

Staff Summary Report

Development Review Commission Date: 01/13/09

Agenda Item Number: ___

SUBJECT: Hold a public hearing for an Amended Planned Area Development Overlay, Use Permit and Development Plan Review for RIVERSIDE OFFICE PLAZA PHASE III, located at 1275 West Rio Salado Parkway.

DOCUMENT NAME: DRCr_Riversidell_011309

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **RIVERSIDE OFFICE PLAZA PHASE III (PL080263)** (Richard J. Lund, HOF Biltmore Rio Salado II LLC and City of Tempe, property owners; Stephen C. Earl, Earl, Curley & Lagarde, P.C., applicant) for a three story office of +/-83,330 s.f. building area on +/-4.18 net acres and a five story hotel of +/-84,274 s.f. building area on +/-2.77 net acres. The entire site is +/-6.97 net acres and is located at 1275 West Rio Salado Parkway. The site is within the General Industrial District, has a Planned Area Development Overlay and is within the Rio Salado Overlay District. The request includes the following:

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

ZUP08174 – Use Permit to allow a hotel in the GID District.

DPR08259 – Development Plan Review including site plan, building elevations and landscape plan.

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

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



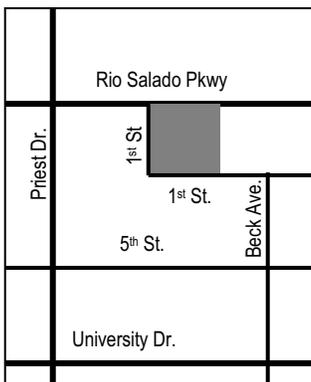
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions
Rio Salado Advisory Commission -- Approval

ADDITIONAL INFO:

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



The request includes an Amended P.A.D. for a hotel and office development, a Use permit for a hotel in the GID and a Development Plan Review for building, site and landscape design. The proposal has been advertised and a neighborhood meeting was held on 12/04/2008.

- PAGES:**
1. List of Attachments
 - 2-6. Comments / Reasons for Approval
 - 6-11. Conditions of Approval
 - 12-15. Code/Ordinance Requirements
 16. History & Facts / Zoning & Development Code Reference

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

COMMENTS:

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

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

The revised development proposal for Riverside Office Plaza Phase III before the Development Review Commission this evening features a three story office and a five story hotel and includes +/-83,330 s.f. of office area, +/-84,274 s.f. of hotel, 15 percent office and hotel overall site coverage, 28 percent landscape overall site coverage and surface parking quantity of 461 spaces (there no longer is a garage structure). The request to the Commission for this proposal is three-fold, as follows:

1. Request a recommendation of approval to City Council for an Amended Planned Area Development Overlay to allow a 77'-0" hotel and a 52'-0" tall office with a revised building and site configuration from the original P.A.D. request.
2. Request approval of a Use Permit to allow a hotel in the General Industrial District.
3. Request approval of a Development Plan Review for building elevations for the hotel and office, an overall site plan for Phase III and an overall landscape plan.

The entire site is +/-6.97 net acres. The proposal includes the division of the site into two parts: the office is on +/-4.18 net acres and the hotel on +/-2.77 net acres. Under separate process, a Final Subdivision Plat will be requested to reconfigure the existing parcels (a portion of Lot 45 and 46 of State Plat No. 9 and Lots 15, 16, 17 18 and 19 of State Plat No. 12) of the site into two parcels. Prior to a hearing for the Final Subdivision Plat, approval of sale and completion of ownership transfer for Lots 15 through 19 from the City of Tempe to the developer is required.

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

PUBLIC INPUT

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

potential restrictions on plant placement over the buried high-voltage line easement that runs along Rio Salado Parkway between the right of way and the building elevations.

- Staff has not received any verbal or written communication from neighbors as of the publication of this report.

PROJECT ANALYSIS

PLANNED AREA DEVELOPMENT

The following table indicates the Amended Planned Area Development Overlay standard proposed in comparison with the standard for the existing Planned Area Development Overlay. The maximum height proposed for the hotel matches the height of the office building in the previous proposal. The office building’s maximum height also exceeds the 35’-0” height standard for the General Industrial District and is listed in this Planned Area Development Overlay request.

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

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

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

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

USE PERMIT

A use permit is required to operate a hotel within the General Industrial District.

The Amended Traffic Impact Analysis demonstrates that the +/-83,330 s.f. office and 134 unit hotel proposed is less intensive than was the previous 127,121 s.f. office proposal. As is the case with Riverside Office Plaza Phase I and Phase II, the site is configured to channel traffic to Rio Salado Parkway and away from 1ST Street. There is no driveway available to Phase III—except for emergency access--on the east-west portion of 1ST Street. The northern leg of 1ST Street does include a driveway that is convenient to the Rio Salado / 1ST Street intersection.

The landscape area as a percentage of site area is less (28 percent versus 33 percent) under the current than under the previous proposal. The loss in landscape area is more than offset by removal of the parking structure adjacent to the residential area, by the reduction in overall parking, and by the favorable relocation of the taller building to the northwest site corner, where it is farthest away from residential development. Additionally, there is no decrease in the landscape buffer facing the 1ST Street residences.

Section 6-308 E Approval criteria for Use Permit:

- The proposed office and hotel uses of the buildings will not be detrimental to persons residing or working in the vicinity, to

adjacent property, to the neighborhood, or to the public welfare in general. The uses will be in full conformity to any conditions, requirements or standards prescribed by the ZDC.

- While there is a projected increase in vehicular traffic over the present (vacant) condition of the site, the increase is less than that previously proposed for Riverside Office Plaza Phase III. The diversification of uses on site from one (office) to two (office and hotel) favorably diffuses morning and evening traffic patterns on weekdays.
- The emission of odor, dust, gas, noise, vibration, smoke, heat or glare is generally low for the office and hotel and does not exceed that of the previously approved office development. As currently configured, the hotel does not offer dining, drinking or entertainment to the public. Overall parking quantity, a reflection of overall occupant loading for the development, is less for this than for the previous proposal. Traffic from the development is channeled to Rio Salado Parkway and away from the neighborhood.
- The proposal enhances the neighborhood by extending the emerging office/service corridor on the south of Rio Salado Parkway. This development is not in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or the General Plan 2030.
- The proposal is compatible with existing surrounding structures and uses. The proposed office extends the existing office use of Riverside Office Plaza Phase I and Phase II and the proposed hotel use augments the battery of airport-oriented hotels clustered around the Priest Drive/Rio Salado Parkway intersection. The building forms provide a gradual height increase from the 35'-0" Riverside Office Plaza Phase II to the proposed 101'-0" Tempe Landing office development.
- The proposal will provide adequate control of disruptive behavior on site which may create a nuisance to the surrounding area or general public. The site building uses are internalized, with the exception of the outdoor pool. Hours of pool use are governed by condition of approval.

DEVELOPMENT PLAN REVIEW

Phase III will be divided so there is a property line between hotel and office. The two components may be constructed separately, but overall site and landscape design for the frontages and emergency access through the two components is conditioned to be accomplished in the construction of the first component.

Site Plan

The site layout positions both Phase III buildings close to Rio Salado Parkway and organizes surface parking for each building to the south, similar to the existing development pattern for Riverside Office Plaza Phase I and Phase II. The hotel is placed farthest west, in the northwest site corner, and is closest to the Priest Drive river crossing and the airport beyond. The proposed 101'-0" Tempe Landing office towers are to the west, between the hotel and the airport runway. A separate F.A.A. study for the hotel has not been conducted due to the finding of "no hazard to air navigation" for the taller, adjacent Tempe Landing structure. The City of Phoenix Aviation Department has agreed that Riverside III will comply with the height constraints for airline operations. The hotel form and adjacent office form provide a gradual step down along Rio Salado Parkway from Tempe Landing, as follows: 101'-0" (Tempe Landing), 77'-0" (Phase III hotel), 52'-0" (Phase III office) and 35'-0" (Phase II office).

Building Elevations

The office and hotel building elevations are largely symmetrical compositions that continue the architectural expression of earlier Riverside Phases. The three story office alternates exposed masonry and reflective glass curtain wall in a series of rectilinear patterns. Exposed masonry predominates at the building base and gradually gives way to glass and exterior plaster surfaces in the upper stories. Exterior plaster is a secondary element on this building. Projecting second and third floor balconies topped with metal railings and faced with "Desert Suede" painted exterior plaster overlook Rio Salado Parkway and help convey an overall horizontality to the building. The building is flat roofed but the parapets are capped with standing seam metal projections. The five story hotel incorporates the materials and design elements of the office but configures them differently. The guest room windows are individual, upright rectangles. "Desert Suede" exterior plaster is a more prominent surface on the hotel. The elevations of the hotel are similarly layered with masonry, again predominating at the base of the building and gradually giving way to the exterior plaster of the upper stories. The elevations feature volumetric indents, projections and projecting horizontal shade lattice that all work to add changing shadow patterns to the surface. As with the office, the parapets above the flat roof are intermittently capped with standing seam metal projections.

