

# Staff Summary Report



Development Review Commission Date: 06/09/09

Agenda Item Number: \_\_\_

**SUBJECT:** Hold a public hearing for a Planned Area Development Overlay and Development Plan Review for 707 SOUTH FOREST

**DOCUMENT NAME:** DRCr\_707SF0REST\_060909 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **707 S FOREST (PL090073)** (Charles Lawrence, L&G Cannery LLC, owner; Marc Lifshin, Campus Acquisitions LLC, applicant) for a 20 story mixed-use building with 168 student housing units, structured parking, 5,000 s.f. of retail/restaurant space and 1,163 s.f. of retail/office space. Building area is 311,007 s.f. overall. The 0.511 acre site is located at 707 South Forest Avenue within the City Center District and Transportation Overlay District. The request includes the following:

**PAD09004 - (Ordinance No. 2009.21)** Planned Area Development Overlay to establish development standards for vehicle parking quantity and building height.

**DPR09066 -** Development Plan Review including site plan, building elevations and landscape plan.

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

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

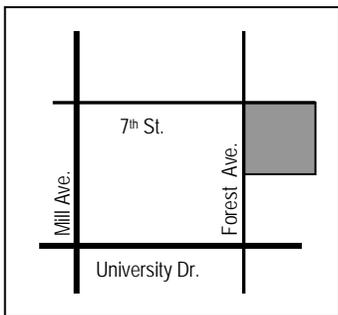
**LEGAL REVIEW BY:** Teresa Voss, Assistant City Attorney (480-350-8814)

**DEPARTMENT REVIEW BY:** Chris Anaradian, Development Services Manager (480-858-2204)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to conditions

**ADDITIONAL INFO:**



Gross/Net site area	+/- 0.511 ac
Number of units	168 du
Density	168 du / 0.511 ac = 329 du/ac
Total Building area	+/- 311,007 s.f.
Lot Coverage	20,389 sf. / 22,259 sf. = 91.6 %
Building Height	235'-0" ft maximum (P.A.D. standard)
Number of Stories	20 stories
Building Setbacks	0 ft front, 0 ft side, 0 ft rear
Landscape area	4,098 sf. / 22,259 sf. = 18.4 %
Vehicle Parking	200 spaces (P.A.D. standard)
Bicycle Parking	212 spaces

This is the first public hearing for the project. Public input has been gleaned in response to site sign and newspaper advertisement as well as mail notification of neighboring property owners, H.O.A.'s and on-site tenants. A neighborhood meeting was held on May 4, 2009. The project was favorably received by the participants at the neighborhood meeting.

- PAGES:**
1. List of Attachments
  - 2-7. Comments / Reasons for Approval
  - 8-12. Conditions of Approval
  - 13-15. Code / Ordinance Requirements
  - 16-17. History & Facts
  18. Zoning & Development Code Reference

- ATTACHMENTS:**
1. Ordinance No. 2009.21
  - 2-4. Waiver of Rights and Remedies form
  5. Location Map
  6. Aerial Photo
  - 7-14. Applicant's Letter of Intent, dated 4/7/09
  15. Site & Roof Plan (A0.1)
  - 16-17. Development Data including Code/Zoning & Parking (A0.1)
  18. First Floor Plan (A1.0A)
  19. Second Floor Plan (A1.0B)
  20. Third Floor Plan (A1.1A)
  21. Fourth Floor Plan (A1.1B)
  22. Fifth Floor Plan (A1.2A)
  23. Sixth Floor Plan (A1.1B)
  24. Typical Floor Plan--7th through 19th Floors (A1.3A)
  25. 20th Floor Plan / 20<sup>th</sup> Floor Preliminary Landscape Plan (PL1.2)
  26. Sidewalk Shade Study
  27. Ground Floor Preliminary Landscape Plan (PL1.1)
  28. Plant Materials Schedule
  29. Concept Perspective, view from Northwest
  - 30-33. Building Elevations (North, West, South and East)
  - 34-35. Courtyard Section-Elevations (North and South)
  36. Building Section looking east (A3.0A)
  37. Building Section looking north (A3.0B)
  - 38-47. Tower Solar Studies
  - 48-50. Summary of Public Outreach including Neighborhood Meeting Summary
  51. Neighborhood Meeting Sign-in Sheet
  52. Citizen Comment
  - 53-54. City of Phoenix Aviation Department Communication, dated April 6, 2009
  - 55-57. Executive Summary from Mobility, Accessibility and Parking Analysis, dated April, 2009
  - 58-61. Executive Summary from Traffic Impact Analysis, dated May, 2009
  - 62-66. Photo Exhibit Location Key and Site Photos

## COMMENTS:

This site is bounded by Forest Avenue to the west, 7<sup>th</sup> Street to the north, a mid-line alley between 7<sup>th</sup> Street and University to the south, and an existing commercial surface parking lot to the east. The block to the west is vacant, the block to the north is partially vacant although the Birchett house (A.S.U. owned) is located immediately north at the northeast corner of 7<sup>th</sup> Street and Forest Avenue. The northwest corner of 7<sup>th</sup> and Forest is occupied by a one story commercial market. The site is located within the City Center District and the Transportation Overlay District (Corridor Area).

The site consists of five parcels and is currently built. The eastern portion of Oxford Square rests on three lot-tied parcels that line up on Forest Avenue. University Commons rests on two lot-tied parcels, each with front yards on 7<sup>th</sup> Street and rear yards on the mid-line alley between 7<sup>th</sup> and University Drive.

The eastern portion of Oxford Square, a one story (with mezzanine) retail/restaurant facility constructed in two phases between 1965 and 1968, is located along Forest Avenue between 7<sup>th</sup> Street and the alley. Oxford Square's parking, originally six--now five spaces--is accessed from Forest Avenue. University Commons, a two story office/retail facility constructed in 1982, is located immediately east of Oxford Square and similarly extends from 7<sup>th</sup> Street to the alley. University Commons' front parking, originally eleven--now nine spaces--is accessed from Forest Avenue. University Commons has separate parking access to five compact spaces from the alley. A pedestrian linkage connects the two parking areas.

A total of four variance entitlements were granted for Oxford Square and University Commons, however the parking setback and two parking reduction entitlements will go away when University Commons and the eastern portion of Oxford Square are demolished and replaced with 707 South Forest. The two properties, when unified and redeveloped, will no longer conform to conditions by which these variances were granted. The three variances which go away are listed below for the record.

- A setback reduction for surface parking along 7<sup>th</sup> Street from 10'-0" to 5'-0" for University Commons. 707 South Forest does not propose surface parking facing 7<sup>th</sup> Street.
- A parking reduction for Oxford Square from 59 to 44 spaces for either commercial retail, office or restaurant use. This variance applied to the western portion of Oxford Square on the west of Forest Avenue, which originally had 38 parking spaces, as well as the eastern portion which originally had 6 parking spaces. 707 South Forest includes site area that covers only 14 percent of the parking from this variance; the rest covered a now demolished portion of Oxford Square that is not a part of the 707 South Forest site.
- A parking reduction for University Commons from 32 to 16 parking spaces. This reduction of parking spaces was conditioned for commercial retail or office use only. A subsequent appeal in 1984 to allow a restaurant in University Commons with a corresponding overall parking reduction from 35 to 16 spaces was denied. 707 South Forest, with its residential and restaurant components, similarly does not conform to the condition by which the variance was granted.

There is one variance entitlement granted for University Commons which remains in effect. There is no feature of the proposed development which conflicts with conditions by which the variance was originally granted.

- A parking space width reduction for five spaces from 9'-0" to 8'-0". These University Commons spaces were accessed from the mid-line alley. Similarly, up to five spaces accessed from the alley for 707 South Forest may utilize this parking space width reduction, provided these spaces have direct alley access and are located in an area of the 707 South Forest site within the boundary of the original University Commons site.

This request for 707 S Forest includes the following for a 0.511 net acre site:

1. Planned Area Development Overlay to allow reduced vehicle parking quantity and increased building height from that indicated in the underlying City Center and Transportation Overlay Districts.
2. Development Plan Review for building elevations, site plan and landscape plan for a 20 story building with first floor retail, entrance and parking/delivery, four upper levels of structured parking, fourteen floors of residential student housing, and a rooftop amenity floor, all within 2,142,900 sf. of building area.

The Development Review Commission shall take action for the request for Development Plan Review and provide recommendation to City Council for the request for Planned Area Development Overlay. Separate processing is required for a Subdivision Plat to combine the individual parcels of the 0.511 acre site into one unified lot.

## PUBLIC INPUT

- A neighborhood meeting was held on May 4th from 6:10pm to 6:50pm in Hatton Hall at 34 East 7<sup>th</sup> Street in Tempe. The project presented was a student housing mixed use development, with focus on the 18 to 23 year old market, including establishment of standards through a Planned Area Development Overlay for vehicle parking quantity and building height. The proposal was favorably received by five members of the public in attendance. The applicant's summary of the meeting is included in the attachments (Summary of Public Outreach, dated May 15, 2009, beginning on attachment # 48). Additionally, Development Services staff recorded the following items:
- Below is a summary of development team answers provided in response to questions posed by the public during the May 4, 2009 neighborhood meeting:
  - The project is entirely above grade; there is no below grade parking or basement.
  - Construction is planned to begin sometime in summer, 2010. The construction period will be approximately one year. The project is scheduled to open in August, 2011.
  - Construction staging area will take up the entire site plus the adjacent parallel parking lanes on 7th and Forest. After the structured parking levels are blocked out, a tower crane will be placed on the east courtyard area of level six.
  - 922 E Apache (the VUE: another Campus Acquisitions development) is the basis for residential lease rate. The typical rate is \$720/bed/mo. Bedroom per month price for 707 S Forest is anticipated to vary from \$630 minimum to \$1,100 maximum. A parking space rental price is separate: \$85.00/mo. The residential price is competitive with A.S.U. dormitory rates and that of a student housing residential competitor (Vista del Sol).
  - Retail spaces are popular at the VUE at 922 E Apache, which is scheduled to open in August, 2009. There are currently eight letters of intent on three retail spaces for the VUE. Retail tenants anticipated for 707 S Forest include a small restaurant, coffee shop and a hair salon. The retail frontage is intended to be similar to that at the A.S.U. Foundation building.
  - Retail signage will be located on horizontal elevation band that divides top of retail ground floor from the 'green screen' at the bottom of the parking levels.
  - Exterior: The building elevations will feature butt-glazed floor to ceiling glass and stucco panels in a simple, modernist composition. Glazed surfaces and shading devices will predominate. Advances in technology of materials will allow large glazed surfaces to be suitable for L.E.E.D. certification. 'Green screen' and vine at parking level elevations will contrast with glass of retail and residential levels. Rainwater harvesting will be employed for 'Green screen' vine as one of the elements of L.E.E.D. Certification of the project.
  - Interiors: Residences will be condo quality, including hardwood floors and granite counter-top surfaces.
  - Clientele: the development will lease to anyone who meets rental criteria. Fair housing dictates same price for all. The VUE is mostly leased to undergraduate students.
- Development Services staff notes three special points of interest from the May 4, 2009 neighborhood meeting:
  - One citizen commented on the architecture as follows: downtown Tempe has a stoic, brick appearance. Glass modern expression is a valid counterpoint to the downtown core.
  - One citizen (Brad Hulquist of Grooming Humans) asked to be considered as a retail tenant in the development. Mr. Hulquist's notation is included as an attachment to this report.
  - The development team referred the meeting attendees to their website for information about their business and similar developments, including those underway. Of particular interest is [309 Green](#). This project is scheduled to open in August 2009 and serve the University of Illinois campus in Champaign-Urbana. The similarity in size and architecture between 309 Green and 707 South Forest is evident. Refer to the following link: [campusacquisitions.com](#); click on any one of the changing photo images; link to new developments, link to University of Illinois, link to [www.309green.com](#) and take the virtual tour.
- The applicant has met separately with representatives of the First Congregational Church of Tempe and has also discussed the project by phone with a representative of the owner of the Ma'i island Grill. Notes from these communications by the applicant are included in the attachments (Summary of Public Outreach, dated May 15, 2009, beginning on attachment # 48).
- As of the publication of this report, staff has received no direct communication from the public regarding 707 South Forest.

## PROJECT ANALYSIS

### PLANNED AREA DEVELOPMENT

The Planned Area Development Overlay includes a request to increase the allowable building height and decrease the minimum vehicle parking quantity standards from that required for a project in the City Center District and Transportation Overlay District Corridor.

With regard to height, the base standard for a City Center District in the T.O.D. Corridor is 50'-0". The T.O.D. Station Area allows 100'-0" height for residential development, however, this site is one-half block away from the nearest T.O.D. Station Area site (the Islamic Cultural Center). Recent (not built) high rise projects in the vicinity that have height entitled by P.A.D. Overlay include University Square (immediately west of Forest Avenue) at 285 ft. building) and 300 ft. appurtenances, The Newman Center (one-half block southeast at College and University) at 244 ft. and the Residence Inn by Marriott (one and one-half blocks north at Forest and 5<sup>th</sup>) at 142 ft. By comparison, the existing Phase II Centerpoint Residential Condominium tower is 343 ft. 707 South Forest seeks a maximum height of 235 ft.

With regard to vehicle parking quantity, the base standard for residential in the T.O.D. is 0.75 spaces per bedroom, regardless of quantity of bedrooms per unit, and an additional 0.2 spaces per unit for guests. The base parking standard for restaurant (indoor) and retail or general office space is calculated at one space per 75 sf and one space per 300 sf, respectively, although the T.O.D. allows the first 25% of restaurant and retail/general office space to have no standard for parking for a maximum of 5,000 sf each of restaurant and retail/general office. Outdoor restaurant area also has no standard for parking, regardless of the area used. The T.O.D. allows public parking adjacent to the project frontages to be counted as part of the fulfillment of the parking requirement. 707 South Forest seeks a minimum of 200 parking spaces for 168 residences with a total of 530 bedrooms plus a maximum of 6,163 sf of indoor commercial retail/general office and restaurant, of which a maximum of 5,000 sf is restaurant. Of the 200, 192 are proposed to be on site and the other eight are on-street in the public right of way.

Following from left to right is a comparison of parking ratios that includes the standard allowed without the T.O.D., the standard allowed with the T.O.D. (this is the existing standard in effect for the site) and the proposed standard for the development. For the proposed standard for residential vehicle parking, 0.36 spaces per bedroom are used in conformance with the Mobility, Accessibility and Parking Analysis, dated April, 2009.

