

# Staff Summary Report



Development Review Commission Date: 11/08/2011

Agenda Item Number: \_\_\_\_

**SUBJECT:** Hold a public meeting for a Development Plan Review for THE DISTRICT located at 941 East Apache Boulevard.

**DOCUMENT NAME:** DRCr\_TheDistrict977\_110811 PLANNED DEVELOPMENT (0406)

**COMMENTS:** Request for THE DISTRICT (PL110169) (Tara Waldier, RB Tempe LLC, Scott E. Baer, Baer’s Den, and Charles and Elsa Fong, Spence Avenue Apartments, property owners; Nick Wood, Esq., Snell & Wilmer LLP, applicant) consisting of a five to six story, 685,321 sf. 279 unit student housing complex with structured parking and ground floor retail and fitness center, all on +/-5.2514 acres (Lots 2, 3 and 4 of the District on Apache), located at 941 East Apache Boulevard in the MU-4, Mixed-Use, High Density District, the R-5, Multi-Family Residential High-Density District and with a P.A.D., Planned Area Development Overlay District and within the T.O.D., Transportation Overlay District. The request includes the following:

**DPR11164** – Development Plan Review including site plan, building elevations, and landscape plan on +/-5.2514 acres.

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

**REVIEWED BY:** Lisa Collins, Community Development Deputy Director (480-350-8989) *LC*

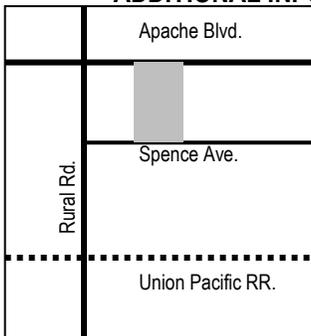
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** There is no fiscal impact on City funds.

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

**ADDITIONAL INFO:**



Gross/Net site area	+/-5.2514 acres excludes Lot 1 (new Baer’s Den site)
Density (dwelling/acre)	49.68 d/ac. (Proposed MU-4: 62.74 d/ac. and R-5: 29.23 d/ac.)
Total Building area	District live/retail/garage: +/-685,321 sf.
Lot Coverage	57 % (58 % maximum allowed)
Building Height	MU-4: 90 ft. and R-5: 58 ft. (these are the maximum allowed)
Building Setbacks	6 ft. Apache front & Spence reverse front, 30 ft West, 41 ft East (5 ft. front, 5ft. reverse front, 30 ft. west and 41 ft. east are the minimum allowed setbacks)
Landscape Coverage	25 % (24 % minimum allowed)
Vehicle Parking	920 spaces (771 minimum required)
Bicycle Parking	300 spaces (256 minimum required)

See Summary on page 2. A neighborhood meeting was held on August 08, 2011. A Development Plan Review for the new Baer’s Den was approved on August 23, 2011. Land use entitlements for the project including the establishment of MU-4 (PAD, TOD) on the northern part of the site and R-5 (PAD, TOD) on the southern part were approved on September 22, 2011. A final subdivision plat was also approved on September 22, 2011.

**PAGES:**

1. List of Attachments
- 2-6. Comments / Reasons for Approval
- 7-10. Conditions of Approval
- 11-14. Code & Ordinance Requirements
- 15-17. History & Facts / Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
3. The District Development Letter of Explanation, dated 10/17/11
- 4-5. Neighborhood Meeting Summary and Citizen Comment, both dated 08/09/11
- 6-7. Letter from A.S.U. Real Estate Office, dated 08/03/11
- 8-9. Site Plan and Project Data A-201
- 10-17. District Floor Plans and Roof Plan A-401 through A-408
- 18-19. District Building Elevations and Sections A-501 & A-502
- 20-21. Color Perspective and Apache Elevation with Materials Key A-100 & A-601
- 22-23. Color Presentation Elevations
- 24-27. District Landscape Plan, Plant Legend and Public Sidewalk Shade Studies L1-1
28. Projecting Balcony Exhibit
- 29-30. Staff Site Photographs, dated August 2011

**SUMMARY:**

The District (the project) requests a Development Plan Review for building, site and landscape design on +/-5.2514 acres.

The project is a 279 unit, 900 bedroom student residential component of 346,066 sf. A 1,760 sf. leasing office, 6,477 sf. clubhouse and 69,579 sf. of circulation area are also provided. The ground floor commercial component includes a 4,810 sf. fitness center and a 1,075 sf. ground level commercial space facing Apache. 920 vehicle parking spaces are provided on site. Parking is principally housed in a six level garage of 266,015 sf. The garage is hidden by residential units on three sides. The garage and 64 residential units are located in the R-5 District on the south of the site within a 58'-0" tall building and 215 residential units and the commercial functions are located in the MU-4 District on the north of the site within a 90'-0" tall building. A separate project (the new Baer's Den on +/-0.2594 acres) is also included in the MU-4 District.

The following has been completed for the new Baer's Den and the project. A Final Subdivision Plat for The District on Apache was approved on September 22, 2011. The same evening Ordinance 2011.41 was approved for the Zoning Map Amendment including a Planned Area Development Overlay and insertion of non-participating portions of the site into the Transportation Overlay District.

The design of the new Baer's Den including building, site and landscape near the northwest corner of the site was approved on August 23, 2011 and is not included in this Development Plan Review.

**COMMENTS:**

The northern project edge is Apache Boulevard and the southern is Spence Avenue. To the west are The Four Points by Sheraton Tempe hotel with frontages on Rural, Apache and Spence and the Tempe Chamber of Commerce at Rural and Apache. To the east are Pete's Fish & Chips facing Apache and DeLario Residential Condos facing Spence. North across Apache is The Vue, a ten-story mixed-use student housing development. South across Spence is a single story apartment complex.

The site of the project and new Baer's Den received a Zoning Map Amendment approval by City Council on September 22, 2011. Zoning districts conform to General Plan 2030 Projected Density Map and respect the on-site boundary of the General Plan 2030 Projected Land Use Map. The area north of the boundary is MU-4, Mixed-Use High Density and the area south is R-5, Multi-Family Residential High Density. On the same evening the City Council approved establishment of a Planned Area Development Overlay over the entire site. The City Council also approved insertion of the entire site in the Transportation Overlay District Corridor.

Development standards (except R-5 Density) as established with the approved Planned Area Development Overlay are as follows:

Building & Site Standard for The District	R-5 (PAD,TOD) / MU-4 (PAD, TOD) STANDARDS	
	R-5 (PAD)	MU-4 (PAD)
MAXIMUM DENSITY	30 D/AC (per ZDC)	63 D/AC
MAXIMUM BUILDING HEIGHT	58 FT	90 FT
MINIMUM BUILDING SETBACK		
.....Front (facing Apache Boulevard)	n/a	5 FT
.....West Side Perimeter	30 FT	30 FT
.....East Side Perimeter	41 FT	41 FT
.....Common Side and Rear (between lots in development)	0 FT	0 FT
.....Reverse Front (facing Spence Avenue)	5 FT	n/a
MAXIMUM BUILDING LOT COVERAGE: Building area as percent of net site area	58 %	58 %
MINIMUM LANDSCAPE LOT COVERAGE Landscape area as percent of net site area	24 %	24 %

A revised Traffic Impact Analysis for the project and new Baer's Den has been reviewed by the Transit Studies Division. Transit staff has indicated to Planning staff that the study, which includes an estimate of site traffic volume throughout a typical week day and week end day, the impact of driveways on Apache and Spence, and the impact of site generated traffic on adjacent intersections at Apache/Rural and Spence//Rural, is found to be acceptable.