Landscape Plan

The landscape concept replicates those used in the landscapes of Riverside Office Plaza Phase I and Phase II. The tree palette features Mesquite, three types of Palo Verde, and (as a skyline counterpoint to the lower tree canopies) Mexican Fan Palm. The

plant material used is largely arid adapted, but also make use of two small water intensive areas including lawn in association with the hotel swimming pool and sunken lawn at the art feature between the buildings. The double tree row buffer on 1ST Street extends the length of Phase III (as with Phase I and Phase II) to obscure the parking field from the residences south of 1ST Street. Street trees are also proposed in two informal rows along Rio Salado Parkway. Shrubs, accents and groundcovers associated with the meandering Rio Salado sidewalk supplement this front yard office “garden.” The conditions of approval mandate coordination of landscape placement along Rio Salado with the buried high-voltage line easement along that edge of the property and reuse of the existing trees in the frontages and on site.

Section 6-306 D Approval criteria for Development Plan Review

- The building placement reinforces the Rio Salado Parkway street wall and maximizes the distance between these commercial structures and residences south of 1ST Street. Buildings and landscape elements have proper scale with site and surroundings.
- The buildings enhance the commercial character of the Rio Salado Parkway corridor. Materials of construction are compatible with the surroundings.
- The placement of entrances and ground floor windows maximizes natural surveillance and visibility of on-site and adjacent off-site pedestrian areas.
- The buildings and landscape employ shade for energy conservation and comfort and make this an integral part of the design. Heat gain from building mass and surface parking paving is mitigated with landscape and shade canopies.
- The building has a distinct base and top, as identified by ground floor elements, roof forms, and detailing.
- The articulation of building elevations with materials, fenestration, balconies, shade lattice, wall indents and projections divide the large building mass into smaller components and foster human-scale with respect to entrances and walkways.
- Special treatment of entrance doorways, on-site walkways shaded with trees in landscape islands, public open space including at the art feature between the buildings and at the meandering Rio Salado Parkway sidewalk, all contribute to an attractive sense of place.
- Rain water retention and dissipation concept will be coordinated with site and landscape design.
- On-site utilities will be placed underground.
- Clearly demarcated, illuminated walkways will connect building entrances to one another and to adjacent public sidewalks.
- Security lighting as required by ZDC Part 4 Chapter 8 will be compatible with adjoining commercial and residential buildings. Security lighting will not create negative effects for on-site or adjacent off-site uses.
- Disabled accessibility to site and buildings will be provided in conformance with the Americans with Disabilities Act.
- Vehicular circulation is designed to orient vehicular traffic off-site to the Rio Salado Parkway and Priest Drive arterials as well as to minimize on-site conflicts with pedestrian access and circulation. Traffic impacts are minimized in conformance with the city transportation policies, plans and design criteria.
- Safe and orderly circulation separates pedestrian and bicycles from vehicular traffic.
- The design proposal appropriately integrates crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance.

CONCLUSION

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

REASONS FOR APPROVAL:

1. The development complies with the land use goals and element objectives of General Plan 2030.
2. The development has been reviewed by the Rio Salado Advisory Commission and is found to be compatible with the goals of the Rio Salado Overlay District.
3. The development will conform to the standards listed above as part of the Use Permit to allow a hotel in an Industrial District. The hotel is not detrimental to persons living or working in the vicinity. The addition of a hotel to the Office Plaza Phase III diffuses the vehicle traffic load so there is less traffic impact on typical work days than if the development was entirely composed of offices.
4. The development will conform to the standards listed above, as part of the Planned Area Development Overlay. The P.A.D. Overlay process was specifically created to allow flexibility to establish development standards, including re-establishment of the maximum building height for a new site plan and reconfigured building volumes in the context of a quality design which includes mitigation of the design impact of this development on its surroundings.

5. Based on the determination by the Federal Aviation Administration of “no hazard of air navigation” of the immediately adjacent 101’-0” tall Tempe Landing offices, the 77’-0” tall structure of this development will also pose no hazard to air navigation. The City of Phoenix Aviation Department has agreed that Riverside III will comply with the height constraints for airline operations.
6. The development as proposed meets the approval criteria for Planned Area Development Overlay, Use Permit and Development Plan Review.
7. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

CONDITIONS OF APPROVAL:

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

PAD08021 CONDITIONS

General

1. This approval is based on conformance to drawings submitted for the requests for an Amended Planned Area Development Overlay, Use Permit and Development Plan Review, except where amended by the conditions of approval indicated below and by governing Code and Ordinance Standards. These drawings include the following:
 - a. Planned Area Development Title Sheet 1, dated 12/04/08
 - b. Architectural Site Plan and Project Data: A1.1, dated 12/09/08
 - c. Civil Grading and Drainage Plans: C-1 of 3, C-2 of 3 and C-3 of 3, dated 12/04/08
 - d. Landscape Plan: LA-01, dated 12/07/08.
 - e. Office Plans and Exterior Elevations: A2.1, A2.2, A2.3, A2.4, A4.1, A4.1c, A4.2 and A4.2c, all dated 10/21/08.
 - f. Hotel Plans and Exterior Elevations: A2.5, A2.6, A2.7, A2.8, A2.9, A2.10, A4.3, A4.3c, A4.4 and A4.4c, all dated 12/09/08.
 - g. Hotel and Office Building Sections A4.5 and Site Section A4-6: both dated 10/21/08.
 - h. Security Light Photometric and Schedules: DR1, DR2 and DR3 (unsealed) plot date 12/09/08.
 - i. Materials Sample Board (unsealed) date 09/04/08.
2. A building permit shall be obtained and substantial construction commenced on or before February 19, 2012 or the Amended Planned Area Development Overlay of the property may revert to that in place at the time of application, subject to a public hearing.
3. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, Owner(s) voluntarily waive(s) any right to claim compensation for diminution in property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City’s approval of this application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Development Services Department no later than March 23, 2009 or the Amended Planned Area Development Overlay approval shall be null and void.
4. The Amended Planned Area Development for Riverside Office Plaza Phase III shall be put into proper engineered format (sample is available from the Development Services Department), sealed by an Arizona registered architect or registered professional engineer, fitted with appropriate signature blanks and kept on file with the City of Tempe’s Development Services Department. Complete this process prior to the issuance of building permits.
5. Maximum height of the hotel, as measured from the top of curb adjacent to the center of the front-yard of the site, to the highest portion of the roof or parapet of the hotel shall not exceed 77’-0”.
6. Maximum height of the office building, as measured from the top of curb adjacent to the center of the front-yard of the site, to the highest portion of the roof or parapet of the office building shall not exceed 52’-0”.
7. The increased height exception stipulated in ZDC Sec. 4-205(A) shall be waived for the hotel and office buildings.
8. Where a temporary site structure that exceeds the height of the building is utilized, such as a construction crane, submit height coordinate(s) for the structure to the Federal Aviation Administration (FAA 7460 form) and the City of Phoenix Aviation Department (Airside Operations staff) for review. Obtain and submit written approvals from each agency to the City of Tempe prior to issuance of a building permit.

9. Prepare a Subdivision Plat for Riverside Office Phase III to unify the existing parcels, make right of way dedications to public right of way if required by the C.O.T. Public Works Engineering Division, create property line between hotel and office and create cross access and cross drainage easements as required. Complete process for approval and purchase of property parcels so there is a unified ownership prior to submittal of Subdivision Plat. Within 30 days of plat submittal to C.O.T. Development Services Planning Division, provide a current Title Report. In advance of completion of the Subdivision Plat, separately process removal of unneeded easements through the C.O.T. Engineering/Land Services Division and record the abandonment(s) with Maricopa County Recorder's Office as a separate instrument.
10. Process the Final Subdivision Plat request through the Planning Division for approval by City Council. Following redlines provided by Development Services Department and Engineering/Land Services Divisions staff, place the plat in proper engineered format with appropriate signature blanks. When document is ready, record the subdivision plat with the Maricopa County Recorder's Office through the Development Services Department. Complete recordation of the plat prior to issuance of building permit or by February 19, 2011 (two years from date of City Council approval), whichever comes first. Failure to record the plat within this window of time will make the City Council approval of the plat null and void.
11. Fulfill this condition for a Continuing Care Condition, Covenant and Restriction (CCR) for any feature held in common between the hotel and office property, otherwise this condition is not required. Provide CC&R's for features of this development that are held in common, including (but not limited to) the public art feature or site landscape and irrigation. The CC&R's shall be reviewed by and configured in a form satisfactory to the Development Services Manager and City Attorney. The CC&R's shall be signed and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to a Certificate of Occupancy for either the hotel or office, whichever comes first..
12. Provide a final Traffic Impact Analysis to C.O.T. Public Works Transit Studies Division prior to submittal for building permit either for the hotel or the office building, whichever is first. Approval of the Traffic Impact Analysis from the Public Works Transit Studies Division is required prior to issuance of a building permit.

ZUP08174 CONDITIONS

General

13. The Use Permit period of approval to allow a hotel in the General Industrial District is two years and will expire after January 13, 2011. If drawings for the hotel are submitted to the C.O.T. Development Services Building Safety Division for building permit, the Use Permit period of approval is extended until the expiration of the plan review period. If building permit for the hotel is obtained, the Use Permit period of approval is extended until the expiration of the permit. The Use Permit approval to allow a hotel within the General Industrial District is permanent upon completion of the hotel.
14. The Use Permit approval to allow a hotel in the General Industrial District is specific to the site plan submitted, which indicates the location of the hotel and office building near the intersection of 1ST Street and Rio Salado Parkway, and the overall hotel form as is described in the building elevations and sections. Major modification to the site layout resulting in the reposition of the hotel or major modification to the hotel form will void the Use Permit approval for the present proposal.
15. The Use Permit approval is for a hotel of up to 134 guest rooms with supporting functions including a fitness room, a conference room, a breakfast/snack kitchen and an outdoor swimming pool, all for the use of hotel guests only. The Use Permit does not extend to a general restaurant, bar or live-entertainment venue housed within the hotel. These functions are not indicated as part of the current proposal, and to be considered at a future time, will require a separate Use Permit process to be allowed.
16. The hotel pool is to be closed to use by hotel patrons and others at a minimum from the nighttime hours of 12am to 5am.