Unit Type	Parking Ratios without TOD	TOD Parking Ratios (EXIST'G STD.)	PAD/TOD Parking Ratios (PROPOSED STD.)
1-Bedroom unit	1.50 spaces / unit (1.50 / bedroom)	0.75 space / unit (0.75 / bedroom)	0.36 spaces / unit (0.36 / bedroom)
2-Bedroom unit	2.00 spaces / unit (1.00 / bedroom)	1.50 spaces / unit (0.75 / bedroom)	0.72 spaces / unit (0.36 / bedroom)
3-Bedroom unit	2.50 spaces / unit (0.83 / bedroom)	2.25 spaces / unit (0.75 / bedroom)	1.08 spaces / unit (0.36 / bedroom)
4-Bedroom unit	3.00 spaces / unit (0.75 / bedroom)	3.00 spaces / unit (0.75 / bedroom)	1.44 spaces / unit (0.36 / bedroom)
5-Bedroom unit	3.50 spaces / unit (0.70 / bedroom)	3.75 spaces / unit (0.75 / bedroom)	1.80 spaces / unit (0.36 / bedroom)
Residential Guest	0.20 space / unit	0.20 space / unit	Waived
Indoor Restaurant	Area x (1 space / 75 sf.)	(25% area reduction) x (1 space / 75 sf.)	(25% area reduction) x (1 space / 500 sf.)
Outdoor Restaurant	Area x (1 space / 150 sf.)	Waived	Waived
Office / Retail	Area x (1 space / 300 sf.)	(25% area reduction) x (1 space / 300 sf.)	(25% area reduction) x (1 space / 1000 sf.)

A Traffic Impact Study has been prepared and revised subsequent to review and comment by the C.O.T. Transportation Division. The Study's conclusion indicates that overall there will be minimal changes in the level of service in 2010 and 2015 for the area. As part of the first review, the Transportation Division indicated no support for the suggested addition of a four-way stop at the intersection of Forest Avenue and College Boulevard. After two reviews, the Transportation Division does note the length of vehicle queues southbound on Forest to the University Drive intersection and northbound on Forest to the 7<sup>th</sup> Street intersection may be a concern, particularly where access to the mid-block alley from Forest may be impacted. The Study indicates the Forest driveway to the upper level parking of the development will not be impacted

Development Services Planning staff supports the proposed building height increase and vehicle parking quantity decrease. Given the trend toward high rise development flanking the historic Mill Avenue Corridor, and the recommended maximum 300 ft. height allowed for the Urban Center section identified in the 2006 Concept Study – Downtown Building Heights, of which this site is part, and given the entitled building height for the adjacent University Square, Staff supports the request for a proposed building height from 50 ft to 235 ft. Given the availability of various transportation alternatives in this area, including light rail, orbit circulator and metro bus systems as well as bicycle use, the proximity of A.S.U., and given the reluctance of lessees of the VUE at 942 East Apache to separately rent parking spaces within this student housing project, and the estimate in the Mobility, Accessibility and Parking Analysis that only 126 parking spaces are needed for resident use at 707 South Forest, Planning Staff supports the request for a proposed parking quantity decrease from 484 to 200 parking spaces. This includes a reduction of parking per bedroom from 0.75 to 0.36 spaces per bedroom, a waiver of guest residential parking, a reduction of indoor restaurant parking from one space per 75 sf. to one space per 500 sf., and a reduction of retail/office parking from one space per 300 sf. to one space per 1,000 sf.

Following is a comparison of the Development Standards for 707 South Forest, including the standard before and after the T.O.D. Overlay, and the proposed standard. In this table the parking calculation is broken down by use.

Building & Site Standard	CC District Without TOD	CC (TOD) EXIST'G STANDARD (no PAD)	CC (PAD) (TOD) PROPOSED STANDARD
Building height	50 ft	50 ft	235 ft
Parking:			
.....Residential			
.....28- 1 bedroom units	42.0	21.0	10.1
.....28- 2 bedroom units	56.0	42.0	20.2
.....30- 3 bedroom units	75.0	67.5	32.4
.....54- 4 bedroom units	162.0	162.0	77.8
.....28- 5 bedroom units	98.0	105.0	50.4
.....Residential Guest (for 168 du)	33.6	33.6	Waived
.....Indoor Restaurant (5,000 sf.)	50.0	50.0	7.5
.....Outdoor Restaurant (+/-1,000 sf.)	6.7	Waived	Waived
.....Retail / Office (1,163 sf.)	3.9	2.9	1.2
Total Vehicle Parking	527	484	200

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

- The proposed project is allowable as Mixed Land Use as defined in the Z.D.C. Part 3.
- The proposed project will conform to the development standards listed above, as established as part of the P.A.D. Overlay District, for development of this site.
- The proposed P.A.D. Overlay conforms to the Transportation Overlay District provisions as defined in Z.D.C. Part 5.
- The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

## DEVELOPMENT PLAN REVIEW

### Site Plan

The building mass features two 14 floor residential towers over four levels of structured parking over a ground floor commercial and parking/service level. Each long, narrow tower has an east-west axis with intermittent residential balconies facing north, south and west. A twentieth floor amenity center slightly increases the height of the north tower over its 19 story counterpart. The towers are connected at midpoint with a north-south corridor and elevator bank. The circulation core's central position creates east and west courtyards over the structured parking. The volume resembles an "H", laid on its side and open to east and west, atop a cubic base.

The elevators descend from the rooftop amenity through each residential and parking level to the ground floor residential lobby. The lobby entrance faces 7<sup>th</sup> Street. The ground floor has two commercial frontages. The vehicle entrance to the upper parking levels is on Forest Avenue. A vehicle entrance from the alley serves a small ground level parking and loading area. The building footprint is essentially the area of the site. Small ground level setbacks are allowed on north and west for landscape strips, facing the streets, at the base of the storefronts. A south ground level setback is allowed off the alley for solid waste storage and pick-up. On the east, the parking levels abut the property line but the residential towers set back slightly to allow eastern windows.

### Building Elevations

As a counterpoint to the solid brick and plaster motif of downtown Tempe, the architecture of 707 South Forest fits the variations of a sleek glazed curtain wall design aesthetic found in nearby developments such as Hayden Ferry Lakeside, Solar One at Mill and Washington, 501 South College, Tempe Gateway at 222 South Mill, Centerpoint Residential Towers, the A.S.U. Foundation building at College and University and Lattie F. Coor Hall on Forest mall on the A.S.U. campus. The translucent surfaces of the overall form are layered and subdivided into smaller rectilinear shapes with material, color and planer changes. The layering includes residential window walls set behind projecting balconies and street ground floor vehicle entrance and commercial storefronts set behind a frame of cylindrical concrete columns. The column lines are exposed in front of "greenscreen" at the parking levels before being concealed in the residential towers. Four types of glass are used, all with green shades. Exterior plaster panels provide the opaque counterpoint to the glazed surfaces. A pre-cast buff color veneer is added at the base of the east side and south rear elevations. The concrete frame and exterior plaster panel color is off-white "Horizon" and the featured exterior plaster color is "Forest Hills."

### Landscape Plan

Hardscape and landscape are clustered on three levels: at the ground floor public street frontages, at the 6<sup>th</sup> floor courtyards and at the 20<sup>th</sup> floor amenity level. The 20<sup>th</sup> floor is predominantly hardscape and features a swimming pool and hot tub on top of the south tower but also includes planting rows of shoestring acacia overlooking the courtyards and Mexican bird of paradise at the pool. A single sissoo tree is located at the northeastern corner of the roof deck. The 6<sup>th</sup> floor is conditioned to include potted tree buffers at the open ends of the two courtyards. The courtyards feature a three story wire mesh green screen wall at the open ends to provide morning and afternoon shade. The ground floor street trees are conditioned to be 'Heritage' live oaks, matching the street tree found elsewhere in downtown, and are increased in quantity by condition to match the tree locations indicated on the north and west elevations. The commercial storefronts facing Forest Avenue and 7<sup>th</sup> Street are framed with a planting bed at the base of each storefront.

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

- Zero setbacks help define the street wall in a district-wide context. The building form represents a high rise typology emerging on the areas flanking the Mill Avenue Corridor.
- Materials presented are of superior quality and are compatible with the emerging surroundings.
- Landscape elements, including street trees near curbside, planting beds at foot of storefronts and trees at elevated decks add human scale to site and elevations.
- Building facades are divided into smaller components that assist with presentation of human-scale.
- A distinct base (consisting of commercial and lobby uses), belt (consisting of structured parking behind 'green screen') and top (residences with balconies), provide distinctive layering of building elevations.
- Projecting overhangs, including balconies and canopies, 'green screen' wall at parking and courtyards, and trees at elevated landscape levels employ shade and living plants for energy conservation as an integral part of the building design.
- Priority treatment of doors, windows, doorways and walkways at the ground level contribute to an attractive public space.
- Rainwater retention and dissipation concept will be coordinated with building design and district storm drain system.

- Adjacent off-site utilities will be placed underground.
- Lighting in conjunction with building design, as required by ZDC Part 4 Chapter 8 and by condition, will not create negative effects such as light trespass to the adjoining urban district.
- Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation.
- Vehicular and bicycle traffic impacts are minimized in conformance with the city transportation policies and design criteria.
- Accessibility by persons with disabilities to building will be provided in conformance with the Americans with Disabilities Act.
- Encroachment Permit will be obtained for portions of the building that overhang the public right of way in conformance with C.O.T. Public Works Department criteria.
- Natural surveillance and visibility of pedestrian areas at ground floor building entrances is maximized. The design appropriately integrates crime prevention principles such as territoriality, access control and activity support.
- Landscape street trees separate street parking and public pedestrian walks and activities. Upper level planting maximizes opportunity to incorporate living landscape as part of the building design.

## Conclusion

Based on the information provided by the applicant, the public input received and the above analysis, staff recommends approval of the requested Planned Area Development Overlay and Development Plan Review. 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 "Downtown Building Heights Concept Study" anticipates, and supports, a building height of 300'-0" for this location.
4. City of Phoenix Aviation Department has determined the proposed structure (235'-0" above ground level) will not have a negative impact on Sky Harbor airport operations or airline emergency flight procedures.
5. An Obstruction Evaluation has not been conducted for this site through the Federal Aviation Administration. However, the F.A.A. has extended the approval for the original University Square proposal immediately to the west at 370'-0" above ground level. Completion of an F.A.A. evaluation for 707 South Forest to determine no hazard to air navigation is required prior to issuance of building permits.
6. The Mobility, Accessibility and Parking Analysis prepared for the proposed development effectively argues that the availability, variety and convenient access of "non-automotive transport service" to this development reduces the need for private automobiles and parking.
7. The development as proposed meets the approval criteria for Planned Area Development Overlay and Development Plan Review.
8. 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.

### PAD09004 CONDITIONS OF APPROVAL:

#### General

1. This approval is based on conformance to preliminary drawings and exhibits submitted for the requests for a Planned Area Development Overlay and Development Plan Review except where amended by the conditions of approval indicated below and by governing Code and Ordinance Standards. The preliminary drawings and exhibits include the following:
  - a. Site Plan sheet A0.1, dated 5/19/2009.
  - b. Floor Plans sheets A1.0, A1.1, A1.2 and A1.3, dated 5/19/2009.
  - c. Building Elevations sheets A2.0, A2.1 and A.2.2, dated 5/19/2009.
  - d. Building Sections sheet A3.0, dated 5/19/2009.
  - e. Site Improvement Plans (cover, sections and utility plan) sheets 1 of 4, 3 of 4 and 4 of 4, dated 5/5/2009.
  - f. Site Improvement Plan (grading and drainage) sheet 2 of 4, dated 5/6/2009.
  - g. Ground Floor and 20<sup>th</sup> Floor Landscape Plans, sheet PL1.1 and PL1.2, dated 5/6/2009.
  - h. Materials Sample Board, dated 4/7/2009.
2. A building permit shall be obtained on or before August 20, 2012, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
3. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, Owner(s) voluntarily waive(s) any right to claim compensation for diminution in property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Development Services Department no later than September 21, 2009 or the Amended Planned Area Development Overlay approval shall be null and void.
4. Site clearing:
  - a. Obtain a demolition permit and remove the existing buildings, site and landscape improvements of Oxford Square and University Commons after concluding the tenancy in the buildings to the satisfaction of all parties.
  - b. Do not demolish the existing buildings, site and landscape improvements, including landscape in the public right of way, until a building permit for the succeeding development is issued, or until Development Services and Public Works Division waivers for this condition are granted.
  - c. Coordinate with Public Works and Parks and Recreation Departments the salvage of existing city-owned fixtures and trees in the public right of way prior to demolition.
5. The Planned Area Development for 707 South Forest shall be put into proper engineered format (sample is available from the Development Services Department), sealed by an Arizona registered architect or registered professional engineer, fitted with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department. Complete this process prior to the issuance of building permits.
6. Maximum height of the building, as measured from the top of curb adjacent to the center of the front-yard of the site, to the highest portion of the roof or parapet of the building shall not exceed 235'-0".
7. The increased height exception stipulated in ZDC Sec. 4-205(A) shall be waived for the building. The structures stipulated in this section may not extend above the established height of the building. Similarly, architectural appurtenances such as antennae, communications equipment or flagpole may not extend above the established height of the building.
8. Submit height coordinates for the building towers to the Federal Aviation Administration for an Observation Evaluation (FAA 7460-1 form). Obtain written determination of "no hazard to air navigation" for the development's height from the F.A.A. and submit this finding to the City of Tempe prior to issuance of building permits.

9. Where a temporary structure such as a construction crane is utilized that exceeds the approved height of the building, submit height coordinates for the structure to the Federal Aviation Administration (FAA 7460-1 form) and the City of Phoenix Aviation Department (Airside Operations staff) for review. Obtain and submit written approvals from each agency to the City of Tempe prior to issuance of a building permit.
10. The minimum required quantity of vehicle parking spaces for the building shall be 200 spaces, which may include on-street parking adjacent to the development. The development shall conform to the following with respect to parking:
  - a. The residential component shall include a maximum of 168 residential dwelling units and a maximum of 530 bedrooms. Residential parking is calculated at 0.36 vehicle parking spaces per bedroom. The parking standards for resident guest parking, residential amenity, resident lobby office and resident service/maintenance spaces are waived.
  - b. The commercial component shall be a maximum of 6,163 sf. of commercial area composed of general office, medical office, retail and indoor restaurant use, of which a maximum of 5,000 sf. may be dedicated for indoor restaurant. The parking standard for the first 25 percent of commercial office/retail area and the first 25 percent of restaurant area are each waived. The parking standard for outdoor restaurant area is waived. Parking is calculated for the remaining office/retail and restaurant areas as follows:
    - 1) One vehicle parking space is required for every 1,000 sf. of indoor commercial area, including medical office, general office and retail area, including area of "back of house" functions.
    - 2) One vehicle parking space is required for every 500 sf. of indoor restaurant area, including area of "back of house" functions.
11. Obtain an Encroachment Permit from the Public Works Department for portions of the building which overhang or otherwise encroach into the public right-of-way prior to first submittal for building plan check review, unless waiver for this condition is granted from the Public Works Department.
12. A Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

## **DPR09066 CONDITIONS OF APPROVAL**

### **General**

13. Submit drawings to the Development Services Building Safety Division for building permit by June 9, 2011 or the Development Plan approval will expire. Subsequently, an expiration of the building plan check period or issued building permit will result in expiration of the development plan review approval.