Prior to approval of Final Subdivision Plat for the District on Apache by City Council, the project site contained twelve parcels. A vestige of the parcels is found in foundations, debris and remnant plants from previous developments now demolished. Currently the site includes the two-story concrete masonry unit Spence Avenue Apartments in the southwest and the original one-story wood and metal Baer's Den in the north center, facing Apache. The project will replace these structures as part of site redevelopment.

For further processing, an Amended Final Subdivision Plat for the District on Apache will be required to remove the original Baer's Den lot after the new Baer's Den is constructed and that business is transferred to the new building. The Baer's Den intends to operate at the original location until the new facility is ready. Once the business transfer is complete, the existing Baer's Den site will be joined with the remainder of the site, excluding the new Baer's Den property, to create the +/-5.2514 acre lot for the project. The Amended Final Subdivision Plat will consist of two (2) lots.

The project design incorporates provisions of the Zoning and Development Code as well as development standards established by the two Zoning Districts and the Planned Area Development Overlay for this site. The applicant requests the Development Review Commission take action on the Development Plan Review request for the project.

## **PUBLIC INPUT**

A neighborhood meeting is not required to process the Development Plan Review request. As part of the initial planning process for the project, which included the entitlement of the Zoning Map Amendments, Planned Area Development Overlay and insertion of the site into the Transportation Overlay District, a neighborhood meeting was conducted on August 8, 2011. Eight members of the public attended the meeting. A discussion was held with the development team. Comments on the proposal were favorable. One written comment was provided. See attachments 4-5 for the applicant's Neighborhood Meeting Summary Report.

Planning staff received one call in support of the redevelopment of the property from a citizen on July 18, 2011.

The applicant has separately met with Arizona State University regarding the project. For A.S.U.'s letter of response that pertains to the project see attachments 6-7.

An owner of the Spence Avenue Apartments called staff on August 17, 2011 and confirmed that tenants had received public notification of the development.

An owner of the Tempe Sheraton Four Points Hotel made a short statement during the Development Review Commission hearing on August 23, 2011 in support of the project. The owner considered the proposal to be of benefit to hotel guests and to the area. The owner appreciated the proposed tree row between his property and the project garage, the vine screen proposed on the west elevation of the garage and containment of common amenities for student use within a "sequestered courtyard."

Public input was not offered to the City Council regarding the project at the September 8 or September 22, 2011 hearings.

As of publication of this report, there have been no other communications from the public regarding the project.

## **PROJECT ANALYSIS**

### **DEVELOPMENT PLAN REVIEW**

#### **General**

The District on +/-5.2514 acres is the second phase of a two phase project. The first phase is the construction of the new Baer's Den on its own +/-0.2594 acres lot facing Apache to the northwest of the District. A Development Plan has been approved for the new Baer's Den building, site and landscape. A Final Subdivision Plat has been approved to provide a separate lot for the new Baer's

Den. The Baer's Den will continue to operate at its existing location while the new facility is being constructed. At the conclusion of construction, the Baer's Den will move and the original building will be demolished. An Amended Final Subdivision Plat will then be completed to remove the original Baer's Den parcel. This parcel will become part of the site for the District. The Baer's Den and the District will share vehicle access and the District will allow drainage outfall from the Den's lot onto the District's property. The two projects will otherwise be separate concerns.

### Site Plan

The project provides a transition between the intense projected mixed-use land use and high density of this part of Apache Boulevard and the less intense projected medium to high density and projected residential land use south of this part of Spence Avenue. The project form and density is in accordance with the General Plan. For the residential southern portion of the site with its orientation to Spence, the dwelling quantity conforms to the 30 du/ac density allowance of the Multi-Family Residential High Density District. For the mixed-use northern portion of the site, the Mixed-Use High Density District contains the bulk of the dwelling units. Accordingly, the building form is shorter on Spence (maximum 58 ft.) where land on the opposite curb has a lower projected residential density and is taller on Apache (maximum 90 ft.). The Vue north of Apache and across from the project is 116 ft. tall.

The building form follows an urban pattern with close proximity to Apache and Spence. The north and south fronts are designed in accordance with the complete pedestrian environment of the Transportation Overlay District with zones for 6 ft. wide curbside landscape, an 8 ft. wide pedestrian through zone and a minimum 5 ft. wide gathering and building entry zone adjacent to the building elevation. The 30 ft. east and 41 ft. west setbacks from the respective property lines allow placement of driveways and perimeter tree rows that buffer this largely residential development from its adjacent residential and commercial neighbors. The building form provides an additional buffer in that the common amenities are internalized. The large northern courtyard contains the swimming pool and main gathering space for the residents and their guests. This courtyard and the two smaller courtyards are surrounded by residential units. The fitness center is open to public membership. This and other commercial uses have direct orientation to the mixed-use vibrancy of Apache and are remote from the multi-family residential character of Spence.

### Building Elevations

Building construction features a concrete masonry base that is faced with limestone. This base embraces the double height commercial ground floor. The upper floors of the building are frame construction with smooth exterior plaster wall surfaces. The overall building form is simple but is highly articulated with five color changes as well as vertical recesses and thin, projecting horizontal planes. The building fenestration is enhanced with moldings and planar changes to reinforce the individuality of dwellings. Residential balconies on exterior and courtyard elevations do not have multi-unit access, following a C.P.T.E.D. principle in use for student housing projects.

The six-level concrete garage is embraced on three sides by the residential building mass. The exposed west elevation is used for ventilation and a landscape canvas. Two portals connect the garage with the west driveway. The green screen, affixed to the west elevation, is designed to balance the ventilation needs of the garage with a living wall of plant material served by multi-level planters

### Landscape Plan

The Apache and Spence street frontages are lined with Thorn-less Palo Verde. Additionally, Apache features pairs of Phoenix Date Palms which are used to bracket major building entrances. A two-level landscape effect of lower tree canopy and taller palm foliage is established which enhances the building elevation. The provision for minimum thirty-three percent tree and building summer shade on sidewalk in the Transportation Overlay District is conceptually demonstrated. Courtyard design features a donut shape pool with Honey Locust and Phoenix Date Palm providing the two-tier foliage effect. The east and west property edges are lined with regularly spaced oaks and a steel vertical picket access control fence.

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

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape;* The project follows the curbside landscape zone, pedestrian through zone and building entrance and gathering zone established for the "complete pedestrian environment" on streets in the Transportation Overlay District. The elevations provide interest at ground level pedestrian scale on both street frontages. Recesses in building elevations allow public pedestrians to pause in front of the building without disturbing residents in ground floor bedrooms. Thorn-less Palo Verde Canopy trees are included in quantity in accordance with street tree rule of the ZDC and the minimum shading requirement of the T.O.D. On Apache Boulevard the lower foliage of the canopy trees are supplemented with the higher foliage of Phoenix Date Palms.