DPR08259 CONDITIONS

General

17. The Development Plan Review period of approval for the overall Phase III Site Plan and Conceptual Landscape Plan as well as the Building Elevations for both hotel and office, is two years and will expire after January 13, 2011. If drawings for either the hotel or office building are submitted to the C.O.T. Development Services Building Safety Division for building permit, the Development Plan Review period of approval is extended for that building and for the overall site and landscape plans until the expiration of the plan review period. If building permit is obtained, the Development Plan Review period of approval is extended for that building and for the overall site and landscape plans until the expiration of the permit. The Development Plan Review approval for that building is permanent upon completion of the building. If the second building is not submitted for building permit within the approval period, the development plan review approval for the second building will expire.

Site Plan

18. Provide distinctive, upgraded paving at each driveway apron. Extend upgraded paving in each driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges. Match material and extent of concrete work for upgraded driveway paving to existing driveway paving in Riverside Office Plaza Phase I and Phase II.
19. Public (off-site) sidewalks:
 - a. Provide a meandering configuration of 8'-0" wide sidewalk on Rio Salado Parkway in front of Phase III that is similar to the sidewalk layout in front of Phase I and Phase II.
 - b. Complete the public sidewalk addition along the full length of Phase III Rio Salado and 1ST Street frontages during the construction of the first component of Phase III.
20. On-site walkways:
 - a. Match concrete integral color and texture used on Phase II. Indicate layout of sidewalk score pattern and coordinate the geometry of the sidewalk edges and scoring with the design of the office and hotel.
 - b. Continue concrete walkway flush with vehicular drive aisle where walkway crosses a vehicular drive aisle.
 - c. Match walkway ramp detail at disabled parking side aisle that is used at parking spaces on Phase II. Optionally, depress walkway flush with parking paving along entire front of disabled parking spaces, use concrete bollards in lieu of tire stops or curbs and mount disabled parking signs per Standard Detail T-360 on bollards.
21. Parking Shade Canopies:
 - a. Match the canopy construction to the detail provided in the Phase II canopies, including as follows: provide a minimum 8" deep continuous fascia for the edge of canopy. Conceal the canopy structural columns and primary beams with metal channels. Conceal conduit for canopy lighting within the channels to greatest extent possible.
 - b. Conceal lighting conduit where exposed in the folds of the canopy structure and finish conduit to match canopy color.
 - c. Detail security lights under canopy so structure and fascia provide full cut off for fixture. Position lights to minimize direct light toward windshields of cars parked under canopy.
 - d. Finish canopy with color of maximum 75% light reflectance value, including the top of the canopy.
 - e. Pull canopy edges one parking space away from adjacent landscape islands.
22. In addition to underground of existing overhead utility lines and removal of wooden utility poles in south 1ST Street frontage, also remove lines and poles in south 1ST Street frontage of Riverside Phase II extending from the southeast corner of Riverside Phase III to the Beck Avenue alignment so no overhead utility line remains along any part of the Riverside Office Plaza Phase I, II and III south frontage.
23. Refuse enclosure gates indicated on site plan are optional, not required. Consider deletion of refuse enclosure gates since the existing gates are left open on Phase II. If refuse enclosure gates are used, match detail of Phase III gates with those used in Phase II. These are opaque steel panel gates with minimum 6" square vision portals for visual surveillance.
24. Indicate locations of freestanding site equipment, including transformers, utility equipment boxes and backflow prevention devices, on site and landscape plans. Complete the following for this equipment:

- a. Verify clearance requirements around transformer with respect to placement of plant material and other site features.
- b. Finish transformer and other utility equipment boxes in a color (subject to utility provider approval) that compliments the overall color theme. Do not paint over utility company warning decals.
- c. Enclose backflow prevention and similar equipment in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If device is for a 3" or greater water line, delete cage and provide masonry screen wall (see Standard Detail T-214). Match this screen wall to the exposed masonry of other freestanding site walls and the building.

Floor Plans

- 25. Exit Security:
 - a. Provide visual surveillance by means of fire-rated glazing assemblies from office stair towers into adjacent circulation spaces.
 - b. In instances where an elevator or stair exit in the office or hotel is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
- 26. Public Restroom Security (hotel guest bathrooms are exempt)
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by automatic sensors, key or remote control mechanism
 - b. Single user restroom door hardware: Provide a key bypass on the exterior side

Building Elevations

- 27. Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials submitted have Development Services Planning staff approval. These are as listed for the hotel and office building:
 - a. Exposed masonry, painted, with raked head joints and weathered bed joints:
 - 1) Superlite 8x16 split face, paint to match 'Fallen Rock' DE6389
 - 2) Superlite 8x16 split face, paint to match 'Chocolate Pudding' DE6390
 - 3) Superlite 8x16 center score smooth face, paint to match 'Dangerous Robot' DE6387.
 - b. Paint:
 - 1) 'Gray Pearl' DE795
 - 2) 'Desert Suede' DE6206
 - 3) 'Looking Glass' DE6376 (architectural metal)
 - c. Glazing: Visteon 1" thick insulated high performance reflective Versalux Green 2000R
 - d. Aluminum Storefront: Arcadia clear anodized aluminum, AC-1
 - e. Roofing: Atas International 20 Slate Grey Standing Seam Metal
 - f. Cladding: Clear Satin aluminum composite material

Submit any additions or modifications for review during building plan check process. Approved colors shall be field verified by the Inspection staff during building construction.
- 28. Fully conceal roof access inside each building. Permanently affixed exterior ladders are not allowed unless they are completely concealed from surrounding view.
- 29. Provide roof drainage system for buildings so water is conveyed from roof to grade with concealed downspouts. Exposed emergency roof overflow scuppers may be used in conjunction with this system and made an element of architectural design, but primary water conveyance system shall be concealed by drains and downspouts.
- 30. Locate electrical service entrance section inside each building. Incorporate locations of exterior lighting and address signs as well as incidental equipment attachments (alarm klaxons, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements. No exposed conduit is allowed except where specifically conditioned.
- 31. Place centralized mechanical system behind parapet on roof of hotel and office as indicated so each system is entirely concealed. Do not decentralize the hotel guest room heating and air-conditioning system so individual vents are visible on the elevations.

32. Avoid upper/lower divided glazing panels in exterior office building windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic concerns, provide laminated or other hardened glazing at these locations.

Lighting

33. Illuminate security lighting, including for exterior doors of hotel and office buildings, other building mount lighting and freestanding site lighting from dusk to dawn utilizing photocell sensors. Follow the guidelines listed under ZDC Appendix E "Photometric Plan." Provide light levels as indicated in the ZDC Sec. 4-803 through 4-805 and as follows:
 - a. Fire riser room doors, S.E.S. access doors and upper level balcony doors are not required to be illuminated as a building entrance, all other doors shall be illuminated from dusk to dawn.
 - b. Illuminate under the hotel entrance canopy to a maximum light level of 10.0 foot-candles.
 - c. Illuminate the entire pool area to minimum 0.5 foot-candles and maximum 1.0 foot-candles.
 - d. Where wall wash up-lights are used similar to those in Phase II, do not exceed maximum light output of 600 lumens per fixture. Use of these fixtures for address sign illumination is acceptable, as is detailed on Phase II.

Landscape

34. Landscape Plan and Legend is approved in concept. Incorporate changes as indicated below. Submit modifications for review during building plan check process.
35. Investigate existing trees on Phase III site, including native/protected (primarily Prosopis) species, and verify which trees may be incorporated into the development—either remain in place or be transplanted. This includes Prosopis species near the southwest corner of the property, Prosopis along Rio Salado Parkway and the mature Tamarask (not native/protected) near the northeast property corner. Trees that have naturalized within the electric easement along Rio Salado Parkway may be allowed to stay in place, subject to electrical utility approval. Existing trees that remain along the street frontages may be counted as part of the required street tree quantity.
36. Include requirement in site landscape work to water, protect, maintain and generally provide husbandry for existing trees that remain. Protect tree and surrounding soil area with a barricade from beginning of site demolition until landscape operations are underway at conclusion of construction. Prune the under story so the tree has a canopy. Lightly prune and shape upper story of tree as necessary, including removal of broken branches. If an existing tree dies or shows probability of dying during construction, replace with a matching specimen of minimum 48" box installation size including minimum 4.0" caliper.
37. Place required street trees along Rio Salado Parkway that are out of way of the A.P.S. buried high voltage line easement or are placed within the easement above the lines subject to the approval criteria of A.P.S. If necessary, adjust the locations of the buildings to allow placement of the trees between the easement and the buildings.
38. Landscape islands:
 - a. Provide thornless Prosopis species of 24" box installation at parking islands, rather than 15 gallon.
 - b. At southeast corner of office, place one thornless Prosopis species in each of the two landscape islands. The Washingtonia robusta may remain in the northern of these two planters where the trunk protrudes through the canopy of the tree.
 - c. Pull walkway away from the paving curb in two places--at the end parking space southwest of swimming pool and adjacent to the northeast office building corner--so a full-length landscape island is created beside these parking spaces.
39. Indicate drain spillways, including those originated on grading and drainage plan, and coordinate with plant and walkway layout. Use river run rock for spillways or similar treatments. Secure rock minimum two-thirds into concrete bedding to prevent removal of rock for criminal activity. Match detail of the recessed, secured river run rock spillways used on Phase II.
40. 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.