### **Site Plan**

14. Variance A-82-8.3 to allow an 8'-0" parking space width for five parking spaces is in effect for 707 South Forest and may be used, subject to the fulfillment of the following conditions by which the variance was granted: The parking spaces shall have alley access and shall be positioned in the site area previously occupied by University Commons. Separately identify these spaces for "compact" parking if the variance is used.
15. Public sidewalks and driveways: provide red brick downtown sidewalk running bond paving standard as proposed.
  - a. Extend brick paving behind the Forest Avenue concrete ramped driveway.
  - b. Incorporate vertical grade change between storefront entrance finish floor and top of curb by utilizing exposed concrete steps, if necessary, but also incorporating disabled accessibility principals that allow safe use of the sidewalk by persons with ambulatory, vision or other impairments.
  - c. Extend sidewalk paving on site where there is a storefront setback. Incorporate locations of access to buried structures (such as restaurant grease interceptor container) with layout of on-site paving and planting areas.
16. Locate mechanical, plumbing, fire protection and electrical equipment and housings inside the building. Placement of equipment in a closet that was direct exterior access via a solid or louvered doorway is acceptable. Placement of backflow preventers, fire risers or similar water conveyors where they are viewable from the public right of way is acceptable if each device is caged.

17. Locate 48 bicycle parking spaces calculated for commercial use in areas that are not enclosed in the secured, residential parking areas of the garage. A portion of these spaces may be in the public right of way, subject to approval of Public Works Department.
18. At the alley, enclose sequestered trapezoidal plan areas to the north and rear of the refuse enclosures so they are inaccessible for public use. Provide minimum 8'-0" tall masonry screen wall between the alley and each refuse enclosure. Finish masonry with exterior plaster and paint to match the building. It is not necessary to gate the enclosures. If they are gated, provide transparent, steel vertical picket gate that inhibits climbing into the enclosures.
19. At retention structure maintenance access to the ground level garage, provide transparent gate of steel vertical picket, coiling steel mesh, or similar construction. Chain link is not allowed. Design area to prevent access to the public. Review hardware with Building Safety and Fire staff and resolve lock and emergency ingress/egress design features that may be required.

### Floor Plans

20. At 6<sup>th</sup> floor, locate three story high wire mesh green screen walls near open ends of courtyards.
21. Residential and commercial glazing:
  - a. Provide dual pane residential glazing.
  - b. Provide low-emissivity glass layer at summer-exposed portions of residential and commercial window wall, including areas not shaded by balconies or overhangs on southern elevations and at full extent of east and west elevations, except where seasonal external solar control is demonstrated.
22. Exit Security at all levels:
  - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
  - b. In instances where an elevator or stair entrance at residential or garage level is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow observation from the doorway into the hidden area.
23. Parking Garage Security:
  - a. Provide pedestrian as well as vehicular access control between resident and commercial parking areas.
  - b. Minimize interior partitions or provide transparent screens to inhibit hiding behind these features.
  - c. Paint interior wall and overhead surfaces in garage floor levels white with a reflectivity (LRV) of minimum 75 percent.
  - d. Maximize openness at elevator lobby and stair entrances to facilitate visual surveillance to the adjacent parking level.
24. Parking Garage layout:
  - a. Individually number each on-site parking space.
  - b. At end of dead-end drive aisle, provide a clearly demarcated, designated turn-around space, minimum 11'-6" clear in width.
  - c. Provide a minimum 2'-0" of additional width for parking spaces when alongside a continuous wall.

### Building Elevations

25. The materials and colors are approved as presented:
  - a. Concrete and Exterior Plaster:
    - 1) Paint color 1: Benjamin Moore "Horizon-1478"
    - 2) Paint color 2: Benjamin Moore "Forest Hills Green-433"
  - b. Glazing:
    - 1) Balconies, Residential and Store front Glazing, Pilkington " 'Activ' self cleaning glass"
    - 2) Store front Glazing, Pilkington "Reflective Low-E with Evergreen Glass"
    - 3) Store Front Glazing, Pilkington "Reflective Low-E with Blue-Green Glass"
  - c. Wire Mesh Screen: Greenscreen "Wall Hung Modular Trellis Panels"

Provide main colors and materials with a light reflectance value of 75 percent or less. Submit any additions or modifications for review during building plan check process.
26. Modify materials as follows:
  - a. Balcony Screening Glazing: substitute opaque frosted spandrel glass for Viracon, "Laminated Spandrel 'White Holes' Glass".

This material is used to screen residential unit mechanical equipment located on balconies.

- b. Veneer: substitute Rock Cast Stone pre-cast cladding "Buffstone" color for Glen Gery brick, vertical Norman pattern, "Rome Grey" color, located on lower portion of the east and south elevations. The change is made at the request of the architect.
27. Design building elevation parapet system to allow a cellular provider to incorporate and/or conceal antenna within the architecture of building, such that future installations may be accomplished with little modification.
  28. Permanent exterior access to upper roofs from adjacent lower roofs, such as the roof of the 20<sup>th</sup> floor amenity center from the amenity deck, or the roof of the elevator overrun from the roof of the corridor extending from the amenity center, is allowed if sensitive to the architectural design and secured from unauthorized use.
  29. Conceal roof drain system within the building interior. Minimize exposed features, such as overflows and roof drain outfalls. Incorporate exposed lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, FDC identification, etc.) into the design of the building elevations. Exposed conduit, piping, etc. is not permitted.

### Lighting

30. Illuminate all public building entrances at all levels from dusk to dawn, and additionally do the following:
  - a. Illuminate exterior doors to the 6<sup>th</sup> floor and 20<sup>th</sup> floor amenity levels to minimum 5.0 foot-candles.
  - b. Illuminate residential exterior doors that share a terrace with at least one other unit to minimum 5.0 foot-candles.
31. Illumination of exterior doors at individual residential balconies and elsewhere may be switch-controlled from the residence.
32. Illuminate mid-line alley from dusk to dawn, including the following:
  - a. Illuminate refuse enclosures adjacent to alley to minimum 5.0 foot-candles.
  - b. Illuminate to southern edge of alley along width of project to minimum 1.0 foot-candles and maximum 3.0 foot-candles.
33. Position security lights in parking levels so light is directed away from the wire mesh green screen wall and does not project to the streetscape below. Use house side shields on lights if necessary

### Landscape

34. Indicate location and depth of planting areas for vines used on wire mesh green screen wall on building elevations. Indicate the species of vine on the plant schedule. If an alternate screen method to living plants on wire mesh screen wall is proposed to conceal parking levels, provide a revised landscape and building elevation submittal. This revised submittal will be separately presented to the Development Review Commission for approval prior to issuance of building permit.
35. Provide a landscape plan of the 6<sup>th</sup> floor courtyard and amenity level.
  - a. Include at least four trees in pots at the west end of the west courtyard, as indicated in the building presentation west elevation, sheet A2.0, and match this potted tree buffer at the east end of the east elevation. Size pots to adequately accommodate a 36" box size tree installation.
  - b. Relation of landscape and hardscape areas as indicated on 6<sup>th</sup> Floor Plan, sheet A1.2 are acceptable. Indicate plant and/or sport surfaces in landscape areas.
  - c. Coordinate the three story high wire mesh green screen wall at the east and west courtyards, as indicated on the building presentation east and west elevations, sheets A2.1 and A2.0, with the location, depth and quantity of planting areas for vines used to climb the screens. For both screen walls, provide a one story high gap between the bottom of the three story screen and the 6<sup>th</sup> floor amenity level, as is indicated on the west elevation.
36. Limit plant materials schedule to specimens that are symbolically represented on the landscape plans.
37. Trees in public right of way:
  - a. Provide *Quercus virginiana* 'Heritage' in public right of way in lieu of *Dalbergia sissoo*. Provide standard (single trunk) specimens of uniform size and spread that are each 36" box size at installation.
  - b. Provide one extra street tree on Forest Avenue frontage, south of the garage driveway, as is indicated on the west presentation building elevation, sheet A2.0.

- c. Provide one extra street tree on 7<sup>th</sup> Street frontage near the 7<sup>th</sup> and Forest intersection, as is indicated on the north presentation building elevation, sheet A2.0. Shift the proposed line of trees east (also indicated in the elevation) to accommodate this addition.
  - d. Refer to placement of buried utilities in public r.o.w., including utilities layout as indicated in Standard Engineering details T431 through T-439, prior to finalizing locations of trees.
38. Irrigation notes:
- a. Provide dedicated landscape water meter to separately monitor irrigation water use.
  - b. Irrigate at-grade landscape in public right of way adjacent to site as part of the on-site irrigation system.
  - c. Provide at-grade pipe distribution system of buried rigid (polyvinylchloride). Flexible (polyethylene) main line and feeder line is not allowed. Provide minimum pipe strength as follows:
    - a. Schedule 40 PVC mainline (upstream of valves)
    - b. Class 315 PVC ½" dia. feeder line (downstream of valves).
    - c. Class 200 PVC feeder line for sizes greater than ½" (downstream of valves).
  - d. Provide irrigation pipe distribution system at elevated building levels at a minimum to the standard for on-grade irrigation and additionally in conformance with the requirements of the building code for water conveyance within the building.
  - e. Locate valve controllers in secure location(s) inside the building. Hardwire power source for each controller.
39. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
40. Generally top dress at-grade planting areas, except under tree grates, with decomposed granite. Indicate granite size, quality (minus, screen or sized) and color in the landscape legend. Provide a color that compliments the building. Install decomposed granite to a 2" uniform thickness.

## Signage

41. Building Address signs:
- a. Determine building address with the Public Works Engineering Division.
  - b. Provide two signs on the elevation of which the building is addressed near either end of the elevation and provide one sign near the southeast corner of the south elevation. Do not place address signs on the east elevation or on the street elevation on which the building is not addressed, except vinyl dye cut entrance address signs are allowed on glazed storefronts facing this street.
  - c. Conform to the following for building address signs:
    - 1) Provide number only, not the street name
    - 2) Compose of 12", individual mount metal reverse pan channel numbers.
    - 3) Halo-illuminate or direct illuminate each address.
    - 4) Do not affix number or letter to building that might be mistaken for the address.
  - d. Conform to the following for entrance signs:
    - a. Compose of 8", white vinyl dye cut characters mounted on glazing.
    - b. Provide street number and street name in address.
  - e. Provide one address sign on the roof of the building.
    - 1) Orient roof address to be read from the south.
    - 2) Include street address number in 6'-0" high characters on one line and street name in 3'-0" high characters on a second line immediately below the first.
    - 3) Provide high contrast sign such as black characters on a white roof.
    - 4) Do not illuminate roof address.

## CODE/ORDINANCE REQUIREMENTS:

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

- ZONING AND DEVELOPMENT CODE: Requirements of the Zoning and Development Code apply to any application. Become familiar with the ZDC to avoid unnecessary review time and reduce the potential for multiple plan check submittals. The ZDC may be accessed through [www.tempe.gov/zoning](http://www.tempe.gov/zoning) or purchased at Development services.
- STANDARD DETAILS:
  - Tempe Standard "T" details may be accessed through [www.tempe.gov/engineering](http://www.tempe.gov/engineering).
  - Tempe Standard "DS" details for refuse enclosures may be accessed through [www.tempe.gov](http://www.tempe.gov), to [Departments](#), to [Building Safety](#), to [Applications and Forms](#), and the DS details are found under [Civil Engineering](#).
- SITE PLAN REVIEW: Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated February 25, 2009 and April 15, 2009. Direct questions related to specific comments to the appropriate department, and coordinate any necessary modifications with all concerned parties prior to application for building permit.
- BUILDING HEIGHT: Measure height of building from top of curb on 7<sup>th</sup> Street along front of property in center of frontage.
- VEHICLE PARKING STANDARDS established for developments in the T.O.D. (Corridor) may be utilized for this development, including as follows:
  - Parking standard is waived for the first twenty-five percent of indoor commercial area, up to and including an overall area of 5,000 sf. The twenty-five percent waiver does not apply to areas beyond the first 5,000 sf.
  - Parking standard is waived for outdoor restaurant sidewalk patio area, regardless of the size of the waiver.
  - Include curbside public parking on 7<sup>th</sup> Street and Forest Avenue adjacent to site front and street side yards in partial fulfillment of parking required for the development.
- VEHICLE & BICYCLE PARKING CALCULATIONS:
  - Provide vehicle parking calculation for the site for each use based on the approved P.A.D. Overlay.
  - Provide bicycle parking calculation for the site based the parking ratios in the Bicycle Commute Area for each use and residential unit/bedroom quantity as described in ZDC Table 4-603 (E).
- VEHICLE AND BICYCLE PARKING SPACE LAYOUT:
  - Refer to ZDC Sec. 4-606 for minimum standard vehicle and bicycle parking size sizes. Do not allow walls, columns or other items to encroach into minimum vehicle standard and disabled accessible parking space sizes.
  - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs. Additionally, refer to Building Safety Division for overhead clearance requirement for enclosed area containing van disabled accessible parking spaces.
  - Provide a 3'-0" long vehicular maneuvering stub at dead end drive aisle, following ZDC Fig. 4-6-6 (A1).
  - Coordinate locations and size of on-street parallel parking with Traffic Engineering Division.
- ENGINEERING AND LAND SERVICES:
  - The Public Works Department shall approve all roadway and utility easement dedications, driveways, storm water retention and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
  - Off-site improvements to bring roadways and site to current standards may include, but not be limited to, water lines and fire hydrants, sewer lines, storm drains and roadway improvements including streetlights, curb, gutter, bike parking, sidewalk and related amenities.
  - Clearly indicate property lines and the dimensional relation of the building to the property lines.
  - Place utilities underground in accordance with the Code of the City of Tempe - Section 25.120. Do not try to maintain an existing pole immediately adjacent to site which will be affected by the building foundation—underground to the next pole.
  - Repave mid-line alley between 7<sup>th</sup> Street and University Drive to extent determined by the Public Works Department.

- Coordinate site layout with utility provider(s) to provide adequate utility access easements. Obtain approval of off-site plans prior to recordation of Final Subdivision Plat in order to finalize easement requirements OR handle the addition or modification of easements by separate recorded instrument.
  - Verify location of easements or property restrictions to ensure no conflict exists with the site layout or foundation design.
  - Verify storm water design requirements for the Alternative Retention Criteria Area with the Public Works Department.
- ENCROACHMENT: For any projection into the public right of way or intrusion in an exclusive easement, obtain an Encroachment Permit (License for Special Use) from Public Works Department prior to issuance of building permit. Where any above-grade encroachment is less than 24'-0" above the public sidewalk, design a removable structure subject to approval of Public Works Department. Comply with any other requirements described by the encroachment permit or the building code.
- SUBDIVISION PLAT: A re-plat is required to unify the various parcels of the development into one lot. Do not provide cut off at northwest corner of property, subject to approval of Land Services Division. Within 30 days of plat submittal, provide a current Title Report. In advance of the plat, separately process removal of unneeded easements through the Land Services Division and record the abandonment(s) as a separate instrument.
- REFUSE:
    - Container enclosures: Construct walls, pad and bollards in conformance with Standard Detail DS-116 and provide maximum 27 degree angle of enclosure approach, as measured from centerline of adjacent drive aisle.
    - Provide minimum 20'-0" overhead clearance above refuse enclosures.
    - Develop strategy for recycling collection and pick-up from site with Public Works Solid Waste Division. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
    - Gates for refuse enclosure(s) are not required. If gates are provided, the property manager is required to arrange for gates to be open on collection days.
- BUILDING SAFETY:
    - Resolve area of openings at garage levels with setback of walls and openings from east property line
    - Provide minimum height clearance for disabled van-accessible parking spaces as required for each of the two parking areas on site (the one accessed from the alley and the one accessed from Forest Avenue).
    - Verify occupancy load and size and quantity of exits from 6<sup>th</sup> and 20<sup>th</sup> floor amenity levels.
    - Resolve fire separation between refuse chute and residential corridor with requirement for disabled accessibility to chute.
    - Reconcile wire mesh screen and vine with ventilation requirements for structured parking.
    - Shear walls on floor plans interfere with southeast ground level exit door and refuse enclosure access adjacent to the alley. Resolve this conflict. Refer to sheet A1.0
- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation. Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding this process.
- SECURITY REQUIREMENTS:
    - A separate security plan is not required for the residential component of the development.
    - Prepare a security plan with the Police Department for the commercial components of the development that are described in ZDC Sec. 6-313. Verify modifications that would require design revisions. At a minimum, contact the Crime Prevention Unit to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
    - Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls and shrubs. Design columns or corners to discourage opportunity for ambush. Provide distance of at least 21'-0" between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
    - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
    - Public Restroom Security (resident bathrooms are excluded)
      - Lights in restrooms: Provide 50% night lights and activate lights by automatic sensors, key or remote control.
      - Single user restroom door hardware: include a key bypass on exterior side.