2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; Placement of garage and green screen on west side of building reduces the overall exposure of the development to afternoon sunlight. Design of three courtyards in building allows penetration of natural light throughout an otherwise large building mass. Tree placement along east and west property lines as well as on street frontages help to define the site boundary and assist with human comfort and privacy on this site and adjacent sites.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; Use of lightly colored limestone base and a variety of light (but not bright) exterior plaster upper surfaces along with rows of trees on the four sides of the development mitigates the intensity of summer sunlight. A stone veneer at the first floor base of the building increases the tactility and longevity of the elevations.
4. *Buildings, structures, and landscape elements are appropriately scaled relative to the site and surroundings*; The building form on the southern site portion reflects the maximum density allowed in the high density residential district. The building form gradually increases in height for the portion in the more intensive, northern mixed-use district but does not create a non-congruent appearance across the two districts. The surrounding building forms are respectfully treated to adjacent to the site including the mixed-use high density of The Vue to the north and the promise of medium to high density residential to the south.
5. *Large building massing is sufficiently articulated to relieve monotony* and is skillfully composed, and in conjunction with the landscape design features an enhanced pedestrian experience at and near street level.
6. *Building facades provide architectural detail and interest overall* particularly with respect to architectural treatment at street level.
7. The project design *takes into account pleasant and convenient access to multi-modal transportation options and supports the potential for transit patronage*; the project is within walking distance of the nearest light rail station at Apache and Dorsey, the Valley Metro bus route 72 on Rural and the Orbit Mars bus route on Spence.
8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses*; There are separate driveways connecting Apache and Spence along east and west property edges. Pedestrian access through site between the two streets is directed along the east driveway and the bulk of on-site vehicular traffic is directed along the west driveway. The project garage access is exclusively via the west driveway. The west driveway is designed for joint use by the project and the new Baer's Den. The Baer's Den has a parking area that is distinct and separate from the drive aisle connected to this driveway. Project site layout allows vehicular access control along one or both driveways while maintaining turnaround, following the Preliminary Site Plan Review markup, dated 9/28/2011, if this is desired. Access control along the driveways through site is not currently contemplated.
9. The project layout *appropriately integrates Crime Prevention through Environmental Design (C.P.T.E.D.) principles such as territoriality, natural surveillance, access control, activity support, and maintenance*; The driveways are open and available for public and law enforcement surveillance. The garage features pedestrian and vehicle access control for resident parking. Group amenities are internalized and access controlled within the fitness area, clubhouse and major pool outdoor courtyard. The pool courtyard is enclosed on three sides by dwellings and the fourth by the clubhouse. The dwelling public entrances are controlled. The fitness area and clubhouse have controlled entrances on Apache Boulevard. The fitness area is primarily conceived for residents but is open to public membership which provides an additional layer of activity support. The east and west property lines have access control fences. Pedestrian access between the project and the new Baer's Den is limited to the public sidewalk on Apache Boulevard.
10. *Landscape accents and provides delineation from building, garage, driveways and pathways*; Landscape features the following delineating elements. A green fence wall between the new Baer's Den and the project. A green screen on the west elevation of the garage. Tree rows and access control fence are provided along the east and west property lines. Tree rows are included with the public sidewalks. These features in broad stroke buffer the project from neighbors. On Spence and within the site, pedestrian pathways and first floor bedrooms are separated with a 10 ft. planting buffer.

11. *Signs* for The project will be reviewed as a separate submittal package. The flavor of sign design is included on the Color Perspective.
12. By condition of approval and in accordance with the Zoning and Development Code, *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.*

## **CONCLUSION**

Based on the information provided by the applicant and the analysis provided above, staff recommends approval of the requested Development Plan Review for The District on +/-5.2514 acres. This request meets the required criteria and will conform to the conditions of approval.

## **REASONS FOR APPROVAL:**

1. The proposed project meets the General Plan Projected Land Use (mixed-use to north and residential to south) and Projected Residential Density (greater than 25 d/ac) for this site. The density for the residential southern portion of the site is limited to 30 dwelling units per acre in accordance with the maximum allowed in the R-5, Multi-Family Residential High Density District. A more intense density is established within the MU-4, Mixed-Use High Density northern portion of the site. The building form reflects the change in density.
2. The project will meet the development standards established under the Zoning and Development Code including as modified by the Transportation Overlay District Corridor except as established for this site under the Planned Area Development Overlay.
3. The Planned Area Development Overlay process was specifically created to allow for greater design flexibility in exchange for a design of quality that is also respectful of its surroundings. The project has previously established density for the MU-4 District, has established separate maximum allowable height for the R-5 and MU-4 Districts, and has established building setbacks, building lot coverage and landscape lot coverage for the entire site. The design features small front and reverse front setbacks that accommodate the Pedestrian Street Environment of the Transportation Overlay District, generous perimeter side yard setbacks that pull the buildings away from adjacent developments and allow perimeter tree buffers, building height that is taller on Apache and shorter on Spence in keeping with adjacent land use intensities, lot coverage that approximates adjacent recent development, and landscape coverage that allows meaningful ground level planting area.
4. The proposed project meets the approval criteria for a Development Plan Review.

## DPR11164

### CONDITIONS OF APPROVAL

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

#### General

1. Submit construction documents to the Community Development Building Safety Division for building permit by November 8, 2012 or the Development Plan approval will expire. Subsequently, an expiration of the plan check period or issued building permit will result in expiration of the Development Plan Review approval.
2. Process an Amended Final Subdivision Plat for the District on Apache. Remove Lot 2 from the preceding plat and provide a two lot subdivision that includes lots for the new Baer's Den and the project. Obtain approval of the amended final plat prior to issuance of building permit for the project.

#### Site Plan

3. Replace existing sidewalk on Spence and Apache with uncolored concrete paving that coordinates Engineering standards for public sidewalk with the minimum dimensional requirements of landscape, pedestrian through way and building entrance zones of the Complete Pedestrian Environment (Transportation Overlay District standard). Provide construction joint design that relates to features of the building elevations.
4. Provide upgraded paving at each driveway consisting of unit pavers. Do not install pattern-stamped concrete. Extend unit pavers in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. In the public right-of-way from sidewalk to right-of-way line, extend uncolored concrete paving in the driveway to match sidewalk.
5. Include bike parking spaces between tree grates in landscape zone of public right of way near retail and fitness center entrances on Apache. Alternatively, locate Apache public bike parking on site adjacent to east of Fitness Center as indicated.
6. Provide 6'-0" high steel vertical picket access control fence along east and west property lines. Design fence with pointed picket caps above top rail. Position pickets with maximum 0'-4" between pickets.
7. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
8. Finish freestanding utility equipment boxes to match the building field color. Do not paint over warning decals or identifiers. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, cage may be deleted and replaced with a masonry or concrete screen wall following the requirements of standard detail T-214.

#### Floor Plans

9. Locate electrical service entrance sections inside the building. Alternatively, recess electrical service entrance sections so front face of cabinet is flush with exterior plaster surface building walls. Meter bank cabinets may protrude up to 1'-3" from the face of the exterior plaster building wall surface. Coordinate placement of meter banks and S.E.S. cabinets with the architectural expression of the building. Exposed conduit, piping, or related materials on the building exterior is not permitted.
10. Maintain access control to residential areas of building including residential courtyards and resident parking in garage. Provide Police and Fire Department override access for access control areas.
11. Do not modify residence design to consider balconies that connect more than one residence or access an elevated semi-public area for use by residents, guest or any other group. Gradual increase in projection of individual balcony overhangs is acceptable. Do not project balconies over the public right of way.

12. Exit Security:
  - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers and elevator lobbies into adjacent circulation spaces.
  - b. In instances where an elevator or stair exit in residential, commercial or garage portions of building 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.
13. Public Restroom Security (resident bathrooms are exempt): Provide 50% night lights and activate lights by automatic sensors, key or remote control mechanism. Provide a key bypass on the exterior side of single user restroom doors.
14. Garage Security:
  - a. Maintain complete access control (vehicle and pedestrian) for portion of garage that is reserved for residents. Incorporate adequate vehicle turnaround in front of gate into layout of garage.
  - b. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
  - c. Paint enclosed garage interior columns, walls and overhead structure of each interior level bright white with minimum light reflectance value of seventy-five (75) percent.
  - d. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.
15. Parking Garage layout:
  - a. Keep minimum required parking dimensions clear of columns or other obstructions.
  - b. At the ends of dead-end drive aisles, provide a designated turn-around space, minimum 8'-6" clear in width (locate on left side if available), including 3'-0" vehicular maneuvering area for exiting. Clearly demarcate turnaround so it is not used as a parking space.
  - c. Provide a minimum 2'-0" of additional width for parking spaces when adjacent to a continuous wall.