41. Irrigation:

- a. Provide a separate dedicated water meter and looped irrigation main line. Indicate if each component development (hotel and office) of Phase III is to have its own meter and loop or if the two components are to be combined into one system. If the latter, include the combined system in the CC&R's as one of the features held in common by the two properties.
- b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
- c. Locate valve controller in a vandal resistant housing.
- d. Hardwire power source to controller (a receptacle connection is not allowed).
- e. Place controller in an interior location or detail controller installation so valve and power conduits are concealed.

Signage

42. Provide Rio Salado Parkway address signs for hotel and office:

- a. Provide three upper signs on hotel near the east and west ends of the north elevation and near the southeast corner of the east elevation. Do not place address signs on elevations which face 1ST Street except a vinyl dye cut address sign is allowed on glazing near the entrance under the canopy.
- b. Provide three upper signs on the office building west elevation near the northwest corner of the building, on the office north elevation near the northeast corner of the building, and on the office east elevation near the southeast elevation. Do not place address sign on elevation which faces 1ST Street except a vinyl dye cut address sign is allowed on glazing near the main entrance.

Conform to the following for upper building address signs:

- a. Provide Rio Salado street number only, not the street name
- b. Compose of 12", individual mount metal reverse pan channel numbers.
- c. Halo-illuminate or direct illuminate each address.
- d. Do not affix number or letter to elevation that might be mistaken for the address.

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.

Provide one address sign on the roof of the hotel.

- a. Orient sign to be read from the south.
- b. 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.
- c. Provide high contrast sign such as black characters on a white roof.
- d. 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 or purchased at Development services.
- STANDARD DETAILS:
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov, to [Departments](#), to [Building Safety](#), to [Applications and Forms](#), and the DS details are found under [Civil Engineering](#)
- 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 July 30, 2008 and November 12, 2008. 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. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this approval prior to issuance of building permits.
- ENGINEERING (GENERAL):
 - 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 as required including streetlights, curb, gutter, bike parking, sidewalk, bus shelter, and related amenities.
 - Provide wing-type driveways in conformance with Standard Detail T-320. Pavers may be included in the public right of way beyond the concrete landing.
 - Provide 8'-0" wide sidewalk along Rio Salado Parkway in front of property.
 - Provide 6'-0" wide concrete sidewalk along with curb and gutter along north side of 1ST Street adjacent to property. There is an existing curb, gutter and sidewalk on the west side of 1ST Street where it turns north to meet Rio Salado Parkway.
 - Provide street lights as required.
 - Place overhead utilities in site frontages underground (these occur on north side of 1ST Street) in accordance with the Code of the City of Tempe - Section 25.120.
 - Coordinate site layout with utility provider(s) to provide adequate utility access easements. Coordinate off-site plans with Final Subdivision Plat prior to recordation in order to finalize easement locations. Where an existing easement is unneeded, remove easement from the land by separate instrument and have the instrument recorded with the Maricopa County Recorder's Office.
 - Clearly indicate property lines and the dimensional relation of the buildings and parking canopies to the property lines.
 - Verify location of easements, or property restrictions, to ensure no conflict between site layout and foundation design.
 - Coordinate site area so there is a match between information on site and civil plans.
- ENGINEERING (GRADING & DRAINAGE):
 - 100 year on-site storm water retention required.
 - Retain half-street runoff from 1st Street on site.
 - Coordinate landscape area and placement of buried retention structures so tree roots are allowed to grow and spread without interfering with the retention structures.
 - Do not cover more than 67 percent of each on-site street frontage landscape area with surface water retention basins.
 - Submit storm water pollution prevention plan to Arizona Department of Environmental Quality for approval.
- ENGINEERING (FINAL SUBDIVISION PLAT):
 - Prepare a final subdivision plat that unifies the various lots and creates two new lots—one for the hotel and one for the office building—as indicated. Provide dedication to public right-of-way as required by Public Works Department. Include

easements for public utilities on plat. Submit final subdivision plat for review. Place subdivision plat into proper format for processing and recordation. After approval of the final subdivision plat by City Council, have the plat recorded with the Maricopa County Recorder's Office

- Provide cross drainage and cross access easement between the two components of Phase III and between Phase III and Phase II.
- WET UTILITIES:
 - Meet with Water Utilities Department regarding continuation of public water line loop from Riverside Office Plaza Phase II and location of loop on-site.
 - Indicate water and sewer utility connections.
 - Obtain encroachment permit for private utility crossings through on-site public water line easement. Provide an exhibit with each crossing shown and the profile for each crossing.
- PUBLIC ART: Provide public art as part of this development in conformance with the Art in Private Development Ordinance and the Zoning and Development Code; see the ZDC Sec. 4-407 and Appendix D. Contact the C.O.T. Cultural Services (480-350-5163) regarding implementation of this requirement prior to receiving building permits.
- BUILDING SAFETY:
 - Place parking canopies at least 10'-0" from adjacent property line
 - At art feature or elsewhere, do not locate structures requiring a building permit astride a property line
 - Provide hotel with an R-1 occupancy classification
 - Identify the hotel 1st floor uses and occupancies for review.
 - Exits: provide door swings in direction of egress and conform to door encroachment requirements in corridors and exit ways.
- WATER CONSERVATION: Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for both the hotel and office components of Phase III. Have the landscape architect and the mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59, available from Building Safety (480-350-8341). Contact Water Conservation Division (480-350-2668) if there are any questions regarding the purpose or content of the conservation reports.
- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.
- SECURITY REQUIREMENTS:
 - The property owner or owner representative of the hotel is required to prepare with the Police Department a security plan for the hotel see ZDC Tab 3-202 (A) and ZDC Sec 6-313. Involve the architect to verify modifications that would require design revisions. At a minimum, have owner contact the Police/Crime Prevention (480-858-6027) and 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, shrubs and plant ground covers, and 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 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.
 - Equip each service and public exit door (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window. Position window between 43" and 66" from the bottom edge of the door.
- FIRE:
 - Locate Fire Department Connection on main entry side of each building within 150'-0" of a fire hydrant
 - Provide 20'-0" wide fire lane with 45'-0" turn radius through site where directed by Fire Department. If the office and hotel

- are not built at the same time, fire lane must be provided through entire site as part of the completion of the first component.
- Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies and hotel entrance structure so fire apparatus may pass underneath. Details of fire lane(s) are subject to approval of the Fire Department.
- EMERGENCY RADIO AMPLIFICATION: Within each building provide radio amplification of emergency frequencies as required, See ZDC Sec 4-402. 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) 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 requirement.
- REFUSE:
 - Use standard detail DS-116 for refuse enclosures.
 - Develop strategy for recycling collection and pick-up from site with Solid Waste Department. Coordinate storage area for recycling containers with overall site and landscape layout.
- DRIVEWAYS:
 - Driveways may be no less than 30'-0" and no greater than 40'-0" wide. Construct driveways in public right of way in conformance with Standard Detail T-320.
 - Correctly indicate clear vision triangles on the site and landscape plans at property corners, at the 1ST Street driveway, and at the existing Rio Salado Parkway Phase II driveway where the sight vision triangle crosses the front of Phase III. Identify speed limits for adjacent streets at the site frontages. 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 Traffic Engineering (480-350-2775) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy tree trunks, palm trunks, light posts or sign posts are allowed) within each clear vision triangle.
- PARKING SPACES:
 - Separately calculate hotel and office parking and breakdown parking by use for hotel parking.
 - 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.
 - Distribute bike parking areas nearest to main entrance of office and main and employee entrances of hotel. Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- ELEVATIONS:
 - On the hotel and office, screen exterior roof or ground mounted mechanical equipment from surrounding public view by parapet or an integral architectural feature of the elevation; avoid individual roof mounted screens which are readily identified as such. A screen shall meet or exceed the height of the roof or ground mount equipment it screens on all sides. Verify height of equipment and mounting base to ensure that screen height is adequate.
 - On the hotel, consider a parapet system that would 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 to the building.
 - Measure height of buildings at curb that is nearest to midpoint of the front property line in front of each of the component properties (hotel and office) of Phase III.
- LIGHTING:
 - Provide photometric plans that are sealed by a registered professional engineer.
 - 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 site, landscape (and photometric) plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.
- LANDSCAPE:
 - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the

landscape architect. Note original locations and species of native and “protected” trees and other plants on site. Move, preserve in place, or demolish native or “protected” trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department (602-364-0935). Notice of Intent to Clear Land form is available at www.agriculture.state.az.us . Follow the link to “form”, to “native plants”, and to “notice intent to clear land”.

