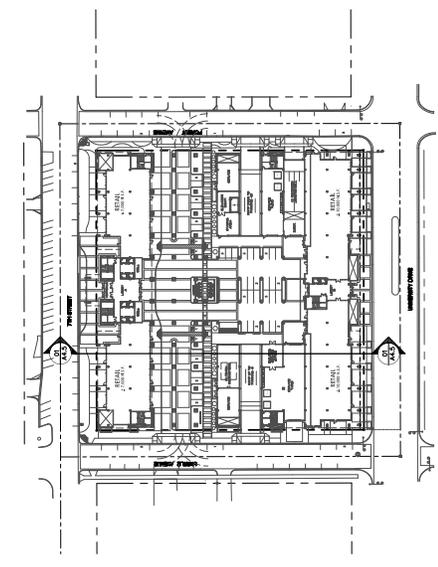
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 110 East University Drive  
 Tempe, Arizona 85281

PROJECT NO: 08-056  
 SHEET NO: 1/16-1-07  
 DATE: 08/05/08  
 DRAWN BY: J.J/BF  
 CHECKED BY: 08056 A4-05

DATE: 9.9.2008  
 SHEET NO: BUILDING SECTION  
 DRAWING NO: DIAGRAM

SCALE: 1/16"=1'-0"  
 SHEET: A4.5

P.A.D./P.R. FIRST SUBMITTAL









SHRUBS, ACCENTS & GROUNDCOVERS

PLANT LEGEND

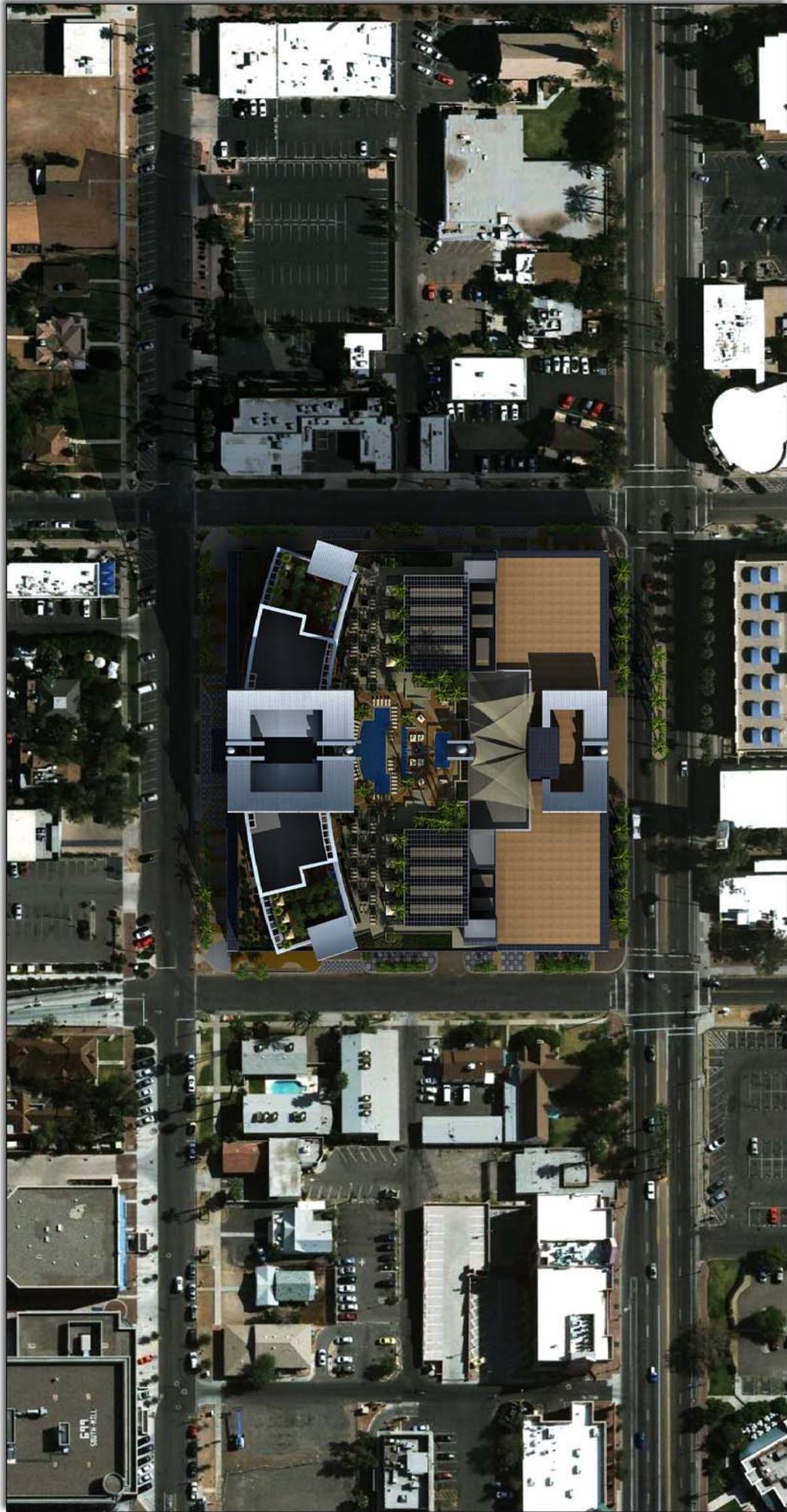
	TREES	SIZE	NOTES
	*Prosopis hybrid 'Rio Solado' Rio Solado Mesquite Caliper Size: 2.00	36" Box	Matched, Upright Multi-trunk
	*Quercus virginiana 'Heritage' Heritage Live Oak Caliper Size: 2.75	36" Box	Matched
	Cercidium hybrid 'Desert Museum' Desert Museum Caliper Size: 3.50	48" Box	Matched, Upright Multi-trunk
	Olneya tesota Ironwood Caliper Size: 2.75	52" Box	Matched specimens
	Caesalpinia mexicana Mexican Bird of Paradise Caliper Size: .75	24" Box	Matched multi-trunk
	Bauhinia variegata Orchid Tree Caliper Size: 2.5	48" Box	Matched multi-trunk
	Chamaerops humilis Mediterranean Fan Palm Caliper Size: 8 inch	36" Box	Matched multi-trunk
	Trachycarpus fortunei Windmill Palm Caliper Size: 8 inch	15'	Matched straight trunk, diamond cut
	Washingtonia filifera California Fan Palm	24" Box	*ADWR
	Existing to remain	Field Verify	*ADWR