#### **Building Elevations**

16. Provide main colors and materials with a maximum light reflectance value of 75 percent. Verify light reflectance value of Sherwin Williams Arcade White SW 7100 or provide an off-white color substitute that meets the light reflectance value requirement. Additions or modifications may be submitted during building plan check review. The following materials and colors (or equal) indicated on the materials sample board are approved as presented:
  - a. Synthetic Limestone Veneer Base along Apache Boulevard – Featherlite – 707. Indicate manufacturer of this veneer.
  - b. Pre-Cast Concrete, Sandstone or Unit Masonry Veneer Base on East, West and South Elevations. Provide information.
  - c. Bronze anodized aluminum door and window frames. Indicate manufacturer of frame.
  - d. Exterior Plaster Building Colors – Sherwin Williams:
    - 1) Tatami Tan: SW 6116
    - 2) Red Cent: SW 6341
    - 3) Familiar Beige: SW 6093
17. Detail surface mount residential windows so there is a clear, straight edge between frame and adjacent exterior plaster surface. Use low emissivity glass in double layer glazing throughout the project.
18. For building height in excess of 50'-0", design roof and parapet to allow cellular communication providers to incorporate antenna within the building architecture so future installations may be concealed with little or no building elevation modification.
19. Extend synthetic limestone veneer base and/or another type of veneer base such as pre-cast concrete, sandstone or unit masonry, as approved by staff, clear around the elevations of the building. Cover the Apache Boulevard elevation with synthetic limestone veneer to the height indicated. Cover the other three exterior elevations from grade to at least the height of the first floor residential window sills. The exposed garage elevations and courtyard elevations do not require a veneer base. Where more than one veneer base material is used, make the veneer material transition in an interior corner of the building form.
20. Demonstrate method of restricting access from garage to roof of adjacent building without exceeding maximum building height.

21. Provide secure roof mount mechanical equipment access from the interior of the building. Do not expose roof access to public view.
22. Conceal roof drainage system within the interior of the building except surface mount leaders and downspouts that are integrated with the architectural expression of the building are allowed in the courtyards. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building. Provide concrete splash blocks below outflow drains.
23. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials on the building exterior for address signs, security cameras, or other exterior building mount items is not permitted.
24. Upper/lower commercial divided glazing panels in exterior windows at grade level, where lower glass panes are part of a divided pane glass curtain-wall system, are permitted only if laminated glazing at lower panels is provided.

### **Lighting**

25. For the MU-4 District, conform to the illumination requirements of Zoning and Development Code Section 4-801 through 4-805 and follow the guidelines listed under ZDC Appendix E "Photometric Plan".
26. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.
27. Limit freestanding lights on roof of garage to twelve (12) foot height as measured from adjacent parking grade. Provide house side shields to screen light to west and south of garage.

### **Landscape**

28. Provide landscape and irrigation construction documents for the project. Indicate placement of individual shrubs, accents, and groundcovers on landscape plan.
29. Remove remaining existing trees, shrubs and palms from site. Store trees and palms in temporary nursery and re-use in project courtyard landscape at developer's option.
30. Provide minimum 4'-0" wide clear planting strips for tree rows along east and west property lines. Position steel vertical picket fence within planting strip. Place root barriers between trees and public utilities under pavement, not within planting strip.
31. Irrigation notes:
  - a. Provide a dedicated landscape irrigation water meter for the project. Re-use existing site water meter for this purpose if possible. Notify Water Utilities Division of the dedication.
  - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Provide schedule 40 PVC mainline. Provide minimum class 200 PVC feeder line except provide minimum class 315 PVC feeder line for ½" diameter size. Provide details of water distribution system.
  - c. Locate valve controller in a vandal resistant housing or inside the building. Hardwire power source to controller. A receptacle connection is not allowed. Detail controller installation so power and valve wire conduits are concealed in the exterior wall.
  - d. Repair existing through irrigation system in the adjacent public right of way where damaged by work of this project. Provide temporary irrigation to existing landscape on frontage for period of time that irrigation system is out of repair. Design irrigation so plants on site and in frontages are irrigated by the project system at the conclusion of this construction.
32. Remove compaction in planting soil on site and in public right of way. Remove construction debris prior to plant installation.
33. Top dress planting areas with a rock or decomposed granite application. Provide rock top dressing of 2" uniform thickness. Provide pre-emergence weed control application. Do not underlay rock or decomposed granite application with plastic.

**Signage**

34. Provide address signs of 12" height, individual mount, metal reverse pan channel numbers. Provide street number only, not the street name. Self (halo) illuminate signs. Mount signs on exterior elevations where indicated on Site Plan Review markup, dated 09/28/2011 with adjustments as required during building plan check review.
35. Provide one horizontal address sign on roof of building. Orient sign to be read from south. Include address number in 6'-0" high characters on one line and street name in 3'-0" high characters on second line immediately below the address number. Provide high contrast sign with black characters on a light surface or white characters on a black field. Coordinate sign with roof membrane so membrane is not compromised. Do not illuminate roof address.

## CODE & ORDINANCE REQUIREMENTS:

THE BULLET 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.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [www.tempe.gov/planning/documents.htm](http://www.tempe.gov/planning/documents.htm) or purchase from Community Development.
- **SITE PLAN REVIEW:** Verify comments by the Public Works, Community Development and Fire Departments given on the 2011 Preliminary Site Plan Reviews dated 05/11, 06/15, 07/13 and 09/28. Direct questions regarding comments to the appropriate department and coordinate modifications with all concerned parties prior to permit application. Construction Documents will be reviewed by planning staff during building plan check to ensure consistency with this Planning Entitlement Review approval.
- **STANDARD DETAILS:**
  - Access standard engineering details at this link: [www.tempe.gov/engineering/standard\\_details.htm](http://www.tempe.gov/engineering/standard_details.htm) or purchase book from the Public Works Engineering Division.
  - Access standard refuse enclosures and pads under Civil Engineering & Right of Way at this link: [www.tempe.gov/bsafety/Applications\\_Forms/applications\\_and\\_forms.htm](http://www.tempe.gov/bsafety/Applications_Forms/applications_and_forms.htm).
- **BASIS OF BUILDING HEIGHT:** Measure height from top of curb on Apache adjacent to the center of front of property in accordance with ZDC Sec. 7-108. For maximum building height exceptions such as stair or elevator penthouses refer to ZDC Sec. 4-205. For building height step back requirement adjacent to a multi-family residential district refer to ZDC Sec. 4-404. For mechanical screen on four sides refer to ZDC Sec. 4-405.
- **COMMUNICATIONS:** Provide emergency radio amplification for building in excess of 50,000 sf. in accordance with ZDC Sec. 4-402. Amplification allows Police and Fire personnel to communicate in the building during a catastrophe. Refer to this link [www.tempe.gov/itd/Signal\\_booster.htm](http://www.tempe.gov/itd/Signal_booster.htm). Contact Information Technology Department to discuss building size and materials and extent of amplification requirement.
- **WATER CONSERVATION:** In accordance with agreement between City of Tempe and State of Arizona, landscape and domestic use Water Conservation Reports are required for project. Have landscape architect and the mechanical engineer submit reports during the building plan check process. Report example is contained in Office Procedure Directive # 59. Refer to the following link: [www.tempe.gov/bsafety/Applications\\_Forms/HandoutsFAQs/Water\\_Conservation.pdf](http://www.tempe.gov/bsafety/Applications_Forms/HandoutsFAQs/Water_Conservation.pdf). Contact Public Works Water Department Water Conservation Division with questions regarding the purpose or content of the water conservation reports.
- **ENGINEERING:**
  - Indicate dimensional relation of the building to the property lines. Indicate property dimensions including half street rights of way of Apache and Spence. Verify location of easements or other property restrictions and ensure no conflict exists between buried utilities that remain and foundation layout.
  - Locate utilities underground. Coordinate site layout with Utility providers to provide adequate access easement(s). Utility lines that cross exclusive public utility easements require an encroachment permit.
  - Verify location of easement or property restrictions, to ensure no conflict exists with the site, landscape or foundation layout.
  - 100 year onsite retention required for project. Provide route for service vehicle to access drywells located in courtyards.
- **WATER UTILITIES:**
  - Indicate water and sewer lines around the property.
  - Maintain minimum 16'-0" separation between public wet utility line and building foundation.
  - Maintain separation between tree installation and public wet utility lines. Minimum separation distance and use of root barriers is subject to approval of Water Utilities Division. Start with minimum 12'-0" separation on site and 20'-0" separation in public right of way.