- Coordinate required street tree placement on Rio Salado Parkway with A.P.S. easement requirements.
 - Adjust site building layout if needed to allow adequate root space and canopy room for trees placed between building elevation and edge of easement.
 - Expand landscape areas in parking areas to allow placement of drywells for buried retention structures and retain sufficient area for tree planting.
 - Adjust adjacent walkways as necessary to provide minimum landscape areas. Adjust layout of landscape islands as needed to ensure that each island is at least 15'-0" in length (including width of curb), is at least 120 square foot in area (including width of curbs), reaches to the end of the adjacent parking space and is at least 7'-0" wide at midpoint of island (including width of curbs).
-
- 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 staff during plan check process. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

HISTORY & FACTS:

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

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-305, Planned Area Development Overlay District
Section 6-306, Development Plan Review
Section 6-308, Use Permit

ORDINANCE NO. 2008.73

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

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

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by adding an Amended Planned Area Development Overlay to the existing General Industrial District, Planned Area Development Overlay and Rio Salado Overlay District and designating the site as GID (PAD, RSOD), General Industrial District with an Amended Planned Area Development Overlay and within the Rio Salado Overlay District on +/-6.968 acres.

LEGAL DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TOTAL AREA IS +/-6.968 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PAD08021** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

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

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

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WHEN RECORDED RETURN TO:
City of Tempe
Development Services Department
31 E. 5th Street
Tempe, AZ. 85281

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

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by _____
_____ **HOF Biltmore Rio Salado II LLC** _____
_____ (Owner).

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

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

Owner has submitted Application No. **PL080263** to the City requesting that the City approve the following:

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

for development of the following real property (Property):

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

TOTAL AREA IS +/-6.968 GROSS ACRES

LEGAL DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated this _____ day of _____, 2009.

(Signature of Owner)

(Printed Name)

State of Arizona)
) ss
County of _____)

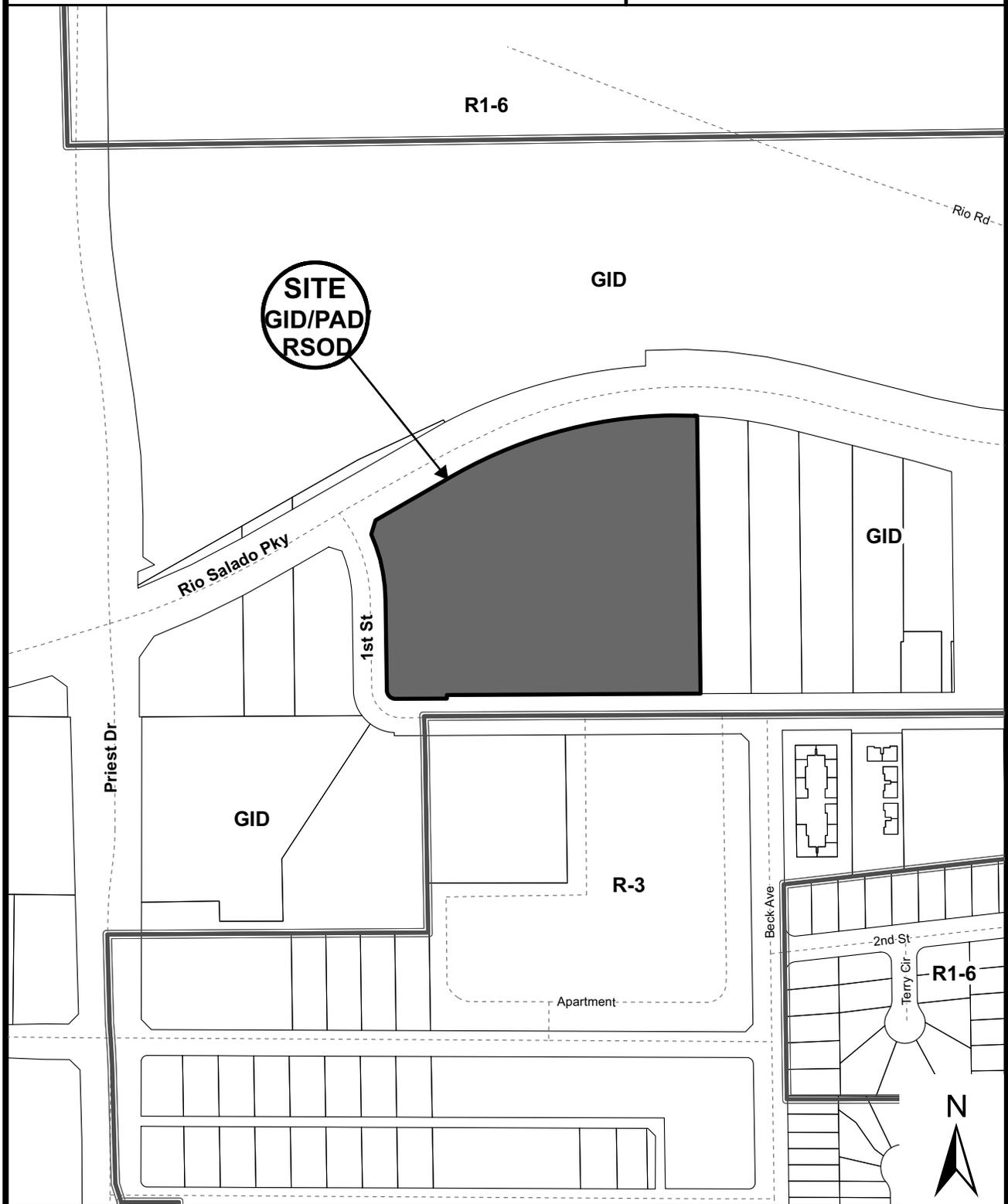
SUBSCRIBED AND SWORN to before me this _____ day of _____, 2009, by

(Signature of Notary)

(Notary Stamp)

RIVERSIDE OFFICE PLAZA PH III

PL080263



Location Map



RIVERSIDE OFFICE PLAZA PH III (PL080263)

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

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

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

December 1, 2008

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

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

Dear Lisa:

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

Background

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

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

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

General Plan Consistency

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

Requests

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

PAD Amendment

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

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

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

Development Plan Review

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

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

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

Use Permit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

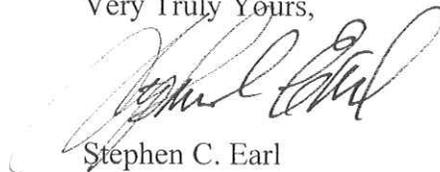
- **Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.**

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

Conclusion

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

Very Truly Yours,



Stephen C. Earl

SCE/rot

SITE DATA

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

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

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

Landscape Area Calculations - Overall Site

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

Hotel Parcel

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

Parking Calculations

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

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

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

Bicycle Parking Calculations

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

	Required	Provided
Bicycle Parking	7 Spaces	8 Spaces

Office Parcel

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

Parking Calculations

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

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

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

Bicycle Parking Calculations

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

	Required	Provided
Bicycle Parking	9 Spaces	10 Spaces

Total Site

Parking Calculations

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

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

Bicycle Parking Calculations

	Required	Provided
Bicycle Parking	16 Spaces	18 Spaces



KEY PLAN

ALUMINUM STOREFRONT:
 MFR: ARCADIA (OR EQUAL)
 TYPE: ANODIZED ALUMINUM
 COLOR: AN-T, SILVER

ROOFING:
 MFR: ATLAS INTERNATIONAL, INC.
 TYPE: STANDING SEAM METAL (FIELD-LOOK)
 COLOR: 20 SLATE GREY

OTHER:
 MFR: CITABEL (OR APPROVED EQUAL)
 TYPE: ALUMINUM COMPOSITE MATERIAL
 COLOR: CLEAR SHIN

NOTE: COLORS SHOWN FOR DESIGN INTENT ONLY. FINAL SELECTIONS TO BE APPROVED BY ARCHITECT PRIOR TO INSTALLATION.

PAINT:
 MFR: DUNN EDWARDS
 COLOR: GRAY PEARL, DE6279, LRV 49

GLAZING:
 MFR: VISTON (OR APPROVED EQUAL)
 TYPE: 1" INSUL. HIGH PERF. REFLECTIVE
 COLOR: VERSALUX GREEN 2000R

MASSONRY:
 MFR: SUPERUTE (OR APPROVED EQUAL)
 TYPE: (CENTER SCORED)
 COLOR: STANDARD GRAY - PAINT TO MATCH
 DUNN EDWARDS DE6293, LRV 55

FINISH SCHEDULE

MASSONRY:
 MFR: SUPERUTE (OR APPROVED EQUAL)
 TYPE: STANDARD GRAY - PAINT TO MATCH
 DUNN EDWARDS DE6293, LRV 55
 MORTAR: STANDARD GRAY (SEALED)
 JOINTS: HORIZONTAL = WEATHERED
 VERTICAL = RAKED

GLAZING:
 MFR: VISTON (OR APPROVED EQUAL)
 TYPE: 1" INSUL. HIGH PERF. REFLECTIVE
 COLOR: VERSALUX GREEN 2000R

ALUMINUM STOREFRONT:
 MFR: ARCADIA (OR EQUAL)
 TYPE: ANODIZED ALUMINUM
 COLOR: AN-T, SILVER

ROOFING:
 MFR: ATLAS INTERNATIONAL, INC.
 TYPE: STANDING SEAM METAL (FIELD-LOOK)
 COLOR: 20 SLATE GREY

OTHER:
 MFR: CITABEL (OR APPROVED EQUAL)
 TYPE: ALUMINUM COMPOSITE MATERIAL
 COLOR: CLEAR SHIN

NOTE: COLORS SHOWN FOR DESIGN INTENT ONLY. FINAL SELECTIONS TO BE APPROVED BY ARCHITECT PRIOR TO INSTALLATION.