- Keep alley garage vehicle gate open during business hours and as required for deliveries, subject to the security plan.
  - A security vision panel shall be provided at service and public exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
  - Avoid upper/lower divided glazing panels in exterior window walls at grade level, particularly where lower (reachable) glass panes of a divided pane glass window wall can be reached and broken for unauthorized entry. Do not propose tall plants or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, laminated or other hardened glazing may be considered at these locations.
- EMERGENCY RADIO AMPLIFICATION: Within the building provide radio amplification of emergency frequencies as required. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Refer to this link ([http://www.tempe.gov/itd/Signal\\_booster.htm](http://www.tempe.gov/itd/Signal_booster.htm)) and if needed contact Information Technology Department (480-350-8364) to discuss the size and materials of the building and determine the extent of construction to fulfill this condition.
- DRIVEWAYS:
    - Construct minimum 30'-0" and maximum 40'-0" wide driveways in conformance with Standard Detail T-320.
    - Indicate clear vision triangles on landscape plans at property corner, at Forest driveway and at Forest/alley intersection. The maximum speed limit is 25 m.p.h. on streets adjacent to site. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services or from Transportation Division if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy tree trunks, light posts or sign posts are allowed) within each clear vision triangle.
- PUBLIC SIDEWALKS:
    - Follow Standard Detail T-353 when designing sidewalk areas in the right-of-way.
    - Alternative paver materials and design to standard detail T-353 are encouraged in small amounts to create entrance accent areas, or demarcate architectural features of the building. These are subject to review and approval by the Engineering and Planning Divisions. Do not propose a wholesale material change
    - Provide paving materials that are compatible with the Americans with Disabilities Act and the Building Code.
    - Provide minimum 8'-0" wide clear walking path along length of each of the frontages and conform to the minimum layout lanes of the complete pedestrian environment as described in the Z.D.C. Fig. 5-612 (F).
    - At corner provide directional ramps per standard detail T-328. Modify ramps per downtown brick sidewalk standard.
    - Submit a walkway maintenance agreement where the owner of the property assumes full responsibility for the maintenance and replacement of the pavement throughout the public sidewalk areas on the front, sides and reverse front of the site as necessary. Record this agreement as a separate instrument at the Maricopa County Recorder's office after review by the Public Works Engineering and Land Services Divisions.
- EQUIPMENT SCREEN: Fully conceal building-mount equipment with opaque screens, including H.V.A.C. units on balconies and equipment on roof of building in conformance with ZDC Sec 4-405.
- LIGHTING:
    - Follow the guidelines listed under Appendix E "Photometric Plan" of the Zoning and Development Code.
    - Indicate the location of all exterior light fixtures on the landscape and photometric plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.
- SIGNS: Obtain sign permit for any identification signs as well as for internally (halo) illuminated address signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by Planning Division during plan check process.

## HISTORY & FACTS:

### Subdivision

June 19, 1893

The Map of Tempe, a subdivision prepared for the Tempe Land and Improvement Company, L. W. Blinn, President, was recorded in the State of California, County of Los Angeles, before Geo. W. Parsons, Commissioner of Deeds for Arizona Territory, in Book 2, Page 26 of Maps for Maricopa County, Arizona.

Note: The subject site is composed of Lots 8, 9 and 10 of Block 13 of the map of Tempe.

Note: No information available on the subsequent subdivision of Lot 10 into three parcels. No available information on the original residential constructions on the properties at 203 E 7<sup>th</sup> Street, 211 E 7<sup>th</sup> Street, 215 E 7<sup>th</sup> Street, 705 S Forest Ave, 707 S. Forest Ave and 709 S Forest Ave.

### Oxford Square

December 8, 1964

Certificate of Occupancy granted for commercial building located at 704-710 S. Forest Avenue. Building is on west side of Forest and is north of the midblock alley between 7<sup>th</sup> and University).

Note: this is the western portion of Oxford Square.

December, 1965

Certificate of Occupancy granted for commercial "U" shape building located at 709 S Forest Avenue (December 23) and 707 S. Forest Avenue (December 30). Building is on east side of Forest and is north of the midblock alley between 7<sup>th</sup> and University).

Note: this is the original eastern portion of Oxford Square.

November 18, 1968

The Board of Adjustment approved a Use Permit to construct a commercial building for two retail stores (Harry Whipple) at 203 East 7<sup>th</sup> Street and 705 S. Forest Avenue in the C-3, Central Commercial District.

Note: this is the addition to the eastern portion of Oxford Square.

Note: This is the building that most recently housed Wet Paint (now vacant) and currently houses Ma'i Island Grill. The first condition of approval requires an architectural match, which confirms this building was the last piece of Oxford Square to be constructed.

Note: Oxford Square was located on both sides of Forest Avenue south of 7<sup>th</sup> Street to the alley. The portion of Oxford Square west of Forest was demolished in May, 2008. Oxford Square east of Forest still exists.

November 19, 1968

Building permit issued for removal of existing house at southeast corner of Forest and 7<sup>th</sup>.

April 1, 1969

Certificate of Occupancy granted for commercial building located at 203 East 7<sup>th</sup> Street (southeast corner of Forest and 7<sup>th</sup>).

June 27, 1979

The Board of Adjustment approved a Use Permit to operate a sandwich/ice cream shop and a Variance to reduce the required off-street parking spaces from 59 to 44 for Tina's Old Fashioned Ice Cream (Thomas Monforton) at 705 S Forest Avenue in the CCD, Central Commercial District.

Note: Tina's was located on the east side of Forest but the Variance for parking reduction was for the entire Oxford Square Shops, including three parcels at the Southwest corner of 7<sup>th</sup> And Forest (in addition to two parcels at the Southwest corner of 7<sup>th</sup> and Forest which are a part of the subject site).

### Early Mixed Use (Lots 8 & 9)

December 4, 1967

Request for conversion of the rear of an existing frame construction residence to a General Repair, Fix it and Saw Shop (Howard D. Thomas) at 211 East 7<sup>th</sup> Street was withdrawn prior to Board of Adjustment hearing date due to Building Code difficulties in converting a portion of the residence to commercial use.

Note: this was a first stab at mixed use on the subject site.

January 21, 1974

The Board of Adjustment approved a Use Permit (William McCormick) to operate a ski repair shop at 213 East 7<sup>th</sup> Street in the CCD, Central Commercial District.

Note: This is an example of mixed-use from an earlier era of development. An existing ski rental shop facing 7<sup>th</sup> Street was alongside an existing residence on this property. The ski repair shop was located in

a freestanding building facing the alley at the rear of the property. As a result of this construction activity, construction upgrades were required in the ski rental facility in the residence to conform to the building code.

October 17, 1979 The Design Review Board approved the sign for Barb's Dark Room (Barbara Pierce) at 713 East 7<sup>th</sup> Street  
Note: the Dark Room was an example of a commercial use that exclusively fronted the mid-line alley between 7<sup>th</sup> Street and University Drive. The signs on the alley were oriented to be read from Forest Avenue through the Forest and alley intersection.

### **Fumusa Properties**

September 20, 1972 The Design Review Board approved the building elevations, site and landscape plans for Fumusa Properties located at 215 East 7<sup>th</sup> Street in the C-3, Central Commercial District.  
Note: the site included the Lot 8 (part of the subject site) and Lots farther east currently containing the Student Health Center that are not included in the subject site. The project was not built.

### **University Commons (Lots 8 & 9)**

March 24, 1982 The Board of Adjustment approved a Use Permit and three Variances for University Commons (Brad Schultz and William McCormick) at 215 East 7<sup>th</sup> Street in the CCD, Central Commercial District.

- Use Permit to establish a general commercial use center
- Variance to reduce the required number of off-street parking spaces from 32 to 16 for a general commercial use.
- Variance to reduce the required width of five parking spaces from 9'-0" to 8'-0".
- Variance to reduce the required landscape strip between the street property line and the parking area from 10'-0" to 5'-0".

Note: the parking ratio used at the time was one parking space per 250 s.f. of general commercial (retail or general office) space.

February 3, 1983 The Design Review Board approved the building elevations, site and landscape plans for University Commons at 215 East 7<sup>th</sup> Street in the CCD, Central Commercial District.

March 28, 1984 The Board of Adjustment denied the following appeal, Use Permit and Variance requests for University Commons (Schultz and Associates) at 215 East 7<sup>th</sup> Street in the CCD, Central Commercial District.

- Appeal a condition of approval, dated March 25, 1982, stipulating that only general commercial uses be permitted in this complex.
- Use Permit to allow a sit down restaurant in this complex.
- Variance to reduce the required number of off-street parking spaces from 35 to 16 (the parking Variance approved in 1982 was for a 16 space reduction, rather than 19 which was denied in 1984).

Note: the affect of this denial prohibited a restaurant from being housed at University Commons.

### **Downtown Studies**

May 01, 1996 RECREATING A TRADITIONAL DOWNTOWN: A Concept Plan for the Redevelopment of the Southeast Quadrant of Downtown Tempe, Arizona

March 30, 2006 Concept Study DOWNTOWN BUILDING HEIGHTS: an appendix to Downtown Mill Avenue District and Vicinity Community Design Principals

### **707 South Forest**

May 4, 2009 The Development Team held a neighborhood meeting and presented 707 South Forest at Hatton Hall beginning at 6:00pm. Five citizens attended and provided comments. The neighbors included tenants from Oxford Square and a representative from the development team for University Square (proposed project to the west). The presentation was favorably received.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-305, Planned Area Development (PAD) Overlay districts

Section 6-306, Development Plan Review

ORDINANCE NO. 2009.21

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

\*\*\*\*\*

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

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by adding a Planned Area Development Overlay to the existing CC, City Center District and designating it as CC (PAD), City Center District with a Planned Area Development Overlay on 0.511 acres.

LEGAL DESCRIPTION

PARCEL 1: LOTS 8, 9 AND THE EAST 15 FEET OF THE NORTH 74 FEET OF LOT 10, BLOCK 13, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL 8: THE SOUTH 42 FEET OF LOT 10, BLOCK 13, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 26.

PARCEL 9: LOT 10, BLOCK 13, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1 OF MAPS, PAGE 26; EXCEPT THE NORTH 74 FEET THEREOF; AND EXCEPT THE SOUTH 42 FEET THEREOF.

PARCEL 10: THE NORTH 74 FEET OF LOT 10, BLOCK 13, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 26; EXCEPT THE EAST 15 FEET THEREOF.

TOTAL AREA IS 0.511 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of Case # PAD09004 are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

**WHEN RECORDED RETURN TO:**

City of Tempe  
Development Services Department  
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 \_\_\_\_\_  
\_\_\_\_\_ **L&G Cannery LLC** \_\_\_\_\_  
\_\_\_\_\_ (Owner).

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

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

Owner has submitted Application No. **PL090073** 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):

Parcel No's. : 132-27-118, 132-27-116, 132-27-117, 132-27-115,  
and 132-27-114.

TOTAL AREA IS +/- 0.511 GROSS ACRES

LEGAL DESCRIPTION

PARCEL 1: LOTS 8, 9 AND THE EAST 15 FEET OF THE NORTH 74 FEET OF LOT 10, BLOCK 13, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA.

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PARCEL 10: THE NORTH 74 FEET OF LOT 10, BLOCK 13, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 26; EXCEPT THE EAST 15 FEET THEREOF.

PROJECT ADDRESS

707 SOUTH FOREST AVENUE, TEMPE, AZ 85281

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

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
*(Signature of Owner)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Signature of Owner)*

\_\_\_\_\_  
*(Printed Name)*

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

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

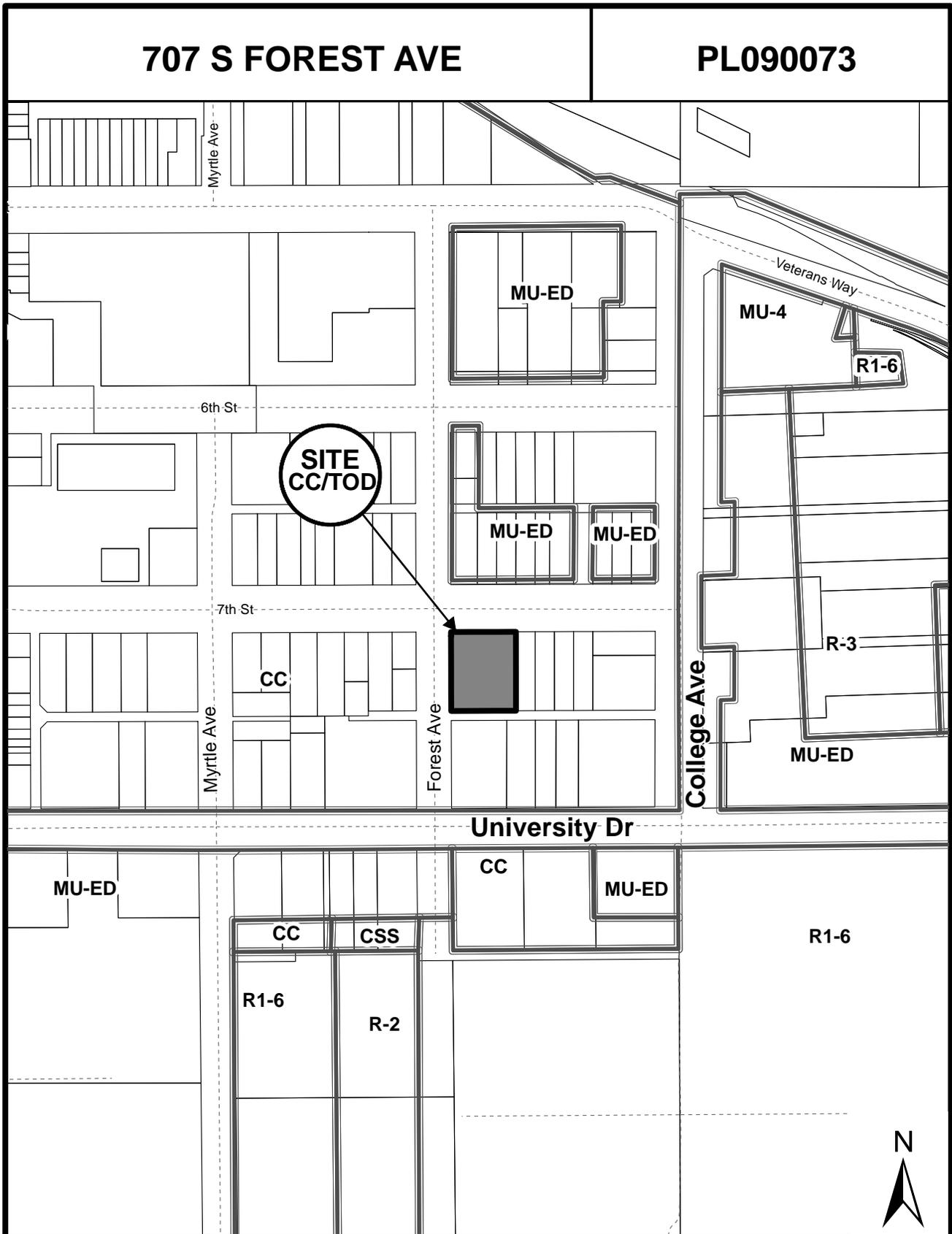
\_\_\_\_\_  
\_\_\_\_\_.