*Yucca rostrata Beaked Yucca	6' HT. Single trunk
*Myrtus communis 'compacta' Compact Myrtle	5 gal.
*Equisetum hemale Horsetail	5 gal.
*Rosemarinus officinalis Rosemary	1 gal.
*Lantana spp. Lantana	1 gal.
*Euphorbia spp. Euphorbia	1 gal.
*Aloe saponaria Aloe	1 gal.
*Malephora lutea Rocky Point Iceplant	1 gal.
*Agave palmeri Agave	5 gal.
*Agave palmeri Agave	5 gal.
Phoenix robellini Pigmy Date Palm	15 gal.
Nerium Oleander Standard Oleander	15 gal.
Bougainvillea spp. 'Barbara Karst' Bougainvillea	5 gal.
Xylosma congestum 'compacta' Compact Xylosma	5 gal.
Dodonaea viscosa Green Hopbush	5 gal.
Tecomaria capensis Cape Honeysuckle	5 gal.
Carrissa microcarpa Natal Plum	5 gal.
Portulacaria afra Elephants Food	1 gal.
Agave species Agave	5 gal.
Hesperaloe parviflora Red Yucca	5 gal.
Cactaceae Cactus family	5 gal.
Acacia redolen 'Desert Carpet'	1 gal.
Myoporum parvifolia Myoporum	1 gal.
Sophora secundiflora Texas Mountain Laurel	15 gal.
Sansevieria trifasciata Sansevieria	5 gal.
Ficus spp. Ficus	5 gal.
Aptenia cordifolia Hearts and Flowers	1 gal.
Chlorophytum comosum Spiderplant	1 gal.
Ophiopogon planiscapus Mondo Grass	1 gal.
Dracaena marginata Dracaena	5 gal.
Annuals Annuals	Flats

\* Streetscape Plants

All landscape areas to receive 2" depth of 1/2" Table Mesa Gold fractured rock



UNIVERSITY SQUARE

09.9.08

SHADE STUDIES

EQUINOX 4PM

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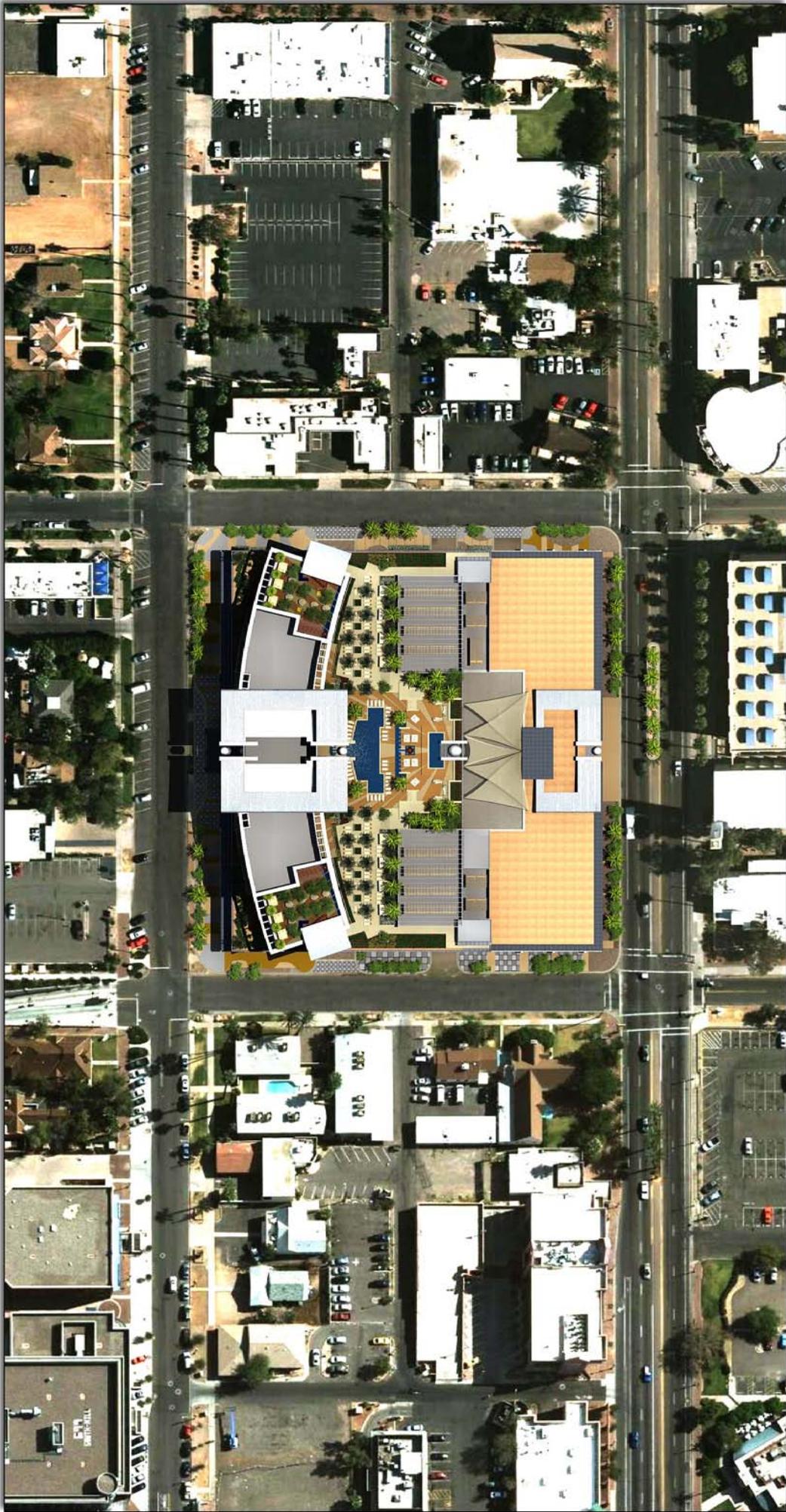
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SHADE STUDIES