FINISH SCHEDULE

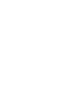
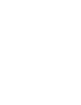
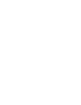
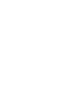
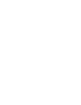
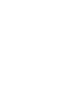
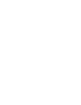
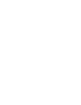
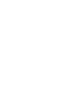
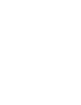
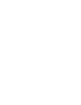
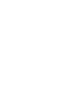
MASSONRY:
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 TYPE: STANDARD GRAY - PAINT TO MATCH
 DUNN EDWARDS DE6293, LRV 55
 MORTAR: STANDARD GRAY (SEALED)
 JOINTS: HORIZONTAL = WEATHERED
 VERTICAL = RAKED

GLAZING:
 MFR: VISTON (OR APPROVED EQUAL)
 TYPE: 1" INSUL. HIGH PERF. REFLECTIVE
 COLOR: VERSALUX GREEN 2000R

10/21/2008
 JAJ
 CHINA DESIGNED BY
 07119_AA1-C_AA1-2C
 SHEET CODE
 07-119
 REVISION
 1/8" = 1'-0"

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

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 EXHIBIT 10/17/2008





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 Scottsdale, Arizona 85254
 F: 480.556.9490
 www.pharchitecture.com



IGA
 DESIGN BUILD

DATE: _____
 DESCRIPTION: _____

SCALE: 1/8" = 1'-0"
 SHEET NO: 07-119
 SHEET TITLE: EXTERIOR BUILDING ELEVATIONS

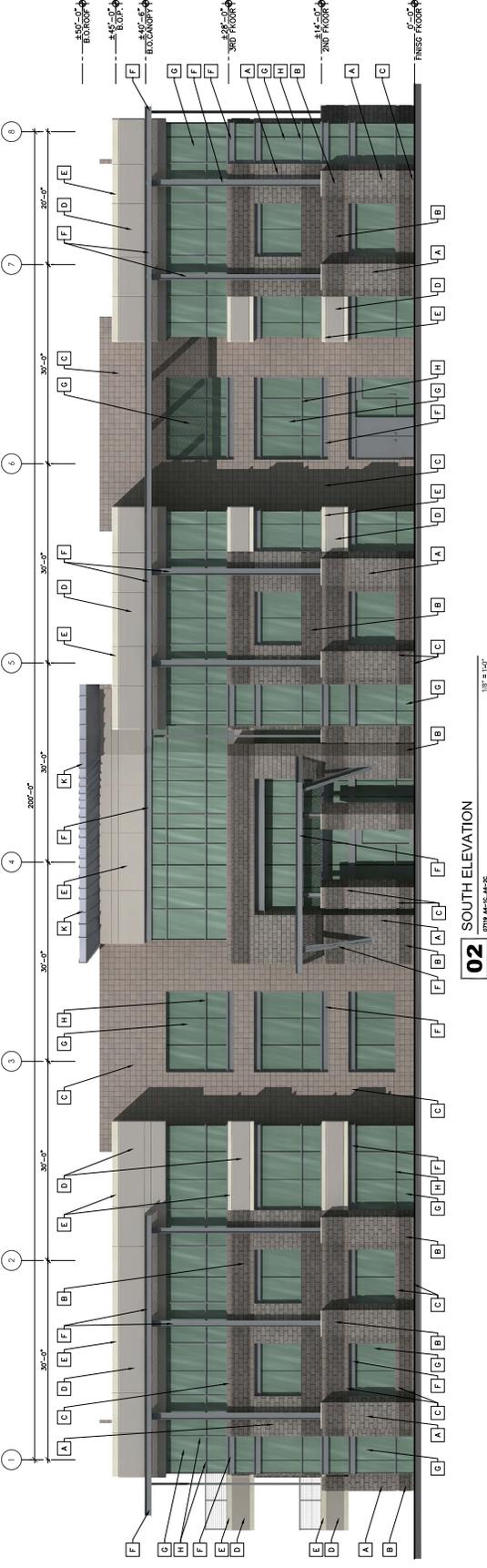
PROJECT NO: 07119 A4-1C-A4-2C
 DATE: 10.21.2008
 DRAWN BY: JAJ

PROJECT: PHASE III RIVERSIDE OFFICE PLAZA
 ADDRESS: 1275 WEST RIO SALADO PARKWAY
 CITY: TEMPE, ARIZONA

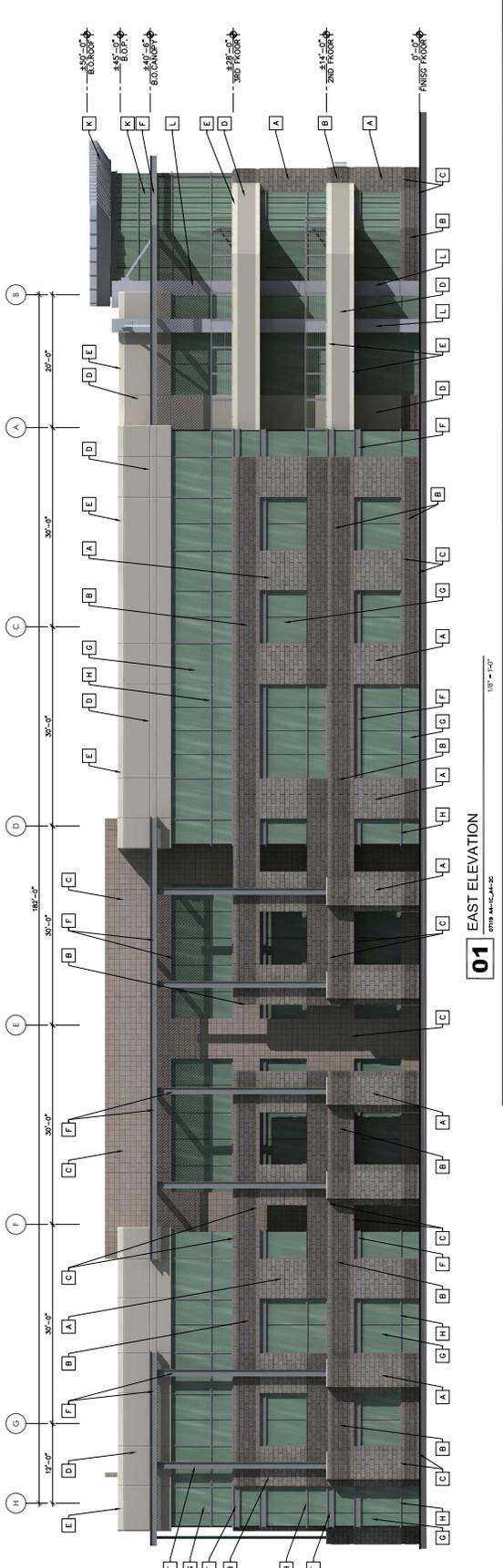
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PROJECT NO: 07119 A4-1C-A4-2C
 DATE: 10.21.2008
 DRAWN BY: JAJ

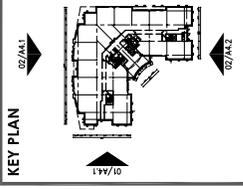
PROJECT: PHASE III RIVERSIDE OFFICE PLAZA
 ADDRESS: 1275 WEST RIO SALADO PARKWAY
 CITY: TEMPE, ARIZONA



