

Staff Summary Report



Development Review Commission Date: 02/22/11

Agenda Item Number: 2

SUBJECT: Hold a public hearing for a Planned Area Development Overlay for HAYDEN HARBOR AT TEMPE TOWN LAKE located at 430 North Scottsdale Road.

DOCUMENT NAME: DRcr_HaydenHarbor_022211 PLANNED DEVELOPMENT (0406)
Ordinance No. 2011.05

COMMENTS: Request for **HAYDEN HARBOR AT TEMPE TOWN LAKE (PL070506)** (El Fenix, LLC & City of Tempe, property owners; Gammage & Burnham PLC, applicant) consisting of six (6) mixed-use towers ranging in height from 220 feet to 278 feet proposed for hotel, residential, restaurant and retail uses, one (1) 12-story office building located above an above-grade six (6) level parking garage totaling 213 feet in height, a (1) one-story office building, a below-grade parking garage, and surface parking. The proposal has a total gross floor building area of 2,059,580 square feet on approximately 13.6 net acres, located at 430 North Scottsdale Road. The request includes the following:

PAD08010 – Planned Area Development Overlay to establish general development standards, located on 13.6 acres.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

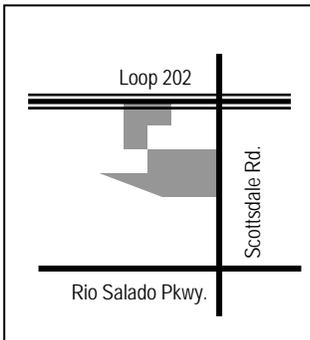
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: There is no fiscal impact for this request.

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



Gross/Net site area	13.6 acres
Density	103.75 du/ac (1,411 units)
Total Building area	2,059,580 s.f.
Lot Coverage	23 % (100% maximum allowed)
Building Height	15 ft and 213 – 278 ft (35 ft maximum allowed)
Building Setbacks	Varies (0, 0, 0 min.)
Landscape area	36% (10% minimum required)
Vehicle Parking	3,528 spaces (3,493 min. required)
Bicycle Parking	1,149 spaces (1,149 minimum required)

A neighborhood meeting was held on December 15, 2010, with this application.

- PAGES:**
1. List of Attachments
 - 2-3. Comments
 - 4-6. Reason for Approval / Conditions of Approval
 7. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
1. Location Map
 2. Aerial Photo
 3. Ordinance No. 2011.05
 - 4-5. Waiver of Rights and Remedies form
 - 6-12. Letter of Explanation
 - 13-16. Neighborhood Meeting Summary
 - 17-18. Planned Area Development Overlay
 - 19-22. Below level & Site Plans
 23. Preliminary Grading & Drainage Plan w/ Existing Utilities
 - 24-28. Building Elevations
 - 29-32. Project Renderings
 33. **Traffic Impact Analysis – Staff Summary (2/9/11)**

COMMENTS:

This site is located west of Scottsdale Road and located along the north bank of Tempe Town Lake. Directly west of the site exists a horse stable property and Tempe's town lake marina. Directly north of the site is the U Haul mini-storage facility.

The site previously contained Club Rio, a live entertainment music venue, with both indoor and outdoor facilities. The site is now - demolished with an old industrial warehouse remaining on the northern-most portion of the site.

This request includes the following:

1. Planned Area Development Overlay

For further processing, the applicant will need approval for the following:

- A Preliminary and Final Subdivision Plat, subdivide the existing parcels of land, and
- Development Plan Review

PUBLIC INPUT

A neighborhood meeting is required for this request. The applicant conducted a neighborhood meeting on December 15, 2010 at 6 p.m. See attached summary of the meeting provided by the applicant. The meeting was well attended by neighborhood residents, property owners and business stakeholders. The applicant provided a presentation on the project. The comments from the meeting included discussion on the proposed heights, density, traffic generated from the site and access issues.

The applicant also followed up with an invitation to the North Tempe Neighborhood Association meeting to discuss the proposal to other residents in the vicinity. At this time staff has only received general requests for information regarding the proposed project and neither support or opposition.

UPDATE FROM 1-25-11 HEARING:

Concluding the Development Review Commission hearing held on January 25, 2011, staff followed up with the applicant and the adjacent business owner representative regarding a meeting of both parties to discuss the issues presented at the public hearing (primarily cross-access issues). Both parties met on February 8, 2011, to discuss the existing access issues. The follow-up feedback was that a proposal was presented for consideration of a temporary access but without a permanent solution. The applicant is awaiting a draft agreement, outlining the request and addressing concerns regarding insurance and indemnity. Staff is not aware of any approved agreements made at this time.

At some point in the year 2006, cross access from the U-Haul property to the Hayden Harbor site (formerly Club Rio) was constructed. This was done without a formal approval, required by the Community Development Department, for site plan modifications. That process would have required a cross-access agreement recorded by both parties before authorizing the completion of the access. Additionally, the U-Haul property would need to address impacts to loss of retention requirements from the landscape area, as well as the water run-off from the site to the adjacent property.

A finalized Traffic Impact Analysis was also resubmitted on February 2, 2011 and reviewed by the City of Tempe. A memo was provided by the Transportation Division of Public Works regarding the findings of the analysis. See Attachment 33. A complete copy of the Traffic Impact Analysis has been provided to the Commission for further review.

PROJECT ANALYSIS

PLANNED AREA DEVELOPMENT

Along with a designation request for a mixed-use zoning requires applicants to process a Planned Area Development Overlay to establish the desired standards not currently defined within the MU-4 zoning designation. Below is a list of district standards to be considered. As the individual developments finalize, further amendments to the Planned Area Development Overlay may be necessary to coincide with a finalized entitlement.

Hayden Harbor – Development Standards Proposed								
Standards	Parcel:	1	1a	2	3	4	5	Total
Parcel Acres		1.7	0.9	2.2	1.4	3.2	4.2	13.6
Residential Density (# of dwelling units)		266	-	388	266	446	-	1,411
Building Height (feet) [Exceptions, see Section 4-205(A)]								
Building Height Maximum		220 ft	15 ft	278 ft	266 ft	242 ft	213 ft	
Building Height Step-Back		Yes	Yes	Yes	Yes	Yes	Yes	
Maximum Lot Coverage (% of net site area)		NS	NS	NS	NS	NS	NS	23%
Minimum Landscape Area (% of net site area)		NS	NS	NS	NS	NS	NS	36%
Setbacks (feet) [Exceptions, see Section 4-205(B)]								
Front Parking		NS 20 ft						
Side		NS	NS	NS	NS	NS	NS	
Street Side Parking		NS 20 ft						
Rear		NS	NS	NS	NS	NS	NS	

Below is the criteria used for determining acceptance of a Planned Area Development Overlay.

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

1. The proposed land uses residential, commercial and office are allowable in Part 3.
2. The development standards listed above, as established as part of the PAD Overlay District, as well as the standards allowed by use permit in Part 4 will be conformed to for development of this site.
3. The proposed PAD is in conformance with the Rio Salado Overlay District.
4. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

Conclusion

Based on the information provided by the applicant, the public input received and the analysis provided by the applicant, staff recommends approval of the requested Planned Area Development Overlay. This request meets the required criteria and will conform to the proposed conditions of approval outlined in this report.

REASONS FOR APPROVAL:

1. The Zoning is compatible with other similar proposed projects around the Town Lake vicinity.
2. The project will establish the development standards required under the Zoning and Development Code.
3. The PAD overlay process was specifically created to allow for greater flexibility.
4. The proposed project meets the approval criteria for a Planned Area Development Overlay.