EQUINOX 9AM

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09.9.08

SHADE STUDIES  
SUMMER SOLSTICE 12:30PM

PHArchitecture



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09.9.08

SHADE STUDIES

SUMMER SOLSTICE 4PM

PHArchitecture



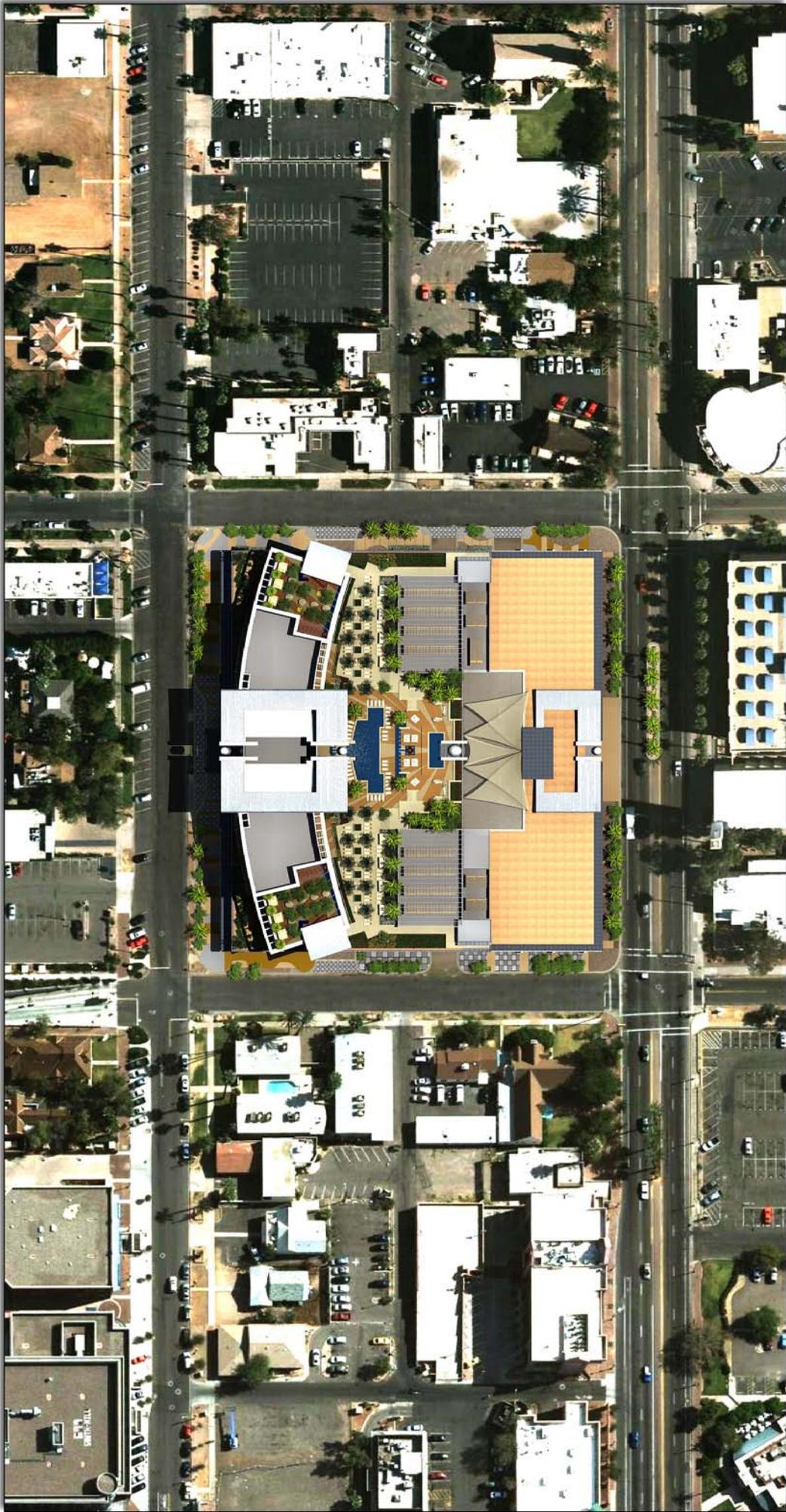
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SHADE STUDIES

SUMMER SOLSTICE 9AM

PHArchitecture



UNIVERSITY SQUARE

09.9.08

SHADE STUDIES

SUMMER SOLSTICE 12:30PM

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SHADE STUDIES  
WINTER SOLSTICE 9 AM

PHArchitecture



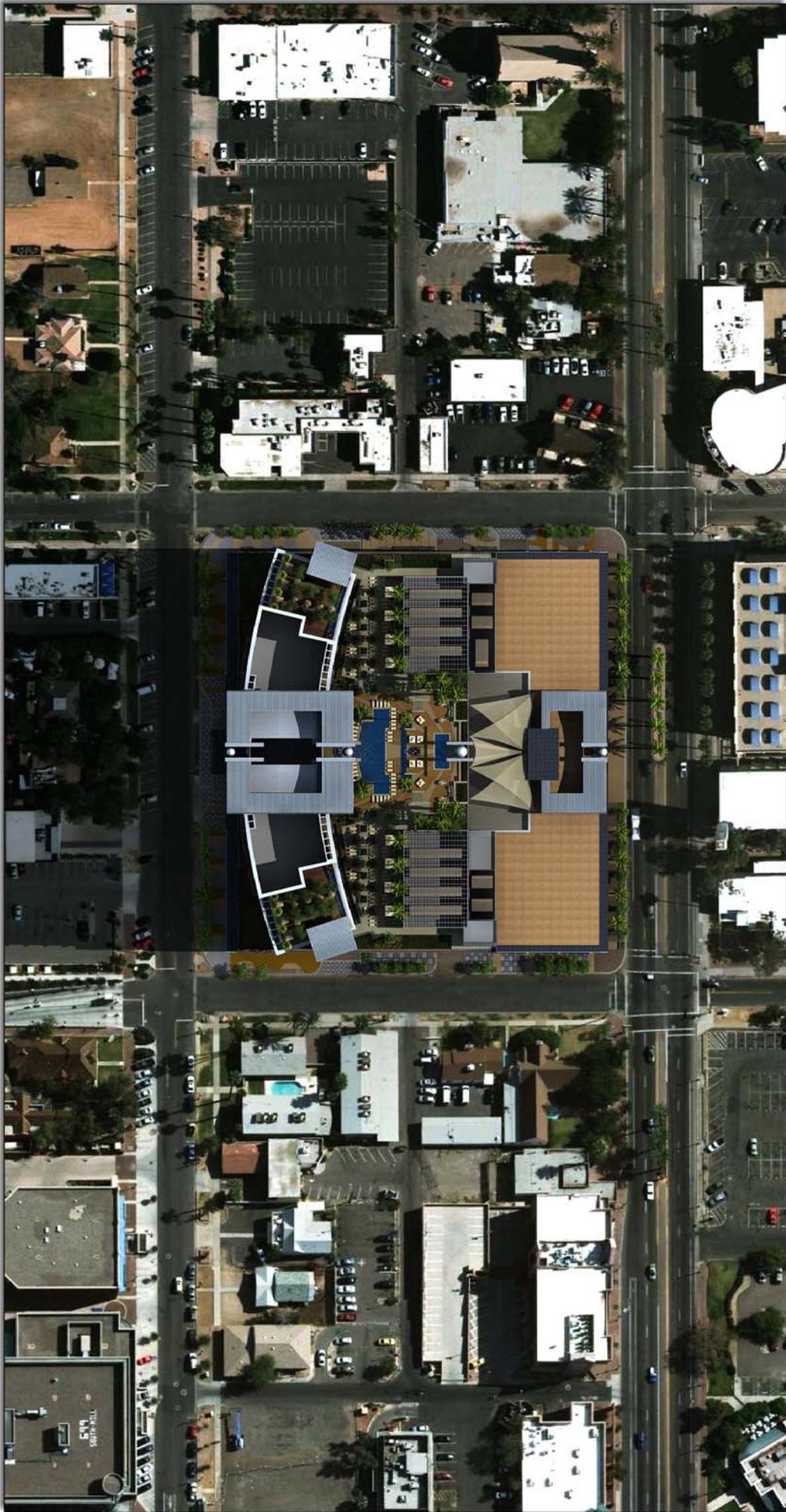
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SHADE STUDIES