02 SOUTH ELEVATION
 0719 A4-1C-A4-2C



01 EAST ELEVATION
 0719 A4-1C-A4-2C



- ALUMINUM STOREFRONT:**
 MFR: ARCADIA (OR EQUAL)
 TYPE: ANODIZED ALUMINUM
 COLOR: A6-T, SILVER
- ROOFING:**
 MFR: ATLAS INTERNATIONAL, INC.
 TYPE: STANDING SEAM METAL (FIELD-LOCK)
 COLOR: 20 SLATE GREY
- OTHER:**
 MFR: CITABEL (OR APPROVED EQUAL)
 TYPE: ALUMINUM COMPOSITE MATERIAL
 COLOR: CLEAR SHIN
- PAINT:**
 MFR: DUNN EDWARDS
 COLOR: GRAY PEARL, DE6279, LRV 49
 MFR: DUNN EDWARDS
 COLOR: DUNK GREEN, DE6208, LRV 55
 MFR: DUNN EDWARDS
 COLOR: DE6397, LRV 53 (SEALED)
 MFR: DUNN EDWARDS
 COLOR: DE6376, LRV 23 (FOR ALL ARCHITECTURAL METAL)
- GLAZING:**
 MFR: VISTON (OR APPROVED EQUAL)
 TYPE: 1" INSUL. HIGH PERF. REFLECTIVE
 COLOR: VERSALUX GREEN 2000R
- FINISH SCHEDULE:**
MASONRY:
 MFR: SUPERUTE (OR APPROVED EQUAL)
 TYPE: STANDARD
 COLOR: STANDARD GRAY - PAINT TO MATCH
 MFR: DUNN EDWARDS
 COLOR: DUNK GREEN (SEALED)
 MFR: DUNN EDWARDS
 COLOR: DE6397, LRV 53 (SEALED)
 MFR: DUNN EDWARDS
 COLOR: DE6376, LRV 23 (FOR ALL ARCHITECTURAL METAL)
 JOINTS: VERTICAL = RAKED
GLAZING:
 MFR: VISTON (OR APPROVED EQUAL)
 TYPE: 1" INSUL. HIGH PERF. REFLECTIVE
 COLOR: VERSALUX GREEN 2000R
 JOINTS: HORIZONTAL = MATCHED
FINISH SCHEDULE:
MASONRY:
 MFR: SUPERUTE (OR APPROVED EQUAL)
 TYPE: STANDARD
 COLOR: STANDARD GRAY - PAINT TO MATCH
 MFR: DUNN EDWARDS
 COLOR: DUNK GREEN (SEALED)
 MFR: DUNN EDWARDS
 COLOR: DE6397, LRV 53 (SEALED)
 MFR: DUNN EDWARDS
 COLOR: DE6376, LRV 23 (FOR ALL ARCHITECTURAL METAL)
 JOINTS: VERTICAL = RAKED
GLAZING:
 MFR: VISTON (OR APPROVED EQUAL)
 TYPE: 1" INSUL. HIGH PERF. REFLECTIVE
 COLOR: VERSALUX GREEN 2000R
 JOINTS: HORIZONTAL = MATCHED



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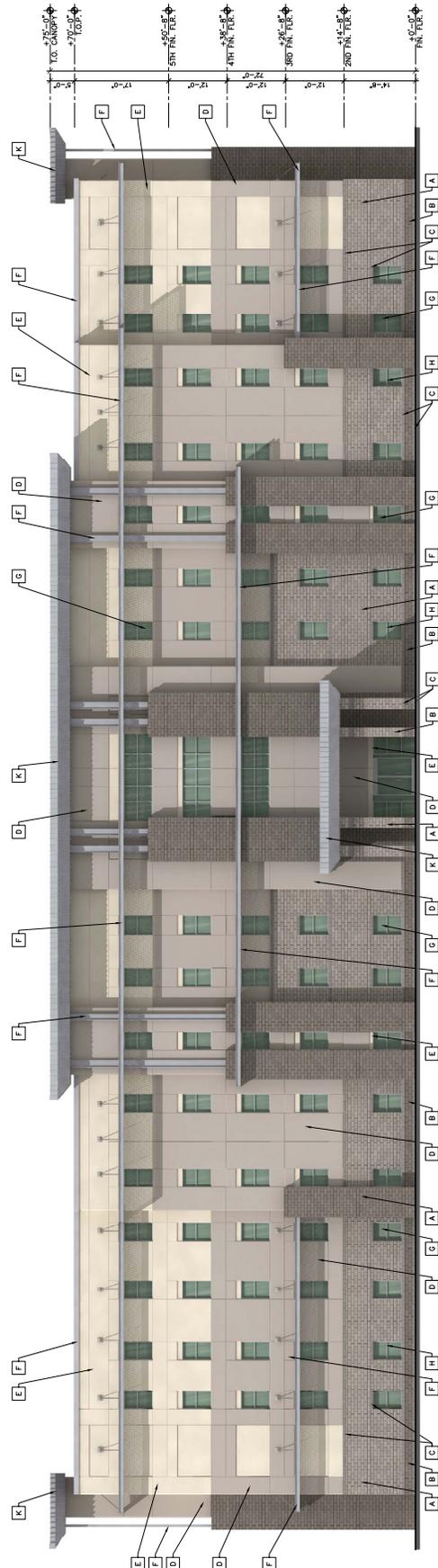
Riverside Office Plaza
 Phase III
 1275 West Rio Salado Parkway
 Tempe, Arizona

REV.	DATE	DESCRIPTION

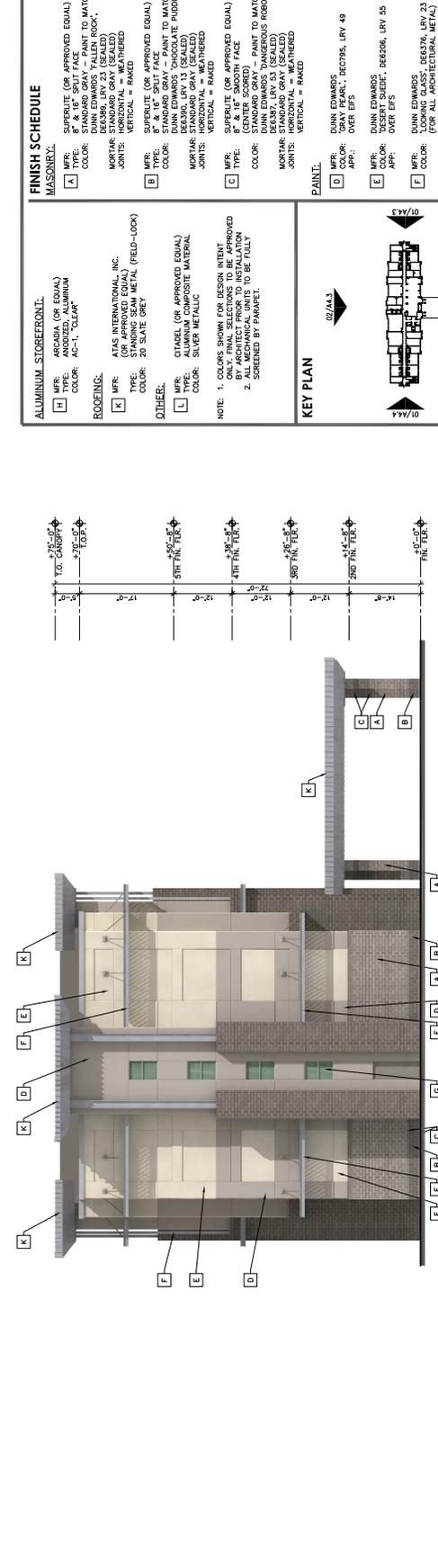
PROJECT NO: 08-004
 SHEET NO: 3/32' = 1'-0"
 DRAWING TITLE: 08084-A4-3c_A4-4c
 DATE: 12.07.2008
 DRAWN BY: JAJ
 CHECKED BY: JAJ
 PROJECT NO: 08084-A4-3c_A4-4c

PHASE III
 INTERIOR
 ELEVATIONS
 A4.4C

05080850_SFR08059



02 SOUTH ELEVATION
08084-A4-3c_A4-4c
 3/32" = 1'-0"



01 WEST ELEVATION
08084-A4-3c_A4-4c
 3/32" = 1'-0"

FINISH SCHEDULE

MASONRY:
 SUPERUTE (OR APPROVED EQUAL)
 TYPE: 8" & 16" SPLIT FACE
 COLOR: DUNK EDWARDS "FALLEN ROCK"
 MORTAR: DEKOR, LEV 23 (SEALED)
 JOINTS: HORIZONTAL = WEATHERED
 VERTICAL = RAKED

PAINT:
 SUPERUTE (OR APPROVED EQUAL)
 TYPE: CENTER SCORED
 COLOR: 8" & 16" SMOOTH FACE
 DUNK EDWARDS "DANGEROUS ROBOT"
 MORTAR: STANDARD GRAY (SEALED)
 JOINTS: HORIZONTAL = WEATHERED
 VERTICAL = RAKED

ALUMINUM STOREFRONT:
 MFR: ARCADIA (OR EQUAL)
 TYPE: ANODIZED ALUMINUM
 COLOR: AC-1, "CLEAR"

ROOFING:
 MFR: ATAS INTERNATIONAL, INC.
 TYPE: STANDING SEAM METAL (FIELD-LOOK)
 COLOR: 20 SLATE GREY

OTHER:
 MFR: OTABEL (OR APPROVED EQUAL)
 TYPE: POLYURETHANE INSULATED GLASS UNIT
 COLOR: SILVER METALLIC

NOTE: 1. COLORS SHOWN FOR DESIGN INTENT ONLY. MATERIALS TO BE PROVIDED BY ARCHITECT PRIOR TO INSTALLATION.
 2. ALL MECHANICAL UNITS TO BE FULLY SCREENED BY FINISHER.