CONDITIONS OF APPROVAL:

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

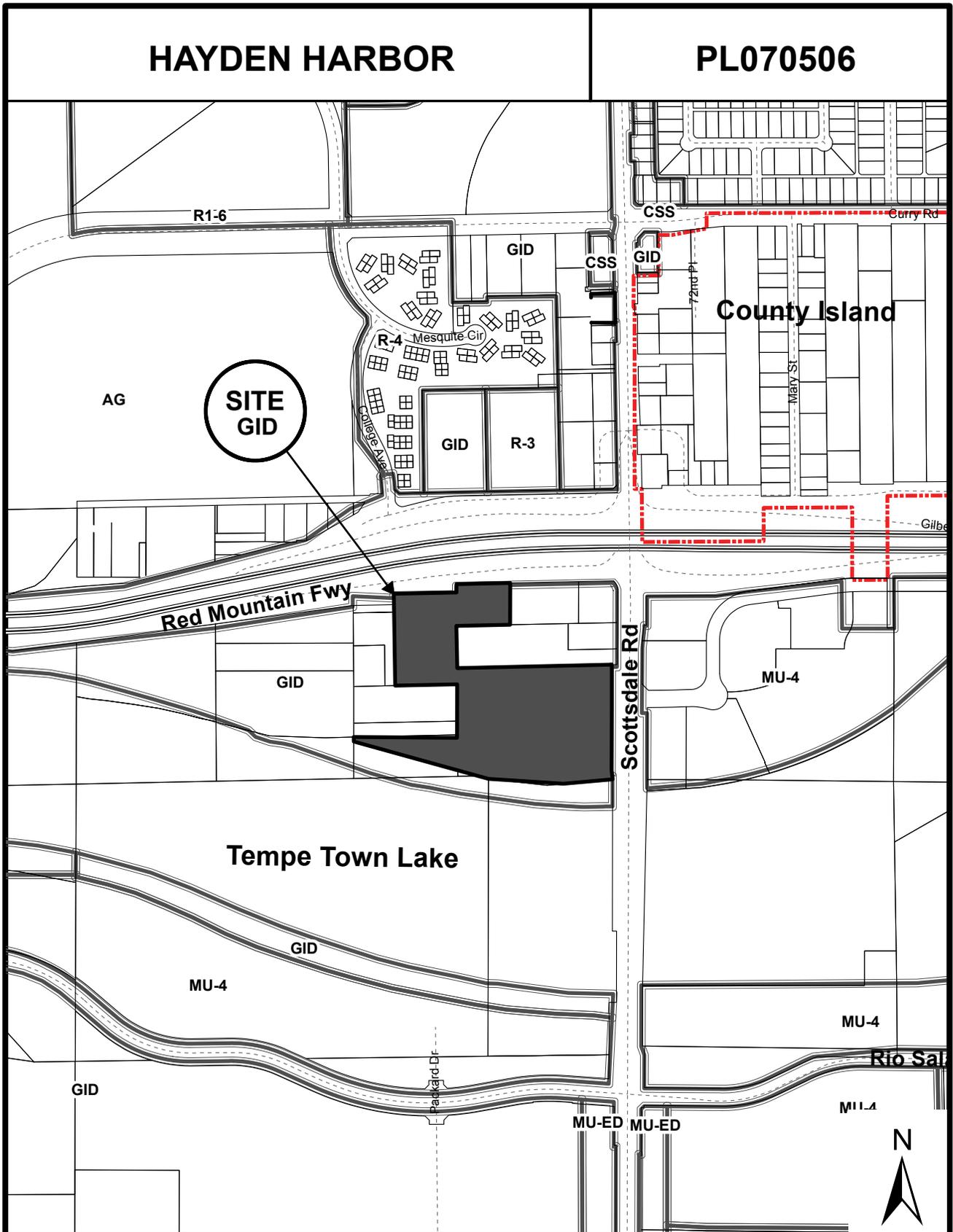
1. A building permit application shall be completed on or before March 24, 2015, with the intent to issue a building permit and commence construction, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing at City Council.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of 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 Community Development Department no later than March 28, 2011 or the PAD, Zoning Map Amendment and General Plan Map Amendment approval shall be null and void.
3. The Planned Area Development for Hayden Harbor shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
4. A Preliminary and Final Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
5. Any proposed modifications to the well easement, as depicted on the Planned Area Development Overlay, shall require further review before a final determination is made by the City of Tempe and the Water Utilities Division. Acceptance by the Water Utilities Director, or designee, shall be made prior to approval of a development plan review that may affect the existing well easement.
6. Prior to final acceptance of the request to relocate the Salt River Outfall (SRO) Interceptor and its easement, located near the northwest portion of the property, the Sub-Regional Operating Group (SROG) Advisory Committee of the Joint Municipal Water Reclamation System shall review the request to make a determination of approval on any changes related to the interceptor. This approval shall be completed prior to issuance of any building permits which may affect the area within the easement of the SRO Interceptor.
7. Any development located within the easement of the Salt River Project's (SRP) 230kv overhead lines will require approval by SRP. A submittal for review and final determination by SRP shall be completed prior to a scheduled meeting with the decision-making body for Development Plan Review within this area.

HISTORY & FACTS:

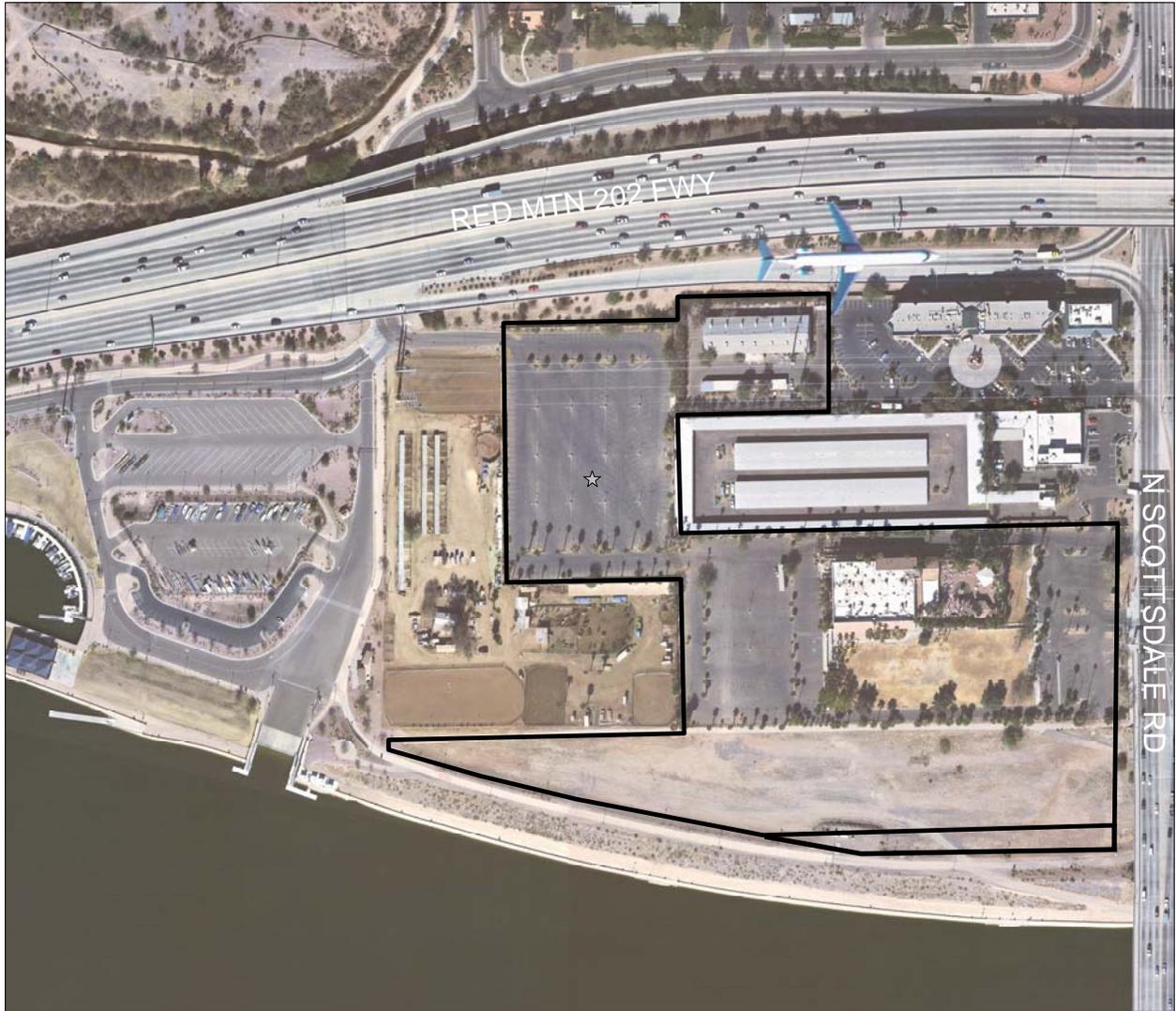
- May 20, 2008 Formal application for the Hayden Harbor project received by Development Services.
- December 15, 2010 Neighborhood meeting held by the applicant for this request.
- January 25, 2011 Development Review Commission recommended approval, for this request, the General Plan Map Amendment from 'Open Space' to 'Mixed-Use' and 'No Density' to 'High Density', and a Zoning Map Amendment from GID to MU-4. The Commission also continued the request for a Planned Area Development Overlay, to the February 22, 2011 hearing.
- February 22, 2011 Development Review Commission scheduled to hear this request for recommendation of the Planned Area Development Overlay.
- March 10, 2011 Scheduled City Council introduction and first public hearing for this request.
- March 24, 2011 Scheduled City Council second public hearing for this request.