WINTER SOLSTICE 4PM

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

Aeronautical Study No.  
2006-AWP-1696-OE

Issued Date: 02/08/2008

Tony Wall  
University Square Investors  
15029 N. Thompson Peak Parkway  
Scottsdale, AZ 85260

**\*\* Extension \*\***

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

Structure:	Building BUILDING - NE CORNER
Location:	Tempe, AZ
Latitude:	33-25-23.23N NAD 83
Longitude:	111-56-11.69W
Heights:	370 feet above ground level (AGL) 1531 feet above mean sea level (AMSL)

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

This extension is subject to review if an interested party files a petition on or before March 09, 2008. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and should be submitted in triplicate to the Manager, Airspace Branch, Federal Aviation Administration, 800 Independence Ave SW, Washington, D.C. 20591.

This extension becomes final on March 19, 2008 unless a petition is timely filed. If so, this extension will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

Accordingly, pursuant to the authority delegated me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 08/08/2009 unless otherwise extended, revised, or terminated by this office.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the 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 extension 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 (907) 271-5863. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-AWP-1696-OE.

**Signature Control No: 460113-101534579**  
Robert van Haastert  
Specialist

(EXT)

Attachment(s)  
Case Description

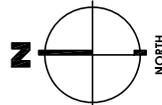
Page 2 of 3

**Case Description for ASN 2006-AWP-1696-OE**

Condo residential, limited business and commercial

Page 3 of 3

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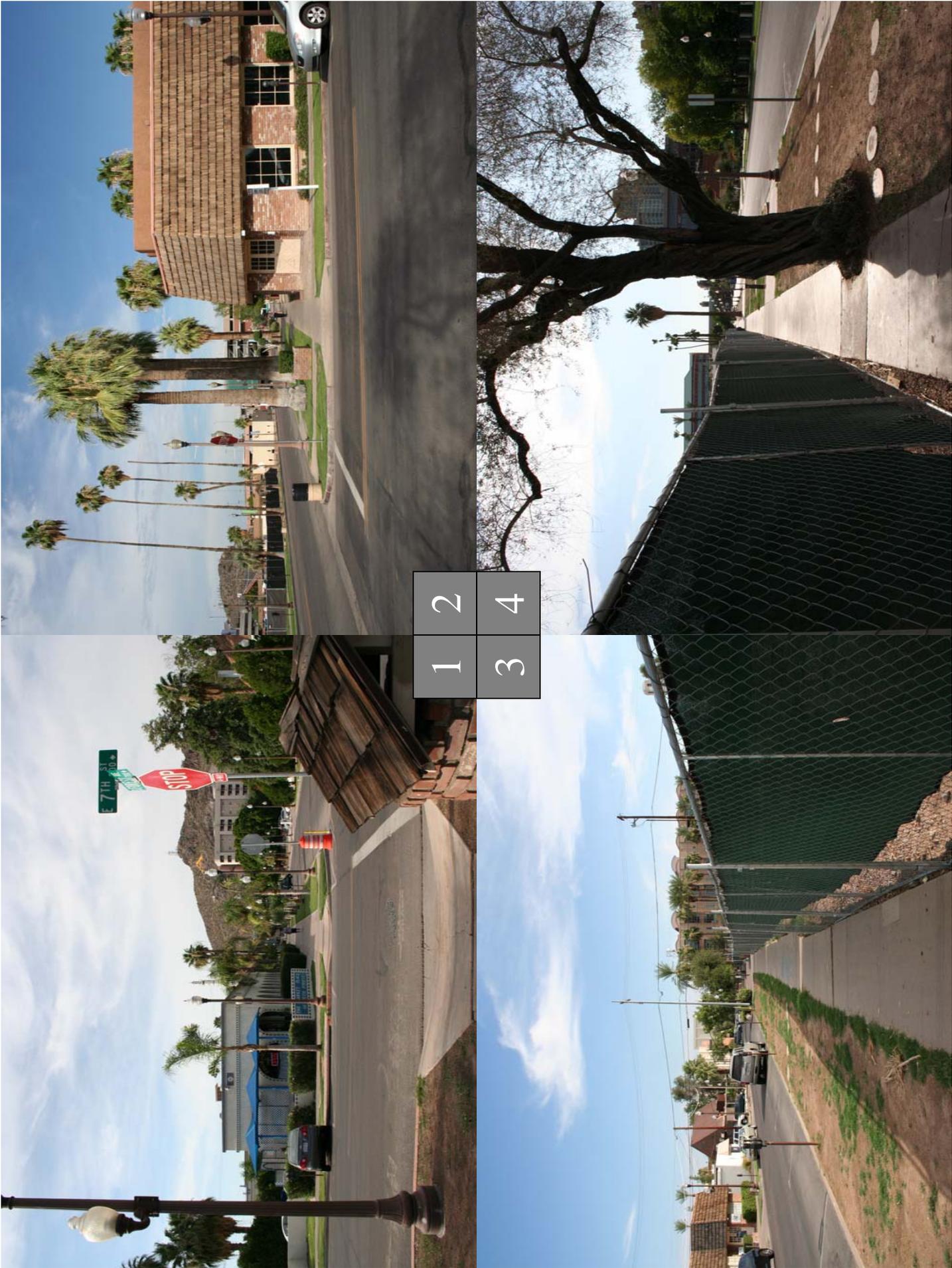


**Photo Exhibit Location Key**

SCALE: N.T.S.