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

*(Notary Stamp)*

707 S FOREST AVE

PL090073



Location Map



**707 S FOREST AVE (PL090073)**

# 707 S FOREST

## **Applicant's Letter of Intent**

Campus Acquisitions, LLC (“Campus Acquisitions”) and LG Cannery, LLC (the “Applicants”) are proposing to redevelop approximately 0.511 acres located at the southeast corner of 7<sup>th</sup> Street and Forest Avenue (the “Site”). Campus Acquisitions is a nationally recognized property management company that specializes in the acquisition, development and management of education-related real estate, including student housing. Campus Acquisitions currently manages over 250 properties, including student housing developments which primarily serve students from the following universities: University of Illinois; Iowa State University; University of Texas; University of Georgia; University of South Carolina; Texas State University; and, Arizona State University. Campus Acquisitions is currently building The Vue development located near the intersection of Rural Road and Apache Boulevard in Tempe. The Vue, which is currently under construction and scheduled to open in August 2009, is a 10-story mid-rise consisting of 132 purpose built student housing units with street-level commercial, office and amenity uses. In total, Campus Acquisitions has managed over 6,200 student housing bedrooms since 2001.

## **Application**

The Applicants are submitting a planned area development (PAD) overlay amendment and development plan review (DPR) application as part of their application for the redevelopment of the Site (the “Application”). The Site is zoned City Center (CC) and is located within the Transportation Overlay District (TOD) Corridor. As part of the Application, we are also submitting a site plan and PAD application to create a vibrant mixed-use development that will enhance street activity on both 7<sup>th</sup> Street and Forest Avenue and add to the residential and retail mix of downtown Tempe.

The Site is a prime opportunity for redevelopment given its proximity to the Arizona State University (ASU) Campus, the Mill Avenue & Lake Districts and the recently opened light rail station located at 5<sup>th</sup> Street and College Avenue. The Site’s location also provides an opportunity to make a significant statement at an intersection which is strategically located between Mill Avenue and the heart of the ASU campus with the introduction of a high-quality, mixed-use project representative of the ongoing private and public investment in downtown Tempe.

Considering its downtown location, the Site is underutilized. Currently, the Site accommodates two, one-story commercial/office buildings and associated surface parking. The Applicants propose to develop a 20-story (235 feet including mechanical) mixed-use project consisting of 168 total modern student housing apartment units (530 bedrooms), 5,000 square feet of restaurant and/or retail space and a five-level parking garage (the “Project”). The goal of the Project is to promote a sustainable concept of living, working and recreating in one location and to serve as an asset in addressing the shortage of student housing in Tempe. Considering that ASU currently provides housing for less than 10 percent of its student body and the campuses of ASU are expected to see growth toward 90,000 total students by the year 2020, Campus

Acquisitions anticipates a strong and sustainable demand for high-end student housing units at this location.

### **PAD Development Standards**

The Project's proposed 235-foot building height exceeds the maximum 50-foot building height allowed in the CC TOD Corridor but is substantially less than the 300-foot maximum height recommended for the Site by the City of Tempe Community Development Department's concept study for downtown building heights dated April 6, 2006. The building height study designates the Site as part of the urban center area. This Application's requested building height is consistent with the building height recommended for the Site by the referenced study.

Based on the Site's location within the TOD overlay, the proposed mix of multi-family residential and restaurant / retail uses requires a minimum total of 485 parking spaces. This Application proposes to provide 169 parking spaces, which represents a reduction of approximately 65 percent. Considering that the Site is being developed for students who will be living within walking distance of the ASU Campus, the Mill Avenue District and multiple public transit options, the parking study prepared by Paul Basha and Yung Cossar from Morrison and Maierle included with this submittal anticipates that users of the Project will generate a demand for only 126 vehicular parking spaces, four zip cars located at nearby University Towers will be available for residents' use, and The Vue is currently leasing at a residential parking rate of 0.37 spaces per bedroom, we believe that the requested parking reduction is both reasonable and appropriate for a downtown urban environment.

The requested height increase and parking reduction will allow the Applicants to develop a high-quality mixed-use design that will provide much needed viable long-term housing opportunities for students in proximity to the ASU campus. It is anticipated that the provision of student housing opportunities and associated commercial uses within walking distance of the ASU Campus, entertainment uses of Mill Avenue, and the recently opened light rail line will significantly reduce the number of vehicular trips in the area.

### **Site Area**

The Site is comprised of five parcels located at the southeast corner of 7<sup>th</sup> Street and Forest Avenue in Tempe, Arizona. The Site is approximately 0.511 acres in size. The formal address is 707 South Forest Avenue, Tempe. A full legal description is included in the Application submittal.

### **Area Context**

As indicated above, the Site is located at the southeast corner of 7<sup>th</sup> Street and Forest Avenue. As expected for an urban area, the area surrounding the Site consists of a mix of existing and planned uses. A surface commercial parking lot adjoins the Site to the east. The Chuckbox restaurant is located to the south across a public alley. A block primarily consisting of vacant parcels and surface parking lots owned by ASU is located to the north across 7<sup>th</sup> Street. A block also primarily consisting of vacant parcels is located to the west across Forest Avenue. This

block is the site of an approved 15-story (300 feet) hotel known as University Square. University Square includes 328 rooms, a convention center, and restaurant / retail space. The site accommodating the All Saints Newman Center, an approved student housing development consisting of 22-stories (224 feet) and 180 apartment units (432 bedrooms), is only approximately 90 feet to the east and south. The Site is located within walking distance of the ASU Campus to the east (approximately 350 feet) and south (approximately 275 feet), as well as the recently opened light rail station to the north at 5<sup>th</sup> Street and College Avenue. Campus Acquisitions envisions that the Project will significantly enhance the area's urban environment and serve as a catalyst for future redevelopment opportunities in downtown Tempe.

## **Planning Context**

### **General Plan 2030**

The land use and projected residential density for the Site by General Plan 2030 are Mixed-Use and High-Density (greater than 25 units per acre). According to General Plan 2030, the Mixed-Use category is designed to accommodate land use mixes with a mixture of residential and commercial uses. This category also encourages creatively designed developments that create a living environment which reflect a "village" concept where there is opportunity to live, work and recreate within one development or area. The Project will provide opportunities to live, work, and recreate in the same area. In fact, the Project is exactly the type of mixed-use, high-density project envisioned by General Plan 2030. Campus Acquisitions is proposing a high-density residential building with accompanying amenity, lobby, and retail / restaurant street-level uses which will energize both 7<sup>th</sup> Street and Forest Avenue and provide additional pedestrian activities for the Downtown Tempe community.

### **Downtown / Mill Avenue District and Vicinity Community Design Principles**

The Site is located in the Downtown / Mill Avenue District (the "District") planning area. In April 2006, design principles were accepted for the District with the intent of encouraging the ongoing [re]development of this portion of the community toward the achievement of a high-quality built environment with a special sense of place. The foundation of the design principles include encouraging mixed-use designs, pedestrian movement, architecture that will withstand changes in style and economy, responding to climatic factors and human comfort, and the provision of opportunities for interaction and observation. The Project represents a substantial reinvestment in the District with a viable mixed-use project that will foster and enjoyable living environment. The Project is a contemporary design intended to not only fit well into the physical environment, create visual interest and provide a secure environment but also to stand the test of time. The Project's design also encourages pedestrian movement and interaction through the provision active street-level uses and appropriate landscaping that will establish a comfortable environment year-round. In short, the Project is exactly the type of mixed-used design envisioned for the District.

## **Current Zoning**

The Site is zoned for CC District uses and is located in the TOD Corridor. The Applicants are not rezoning the Site. Rather, as with other approved projects within the downtown, a PAD is necessary for the height allowance and parking reduction required for an economically feasible and design appropriate development in the Downtown Tempe market. The CC District permits a wide variety of uses. The proposed uses for the Site are all permitted by right in the CC District. According to the Zoning & Development Code, “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.” The mix of uses proposed by this Application is consistent with the CC District.

As referenced above, the CC District does not specify a maximum residential density but does restrict building height to a maximum of 50 feet in the TOD Corridor. While the CC District’s maximum density standard is consistent with the density projected for the Site by General Plan 2030, the CC allowable height is not consistent with the building height recommended for the Site by the above referenced Concept Study for Downtown Building Heights. Therefore, the purpose of this Application is to allow the Project to develop its own unique standards that are consistent with the vision and direction for Downtown Tempe through a PAD Overlay.

## **Project Description**

The Site, which is currently underutilized, is strategically located between Mill Avenue to the west and the ASU Campus to the east and south to make a significant statement in downtown Tempe. The intent of this Application is to provide a unique opportunity to energize two street frontages in downtown Tempe and provide much needed additional modern, high-quality student housing opportunities in immediate proximity to the ASU campus. The expansion of ASU continues to place pressure on Tempe’s residential market. As a result, disproportional parking demands and extraordinary occupancy levels continue to place considerable strain on the fabric of the City, displacing residential uses to outlying areas and increasing vehicular traffic to the ASU Campus. Considering that the localized population nearly triples in size during peak enrollment, the transient nature of the student population is taxing on both residential and commercial markets. While other purpose-built student housing developments are coming online in the near future, including The Vue project developed and managed by Campus Acquisitions, the demand for quality student housing exceeds the supply by a wide margin. This Application represents a unique opportunity to continue to reduce both the transient nature of ASU students and the resulting strain on the City, while providing active street-level uses appropriate for a downtown urban environment. Due to the Site’s proximity to the ASU Campus, public transportation, and the entertainment uses of Mill Avenue and the early leasing success of The Vue project located at Rural Road and Apache Boulevard, Campus Acquisitions strongly believes that the Project will have a strong and sustainable appeal to students.

Specifically, Campus Acquisitions is proposing an approximate 311,007 square foot mixed use development for the Site, of which 176,418 square feet is residential living space, 84,718 square feet is parking, 3,607 square feet is amenity space, 6,163 square feet is commercial / leasing office space, 2,177 square feet is lobby space and 37,924 is common space (includes stairs, hallways, elevators and mechanical/storage). The Application consists of the construction of a 20-story (235 feet including mechanical) building with two towers that will encompass 168 residential units (representing a density of 328.77 units per acre), 6,163 square feet of commercial / leasing office space, and a four-level parking garage. The mix of residential units includes one, two, three, four and five bedroom flat style apartment units accounting for a total of 530 bedrooms. The proposed building height and density, while less than the height and density of the recently approved All Saints Newman Center to the east and University Square to the west, is consistent with the City's vision established by the Community Development Department's concept study for downtown building heights referenced above. In addition, the proposed building form will provide a significant urban presence along 7<sup>th</sup> Street and Forest Avenue with active uses lining the entire street frontage.

The Project's first four floors are primarily comprised of street level commercial and lobby uses and four levels of parking. The four-levels of parking in combination with on-street parking will serve as parking for the entire Site. The parking levels, with the exception of an entrance ramp providing access from Forest Avenue, are designed to not engage the street environment. Instead, the first floor of the Project will engage active retail / restaurant and lobby uses with the adjoining public right-of-way to foster an active, aesthetically pleasing, inviting and secure pedestrian environment along both 7<sup>th</sup> Street and Forest Avenue. In addition, to the Forest Avenue entrance ramp, the parking garage will be accessed from the adjoining public alley to the south. A bike room will also be provided within the parking garage for resident use. Above the Project's first four floors, there will be two 15-floor towers containing a total of 168 flat style apartment units and amenity uses, including a roof-top pool, club room, and workout facility.

Considering the Site's proximity to the ASU campus and Mill Avenue District, the recent completion of the nearby light rail station at 5<sup>th</sup> Street and College Avenue, and the proximity of the planned All Saints Newman Center and University Square developments, both 7<sup>th</sup> Street and Forest Avenue can be expected to see significant increases in pedestrian traffic in the near future. Therefore, it is imperative that the ground level of the Site is designed to both energize and enhance the pedestrian environment. The Project will accomplish this by providing a continuous frontage primarily comprised of commercial retail uses and lobby uses. These street level uses, combined with the Project's dynamic contemporary architecture and the provision of ample landscaping, will successfully activate the Site's street frontage.

A multitude of common area amenities will be provided on the roof-level for residents use. Roof-level amenities will include a pool, club room and workout area. In addition, other amenities will be provided throughout the building, including a residential lobby on the first floor.

## **Project Design**

The Project is a contemporary design that will fit well into the physical environment, create visual interest and provide a secure environment. The façade design includes a combination of building materials (painted concrete, painted stucco, metal panels, aluminum framed window systems and large expanses of glass) that will accomplish the desired contemporary look. The exposed concrete slabs of balconies in combination with metal and glass railings, as well as the provision of a continuous floor to ceiling storefront along the street frontage and metal green screens covering all sides and openings of the parking garage, will add to the desired look.

The primary architectural concept of the Project is a series of cube-like volumes in-filled with glass and projecting balcony planes, which appear to be floating away from the structure. This concept will provide a dynamic composition and interesting massing of forms at each corner. The cube shapes, which have a significant projection, will create interesting shadow lines and reveals that will break down the building's massing and establish a more intimate residential scale. In addition, the building's residential towers will also appear to be floating above the garage base. The wrapping of the garage in a green band of landscaping will place greater emphasis on the residential towers.

The design will establish a clear base and top for the building by providing a distinct delineation between the retail storefront at the street-level and the parking garage and residential towers located above. This will be accomplished through the provision of a continuous projecting canopy in combination with a rich color palette and continuous green screen that will essentially wrap the entire base of the building. This design approach will create a sharp contrast with the building's more sculptural forms located above.