ZONING AND DEVELOPMENT CODE REFERENCE:

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



Location Map



HAYDEN HARBOR (PL070506)

ORDINANCE NO. 2011.05

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 removing the below described property from the GID, General Industrial District and designating it as MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay on 13.6 acres.

LEGAL DESCRIPTION

(enter here)

TOTAL AREA IS 13.6 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of Case # ZON08004 and PAD08010 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 _____, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WHEN RECORDED RETURN TO:
City of Tempe
Community Development 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 El Fenix LLC, an Arizona Limited Liability Company and El Fenix II LLC, an Arizona Limited Liability Company as (Owner/s).

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. **PL070506** to the City requesting that the City approve the following:

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

for development of the following real property (Property):

Parcel Nos. : 132-22-008, 132-22-006-B, 132-22-004-B,
132-22-002-F, 132-22-002-Y, 132-22-005-D

430 North Scottsdale Road, Tempe, AZ.

(Legal Description and Address)

HAYDEN HARBOR AT TEMPE TOWN LAKE

Applicant's Letter of Intent

El Fenix LLC and El Fenix II. LLC (the "Applicant" or "El Fenix") are proposing to redevelop approximately 14.8 gross acres located at the northwest corner of Scottsdale Road and Tempe Town Lake (the "Site").

Application

The Applicant is submitting a zoning amendment and planned area development (PAD) overlay amendment application as part of the Applicant's application for the redevelopment of the Site (the "Application"). Specifically, the zoning amendment request is to rezone the Site from the General Industrial District (GID) to the Mixed-Use, High Density (MU-4) District. As part of the Application, the Applicant is submitting a site plan and PAD application to create a vibrant mixed-use development consisting of office, hospitality, residential, restaurant and retail uses that will provide employment opportunities in immediate proximity to housing and services, enhance pedestrian activity around Tempe Town Lake, and serve as a gateway to both Tempe Town Lake and downtown Tempe. The Applicant will process a design review application at a later date.

The Site is a prime opportunity for redevelopment given its location on Tempe Town Lake and the Red Mountain Freeway, as well its proximity to downtown Tempe, the ASU Campus, Rio Salado Park, Tempe Beach Park, the Tempe Center for the Arts and Papago Park. In addition, the Site is located less than one mile from the Rural and University light rail station and is approximately three miles from Sky Harbor International Airport.

The Site is comprised of eight parcels, of which six parcels are vacant. The remaining parcel accommodates a one-story multi-tenant industrial building, which is currently vacant. The Applicant proposes to improve the Site with:

- Six (6) mixed-use towers with a combined total gross floor area of 1,798,280 square feet consisting of 1,692,750 square feet for residential and/or hospitality uses, 89,950 square feet of retail space and 15,580 square feet of restaurant space, including two (2) 26-story, 278 feet, towers with a combined gross floor area of 498,380 square feet, two (2) 21-story, 220 feet, towers with a combined gross floor area 538,800, one (1) 25-story, 266 feet, tower with a gross floor area of 395,100 square feet, and one (1) 23-story, 242 feet, tower with a gross floor area of 366,000 square feet;
- One (1) 12-story, 213 feet, office building with a gross floor area of 255,300 square feet located above an above-grade six-level parking garage containing 1,042 parking spaces;

- One (1) one-story office building with a gross floor area of 6,000 square feet;
- A below-grade parking garage containing 2,154 parking spaces; and,
- Three (3) surface parking lots containing a combined total of 332 parking spaces

In total, the described development (the “Project”) will have a combined total gross floor area of 2,059,580 square feet. The Project will be branded Hayden Harbor at Tempe Town Lake. The Project’s goal is to create a recognizable place to reside, work and play with architectural elements designed to withstand style and market changes.

PAD Development Standards

The General Industrial District (GID) allows a maximum building height of 35 feet. This Application requests a maximum building height of 278 feet, which represents an increase of 243 additional feet of building height from the height allowed under the Site’s current zoning, the GID. The increase in building height proposed by this Application is consistent with the surrounding height and development around the Town Lake. The GID does not allow residential uses. This Application requests a density of 94.34 dwelling units per acre. The increase in height and density will allow a high-quality hotel/office/residential/restaurant/retail design that will provide desired additional viable long-term housing and employment opportunities in Tempe and enhance the urban development environment envisioned for the area, as well as serve as a catalyst for future redevelopment opportunities around the Town Lake.

Area Context

The Site is located on the north side of Tempe Town Lake and on the west side of Scottsdale Road. The Site has 1,260 linear feet of lakefront exposure, including direct access to the pedestrian and bike path located on the Maricopa County Flood Control District levee structure, and 533 linear feet of frontage along Scottsdale Road. Existing commercial uses, including Audio Express, a U-Haul self storage facility and a Best Western limited service hotel, adjoin the Site to the north and east. The Red Mountain Freeway is located immediately north of the Site. The Playa del Norte mixed-use development, including the Grigio apartment complex, Northshore condominiums, In-N-Out restaurant and Starbucks is located to the east across Scottsdale Road. The Tempe Town Lake Marina and Scott horse stables adjoin the property to the west. The Site is located within walking distance of the ASU Campus across Tempe Town Lake and the south bank of the Town Lake; other property east of Rural Road is planned for additional mixed-use retail, commercial and residential development. The Applicant envisions that the Project will significantly enhance the area’s urban environment while providing residential, hospitality, employment and retail opportunities that will serve as a catalyst for future redevelopment opportunities along Tempe Town Lake.

Site Area and Context

The Site is comprised of eight (8) parcels located at the northwest corner of Tempe Town Lake and Scottsdale Road in Tempe, Arizona. The Site consists of approximately 14.8 gross acres (13.6 net acres). The formal address is 430 North Scottsdale Road, Tempe. A full legal description for the Site is included in the Application submittal.

As shown by the enclosed site plan, the parcels comprising the Site create an irregular-shaped property with two distinct developable areas.

The east section of the Site is relatively flat, sloping nominally from the north perimeter property line to the top of the adjoining Maricopa County Flood Control District levee structure. Development of this area of the Site will not be significantly constrained by major utility facilities or easements, which are generally located along Scottsdale Road.

The northwest section of the Site is shaped like an inverted “L” and wraps around the adjoining U-Haul self storage facility. In contrast to the Site’s east section, the development of the northwest section will be significantly impacted by a number of existing above-grade and below-grade facilities, including:

- Two SRP high voltage transmission lines located within a 135-foot wide easement running across the northernmost perimeter of the Site; and,
- The SROG 54-inch sewer interceptor, which is currently located more than 40 feet below grade within a 30-foot wide easement bisecting the area of the Site located immediately south of the transmissions line easement.

In order to create a reasonably sized developable footprint in the northwest section of the Site, the SROG interceptor line will, in the future, be relocated to the north and west perimeters of the Site.