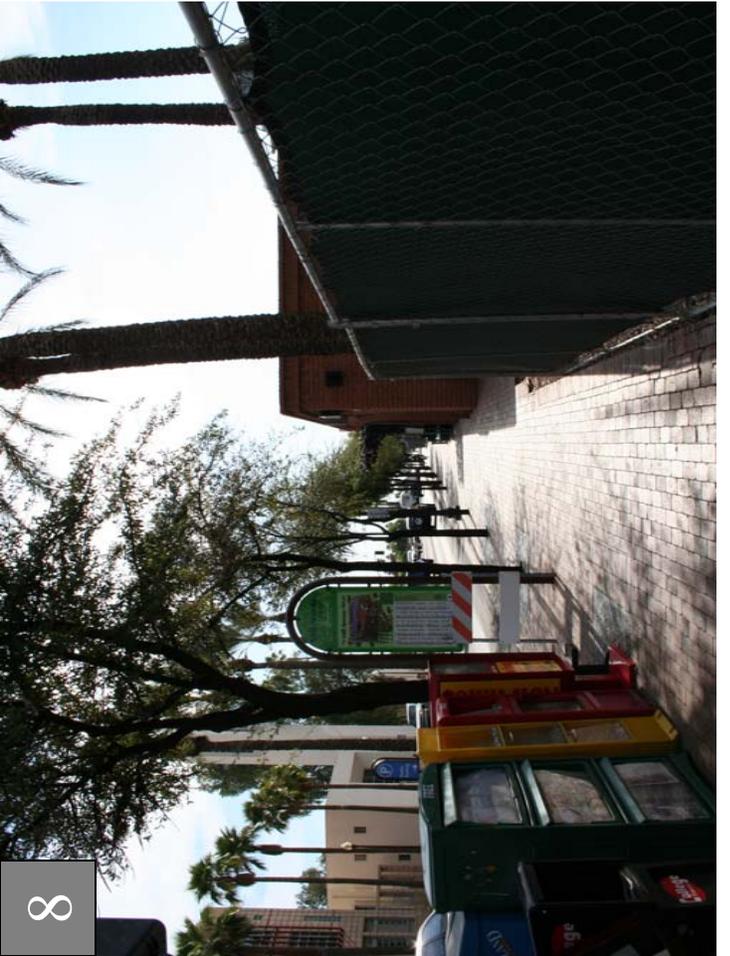
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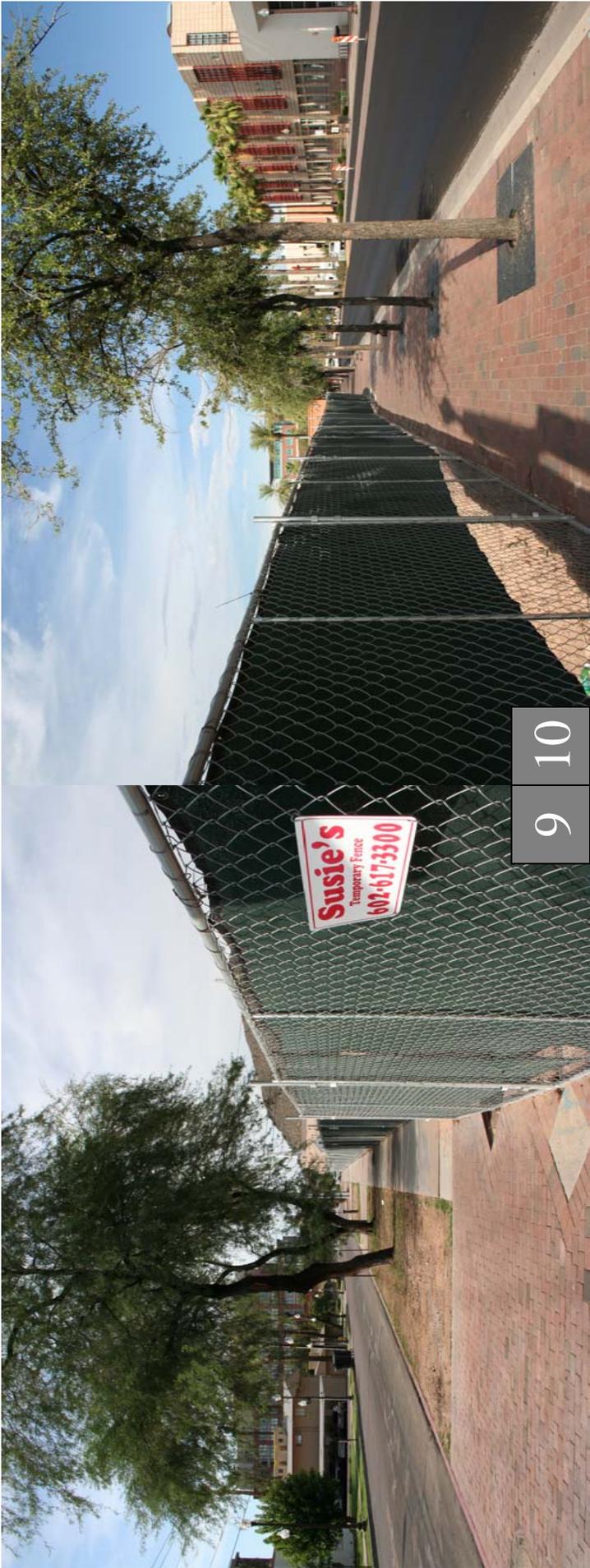
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9.9.2008