Additional architectural detailing will be accomplished through the provision of a combination of staggered windows, balcony screens and stucco panels that will further articulate the design, texture and provide visual interest. The building's base and canopy elements will divide the garage from the storefront and residential areas. These elements will also have a bold color and texture that will create a unique building identity. The combined use of a bold color palette with varying projecting forms and metal green screens will further emphasize the building's visual texture.

## **Landscape Design**

The overall landscape coverage percentage for the Site is approximately 10 percent, a significant amount for an urban development. The proposed landscape palette along both 7<sup>th</sup> Street and Forest Avenue in combination with active street-level uses will establish a pedestrian friendly environment along the street frontage. The selected tree species for the street frontage will provide ample shade for pedestrians passing by and customers lounging in outdoor seating areas. Appropriate landscape materials for creating an aesthetically pleasing and comfortable environment will also be provided on the amenity roof levels, as well as the building's façade at the garage level via a green screen. A conceptual landscape plan is included as part of the Application.

## **Site Circulation and Parking**

As referenced above, both residential and commercial parking will be accessed from Forest Avenue and the adjoining public alley via two separate entrance ramps. The parking garage will serve the parking needs of the residents. A limited number of parking spaces in the parking garage will also be available for use by patrons and visitors. In addition, on-street parking will be available on both 7<sup>th</sup> Street and Forest Avenue. The Project's design is not able to provide underground parking due to cost considerations and retention requirements. However, the Project's design will ensure that an active street environment is established by wrapping the garage with commercial and lobby uses that adjoin the public right-of-way while providing ample parking for future residents and patrons at the same time.

While the number of parking spaces provided is less than required by code, it is imperative to consider that the vehicular needs of students varies from the general population. It is also important to consider that the Site is located within short walking distance of the ASU Campus, Mill Avenue District and public transportation, including multiple bus routes and the light rail station at 5<sup>th</sup> Street and College Avenue. In addition, the Project will provide 212 spaces for bike parking.

A parking study prepared by Paul Basha and Yung Cossar from Morrison and Maierle is included in this Application submittal. The parking study anticipates that users of the Project will generate a demand for 126 vehicular parking spaces, which is well below the number of parking spaces proposed for the Project.

## **ASU and DTC**

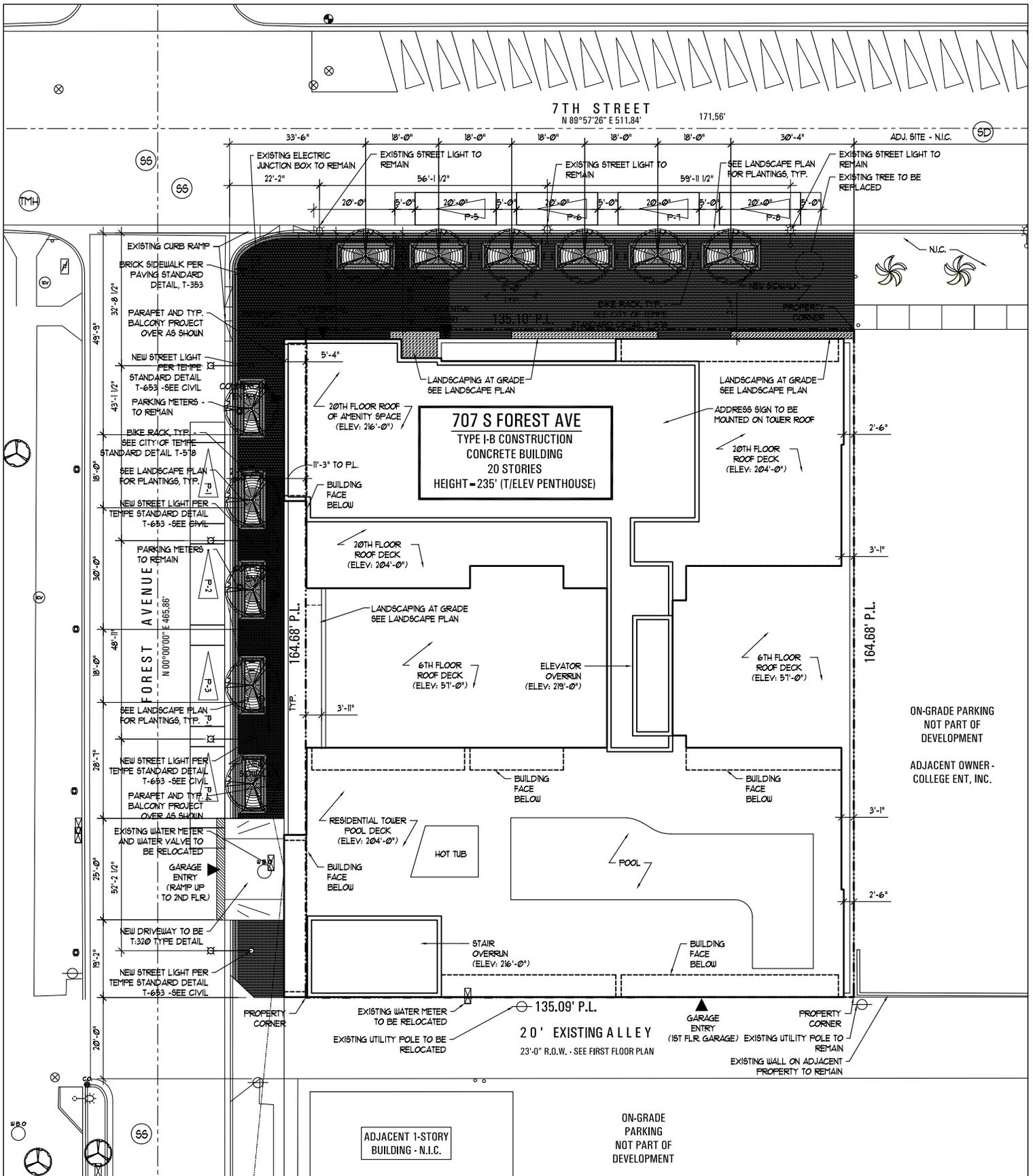
The Project will be presented to area stakeholders, including ASU and Downtown Tempe Community Inc., for review and comment prior to the Development Review Commission's consideration of the proposal.

## **Phoenix Aviation Department Correspondence**

Since the Site is located within close proximity of the flight path for Sky Harbor International Airport, we contacted Phoenix Aviation Department staff to confirm that the Project's proposed height is appropriate for the area. We have included a copy of a letter from the Phoenix Aviation Department stating that the proposed building height is appropriate for the area and will not disturb operations at Sky Harbor International. Campus Acquisitions will also file a notice of proposed construction or alteration with the Federal Aviation Administration (FAA) in the near future.

## **Conclusion**

707 S Forest is a high-quality student housing and retail / restaurant design that will provide much needed viable long-term housing opportunities in proximity to the ASU campus, offer superior amenities to future residents, and maintain relationships with the street environment and adjoining properties. The proposed development will serve as a catalyst for future redevelopment opportunities that will continue to enhance the urban development environment and experience that Tempe is creating in downtown. The Project is consistent with the land use and residential density projected for the Site by General Plan 2030. The Project is also consistent with the building height recommended for the Site by the Community Development Department's concept study for downtown building heights, as well as the approved building heights for the nearby All Saints Newman Center and University Square developments. Campus Acquisitions is very excited about the Project and looks forward to discussing the proposal with you in the near future. We respectfully request your support.

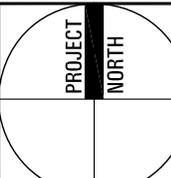


**hpa**  
**Hartshorne Plunkard Architecture**

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 Chicago IL 60607  
 P 312 226 4488  
 F 312 226 4499  
 www.hparchitecture.com

**Forest & 7th**  
 Tempe, AZ

PLANS AND ALL SPECIFICATIONS ARE SUBJECT TO REVISION AS  
 DEEMED NECESSARY OR ADVISABLE BY BUILDER, ARCHITECT, OR AS  
 REQUIRED BY LAW.



**SCALE**  
 1/32" = 1'-0"

**DATE**  
 05.19.09

**DRAWING**  
 SITE PLAN

**SK#**  
 A0.1

# VICINITY MAP



## DEVELOPMENT DATA

**APPLICANT:** CAMPUS ACQUISITIONS  
 2234 W NORTH AVE. CHICAGO, IL 60647  
**CONTACT:** J.J. SMITH  
 (P) 773.227.2850  
 (F) 773.278.5350  
**PROJECT ARCHITECT:** HARTSHORNE PLUNKARD ARCHITECTURE  
 232 N. CARPENTER ST.  
 CHICAGO, IL 60607  
**CONTACT:** TOM POPE  
 (P) 312-226-4488  
 (F) 312-226-4499  
**PROJECT ADDRESS:** 705, 707, 709 S FOREST AVE. & 203, 205, 207, 209, 211,  
 213, 215 7th STREET - TEMPE, AZ 85821  
**PROJECT DESCRIPTION:** MULTI-STORY, MULTI-USE PROJECT W/  
 168 RESIDENTIAL DWELLING UNITS, GROUND FLOOR COMMERCIAL AND  
 4-LEVEL PARKING GARAGE.

**CURRENT OWNER:** L&G CANNERY LLC

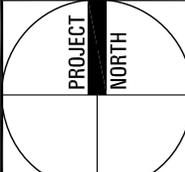
**LEGAL DESCRIPTION:**

**PARCEL 1 (132-27-114 & 115):** LOTS 8,9 AND THE EAST 15 FEET OF THE NORTH 74 FEET OF LOT 10, BLOCK 13, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA.  
**PARCEL 8 (132-27-117):** THE SOUTH 42 FEET OF LOT 10, BLOCK 13, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2 OF MAPS, PAGE 26.  
**PARCEL 9 (132-27-116):** LOT 10, BLOCK 13, TEMPE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1 OF MAPS, PAGE 26; EXCEPT THE NORTH 74 FEET THEREOF; AND EXCEPT THE SOUTH 42 FEET THEREOF.  
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 Tempe, AZ  
  
PLANS AND ALL SPECIFICATION ARE SUBJECT TO REVISION AS DEEMED NECESSARY OR ADVISABLE BY BUILDER, ARCHITECT, OR AS REQUIRED BY LAW.



PROJECT  
 NORTH

<b>SCALE</b>
1/32" = 1'-0"
<b>DATE</b>
05.19.09

<b>DRAWING</b>
DEVELOPMENT DATA

<b>SK#</b>
<b>A0.1</b>

# CODE / ZONING

PROJECTED LAND USE: MIXED USE  
 PROJECTED DENSITY: HIGH DENSITY (>25 DU/ACRE)  
 EXISTING ZONING: CC CORRIDOR OVERLAY  
 PROPOSED ZONING: MU-4 WITH TOD CORRIDOR OVERLAY  
 CONSTRUCTION TYPE: TYPE 1 B PER 2006 IBC/SPRINKLERED  
 GROSS & NET ACRES: 0.511 ACRES (22,247 S.F.)  
 DENSITY: 328.7 = 329 DU / ACRE

BUILDING AREA: 311,007 G.S.F  
 COMMERCIAL: 6,163 S.F.  
 PARKING: 64,682 S.F. +/-  
 % OF LOT COVERAGE: 91.6 %  
 BUILDING HEIGHT ALLOWED: 50FT PER CC AND 300 FT PER URBAN CENTER - C.D.O.  
 WILL BE MODIFIED THRU PAD  
 ACTUAL BUILDING HEIGHT: 235 FT.  
 NUMBER OF STORIES: 20

# PARKING

RESIDENTIAL (0.36 SPACE/BEDROOM)  
 PARKING RATIO PER PAD PROPOSAL  
 (28) 1 BEDROOM UNITS.....10.1  
 (28) 2 BEDROOM UNITS.....20.2  
 (30) 3 BEDROOM UNITS.....32.4  
 (54) 4 BEDROOM UNITS.....77.8  
 (28) 5 BEDROOM UNITS.....50.4

RESIDENTIAL GUEST (FOR 168 DU).....WAIVED  
 (PER PAD APPROVAL)

INDOOR RESTAURANT .....7.5  
 5,000SF  
 (5,000SF X 0.75) / (500SF/SPACE)  
 AREA REDUCTION PER T.O.D PARKING RATIO  
 PER PAD PROPOSAL

OUTDOOR RESTAURANT.....WAIVED  
 +/- 1,000SF  
 NO STANDARD PER T.O.D

OFFICE/RETAIL.....1.2  
 1,163SF  
 (1,163SF X 0.75) / (1,000SF/SPACE)  
 AREA REDUCTION PER T.O.D PARKING RATIO  
 PER PAD PROPOSAL

TOTAL VEHICLE PARKING PROPOSED.....200

## BICYCLE PARKING

RESIDENTIAL BICYCLE PARKING REQUIRED:  
 (28) 5 BEDROOM x 1.0 PER UNIT = 28 SPACES  
 (54) 4 BEDROOM x 1.0 PER UNIT = 54 SPACES  
 (30) 3 BEDROOM x 1.0 PER UNIT = 30 SPACES  
 (28) 2 BEDROOM x .75 PER UNIT = 21 SPACES  
 (28) 1 BEDROOM x .75 PER UNIT = 21 SPACES

COMMERCIAL BICYCLE PARKING REQUIRED: = 48 SPACES  
 TOTAL BICYCLE PARKING REQUIRED = 202 SPACES  
 TOTAL BICYCLE PARKING PROVIDED = 212 SPACES