Planning Context

General Plan 2030

The land use and residential density projected for the Site by General Plan 2030 are Mixed-Use and High-Density (greater than 25 units per acre). According to General Plan 2030, the Mixed-Use category is designed to accommodate land use mixes with a mixture of residential and commercial uses. This category also encourages creatively designed developments that create a living environment which reflect a “village” concept where there is opportunity to live, work and recreate within one development or area. The Project will provide opportunities to live, work, and recreate in the same area. In fact, the Project is exactly the type of mixed-use, high-density project envisioned by General Plan 2030 for the Site. The Applicant is proposing multiple high-density residential/hospitality buildings with accompanying office, retail and restaurant

opportunities that will both energize the Site and the surrounding Tempe Town Lake area.

Current Zoning & Specific Plans

The Site is currently zoned General Industrial District (GID) and is located within the Rio Salado Overlay District. The GID, one of three City of Tempe Zoning and Development Code office/industrial districts, is designed to provide for office/industrial business with facilities ranging from administrative and research institutions to assembly and production. The purpose of the Rio Salado Overlay District is to implement the policies of the Tempe Rio Salado Specific Plan. The Project is consistent with the purpose of the Rio Salado Overlay District. The Project's office use is consistent with the GID.

The purpose of the Application is to rezone the Site from GID to MU-4 PAD to allow residential/hospitality, retail and restaurant uses on the Site by right and to allow the Project to establish its own unique standards based on the development proposal.

Zoning Amendment Request

The Applicant's request for a zoning amendment to rezone the Site from the GID designation to MU-4 with a PAD overlay is fully consistent with the City's General Plan for 2030.

The Mixed Use designation was established to facilitate the blending of commercial and high density residential uses in a "village" or "neighborhood" setting, thereby allowing and encouraging opportunities to live, work and recreate in the same development. The Applicant's vision for the Property is consistent with the mixture of uses envisioned by the General Plan.

The requested PAD overlay will allow the Applicant to deliver an innovative design for the Property that integrates multiple office, hotel and mixed-use towers of appropriate heights and variable densities and setbacks. The innovative design will also allow for the delivery of substantial open spaces between buildings, as well as the creation of at-grade retail and garden spaces linked to the levee's paths, Town Lake Marina and lakefront, thereby enhancing tenant and visitor enjoyment of the Site, as well as the surrounding area.

Project Description

The Site, which currently consists of a one-story building and vacant land is significantly underutilized at this time. The intent of this Application is to provide a unique opportunity to energize both the lakefront and Scottsdale Road street frontage at this gateway to Tempe Town Lake and downtown Tempe and provide needed additional modern, high-quality hospitality, office, residential, retail and restaurant opportunities. Due to the Site's immediate access to the Town Lake and proximity to downtown Tempe, the ASU Campus, Sky Harbor International Airport, multiple parks (including Rio Salado Park, Tempe Beach Park, and Papago Park), and public transit routes, the Applicant

strongly believes that the Project will appeal strongly to hotel, office, residential, retail and restaurant space users seeking Class A, modern space within an urban environment.

The Application consists of the construction of six (6) mixed use towers of varying heights, one (1) 12-story (213 feet) office building located above a six-level parking garage containing 1,042 parking spaces, one (1) one-story office building, a below grade parking structure containing 2,154 parking spaces, and three surface parking lots containing a combined total of 332 parking spaces. In total, the development program envisioned for the Site will encompass 2,059,580 square feet of gross floor area.

To facilitate a phased development program, the Site is divided into six (6) parcels ranging in size from 0.9 acres to 4.2 acres. The first phases of development are anticipated to occur along the Site's Scottsdale Road frontage. The first phases of development will consist of one (1) 21-story (220 feet) mixed-use tower including hotel, hotel/condominium or condominium and retail and restaurant uses encompassing 339,000 square feet of floor area and one (1) one-story building with a gross floor area of 6,000 square feet that will initially serve as a marketing center for the Project before transitioning to an administrative center as the Project nears full build-out. Currently, it is anticipated that construction on the first phase will begin during the fourth quarter of 2015 and will be completed by the second quarter of 2017. This schedule could change based on market conditions. The construction of subsequent phases will ultimately depend on market conditions and on the absorption rates of prior phases. Given the Site's exposure and accessibility to the Red Mountain freeway, it is certainly possible that the development of the office tower located near the northwest corner of the Site within Parcel 5 could immediately follow or precede the development of the initial phases.

Of the total proposed building area, 1,692,750 square feet is dedicated for hospitality and/or residential uses and 261,300 square feet is dedicated for office use, with the vast majority of the office space being located in a single tower located near the northwest corner of the Site.

Ground floor restaurant (15,580 square feet) and retail (89,950 square feet) space is also dedicated throughout the Project. Specifically, retail and/or restaurant space is dedicated on the ground floor of each of the five (5) mixed-use towers located along the lakefront, as well as the mixed-use tower located along the main entry drive near the center of the Site.

Project Design

The Project is a contemporary design that will fit well into the physical environment, create visual interest and provide a secure environment. The façade design for the buildings will include a combination of building materials (e.g. painted concrete, painted stucco, metal panels, aluminum framed window systems and large expanses of glass) to accomplish the desired contemporary look. The exposed concrete slabs of balconies in

combination with metal and glass railings will add to the desired look. The design will establish a clear base and top for all mixed-use towers by projecting the first seven floors of each mixed-use tower towards Tempe Town Lake. The above grade parking structure serving the office tower located near the northwest corner of the Site will reinforce the design feature of establishing a clear base and top for each of the towers. Additional architectural detailing will be accomplished through the provision of a combination of staggered windows, balcony screens and stucco panels that will further articulate the design, texture and provide visual interest. The use of varying projecting forms will further emphasize the buildings' visual texture.

The Applicant will further detail the Project's design as part of the design review application to be submitted at a later date.

Landscaping

The Project's landscaping design is intended to partially screen the Site from its neighbors. The strategic placement of a mixed palette of vegetative material of varying canopy heights up to 45 feet is intended to screen the adjoining U-Haul facility, as well as the SRP high voltage transmission lines running along the Site's north perimeter property line, from the first six floors of the six (6) mixed-use towers located in the Project's east section. For the Site area south of Playa del Norte, the intent of the landscaping design is to create a garden-like environment which is segregated from vehicular traffic. The Applicant's intent is to create a "resort feel" for residents, guests and patrons in this area. It is a primary goal of the Site's design to extend enclosed interior spaces into well-landscaped grounds in order to blur the lines between indoor and outdoor environments. Further adding to the Project's indoor-outdoor landscaping theme, the stepped-back building designs allow for the creation of heavily landscaped areas at the seventh level of each mixed-use tower.

Site Circulation and Parking

The intersection of Scottsdale Road and Playa del Norte will serve as the main vehicular access point for the Project. Development plans call for extending Playa del Norte into the Site in a west and then northwesterly direction. The Playa del Norte alignment has been designed to maximize the development potential of the Site's east section. In order to improve and segregate incoming traffic flows, a one-way street section running along the adjoining U-Haul and Audio Express properties extending from Scottsdale Road towards the office tower located near the northwest corner of the Site will also be provided. Traffic at the intersection of Playa del Norte and the one-way street section will be controlled by a stop sign. Internal driveways and roundabouts will provide access to all of the Project's buildings and parking facilities.

The mixed-use towers located in the Site's east section will be primarily served by underground parking facilities. The development plan for the Site includes a three-level below grade facility located just south of Playa del Norte that will accommodate 2,154 spaces vehicles at full build-out. The development of the underground garage will occur

in stages that will deliver parking sufficient to meet the needs of the development program for each development parcel when vertical development occurs on each parcel. The office tower located in the Site's northwest section will be primarily served by a six-level above grade parking structure that will accommodate 1,042 vehicles and that will serve as a podium for the office tower. The 234 space surface parking lot located north of the office tower will also serve this building, as well as any overflow parking needs on the Site. The Project will also provide a bicycle parking in accordance to City of Tempe parking standards and will certainly encourage alternative forms for transportation.

A traffic and parking study prepared by Heffernan & Associates for the Project is included as part of this Application.