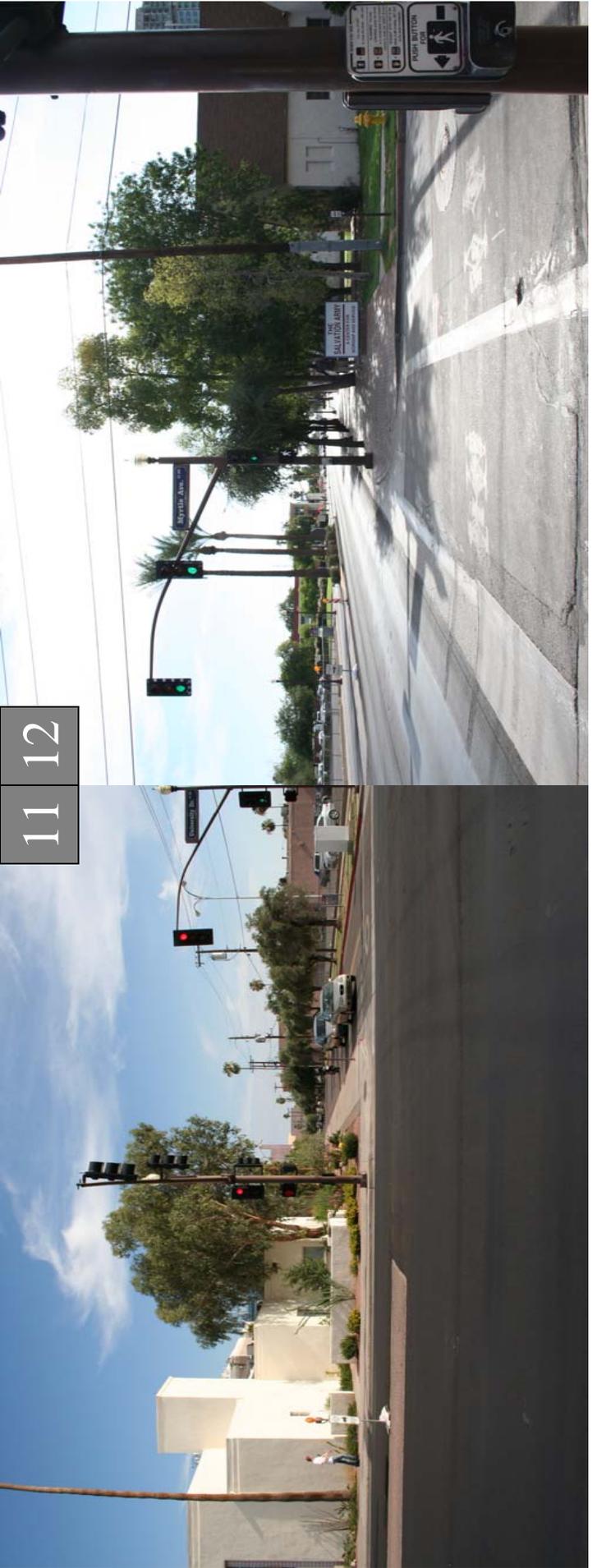


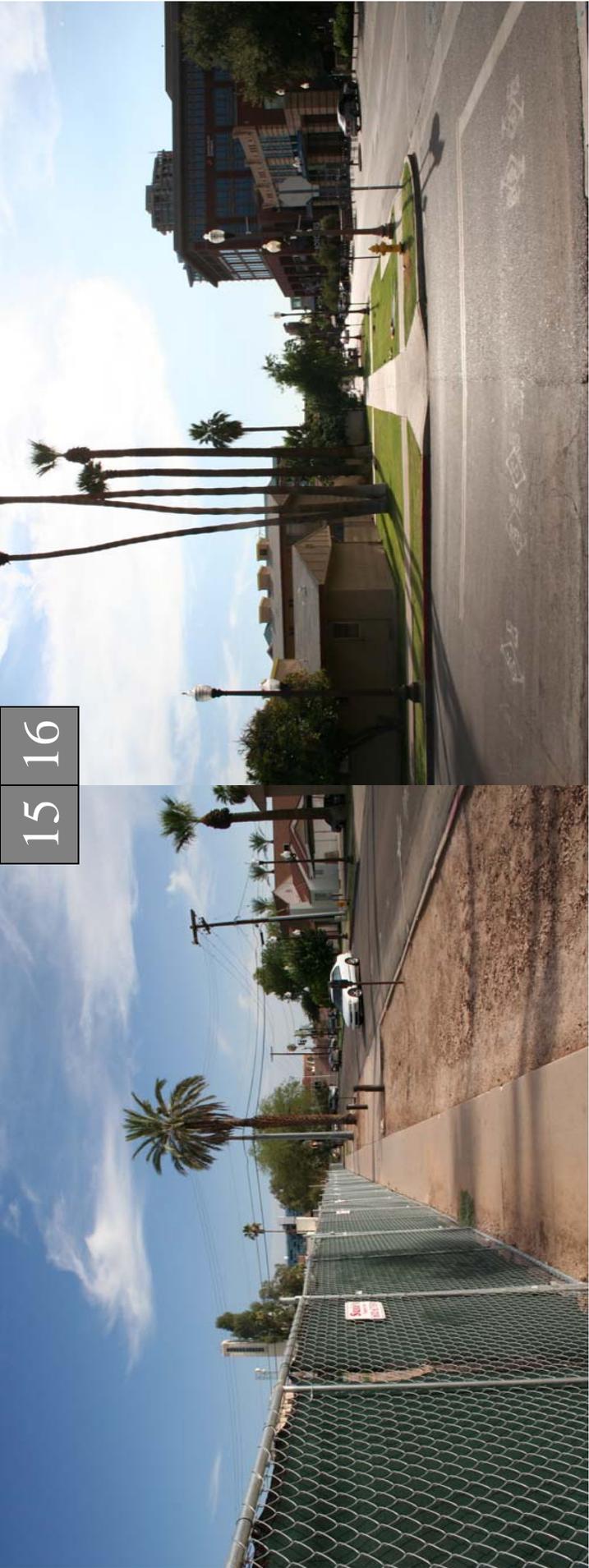
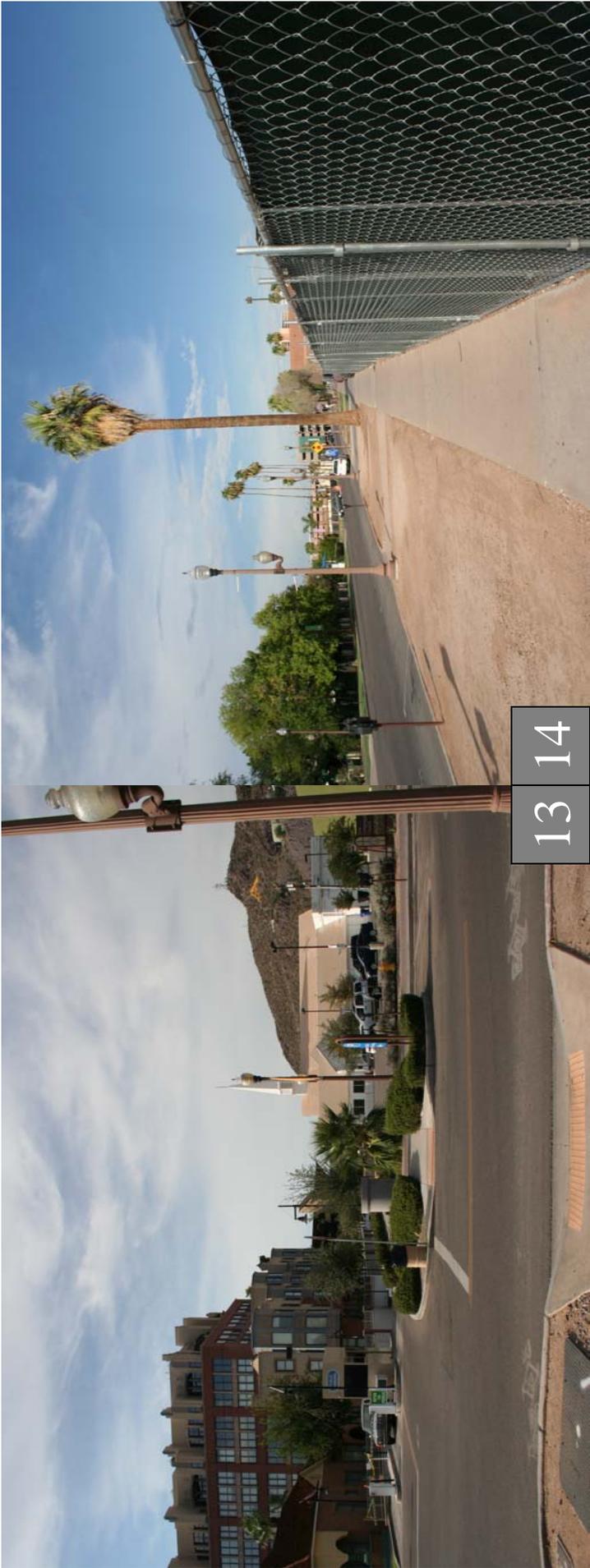
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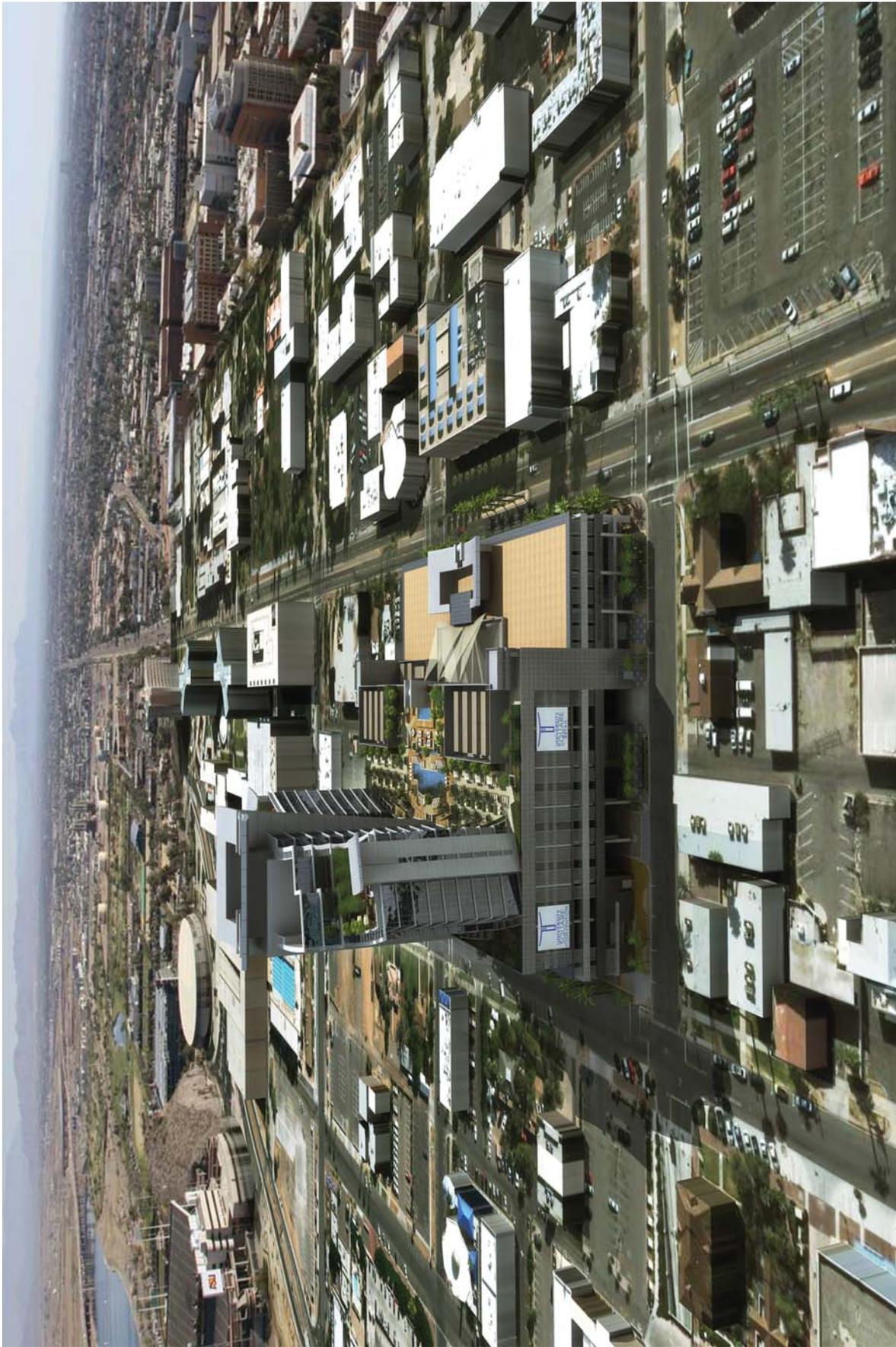




# PROJECT RENDERINGS - PERSPECTIVE 4

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80,60,60



**MEMORANDUM**

*Public Works Department*  
*TRANSPORTATION DIVISION*



Date: October 14, 2008  
To: Kevin O'Melia, Sr Planner, Development Services  
From: Cathy Hollow, Sr Civil Engineer  
Subject: University Square

I have reviewed the initial traffic impact analysis prepared for the University Square development located at the northeast corner of University Drive and Myrtle Ave. The analysis included trip generation for the proposed project which will include 328 hotel rooms, 95,000 square feet of convention center, 66,000 square feet of specialty retail, and 19,000 square feet of quality restaurant. The report presented existing traffic information as well as projected traffic operating conditions for the years 2011 and 2016. The project is expected to generate over 5,000 external trips on a daily basis at full build-out with 222 AM peak hour trips and 365 PM peak trips.