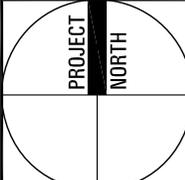


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PROJECT NORTH

SCALE  
 1/32" = 1'-0"  
 DATE  
 05.29.09

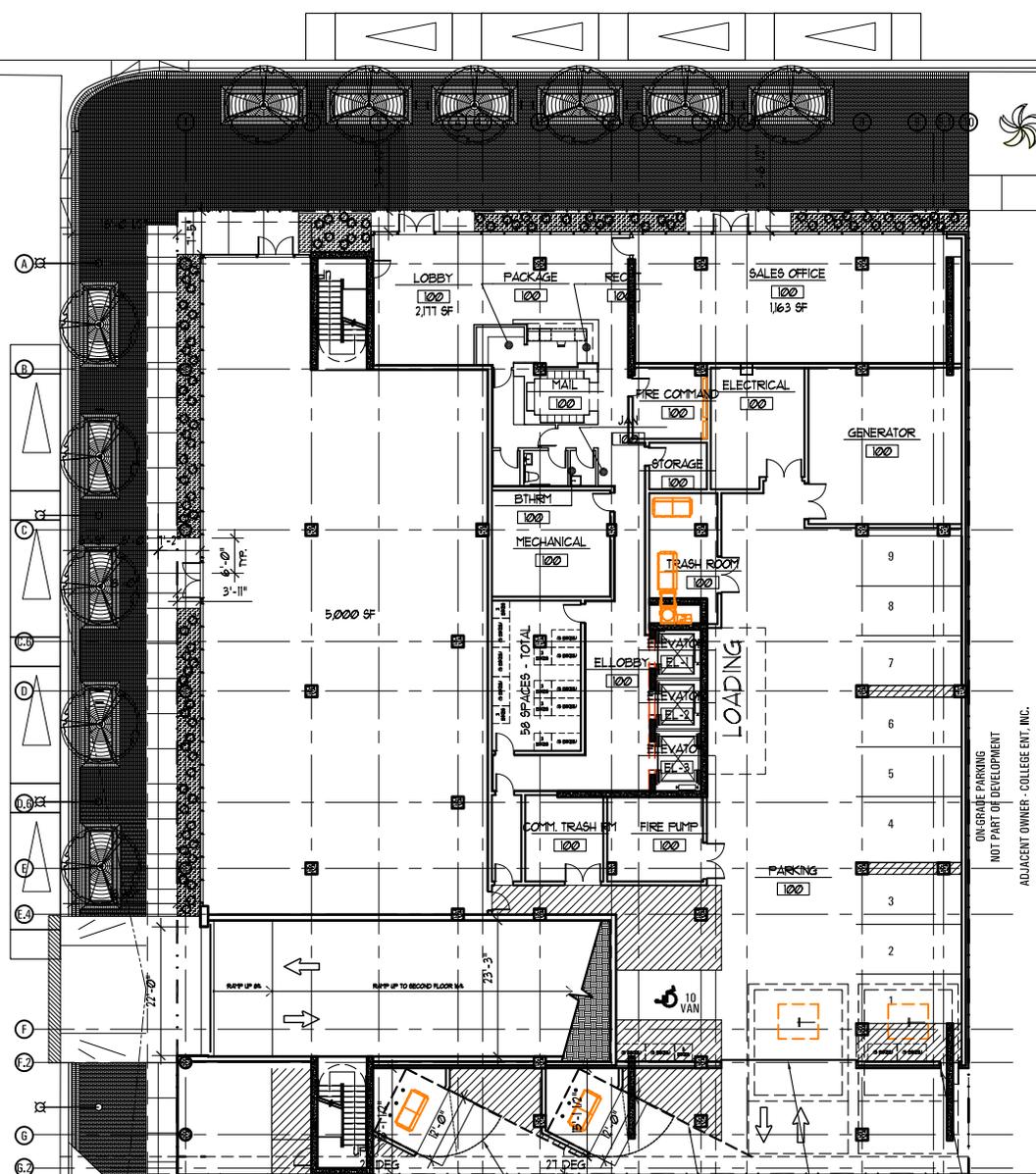
DRAWING  
 PARKING DATA

SK#  
 A0.1



N 89°57'26" E 511.84' 171.56'

11th STREET



N 00°00'00" E 465.88' FOREST AVE

ON-GRADE PARKING NOT PART OF DEVELOPMENT ADJACENT OWNER - COLLEGE ENT, INC.

ON-GRADE PARKING NOT PART OF DEVELOPMENT ADJACENT OWNER - COLLEGE ENT, INC.

PROPERTY LINE  
 CLEAR CEILING ABOVE FROM PROPERTY LINE NORTH TO BUILDING FACE IS AT 46'-0" ABOVE GRADE  
 TEMPE STANDARD SINGLE BAY TRASH ENCLOSURE EXISTING ALLEY DIMENSION 23'-0" R.O.W. SEE FIRST FLOOR PLAN  
 ALLEY EXTENDED 36" ONTO ADJACENT PROPERTY  
 20' DEEP CONC. APRON PER DETAIL D8-116. FLUSH WITH ADJ. PAVING  
 BUSINESS HOURS TO BE POSTED FOR PARKING GATE

ADJACENT 1-STORY BUILDING - N.I.C.

ON-GRADE PARKING NOT PART OF DEVELOPMENT

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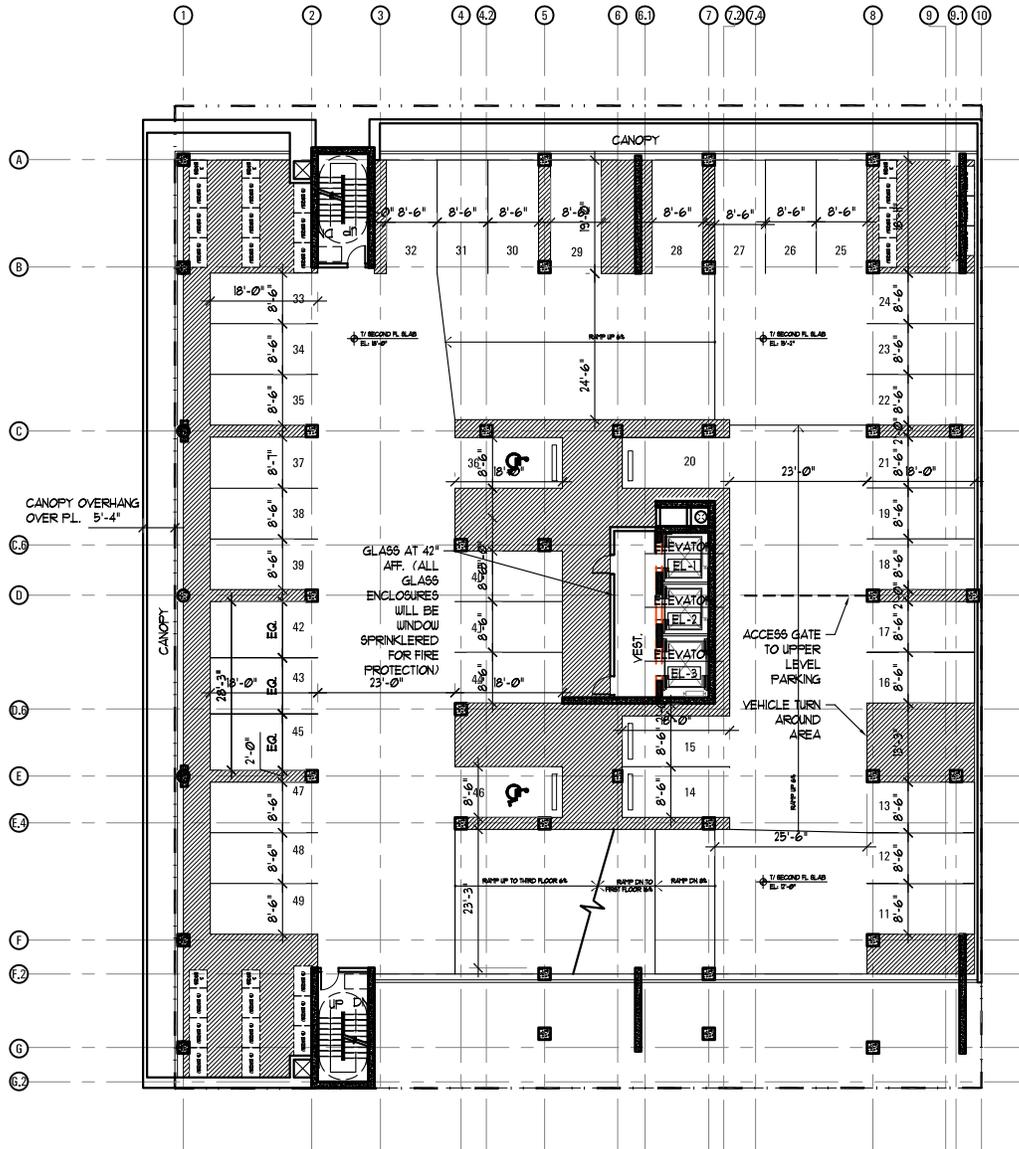
PROJECT NORTH

SCALE  
 1/32" = 1'-0"

DATE  
 05.19.09

DRAWING  
 FIRST FLOOR PLAN

SK#  
 A1.0A




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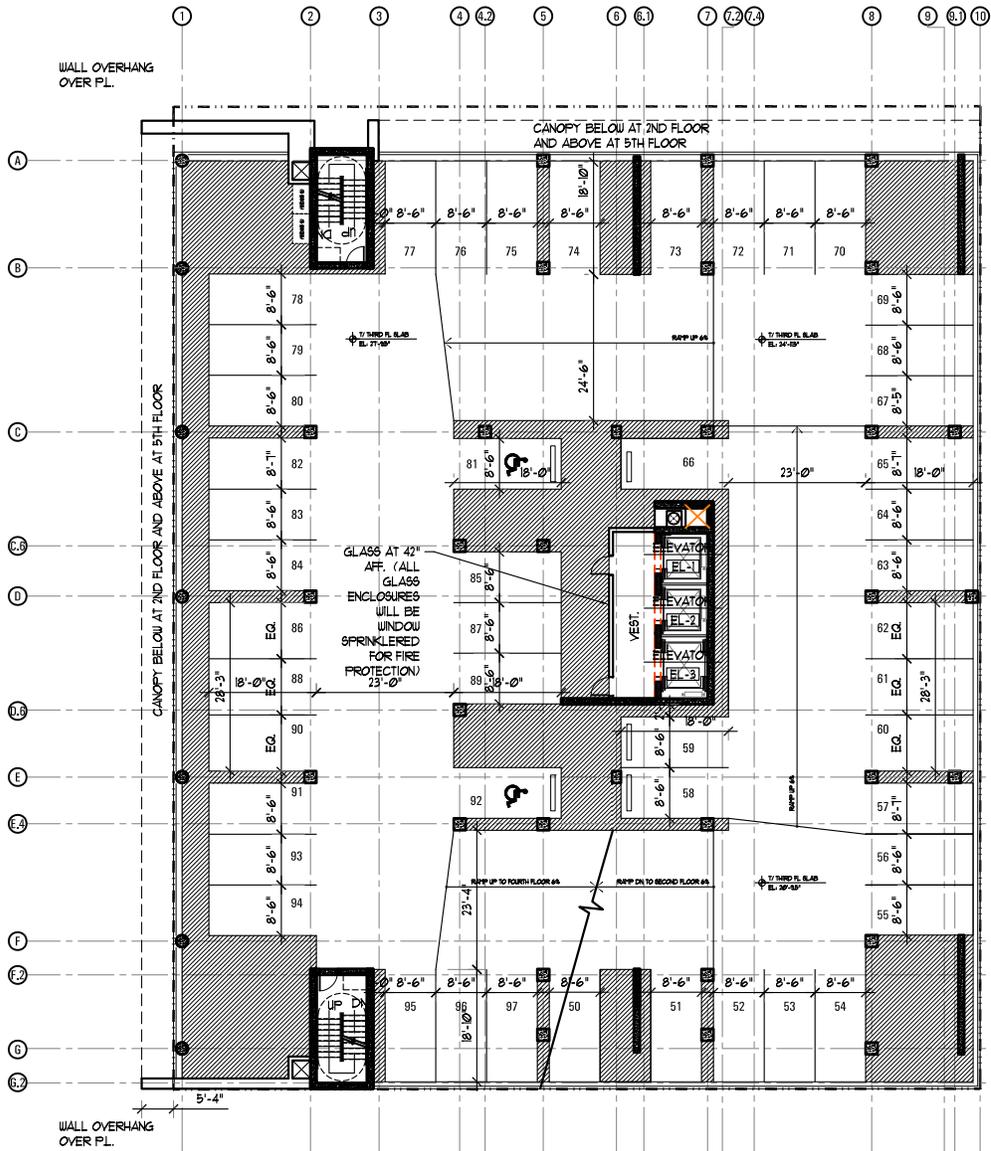
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 TEMPE, AZ  
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PROJECT  
 NORTH

SCALE  
 1/32" = 1'-0"  
 DATE  
 05.19.09

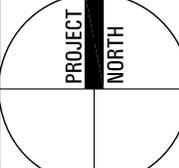
DRAWING  
  
 SECOND FLOOR  
 PLAN

SK#  
  
**A1.0B**




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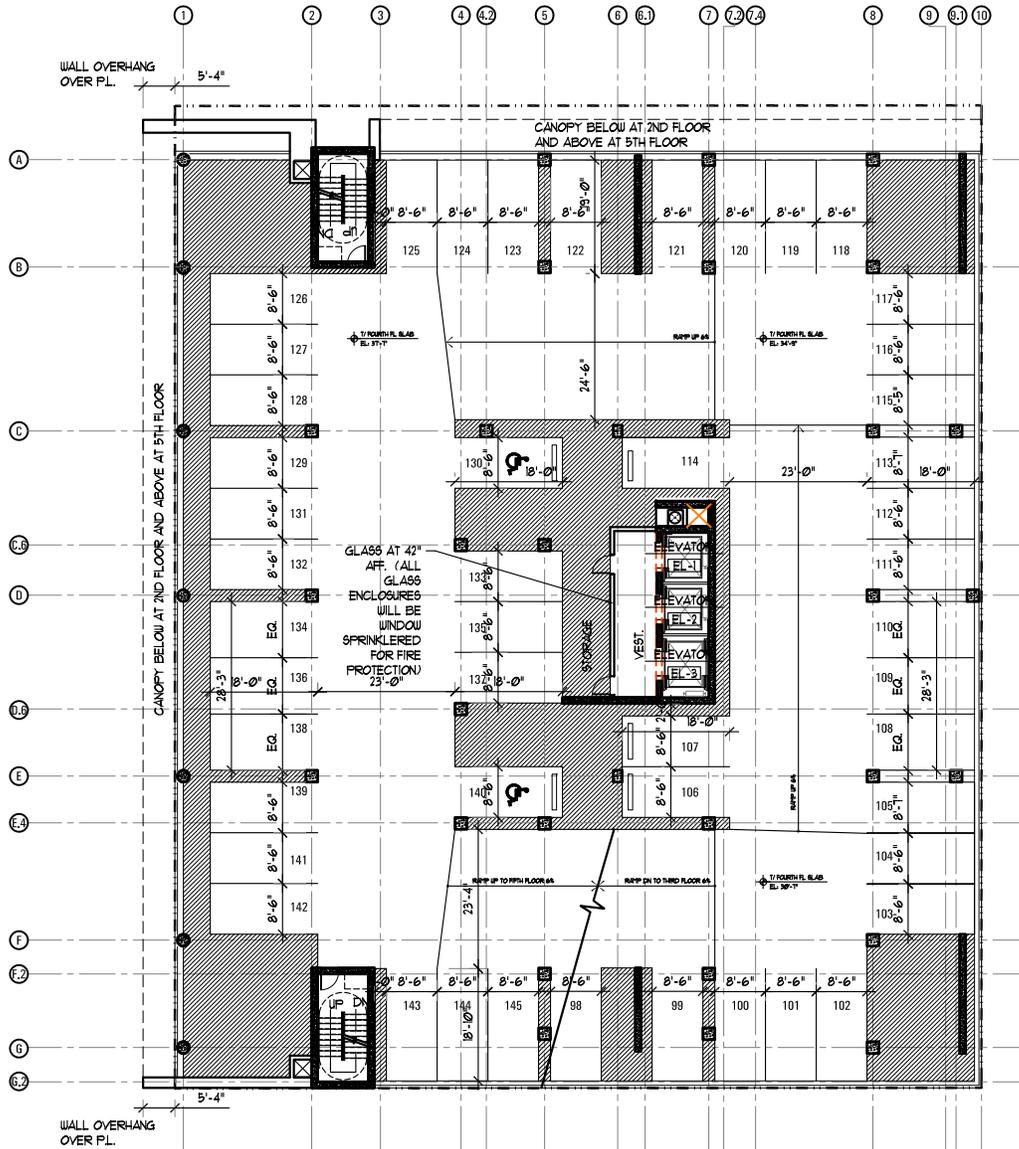
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PROJECT NORTH  