Federal Aviation Administration Building Height Restrictions

Pursuant to the findings of the preliminary analysis conducted by Williams Aviation, the Federal Aviation Administration (FAA) will allow building heights up to 329 feet on the Site. The maximum building height proposed is 274 feet, which is 51 feet below the FAA's limit. A letter from Williams Aviation detailing the findings of the noted preliminary analysis is included as part of the Application.

Conclusion

The proposed development is a high-quality mixed-use design that will provide additional desired living, hospitality, employment, and retail opportunities along the north bank of Tempe Town Lake. The proposed development will serve as a catalyst for future redevelopment opportunities around the Town Lake and will enhance the urban development environment and experience envisioned for this area. The Project is consistent with the land use and residential density projected for the Site by General Plan 2030. El Fenix is very excited about the Project and looks forward to discussing the development proposal with you in the near future. We respectfully request your support.

MEMORANDUM

GAMMAGE & BURNHAM
A Professional Limited Liability Company

January 20, 2011

TO: Ryan Levesque, Senior Planner
City of Tempe Community Development Department

Summary of Public Outreach regarding Hayden Harbor at Tempe Town Lake General Plan Land Use and Density Map Amendment (approx. 5.23 net acres) and Zoning Map Amendment with a Planned Area Development (PAD) Overlay Applications (approx. 14.8 gross acres) for property located at the northwest corner of Scottsdale Road and Tempe Town Lake

The project team has made a concentrated effort to reach out to the community and interested parties. We have and will continue to address any questions and/or comments that may arise throughout the General Plan amendment and zoning process.

(1) **Posting & Notification:**

Pursuant to applicable City requirements, on November 29, 2010, the Applicant's legal representative sent first class letters to all property owners within 300 feet of the project site and identified chairpersons of registered neighborhood associations, notifying interested parties of the proposed development and the neighborhood meeting scheduled for December 15, 2010. The respective dates, locations, and times for the neighborhood meeting and scheduled public hearings, as well as the Applicant's contact information, were posted on the project site on November 23, 2010. Copies of the mailing notice and notification list, as well as photos of the public hearing notice sign posted on the site, are enclosed with this summary.

(2) **Phone Calls, Letters and E-mails:**

On December 1, 2010, the Applicant's legal representative received an e-mail from Lisa Amos of the Flood Control District (FCD) of Maricopa County requesting to schedule a meeting to discuss levee construction along the boundary of Tempe Town Lake, as well as FCD access requirements and utility placement parameters. The Applicant's representative met with FCD staff on December 21, 2010 for the noted purposes.

On December 13, 2010, the Applicant's legal representative corresponded over the phone with a Darlene Justus of the North Tempe Neighborhood Association regarding the project's neighborhood meeting scheduled for December 15, 2010, the occupancy rates of nearby developments, and the project's anticipated construction timeline.

On December 16, 2010, the Applicant's legal representative e-mailed electronic copies of boards presented at the project's December 15, 2010 neighborhood meeting to Mr. Bharat Gandhi.

The Applicants' legal representative has not received any additional phone calls, faxes, letters or e-mails from either neighbors or interested persons regarding the project to date.

(3) Neighborhood Meeting of December 15, 2010:

Our official neighborhood meeting was held in the Kush Room at the Best Western Inn of Tempe located at 670 North Scottsdale Road in Tempe on December 15, 2010. The meeting began at approximately 6:00 p.m.

Meeting Attendees

Representatives from El Fenix, Leo A Daly, Heffernan & Associates and Gammage & Burnham PLC were present. Approximately 15 interested persons were also in attendance. The interested persons in attendance included Darlene Justus (North Tempe Neighborhood Association), Nancy Hempy (Audio Express), Wayne Scott (Papago Riding Stables), Jodi Scott McGhee (Papago Riding Stables) and Cliff Mattice (Mariscal, Weeks, McIntyre and Friedlander). Contact information for persons in attendance for the meeting is provided on the enclosed sign-in sheet.

Presentation

Manjula Vaz of Gammage & Burnham PLC introduced project team members in attendance (David Norouzi of El Fenix, Paul Dumond, David DeValeria of Leo A Daly, Kathryn Heffernan of Heffernan & Associates and Rob Lane of Gammage & Burnham PLC). Ms. Vaz then provided an overview of the development proposal, as well as the purpose of the applications. Mr. DeValeria and Ms. Heffernan concluded the formal presentation by providing overviews of the project's design and projected traffic impact.

Questions Posed by Meeting Attendees

Questions raised by members of the public who attended the neighborhood meeting pertained to the following: the project's anticipated development schedule; the project's proposed residential density; the provision of below grade parking; the assemblage status for parcels comprising the project site; the size and location of the project site area subject to the General Plan Amendment application; ingress and egress locations; pedestrian access and linkage to Tempe Town Lake and nearby developments; the existence of development agreements for the project; short-term and intermediate plans for the existing building on the project site; anticipated vehicular trips to be generated by the project; whether residential units will be owner or renter-occupied; and, future plans for widening College Avenue.

Questions Addressed

All questions raised during the meeting were addressed by the Applicant's legal representative, architect or traffic engineer.

Comments Submitted by Meeting Attendees

Comments received during the meeting were supportive of the project. To date, there have not been any formal comment sheets in regard to the project submitted by persons in attendance at the neighborhood meeting.

Meeting Adjournment

The meeting ended at approximately 7:30 p.m.

(4) **December 21, 2010 Meeting with Flood Control District of Maricopa County Staff:**

On December 21st, the Applicant's representatives met with several members of the Maricopa County Flood Control District. During the meeting, we reviewed the proposed plans with the Flood Control staff and discussed the proposed building adjacent to the levee. Since construction is not imminent, the purpose of the meeting with the Flood Control staff was to start initial discussions about the project. We had a very nice meeting with Flood Control.

(5) **January 10, 2011 North Tempe Neighborhood Association Meeting:**

The project team attended the January 10, 2011 North Tempe Neighborhood Association (NTNA) meeting to discuss the project. Representatives from Gammage & Burnham PLC (Manjula M. Vaz and Rob Lane) and Heffernan & Associates (Kathryn Heffernan) were present. Approximately 10 interested persons were also in attendance.

Ms. Vaz provided an overview of the development proposal, as well as the purpose of the applications. Ms. Heffernan provided an overview of the project's projected traffic impact.

Comments received from meeting attendees regarding the development proposal were mixed. Some attendees expressed support for the development proposal and indicated that the project will clean-up an underutilized property. Other attendees expressed that the project's scope and intensity was appropriate in consideration of its location on Tempe Town Lake. Other attendees expressed concern regarding the project's intensity (height, density and number of buildings). Some attendees expressed concern that the project will generate additional traffic in neighborhoods to the north and on Scottsdale Road. There was also concern expressed that the placement of additional traffic on College Drive could require a street-widening project that would reduce the size of Papago Park.

Meeting attendees provided the following suggestions in regard to the development proposal:

- Provide additional and/or enhancement of existing area recreational amenities (e.g. dog park at Papago Park);
- Consider measures to mitigate additional traffic on College Drive;
- Develop the project in a manner which ensures buildings are not partially constructed and/or abandoned;
- Incorporate the preservation of Papago Riding Stables into the project's circulation plan; and,
- Incorporate suggestions into development program before proceeding further in the public review process.

To date, the project team has not received any formal written comments from either the NTNA or persons in attendance at the January 10, 2011 NTNA meeting.

NEIGHBORHOOD MEETING

Hayden Harbor at Tempe Town Lake
 Best Western Inn of Tempe – Kush Room
 670 North Scottsdale Road
 Tempe, AZ 85281
 On Wednesday, December 15, 2010 at 6:00 p.m.