GLAZING:
 VISION (OR APPROVED EQUAL)
 TYPE: INSUL, HIGH REFLECT, REFLECTIVE
 COLOR: VERSAUL, GREEN, 600R

KEY PLAN

02/A/3
 01/A/4



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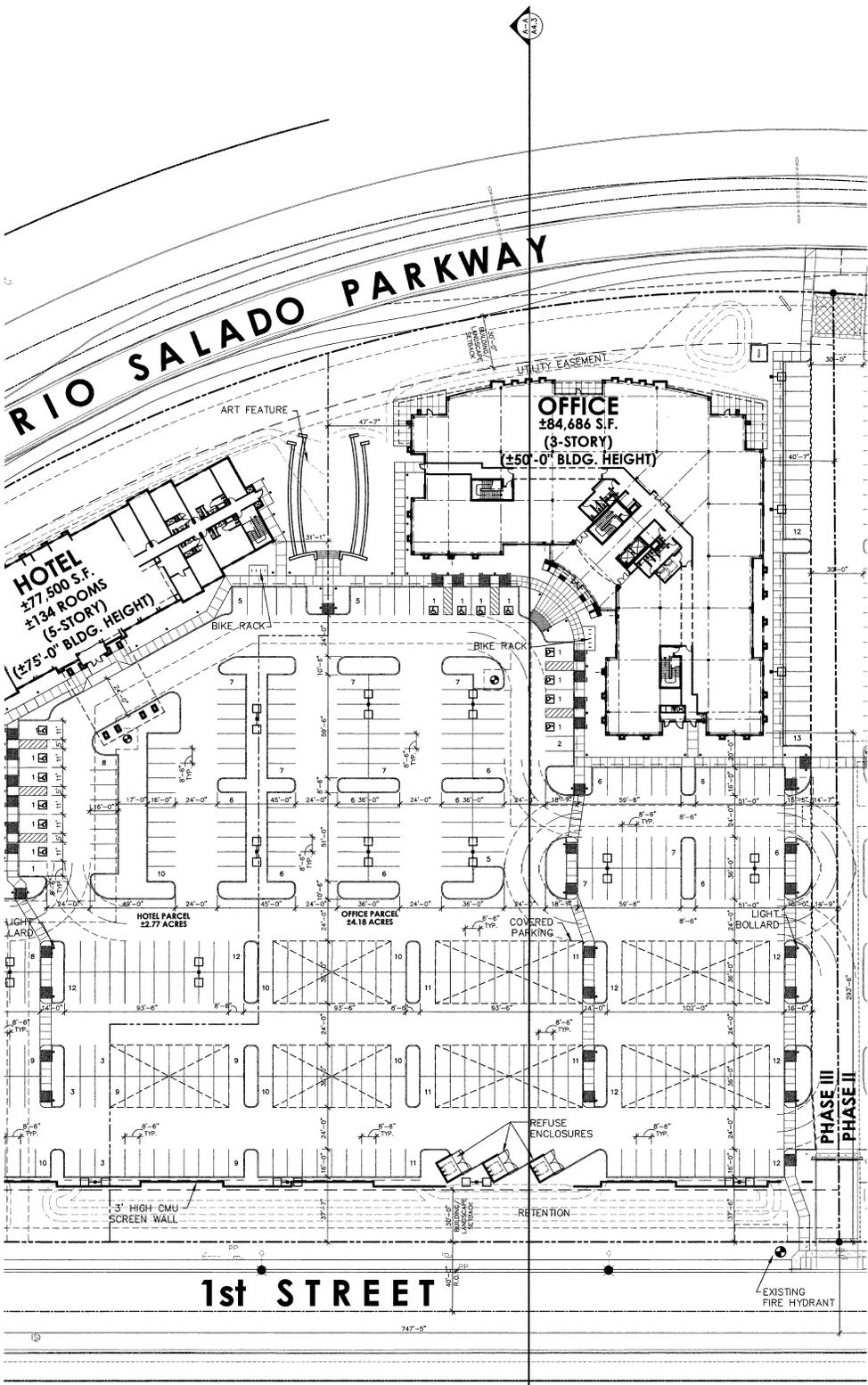
Riverside Office Plaza
Phase III
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Tempe, Arizona

REV.	DATE	DESCRIPTION

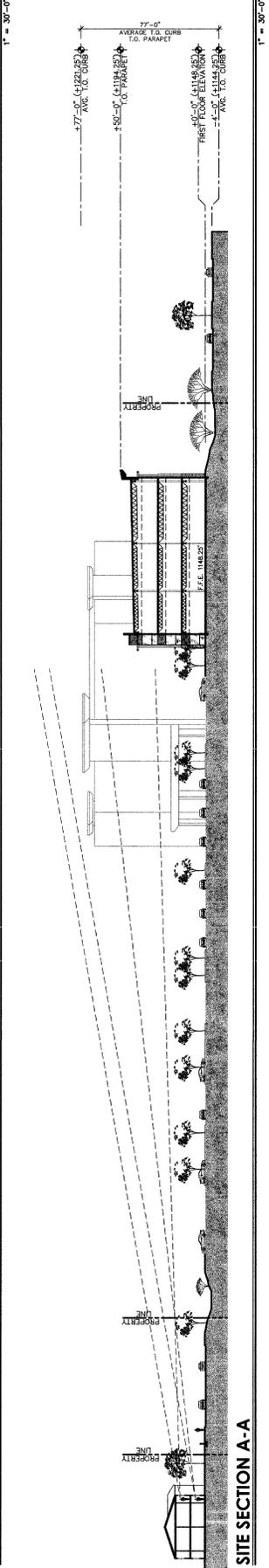
PROJECT NO: 07-119
SHEET NO: 1
SCALE: 1" = 30'-0"
DRAWN BY: 07119 AA-6
CHECKED BY:
DATE: 10.21.2008
SHEET TITLE: SITE SECTION

SHEET: A4.6

D5080850_SFR08059



SITE PLAN



SITE SECTION A-A



ATTACHMENT 32

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BALTIMORE HOLDINGS



CONCEPTUAL RENDERING

12.04.08

RIVERSIDE OFFICE PLAZA PHASE III



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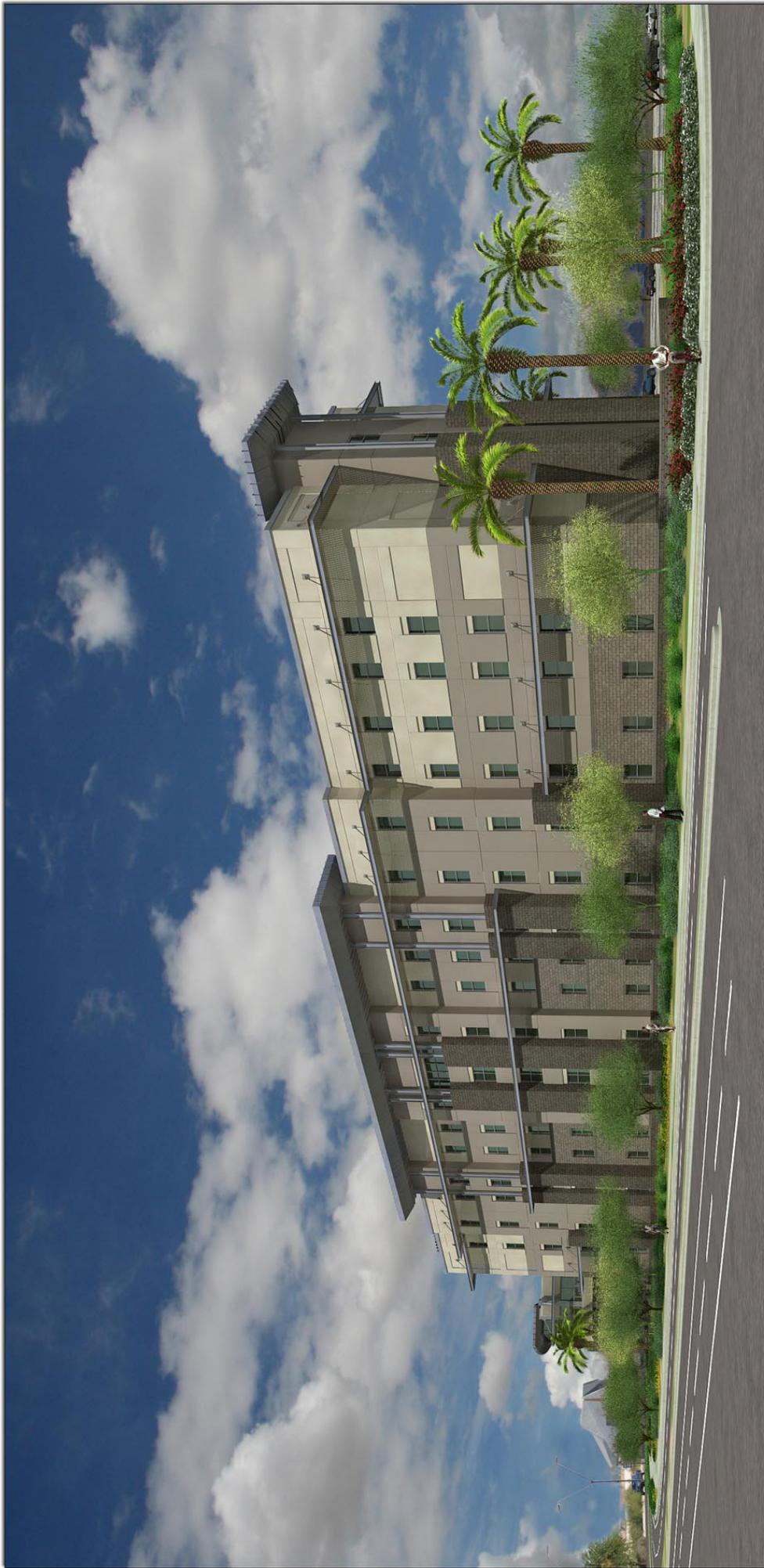


BILTMORE HOLDINGS

CONCEPTUAL RENDERING

12.04.08

RIVERSIDE OFFICE PLAZA PHASE III



ATTACHMENT 34

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CONCEPTUAL RENDERING

12.04.08

RIVERSIDE OFFICE PLAZA PHASE III



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