- LAND SERVICES:
  - Provide cross drainage easement agreement between project and the new Baer's Den to accommodate outfall of the new Baer's Den onto the project site.
  - Provide cross access easement agreement between project and the new Baer's Den to accommodate Baer's Den vehicle access to their parking area via the project site.
  - Abandon public utility easements that are no longer needed.
  
- PUBLIC RIGHT OF WAY:
  - Construct driveways in public right of way in conformance with Standard Detail T-320.
  - Modify existing Apache Boulevard median north of driveway adjacent to Baer's Den at developer's cost. Verify extent of modification and permitting process with Public Works Department, Engineering Division.
  - Protect in place, relocate or replace street lights and traffic signage on Apache and Spence in front of project site as required by Engineering Design Criteria.
  
- HISTORIC PRESERVATION: The site does not have an Archaeologically Sensitive designation. However, 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, notify the Arizona State Historical Museum for removal and repatriation of the items and contact the Tempe Historic Preservation Office ([joseph\\_nucci@tempe.gov](mailto:joseph_nucci@tempe.gov)) if there are questions.
  
- SECURITY REQUIREMENTS:
  - For safety of residents, guests, fitness center patrons, retail patrons and employees, follow the design guidelines related to the location of pedestrian environments and places of concealment as outlined in the ZDC Appendix A-II (C). Design building, garage and site to maximize visual surveillance of vicinity. Limit height of walls, landscape materials, and design columns or corners to reduce ambush opportunity. Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety. Provide closed circuit T.V. system for remote surveillance of public areas.
  - Owner and/or managing agent are required to prepare a security plan for the project with the Police Department. Include aspects of the residential and commercial components of the project in the security plan. Involve the design team in security plan discussion to verify modifications that require design revisions. To avoid revisions to permitted construction documents, complete security plan with the Police Department before building permits are issued. Refer to letter from Officer Mike Fleming Tempe Police Crime Prevention Unit, dated June 15, 2011 for principal police issues regarding the project. This letter was included with the 06/15/2011 Site Plan Review mark-up. Officer Fleming may be reached at [mike\\_fleming@tempe.gov](mailto:mike_fleming@tempe.gov).
  - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door, in accordance with ZDC Sec. 4-406.
  
- FIRE:
  - Indicate the fire/refuse lanes on the site plan in accordance with ZDC Sec. and Fig. 4-502(G). Ensure minimum 20'-0" horizontal width and 14'-0" vertical clearance from fire lane surface to underside of mature tree canopies or overhead structures. Layout of fire/refuse lanes are subject to Fire Department and Solid Waste Division approval.
  - Verify Fire Department access requirement to all portions of ground floor of building and courtyards. Reconcile changes with building design. Relocate project FDC adjacent to Baer's Den to north elevation of project per department review.
  - Provide live hydrants on site prior to construction including delivery and storage of combustible materials on site.
  
- REFUSE:
  - Construct walls, pad and bollards for refuse compactor and container enclosures per standard details DS-118 and DS-116.
  - Contact Solid Waste Division to verify that vehicle maneuvering and access to compactor enclosure is adequate. Coordinate container orientation of project and new Baer's Den so containers may be accessed with one pass through site.
  - Develop strategy for recycling collection and pick-up from site with Solid Waste Division. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
  - Gates for refuse enclosures are not required. If gates are provided, the managing agent must arrange for gates to be open from 6:00am to 4:30pm on collection days.

- **SIDEWALKS AND DRIVEWAYS:**
  - Design sidewalks to meet or exceed criteria of ZDC Sec. and Fig. 5-612 (F), the complete pedestrian environment. Incorporate grade change if needed into sidewalks to reconcile curb height and finish floor height.
  - Provide design similar to standard detail T-353 (delete brick pavers) for tree grate in the right of way. Provide 12'-0" long by 4'-0" wide grate as indicated in detail.
  - Position tree grates or planters, racks for 2'-0" wide by 6'-0" long bike parking, traffic signs and curbside site furnishings within the minimum 6'-0" wide curbside landscape zone so a minimum 8'-0" clear, continuous pedestrian through zone is maintained in the public right of way.
  - Design driveway entrances in public right of way in accordance with standard detail T-320.
  - Provide paving surface that is compatible with accessibility provisions of the Americans with Disabilities Act and the Building Code.
  - For replacement or relocated street lights, use Special District Street Light in accordance with standard detail T-645. Indicate street lights on site plan. Follow engineering guidelines for positioning of lights. Place street lights with minimum 2'-0" clearance between back of curb and light. Place street lights with minimum 5'-0" clearance between pole and encroaching building canopy. Coordinate street lights with street trees. Center lights between adjacent street tree canopies.
  
- **TRAFFIC:**
  - Maintain alignment of porte cochere on Apache Boulevard with existing median break.
  - Make short Apache median cut at east side of new Baer's Den driveway to coordinate median and driveway.
  - Transit Studies Division has reviewed and accepts the findings of the revised Traffic Impact Analysis South of Apache Boulevard and East of Rural Road prepared by CivTech for Tempe Student Housing LLC and seal dated by David S. Duffy on 09/08/2011. Contact Transit Studies Division ([catherine\\_hollow@tempe.gov](mailto:catherine_hollow@tempe.gov)) if questions.
  
- **PARKING SPACES:**
  - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to standard detail T-360 for parking layout and accessible parking signs. Demonstrate how parking adjacent to retail and fitness provides disabled accessibility to these businesses.
  - Provide bike parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bike parking spaces. One loop may be used to separate two bike parking spaces. Allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby. Coordinate bike parking with service access doors and with tree and tree grate installation in secured alley north of garage.
  - Segregate parking for commercial use in the MU-4, Mixed-Use High Density District portion of the site or in the garage. Commercial parking within the R-5, Multi-Family Residential High Density District (except enclosed in the garage) is subject to a Use Permit request. Refer to ZDC Table 3-102 for Parking Facilities for Commercial Uses.
  - Indicate parallel vehicle parking spaces on streets adjacent to project site frontages, subject to Engineering Division Criteria. These spaces may be counted as parking available for uses of the site.
  
- **FLOOR PLAN**
  - Provide minimum 10'-0" separation between first floor bedroom windows and closest public or private pedestrian area. Provide minimum 10'-0" deep landscape planting area in lieu of paved area at such windows in accordance with ZDC Sec. 4-503(E).
  - Provide ground floor windows facing Apache of area and transparency in accordance with ZDC Sec. 5-612(F). Residential frontage on Spence is conditionally exempt from this requirement as indicated in paragraph 1 of this section.
  