PLEASE PRINT

NAME	ADDRESS	TELEPHONE	EMAIL
Darlene Justus	Tempe, 85281 315 E. Garfield	480- 529-3584	djustus@cox.net
Cliff Mattice	Mariscal Weeks 2901 N. Central Ave Suite 200	602 889-5353	cliff.mattice@mariscal.com
Nancy Humphrey	15496 N 83 Way Scottsdale AZ 85260	480 477-0817	nancyh@audioexpressusa.com
Sneha Seth	6670 N. Scottsdale Tempe, AZ 85281	480 784-2233	Sneha@inoftempe.com
Paul Diamond	1122 E. Campbell Phoenix	480 602 770-3170	
Wayne Scott	400 N. Scottsdale RD	(480) 906-9793	Wayne@PapagoRIDINGSTABLE.COM
John May	Scottsdale AZ 8502 E. VIA DE VENTURA	480-355-4200	
Brad Wilde	5970 E. Wender view Phx	602 359-8400	bradwilde@carlan.com
Tan Dane	1053 W. Elva Rae St. Tempe AZ	480 608 6036	dareogob@hotmail.com
Himma		602 765 2737	
Jodi Scott McGhee		480-390- 4644	jodiskscott@gmail.com
MARLON BUEHNER	15490 N. 83rd WAY SCOTTSDALE, AZ 85260	480 966 3100	marlonb@audioexpressusa.com
Bharat Gandhi	670 N. Scottsdale Rd. Tempe, AZ.	602-312- 9087.	

PLANNED AREA DEVELOPMENT OVERLAY FOR HAYDEN HARBOR

PORTION OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

ACKNOWLEDGEMENT

EL FENIX, LLC & EL FENIX II, LLC
 THIS IS TO CERTIFY THAT WE HAVE REVIEWED THIS PLAN AND HEREBY APPROVE THE DEVELOPMENT AS SHOWN.
 SIGNED THIS _____ DAY OF _____, 2011 BY DAVID N. NOROUZI AS AUTHORIZED AGENT FOR EL FENIX, LLC & EL FENIX II, LLC.

SIGNATURE _____
 STATE OF ARIZONA
 COUNTY OF MARICOPA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2011 BY AUTHORIZED REPRESENTATIVE, ON BEHALF OF EL FENIX, LLC & EL FENIX II, LLC.
 IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____
 MY COMMISSION EXPIRES _____

LEGAL DESCRIPTION (EL FENIX, LLC & EL FENIX II, LLC)

THAT PORTION OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER SAID SECTION 15;

THENCE ALONG THE EAST LINE THEREOF, SOUTH 00 DEGREES 07 MINUTES 02 SECONDS WEST 1135.24 FEET TO THE SOUTH LINE NORTH 1134.69 FEET OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15 AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH LINE, SOUTH 08 DEGREES 30 MINUTES 43 SECONDS WEST 827.44 FEET;
 THENCE NORTH 00 DEGREES 09 MINUTES 33 SECONDS EAST 2.70 FEET;
 THENCE SOUTH 88 DEGREES 59 MINUTES 43 SECONDS WEST 495.10 FEET;

THENCE SOUTH 00 DEGREES 09 MINUTES 33 SECONDS WEST 29.88 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTH FROM WHICH POINT A RADIAL LINE BEARS NORTH 18 DEGREES 33 MINUTES 51 SECONDS EAST;
 THENCE EASTERLY 657.84 FEET ALONG SAID NON-TANGENT CURVE WITH A RADIUS OF 1977.85 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 15;

THENCE ALONG SAID SOUTH LINE, NORTH 89 DEGREES 04 MINUTES 09 SECONDS EAST 664.01 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 15;

THENCE, ALONG SAID EAST LINE, NORTH 00 DEGREES 07 MINUTES 02 SECONDS EAST 198.47 FEET TO THE POINT OF BEGINNING;
 EXCEPT THE EAST 80 FEET THEREOF.

THE SOUTH 200 FEET OF THE NORTH 1000 FEET OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 495 FEET THEREOF; AND
 EXCEPT THE WEST 3 FEET OF THE EAST 55 FEET OF THE SOUTH 200 FEET OF THE NORTH 1000 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; AND

EXCEPT THE WEST 10 FEET OF THE EAST 65 FEET OF THE SOUTH 65 FEET OF THE SOUTH 200 FEET OF THE NORTH 1000 FEET OF SAID NORTHEAST QUARTER OF SECTION 15;

THE SOUTH 200 FEET OF THE NORTH 600 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 568 FEET THEREOF; AND ALSO
 EXCEPT THE WEST 495 FEET THEREOF.

EASEMENT FOR RECIPROCAL INGRESS AND EGRESS AS SET FORTH IN INSTRUMENT NO. 96-071512

PLANNED AREA DEVELOPMENT OVERLAY FOR HAYDEN HARBOR

PORTION OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION (CITY OF TEMPE)

THAT PORTION THE SOUTH EAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGER 4 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT FOUND BRASS CAP IN HAND HOIE ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 15, FROM WHICH A FOUND "P" ARIZONA DEPARTMENT OF TRANSPORTATION BRASS CAP ACCEPTED AS THE NORTHEAST CORNER THEREOF BEARS NORTH 00 DEGREES 07 MINUTES 02 SECONDS EAST A DISTANCE OF 2667.37 FEET;

THENCE LEAVING SAID EAST LINE AND ALONG SAID NORTH LINE, SOUTH 89 DEGREES 00 MINUTES 42 SECONDS WEST A DISTANCE OF 75.01 FEET TO A LINE THAT IS 75.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST QUARTER AND TO THE POINT OF BEGINNING;

THENCE ALONG SAID PARALLEL LINE, SOUTH 00 DEGREES 07 MINUTES 02 SECONDS WEST A DISTANCE OF 26.27 FEET;
 THENCE SOUTH 82 DEGREES 38 MINUTES 26 SECONDS WEST A DISTANCE OF 8.49 FEET;

THENCE SOUTH 86 DEGREES 58 MINUTES 34 SECONDS WEST A DISTANCE OF 126.82 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 1098.50 FEET;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES 01 MINUTES 03 SECONDS, AN ARC LENGTH OF 37.85 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 37 SECONDS WEST A DISTANCE OF 158.33 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 148.50 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09 DEGREES 04 MINUTES 30 SECONDS, AN ARC LENGTH OF 23.52 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 591.50 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 44 MINUTES 10 SECONDS, AN ARC LENGTH OF 50.23 FEET TO A REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1998.50 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 03 MINUTES 03 SECONDS, AN ARC LENGTH OF 176.18 FEET TO SAID NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15;

THENCE ALONG SAID NORTH LINE, NORTH 89 DEGREES 00 MINUTES 42 SECONDS EAST A DISTANCE OF 599.91 FEET TO THE POINT OF BEGINNING.

TEAM:

OWNER/DEVELOPER: EL FENIX, LLC & EL FENIX II, LLC
 10866 WILSHIRE BLVD., SUITE 400
 PHOENIX, AZ 85018
 PHONE: 310.200.1800
 FAX: 310.200.1850

AGENT: PRO3 ASSOCIATES
 1122 G CAMPBELL
 PHOENIX, AZ 85014
 PHONE: 602.770.3170
 FAX: 602.936.1431

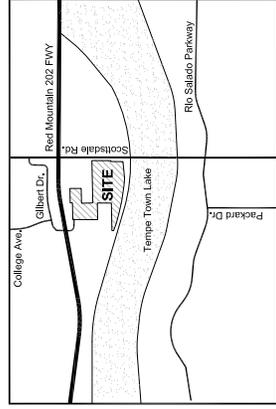
CITY OF TEMPE: DEVELOPMENT SERVICES
 PLANNING & ZONING
 TEMPE, AZ 85280
 PHONE: 480.630.8331

CIVIL ENGINEER: HILGART WILSON
 2390 E. CAMELBACK ROAD, SUITE 403
 PHOENIX, AZ 85016
 PHONE: 602.692.7258
 FAX: 602.325.0161

TRAFFIC ENGINEER: HEFFERNAN & ASSOCIATES
 5015 NORTH ARIZONA
 SCOTTSDALE, AZ 85253-7062
 PHONE: 480.947.6550
 FAX: 480.947.6552

PLANNER: LEO A DALY
 3344 E. CAMELBACK ROAD, SUITE 200
 PHOENIX, AZ 85018
 PHONE: 602.381.1456
 FAX: 602.381.1456

LOCATION MAP



CITY APPROVALS

APPROVED BY THE CITY OF TEMPE, CITY COUNCIL OF THIS _____ DAY OF _____, 2011

BY: _____ DATE _____
 DEVELOPMENT SERVICES

CONDITIONS OF APPROVAL:

ENT-01

LEO A DALY ARCHITECTURE INTERIORS
 815
 Project No. 075-10096-000
 10.26.2010

CITY OF TEMPE
 Planning Services
 P.O. Box 5022
 Tempe, AZ 85280

EL FENIX, LLC & EL FENIX II, LLC
 10866 Wilshire Boulevard, Suite 400
 Los Angeles, CA 90024

PLANNED AREA DEVELOPMENT OVERLAY FOR HAYDEN HARBOR
 PORTION OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

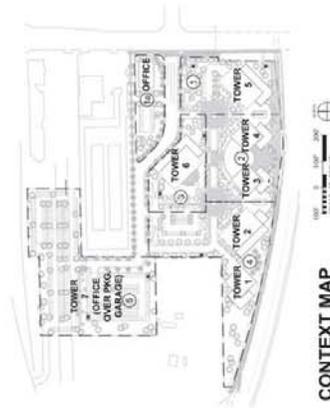
PRELIMINARY - NOT FOR CONSTRUCTION

TOWER 1
 BUILDING HEIGHT: 220'
 NO. OF STORIES: 21
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 RESIDENTIAL (157 UNITS) 188,100 219.5 220 117.6
 RETAIL 11,700 39.0 39 4.0
TOTAL **199,800** **258.5** **259** **121.6**

TOWER 2
 BUILDING HEIGHT: 242'
 NO. OF STORIES: 23
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 RESIDENTIAL (289 UNITS) 346,500 404.3 406 216.6
 RETAIL 19,500 65.0 65 4.0
TOTAL **366,000** **469.3** **471** **220.6**

TOWER 3
 BUILDING HEIGHT: 278'
 NO. OF STORIES: 26
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 RESIDENTIAL (194 UNITS) 232,200 270.9 272 145.1
 RETAIL 11,700 39.0 39 4.0
 RESTAURANT 5,290 52.9 53 10.6
TOTAL **249,190** **362.8** **364** **159.7**

TOWER 4
 BUILDING HEIGHT: 278'
 NO. OF STORIES: 26
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 RESIDENTIAL (194 UNITS) 232,200 270.9 272 145.1
 RETAIL 11,700 39.0 39 4.0
 RESTAURANT 5,290 52.9 53 10.6
TOTAL **249,190** **362.8** **364** **159.7**



CONTEXT MAP

TOWER 5
 BUILDING HEIGHT: 220'
 NO. OF STORIES: 21
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 RESIDENTIAL (266 UNITS) 319,300 372.8 374 199.7
 RETAIL 14,500 48.3 49 4.0
 RESTAURANT 5,000 66.7 67 10.6
TOTAL **339,000** **487.8** **490** **213.7**

TOWER 6
 BUILDING HEIGHT: 266'
 NO. OF STORIES: 25
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 RESIDENTIAL (266 UNITS) 374,250 436.6 438 233.9
 RETAIL 20,850 69.5 70 4.0
TOTAL **395,100** **506.1** **508** **237.9**

TOWER 7
 BUILDING HEIGHT: 213'
 NO. OF STORIES: 18 (12 Story over 6 story parking garage)
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 OFFICE 255,300 1021.2 1042 31.9
TOTAL **255,300** **1021.2** **1042** **31.9**

OFFICE
 BUILDING HEIGHT: 15'
 NO. OF STORIES: 1
PROGRAM TYPE **G.S.F.** **REQ'D PKG.** **PROV'D PKG.** **REQ'D BIKE PKG.**
 OFFICE 6,000 24.0 30.0 4.0
TOTAL **6,000** **24.0** **30.0** **4.0**

NOTE:

- RESIDENTIAL PARKING CALCULATED AT 1.4 SPACE / UNIT
- OFFICE PARKING CALCULATED AT 1 SPACE / 300 S.F.
- RETAIL PARKING CALCULATED AT 1 SPACE / 300 S.F.
- RESTAURANT PARKING CALCULATED AT 1SPACE /75 S.F. (75% F.O.H.)
- REQUIRED BICYCLE PARKING WILL BE PROVIDED AND CONFORM TO THE CITY OF TEMPE PARKING STANDARDS
- RESIDENTIAL BICYCLE PARKING CALCULATED AT .75 SPACE / UNIT
- OFFICE BICYCLE PARKING CALCULATED AT 1 SPACE /8,000 S.F., 4 MIN.
- RETAIL BICYCLE PARKING CALCULATED AT 1 SPACE /7,500 S.F., 4 MIN.
- RESTAURANT BICYCLE PARKING CALCULATED AT 1 SPACE /500 S.F.

PROJECT DATA:

- EXISTING ZONING: CID
- PROPOSED ZONING: MU-4 PAD
- GROSS SITE AREA: 14.8 AC (648,369 G.S.F.)
- TOTAL BUILDING AREA: 2,059,580 G.S.F.
- GROUND FLOOR AREA: 149,350 G.S.F
- DENSITY: 3.2
- CONSTRUCTION TYPE: 1B / AUTOMATIC SPRINKLER
- 1411 TOTAL UNITS (95 UNITS / ACRE)
- LOT COVERAGE: 23%.
- LANDSCAPE COVERAGE: 36%

PARCEL AREA:

- PARCEL 1: 74,800 S.F. (1.7 A.C.)
- PARCEL 1a: 40,564 S.F. (.9 A.C.)
- PARCEL 2: 95,218 S.F. (2.2 A.C.)
- PARCEL 3: 61,680 S.F. (1.4 A.C.)
- PARCEL 4: 141,890 S.F. (3.2 A.C.)
- PARCEL 5: 183,140 S.F. (4.2 A.C.)