SCALE  
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 DATE  
 05.19.09

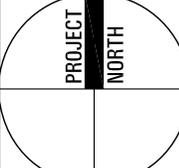
DRAWING  
 THIRD FLOOR PLAN

SK#  
**A1.1A**




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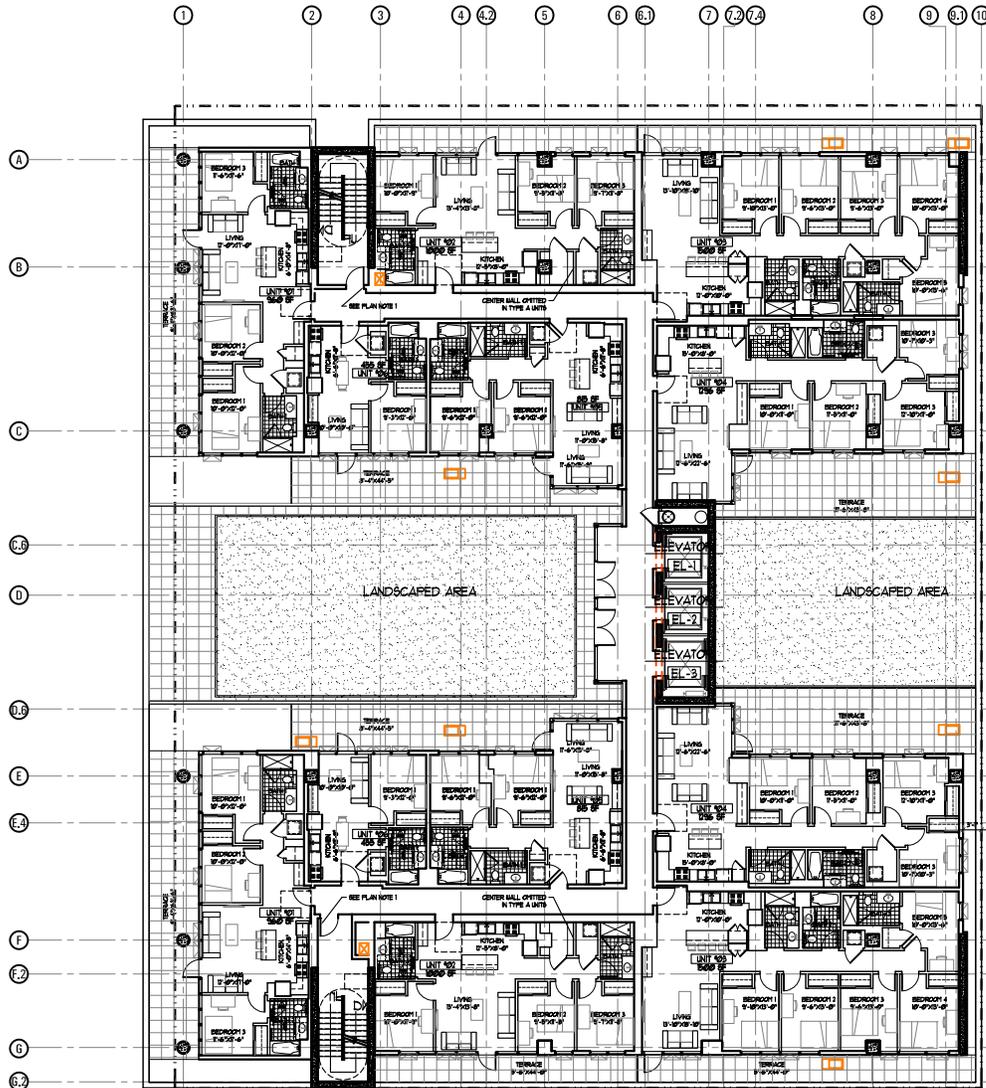
PROJECT NORTH  


SCALE  
 1/32" = 1'-0"  
 DATE  
 05.19.09

DRAWING  
 FOURTH  
 FLOOR PLAN

SK#  
**A1.1B**





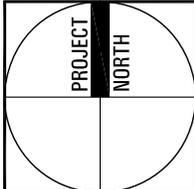
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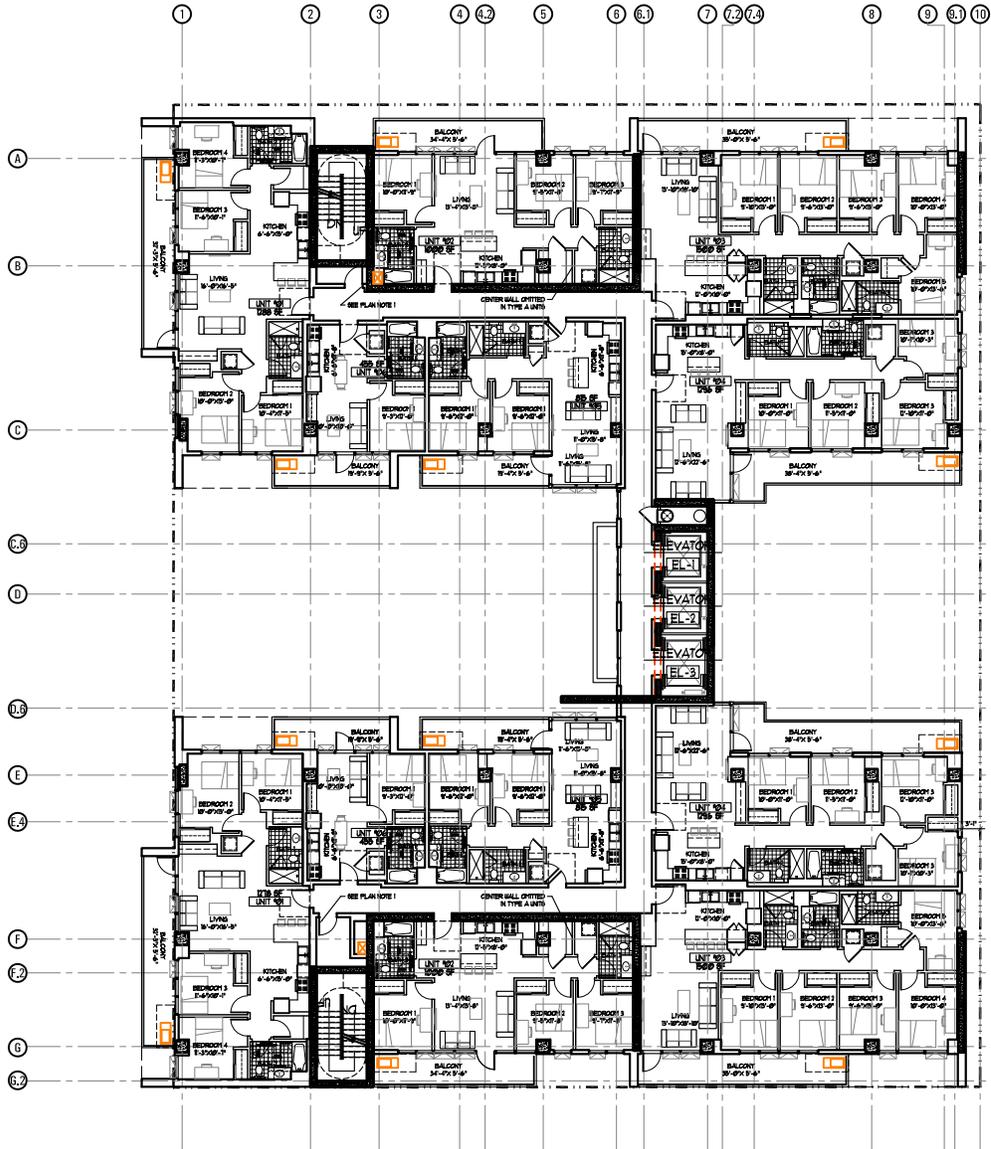


SCALE  
1/32" = 1'-0"

DATE  
05.19.09

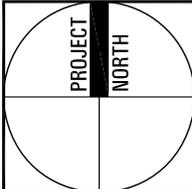
DRAWING  
SIXTH FLOOR PLAN

SK#  
A1.2B




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SCALE	1/32" = 1'-0"
DATE	05.19.09

DRAWING	TYPICAL FLOOR PLAN (7TH-19TH)
---------	----------------------------------

SK#	A1.3A
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7TH STREET

TREE SHADE AREA TYP.  
TREE SHADE SHOWN  
@22' DIAMETER

BUILDING SHADE AREA TYP.

SIDEWALK

TREE TYP.  
TREE CANOPY SHOWN  
@22' DIAMETER

S. FOREST AVENUE

TREE SHADE AREA TYP.  
TREE SHADE SHOWN  
@22' DIAMETER

TREE TYP/  
TREE CANOPY SHOWN  
@22' DIAMETER

DRIVE

SIDEWALK

ALLEY



### SIDEWALK SHADE STUDY

SCALE: 1"=30'

#### SIDEWALK SHADE CALCULATION:

7TH STREET:

TOTAL SIDEWALK AREA - 3432 s.f.

SIDEWALK SHADE AREA REQUIRED  
(33%-SUMMER SOLSTICE@3p.m) - 1133 s.f.

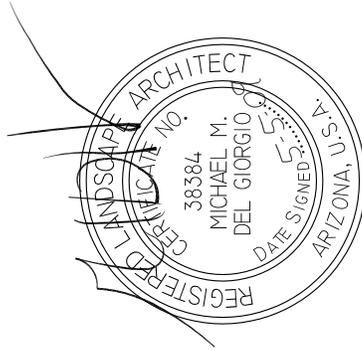
SIDEWALK SHADE AREA PROVIDED - 2255 s.f. (65%)

S. FOREST AVENUE:

TOTAL SIDEWALK AREA - 1703 s.f.

SIDEWALK SHADE AREA REQUIRED  
(33%-SUMMER SOLSTICE@3p.m) - 562 s.f.

SIDEWALK SHADE AREA PROVIDED - 654 s.f. (38%)



EXPIRES 12-31-2011

**Delterra, llc**

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Phoenix, Az 85028  
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info@delterralc.com

# 707 S. FOREST AVENUE

## TEMPE, ARIZONA

DATE: 5.5.09  
PROJECT NO. 09011

**PLANT SCHEDULE**

SYMBOL	BOTANICAL/Common Name	SIZE
	ADONIS BALSAMIFLORA	4" SP. BOX
	ADONIS BALSAMIFLORA	4" SP. BOX
	ADONIS BALSAMIFLORA	4" SP. BOX
	ADONIS BALSAMIFLORA	4" SP. BOX
	ADONIS BALSAMIFLORA	4" SP. BOX

	ADONIS BALSAMIFLORA	6" GAL.
	ADONIS BALSAMIFLORA	8" GAL.
	ADONIS BALSAMIFLORA	10" GAL.
	ADONIS BALSAMIFLORA	12" GAL.
	ADONIS BALSAMIFLORA	14" GAL.
	ADONIS BALSAMIFLORA	16" GAL.
	ADONIS BALSAMIFLORA	18" GAL.
	ADONIS BALSAMIFLORA	20" GAL.
	ADONIS BALSAMIFLORA	24" GAL.
	ADONIS BALSAMIFLORA	30" GAL.
	ADONIS BALSAMIFLORA	36" GAL.
	ADONIS BALSAMIFLORA	48" GAL.
	ADONIS BALSAMIFLORA	60" GAL.
	ADONIS BALSAMIFLORA	72" GAL.
	ADONIS BALSAMIFLORA	84" GAL.
	ADONIS BALSAMIFLORA	96" GAL.
	ADONIS BALSAMIFLORA	108" GAL.
	ADONIS BALSAMIFLORA	120" GAL.
	ADONIS BALSAMIFLORA	144" GAL.
	ADONIS BALSAMIFLORA	168" GAL.
	ADONIS BALSAMIFLORA	192" GAL.
	ADONIS BALSAMIFLORA	216" GAL.
	ADONIS BALSAMIFLORA	240" GAL.
	ADONIS BALSAMIFLORA	288" GAL.
	ADONIS BALSAMIFLORA	336" GAL.
	ADONIS BALSAMIFLORA	384" GAL.
	ADONIS BALSAMIFLORA	432" GAL.
	ADONIS BALSAMIFLORA	480" GAL.
	ADONIS BALSAMIFLORA	528" GAL.
	ADONIS BALSAMIFLORA	576" GAL.
	ADONIS BALSAMIFLORA	624" GAL.
	ADONIS BALSAMIFLORA	672" GAL.
	ADONIS BALSAMIFLORA	720" GAL.
	ADONIS BALSAMIFLORA	768" GAL.
	ADONIS BALSAMIFLORA	816" GAL.
	ADONIS BALSAMIFLORA	864" GAL.
	ADONIS BALSAMIFLORA	912" GAL.
	ADONIS BALSAMIFLORA	960" GAL.
	ADONIS BALSAMIFLORA	1008" GAL.
	ADONIS BALSAMIFLORA	1056" GAL.
	ADONIS BALSAMIFLORA	1104" GAL.
	ADONIS BALSAMIFLORA	1152" GAL.
	ADONIS BALSAMIFLORA	1200" GAL.
	ADONIS BALSAMIFLORA	1248" GAL.
	ADONIS BALSAMIFLORA	1296" GAL.
	ADONIS BALSAMIFLORA	1344" GAL.
	ADONIS BALSAMIFLORA	1392" GAL.
	ADONIS BALSAMIFLORA	1440" GAL.
	ADONIS BALSAMIFLORA	1488" GAL.
	ADONIS BALSAMIFLORA	1536" GAL.
	ADONIS BALSAMIFLORA	1584" GAL.
	ADONIS BALSAMIFLORA	1632" GAL.
	ADONIS BALSAMIFLORA	1680" GAL.
	ADONIS BALSAMIFLORA	1728" GAL.
	ADONIS BALSAMIFLORA	1776" GAL.
	ADONIS BALSAMIFLORA	1824" GAL.
	ADONIS BALSAMIFLORA	1872" GAL.
	ADONIS BALSAMIFLORA	1920" GAL.
	ADONIS BALSAMIFLORA	1968" GAL.
	ADONIS BALSAMIFLORA	2016" GAL.
	ADONIS BALSAMIFLORA	2064" GAL.
	ADONIS BALSAMIFLORA	2112" GAL.
	ADONIS BALSAMIFLORA	2160" GAL.
	ADONIS BALSAMIFLORA	2208" GAL.
	ADONIS BALSAMIFLORA	2256" GAL.
	ADONIS BALSAMIFLORA	2304" GAL.
	ADONIS BALSAMIFLORA	2352" GAL.
	ADONIS BALSAMIFLORA	2400" GAL.
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	ADONIS BALSAMIFLORA	2976" GAL.
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	ADONIS BALSAMIFLORA	7152" GAL.

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