- **LIGHTING:**
  - Indicate locations of exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.
  - For the R-5 District, conform to the illumination requirements of Zoning and Development Code Section 4-801 through 4-805 and follow the guidelines listed under ZDC Appendix E "Photometric Plan".

- LANDSCAPE:
  - Do not install river run rock or similar pieces of greater than 2" diameter and less than 12" diameter unless this material is secured into a concrete substrate.
  - Correctly indicate clear vision triangles at driveways on landscape plan. 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 Transit Studies Division. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
  - For both street frontages, indicate percentage of shade cast by building and trees on public sidewalk at 3pm on summer solstice. Minimum thirty-three (33) percent is required per ZDC Sec. 5-612(R).
  - Maintain separation between tree installation and public wet utility lines. Minimum separation distance and use of root barriers is subject to approval of Water Utilities Division. Start with minimum 12'-0" separation on site and 20'-0" separation in public right of way.
  
- RESIDENTIAL UNIT & COMMERCIAL SUITE NUMBERS: Process assignment of residential unit and commercial suite numbers through the Building Safety Division prior to issuance of building permit. Refer to Building Safety Division Suite/Unit Number Procedures. Submit a separate site plan and floor plan package to Building Safety Division for Suite/Unit number assignment.
  
- SIGNS:
  - Obtain sign permit(s) for building identification, apartment advertising and commercial signs. Commercial and residential site directory signs (if provided) require a permit. Directional signs (without a dedicated light source) don't require a permit, depending on size and height--refer to ZDC Section 4-903(F).
  - Verify project address with Engineering Division.
  - Address signs do not require a sign permit—refer to ZDC Section 4-903(A) for requirements including sign illumination and minimum fifty (50) percent sign contrast with background. Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction. Do not affix number or letter to elevation that might be mistaken for the address sign. If freestanding identification sign is provided, install address signs on the masonry base beneath the identification sign. Refer to conditions of approval for additional requirements.

## **HISTORY & FACTS:**

### **941 East Apache – Restaurant – Tavern**

- September 11, 1962 Building Permit #11262 issued to alter an existing building.
- October 25, 1962 Council granted No. 8 – retailer beer license for Frank’s Tavern.
- January 16, 1996 Board of Adjustment approved a Use Permit for outdoor dining.
- July 16, 2002 Hearing Officer approved the following requests by the Baer’s Den Bar and Grill located in the C-2, General Commercial District:
- a. Use permit to allow a 168 s.f. patio expansion in conjunction with an existing 1,008 s.f. bar use.
  - b. Variance to reduce the required on-site parking by 3 spaces.
  - c. Variance to reduce the required front yard setback from 10 feet to 1 foot.
- November 13, 2002 The Development Services Department Design Review Board Staff approved the Design Review request to construct a patio on the backside of the building, to construct a trellis and add windows on the north side of the building, add a landscape buffer along the east property line and repaint the building. The north side “smokers patio” will feature a masonry fireplace, benches, landscaping and an overhead trellis system to match the front.

### **1005 East Apache – Motel**

- October 17, 1958 Building permit #5683 issued for Ray’s Lodge.
- December 13, 1973 Building (demolition) permit #39337 issued for demolition of three structures and fill of swimming pool.
- October 17, 1973 Design Review Board approved the building, landscaping and signs for Franciscan Inn.
- July 27, 2010 Building (demolition) permit BP101053 issued for demolition of all structures and utilities.

### **926 East Spence – Apartments**

- November 5, 1963 Building Permit issued for 28 unit, two story apartment building in the R-4 District.
- January 20, 1964 Board of Adjustment approved a Use Permit to install a swimming pool within the side yard of the property.

### **919 East Apache – Nightclub**

- October 2, 1974 Design Review Board approved the building and landscape for Sun Devil Lounge.
- October 24, 1974 City Council approved the request of Holiday Inn for Development Plan approval of the Sun Devil Lounge.
- March 13, 1975: City Council approved the Amended Development Plans and Use Permit for Holiday Inn’s Sun Devil Lounge.
- July 15, 1975 Board of Adjustment approved a variance for Sun devil Lounge to reduce the required parking spaces for 152 to 112 for one (1) year.

February 23, 1977	Board of Adjustment approved a Variance for Sun Devil Lounge to reduce the required parking stall length from 20'-0" to 18'-6".
February 10, 1994	City Council approved a Use Permit for Phrogg's for a bar with live entertainment.
November 21, 1996	City Council approved a Use Permit for Club Eclipse for a bar with live entertainment.
March 1998	City Council approved a Use Permit for Club Pompeii for a bar with live entertainment.
June 8, 2000	City Council approved Freedom Night Club for a transfer of ownership and a time limit extension for a Use Permit for a nightclub with live entertainment.
August 8, 2002	City Council approved Freedom Night Club for a Use Permit to allow the lease of the parking lot to Arizona State University for day time parking of employee cars.
June 13, 2007	Demolition Permit issued for the building.

### **919 East Apache – Element Hotel (not built)**

August 16, 2008	Applicant held a neighborhood meeting for this request at the Four Points Sheraton.
September 8, 2008	Apache Boulevard Project Area Committee recommended unanimous support of this request.
September 23, 2008	Development Review Commission approved the request for a Development Plan Review (except green color) and Use Permits for a hotel and parking in a multi-family district; and recommended approval for a Zoning Map Amendment and Planned Area Development Overlay, located at 919 East Apache Boulevard. Note: The Use Permits were for placement of a 152 bed hotel in the CSS District (facing Apache) and for the placement of commercial parking in the R-4 District (facing Spence). The Use Permits and the Development Plan Review approvals have expired.
November 6, 2008	City Council approved the request for the Element Hotel consisting of a 152 room hotel with ground floor commercial located on Apache Boulevard, of approximately 113,800 square feet of building area, six stories in height on approximately 2.1 acres, located in the CSS, Commercial Shopping and Service District and R-4, Multi-Family Residential General District. The request includes the following: <ul style="list-style-type: none"> <li>• ZON08007 (Ordinance No. 2008.48) Zoning Map Amendment to insert the property into the TOD, Transportation Overlay District. The underlying zoning districts (CSS facing Apache and R-4 facing Spence) remain without change.</li> <li>• PAD08013 (Ordinance No. 2008.48) Planned Area Development Overlay to modify the development standards to allow a maximum building height increase from 35 feet to 85 feet and reduce the minimum required parking from 188 to 142 spaces.</li> </ul>

### **941 East Apache – The District**

August 8, 2011	Applicant held a neighborhood meeting for this request at the Four Points Sheraton hotel.
August 23, 2011	Development Review Commission, by a 5 to 1 vote (Commissioner Attridge dissented), approved the Development Plan Review including site plan, building elevations and landscape plan for the reconstructed Baer's Den Bar and Grill on 0.259 acres and clean-up of the entire District site of 5.616 acres. On the same evening the Development Review Commission, by a 5 to 1 vote (Commissioner Delton dissented), recommended to City Council approval of the following requests: <ul style="list-style-type: none"> <li>• Zoning Map Amendment from CSS, Commercial Shopping and Service to MU-4, Mixed-Use, High Density District on +/-3.427 acres (5 parcels) facing Apache, from CSS, Commercial Shopping and Service and R-4, Multi-Family Residential General to R-5, Multi-Family Residential High-Density</li> </ul>