The initial study includes analysis of storage queue lengths at the study intersections. Due to storage queues, the study recommends providing a separate left turn lane on southbound Forest at University Dr. The right turn demand at Myrtle and University Dr. could require providing a separate right turn lane on southbound Myrtle Ave. The study indicates that this could be accomplished by restriping the intersections; however, this would result in the loss of some of the on-street parking. Queues at Forest and 7<sup>th</sup> St and Myrtle and 7<sup>th</sup> St were not addressed in this report.

Transportation review comments indicated that the analysis needs to be revised to reflect the City's signal timings and to include College and Veteran's Way as a signalized intersection. Also, traffic from the approved development at 7<sup>th</sup> and Mill Ave was not included in the background traffic. The consultant will need to resubmit the study.

Please contact me at (480) 350-8445 if you have any questions.

16 September 2008

## COMMUNITY DESIGN PRINCIPLES DOWNTOWN/MILL AVENUE DISTRICT SUMMARY/EVALUATION GUIDE: **University Square**

Accepted 6 April 2006 by the Tempe City Council, the **Community Design Principles: Downtown/Mill Avenue District\*** serves as a reference for design and basis for evaluation of proposed buildings within the defined area. The document is organized around four "cornerstone" principles: Integration, Innovation, Definition and Articulation, with an Appendix specifically addressing building heights. The essence of these Principles may be more particularly applied to specific building proposals by considering the following sets of questions:

### INTEGRATION

- ◆ Have aspects of the natural environment, such as breezes and solar heat gain, been addressed? **Yes, the tower main axis is oriented E-W to minimize overall heat gain; the section appears to indicate overhangs on the south façade (not sure about south-facing retail); shade provided for pedestrians @ N & S (not as necessary on N), none or very little evident on E & W.**
- ◆ Are significant natural and human-made features, such as views and open space, embraced? **Yes, primary view from the tower are north to the butte and south, overlooking the pool/deck (and mechanical enclosures ?) and toward ASU campus.**
- ◆ Is the development appropriately scaled for its location (typically, smaller at the perimeter of the district, larger toward the core)? **Partially, with the tower element located toward the north side of the site; other aspects of the design (parking and retail) seem bulky and unrelated to the tower.**
- ◆ Does the building respond to its surroundings while contributing to the overall visual vitality of the district? **Architecture, although "sculptural in character, appears to be a "stand alone" statement.**
- ◆ Is the historic street grid recognized and reinforced? **Yes.**
- ◆ Are on-street parking, street trees, furnishings, public art, shade and other amenities provided to enhance the pedestrian experience? **Unknown.**
- ◆ Do the faces of the development "interactively encroach" with street corridors and public spaces via canopies, balconies, sidewalk dining, etc.? **The north and south faces seem to, but little on east & west, other than the auto court. Further detail may be required.**
- ◆ Is the street level sufficiently permeable (clear glazing, multiple entries, display windows, etc.)? **Yes at N & S; E & W appear limited.**
- ◆ Where applicable, has preservation of historically significant structures, or a complementary relationship with them, been effected? **Positioning of tower will visually impact the Governor Moer House to the NW and the Harrington-Birchett House to the NE. Materials and forms at lower levels of the proposed building unknown (could be selected or modified for compatibility).**

### INNOVATION

- ◆ Does the project allow for a mix of uses initially and anticipate changes over time? **Retail and hotel indicated, initially. Would like to know that retail space is adaptable for restaurants and that the hotel could be converted to residential in future.**
- ◆ Are forms, materials and details creatively combined for architectural interest? **Unknown at lower levels; tower seems to be "iconic" – visual relationship to rest of structure unclear; abrupt change from slender tower to bulky podium.**
- ◆ Are contemporary construction methods and materials combined with timeless quality? **Possibly.**
- ◆ Are appropriate technologies employed to maximize safety, sustainability (economic and environmental) and comfort? **Unknown.**
- ◆ Is a sense of discovery evident, with accompanying wayfinding components? **Not evident.**

- ◆ Are applicable diagrams and renderings provided, including views from street level, in sufficient detail to allow for adequate visualization and evaluation?  
**Need street level perspective views and large-scale elevations of lower level.**

#### DEFINITION

- ◆ Does the building's character contribute to that of the district, while distinguishing it from other areas? **Distinct, but compatible with rest of district?**
- ◆ Do the public faces of the development serve to define and reinforce adjoining streets and spaces as urban "rooms"? **Potentially, but more interaction needed on E & W @ street level. Deep insets @ N adjacent to stair towers may prove to be wasted space and security concerns.**
- ◆ Do building forms express or derive from the uses and functions within? **For the most part.**
- ◆ Are building entries accentuated? **Possibly – not sure.**

#### ARTICULATION

- ◆ Are human-scale materials and details utilized at lower building facades and streetfronts? **Unknown.**
- ◆ Are the historic patterns and proportions of bay widths (25' – 50') and façade heights (30' – 50') acknowledged? **Unknown, but it would appear that the lower levels have the potential to do so.**
- ◆ Are large expanses of glass minimized? **Not sure – possibly.**
- ◆ Are vertical and horizontal building planes interrupted occasionally by accent elements, step-backs, etc.? **Somewhat, but too abrupt @ base>tower.**
- ◆ Are towers slender and elegant, allowing for the perception of an expansive sky canopy from street level? **Mostly, but long in the E-W direction; "iconic" tower elements seem to overpower overall design; more variation/articulation needed at lower levels and transition from base to tower.**
- ◆ Does the building culminate in an interesting roofline, derived from the building's geometry, use or surroundings (not contrived)? **It is unique but seems to have no relation to rest of building or district.**
- ◆ Is the classical design principle of a vertically-oriented structure having a base, mid-section (shaft) and top (capital) applied, where appropriate? **For the most part, but further study/refinement needed.**

#### HEIGHT

- ◆ Is the height of the proposed building within that of the height areas, as defined in the Principles? **Yes.**
- ◆ Does the building's massing conform, at a minimum, to the suggested step-backs of its particular area? **Yes, but additional articulation desired.**

Note: While no one building will affirmatively answer every question, each should reflect the spirit of these principles and, on the whole, make a positive response.

\* [www.tempe.gov/comdev/communitydesignprinciples.htm](http://www.tempe.gov/comdev/communitydesignprinciples.htm) (also see: [www.tempe.gov/comdev/urbanopenspace/](http://www.tempe.gov/comdev/urbanopenspace/))