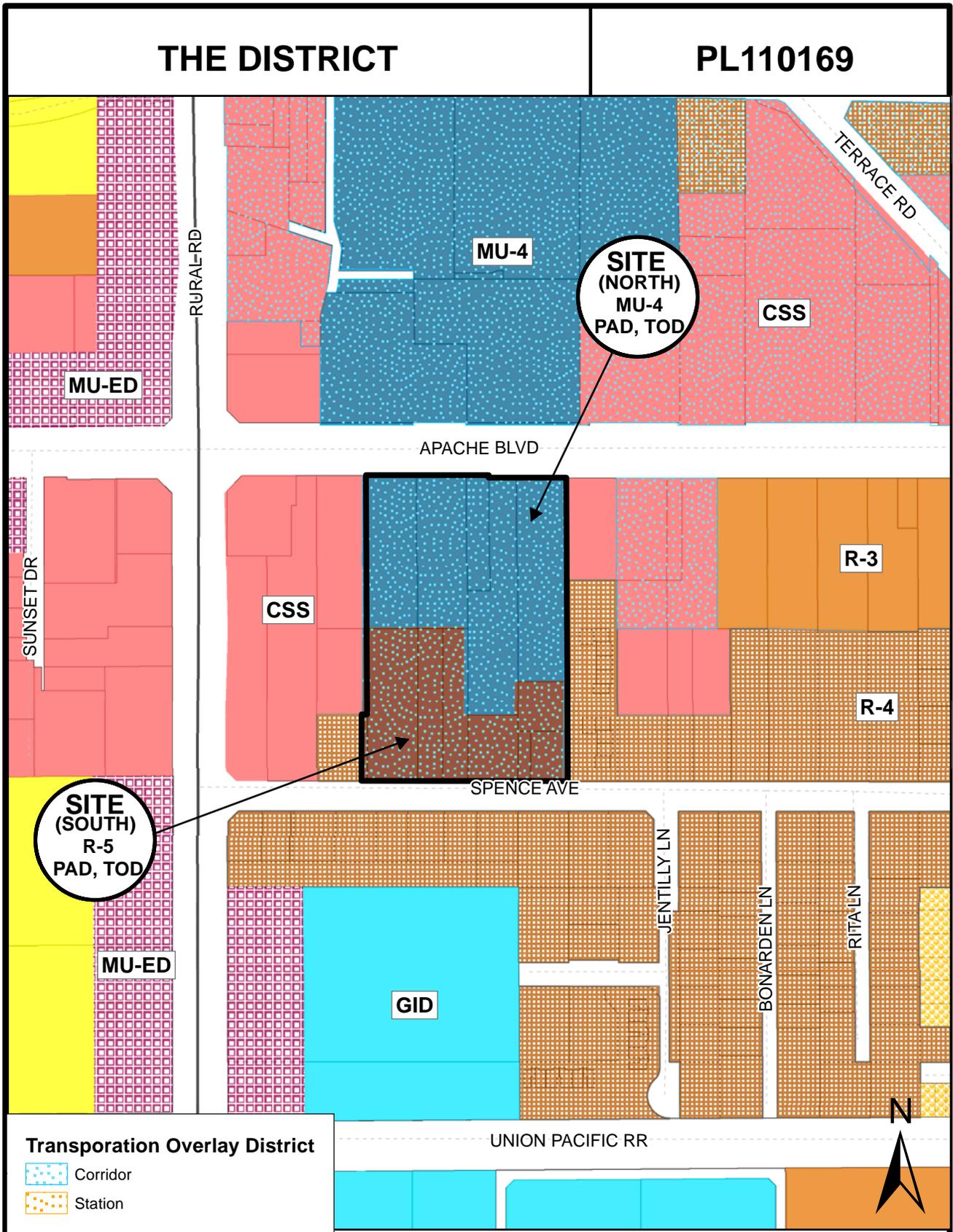
District on +/-2.189 acres (7 parcels) facing Spence, and for insertion of +/-3.510 acres (8 parcels) into the T.O.D., Transportation Overlay District.

- Planned Area Development Overlay to establish development standards for density (in MU-4 District) and building height, building setbacks, building lot coverage and landscape lot coverage on +/-5.616 acres.

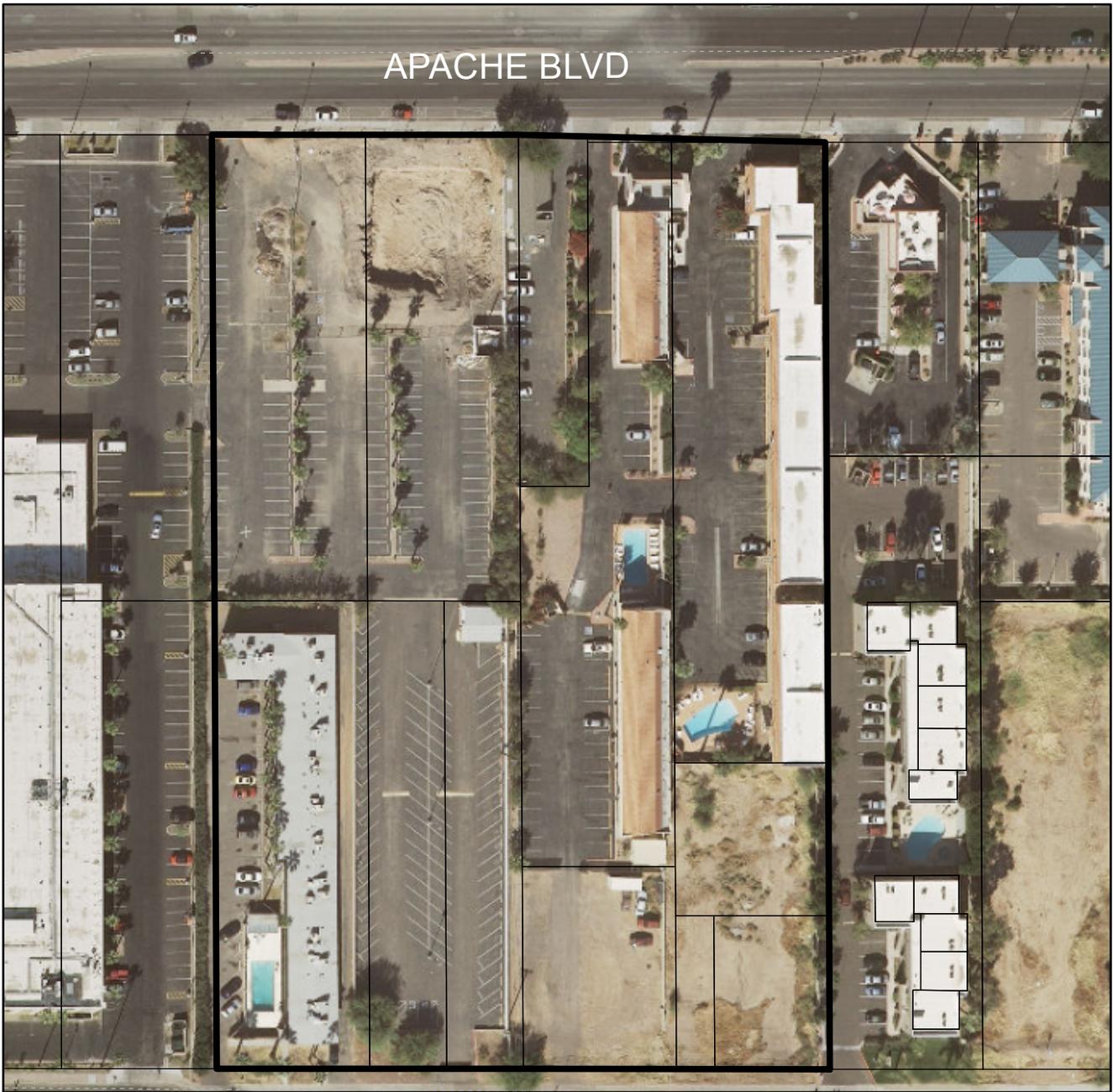
- September 8, 2011 Introduction and first public hearing by City Council to adopt an ordinance for a Zoning Map Amendment and Planned Area Development Overlay for the District located at 941 East Apache Boulevard.
- September 22, 2011 City Council, by a 7 to 0 vote, adopted Ordinance No. 2011.41 for a Zoning Map Amendment and Planned Area Development Overlay for the District located at 941 East Apache Boulevard.
- September 22, 2011 City Council, by a 7 to 0 vote, approved a Final Subdivision Plat for The District on Apache to consolidate twelve (12) parcels into three (3) lots and dedicate public right of way on +/- 5.5108 net acres.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-306, Development Plan Review



**Location Map**



**THE DISTRICT (PL110169)**



HUMPHREYS & PARTNERS ARCHITECTS, L.P.

October 17th, 2011

**Development Letter of Explanation**

The District

The site is zoned as MU and R5. The project is bounded by Apache on the north, one of the collector roads with a surrounding of retail, residential and mixed use functions. There are a lot of pedestrians on foot traffic. The project is also bounded on the south by Spence, with a major surrounding of single and multi-families.

The goal is to provide a project that enhance the mixed-use nature of Apache on the north and then scale down to the south that will fit better with the residential neighbors.

The approach that we took to achieve this goal is to build a 6 story northern bldg on Apache, with 5 stories of apartments over one story of podium. The 1 story podium is 20' tall and contains leasing and common community areas as well as retail spaces. This northern bldg is built to within 5' of the right of way to form an urban edge. With a first floor full of glass, as well as carefully integrated landscape, this will be an inviting place for pedestrians. From there on, the bldg begins to drop in height when it moves from the north to the south. Out of the R5 zone compartment, the bldg functions as 5- story apartments, this is where majority of the density are. When going into the R5 zone, a 5-story garage is placed in the middle and surrounded by 4 story apartments that also face Spence. By doing that, the density of the R5 is carefully maintained at 30u/acre and the building height on Spence is kept at 58'.

All the units have covered balconies that will provide shade and open area for residents. We also have shades on large windows to provide comfort and conserve energy.

The bldg will be mainly covered with stucco with the exception of the ground floor on Apache and Spence, where cmu will be used.

The bldg has a lot of offsets built into the plan to create deep shadows and visual interest. To build a complete building façade, a stone base at the bottom with storefront windows is created to draw the eyes of pedestrians. The stone base will make the project feel more substantial. Different colors and banding are used on the upper floors to create the middle and top. Corners we especially emphasized with tower feature and wrap around windows.

On the ground floor, the doors are specifically set in to provide shade and protection for the pedestrians. The sizes of the window panels on the ground floor are all equal or less than 4'x8' so that they will not look to big and out of proportion. Signages are proposed on the edges of the awnings to provide more visual interest for pedestrians. Two tiers of lighting will be proposed on Apache ground level to provide a better-lit environment for pedestrians.

All utilities are underground. Accessibility will be in compliance with ADA

The bldg is designed to form 3 interior courtyards and these courtyards are interconnected for the residents where they can circulate freely without the conflict of vehicle circulation.

Bikes racks are provided around the project. Besides that, every bedroom will have the room and hook in the closet to store bikes. The garage will be screened by green wall.

I invite you to contact me should you have any further questions regarding the proposed design of the District.

Respectfully,

Yao Hua Yu, NCARB  
Senior Designer / Design Manager  
**HUMPHREYS & PARTNERS ARCHITECTS, L.P.**

**Snell & Wilmer**  
L.L.P.  
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Noel J. Griemsmann, AICP  
602.382.6824  
ngriemsmann@swlaw.com

August 9, 2011

Kevin O'Melia  
Senior Planner  
City of Tempe  
Planning Division  
31 East 5th Street  
Tempe, Arizona 85281

Re: The District – Neighborhood Meeting Summary

Dear Kevin,

On August 8<sup>th</sup>, 2011, the project team held a neighborhood meeting as required pursuant to Section 6-402 of the City of Tempe Zoning and Development Code. The purpose of this letter is to provide a summary of that meeting as required by Section 6-402.F.

The meeting was held at the Four Points Sheraton, located directly west of the subject property at 1333 Rural Road in Tempe. Attendees included representatives from the hotel's ownership group, a few residents of the Spence Avenue Apartments, a resident from the larger neighborhood and a resident from the DeLario Condominiums located directly east of the project boundary. The individual from the DeLario property provided the only completed comment card of the evening (see attached).

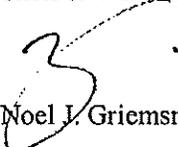
The discussions were mostly about the overall project (what, how many units, etc), the site plan and building heights. Comments were positive. There were no specific comments or suggestions from the public in attendance regarding the project. There was a request to repair/replace the existing wall along the DeLario property line.

The meeting was open from 6:30pm to 8pm. Contact information was provided to those interested in follow-up information or any additional questions or comments.

Please advise if you have any questions or require additional information.

Respectfully submitted,

Snell & Wilmer

  
Noel J. Griemsmann, AICP

Enclosures

# The District Open House – August 8, 2011

Name: Lori Grusecki

Address: 1014 Spence Ave, #102

## Comments/Suggestions:

Thanks for protecting Dellavio  
condos from a similar bldg  
as the view, this looks  
like a great complex.

Nicholas J. Wood  
Noel Griemsmann  
Snell & Wilmer  
400 East Van Buren Street  
Suite 1900  
Phoenix, Arizona 85004-2204

Re: Rezoning, PAD and DPR Application for Tempe Student Housing, LLC  
941 East Apache Blvd, Tempe, AZ

Dear Mr. Wood and Mr. Griemsmann:

We are in receipt of your notice of submittal to the City of Tempe for a new Student Housing Project at 941 E. Apache Blvd, Tempe, Arizona. The University supports the redevelopment of Apache Blvd and the introduction of private sector student housing. We appreciate the fact that you have come to us to discuss your project and willingness to address our concerns.

It is our understanding that your project will consist of approximately 905 student housing beds along with a fitness center and small amount of retail along the Apache Blvd frontage. The site will be adequately parked with over 940 parking spaces planned within a parking garage and at grade parking.

Student Housing Management – ASU considers the behavior of its students a reflection on the University and Community whether they live on-campus or off-campus. We would like to see significant controls put in place to address student behavior and conduct, including the orientation of community amenities inward rather than on balconies adjacent to a public street. Any proposed balconies should be designed as private use only.

Project Naming – We understand that the renderings that were provided, showing the project referred to as “The District at Arizona State University”, were an oversight on the part of the architect and will be modified to eliminate the use of ASU. Use of the trademarked Arizona State University must be approved by the University in writing prior to its use.

Project Design – As this project is not in close proximity to University property, we will refrain from making any comments about architectural character, density or relationship to adjacent properties.

AUG - 4 2011

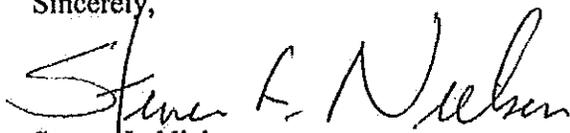
University Real Estate Office

August 3, 2011

Page 2 of 2

Please keep us advised of any significant changes to the project that might impact ASU. Please do not hesitate to contact us if we can be of assistance in reviewing your resident conduct codes or reviewing drawings from our experienced student housing staff.

Sincerely,



Steven L. Nielsen

Assistant Vice President

University Real Estate and Development

Cc: Charlie Meyer, Tempe City Manager  
Chris Anaradian, Tempe Community Development Manager  
Lisa Collins, Tempe Planning Director  
Morgan Olsen, ASU  
James Rund, ASU

[CLICK HERE TO VIEW NEXT PAGE](#)