HAYDEN HARBOR - Building Data

430 NORTH SCOTTSDALE ROAD
 TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

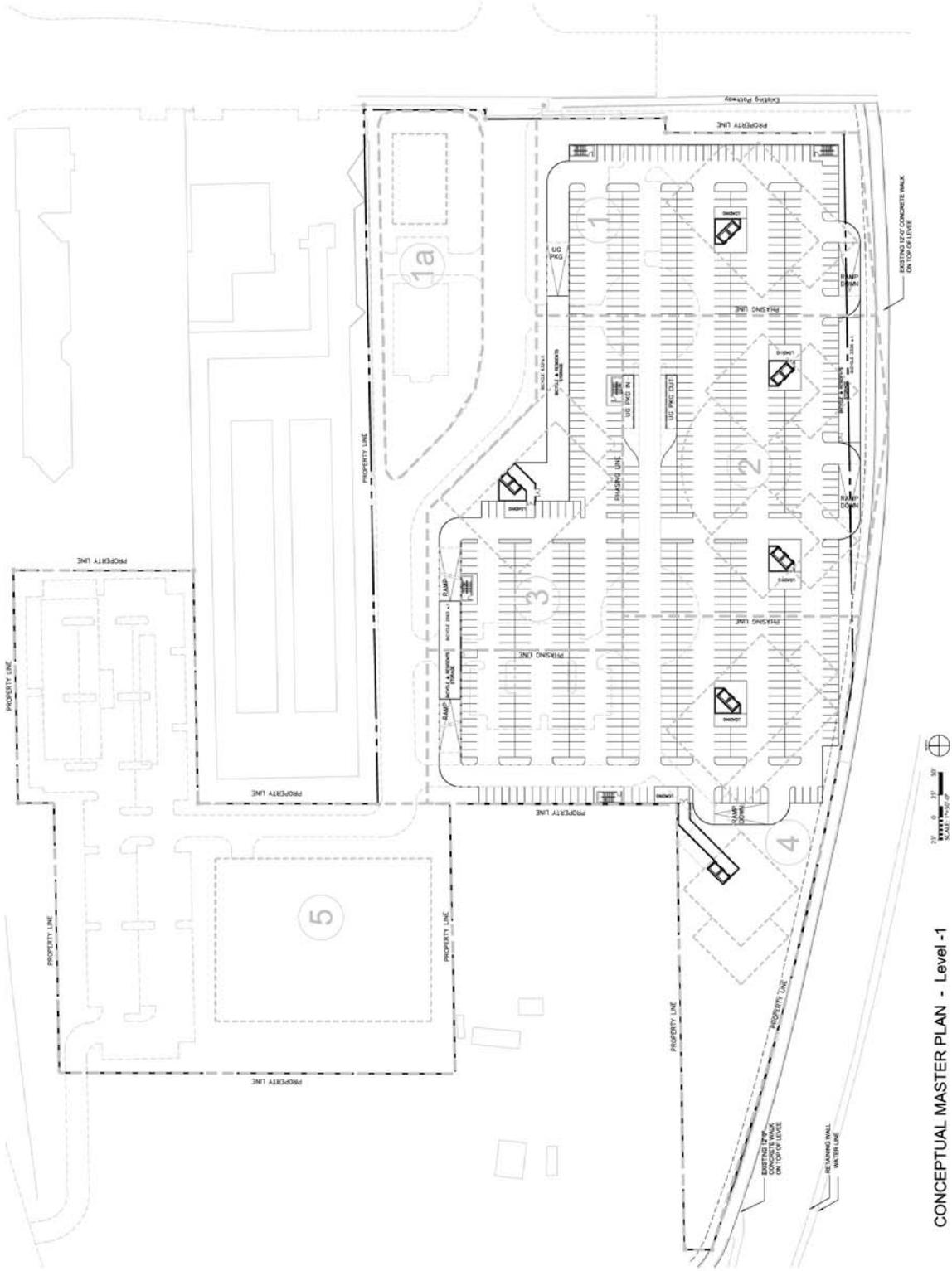
10866 WILSHIRE BOULEVARD, SUITE 400
 LOS ANGELES, CA 90024

10.26.2010
 JOB #: 075-100%-000

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LEO A DAILY

ARCHITECTURE PLANNING ENGINEERING INTERIORS
 3340 E. WILSHIRE AVENUE, SUITE 200
 PHOENIX, ARIZONA 85018
 TEL: 602.954.0818



CONCEPTUAL MASTER PLAN - Level -1

HAYDEN HARBOR - Floor Plan Level -1

430 NORTH SCOTTSDALE ROAD
 TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

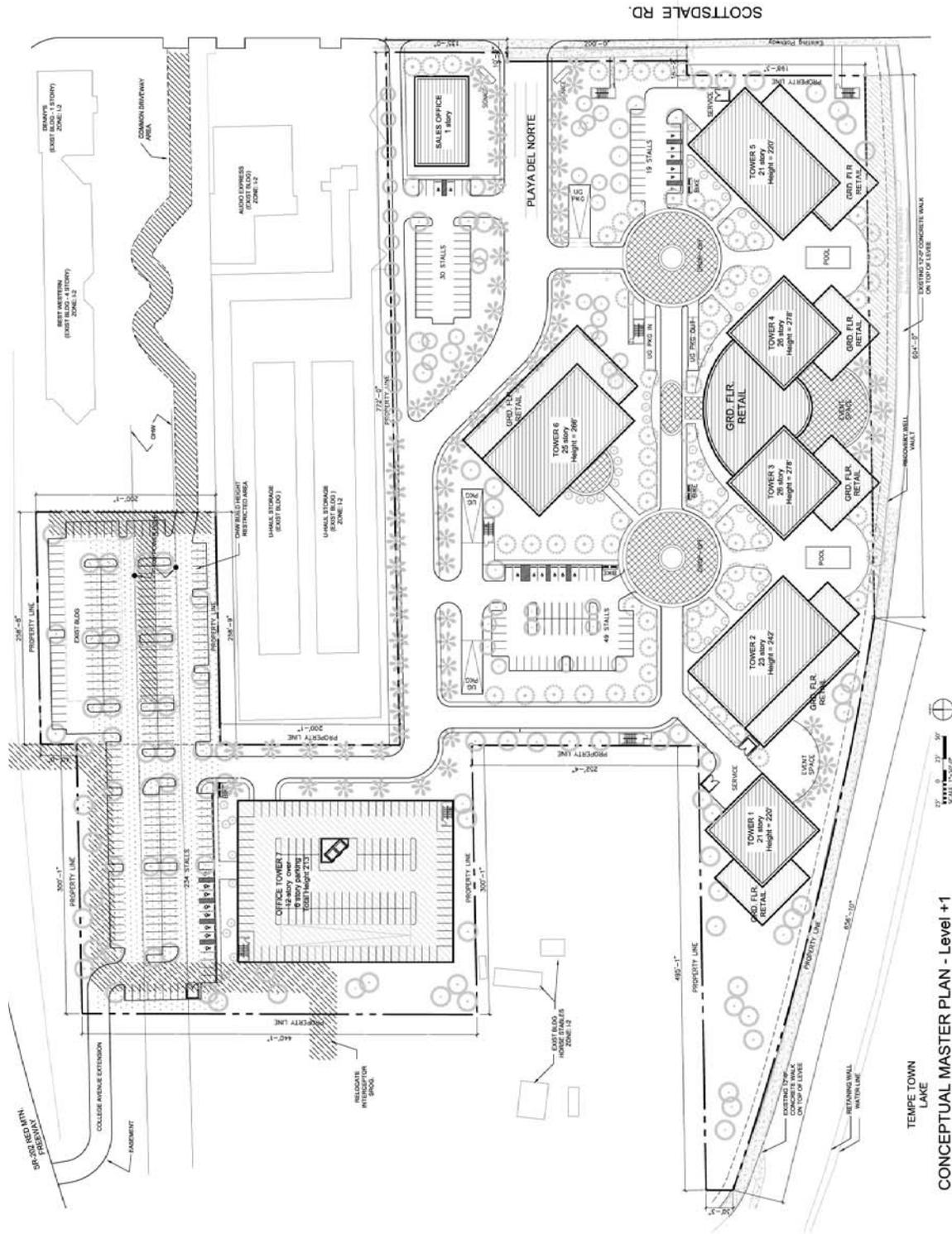
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 LOS ANGELES, CA 90024

10.26.2010
 JOB #: 075-100%-000

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 3345 E. WILSHIRE BOULEVARD, SUITE 200
 PHOENIX, ARIZONA 85018
 TEL: 602-954-0818



CONCEPTUAL MASTER PLAN - Level +1

HAYDEN HARBOR - Floor Plan Level +1

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010
JOB #: 075-10096-000

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3342 E. WILSHIRE AVENUE, SUITE 200
PHOENIX, ARIZONA 85018
TEL: 602-954-0818



HAYDEN HARBOR - South Elevation
430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC
10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010
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ARCHITECTURE PLANNING ENGINEERING INTERIORS
3340 E. WILSHIRE BOULEVARD, SUITE 200
PHOENIX, ARIZONA 85018
TEL: 602.954.0818



HAYDEN HARBOR - North Elevation

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010
JOB #: 07510096-000

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ARCHITECTURE PLANNING ENGINEERING INTERIORS
3340 E. WILSHIRE BOULEVARD, SUITE 200
PHOENIX, ARIZONA 85018
TEL: 602.954.0818



HAYDEN HARBOR - East Elevation

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010
JOB #: 07510096-000

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LEO A DALY

ARCHITECTURE PLANNING ENGINEERING INTERIORS
3345 E. WILSHIRE BOULEVARD, SUITE 200
PHOENIX, ARIZONA 85018
TEL. 602.954.0818



HAYDEN HARBOR - West Elevation

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010
JOB #: 07510096.000

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ARCHITECTURE PLANNING ENGINEERING INTERIORS
3340 E. WILSHIRE AVENUE, SUITE 200
PHOENIX, ARIZONA 85018
TEL: 602.954.0818



HAYDEN HARBOR - Aerial View Looking North

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010

JOB #: 07510096-000

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ARCHITECTURE PLANNING ENGINEERING INTERIORS
2340 EL AVILA BLVD., SUITE 200
PHOENIX, ARIZONA 85018
TEL. 602.954.0818



HAYDEN HARBOR - Southeast Looking Northwest

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

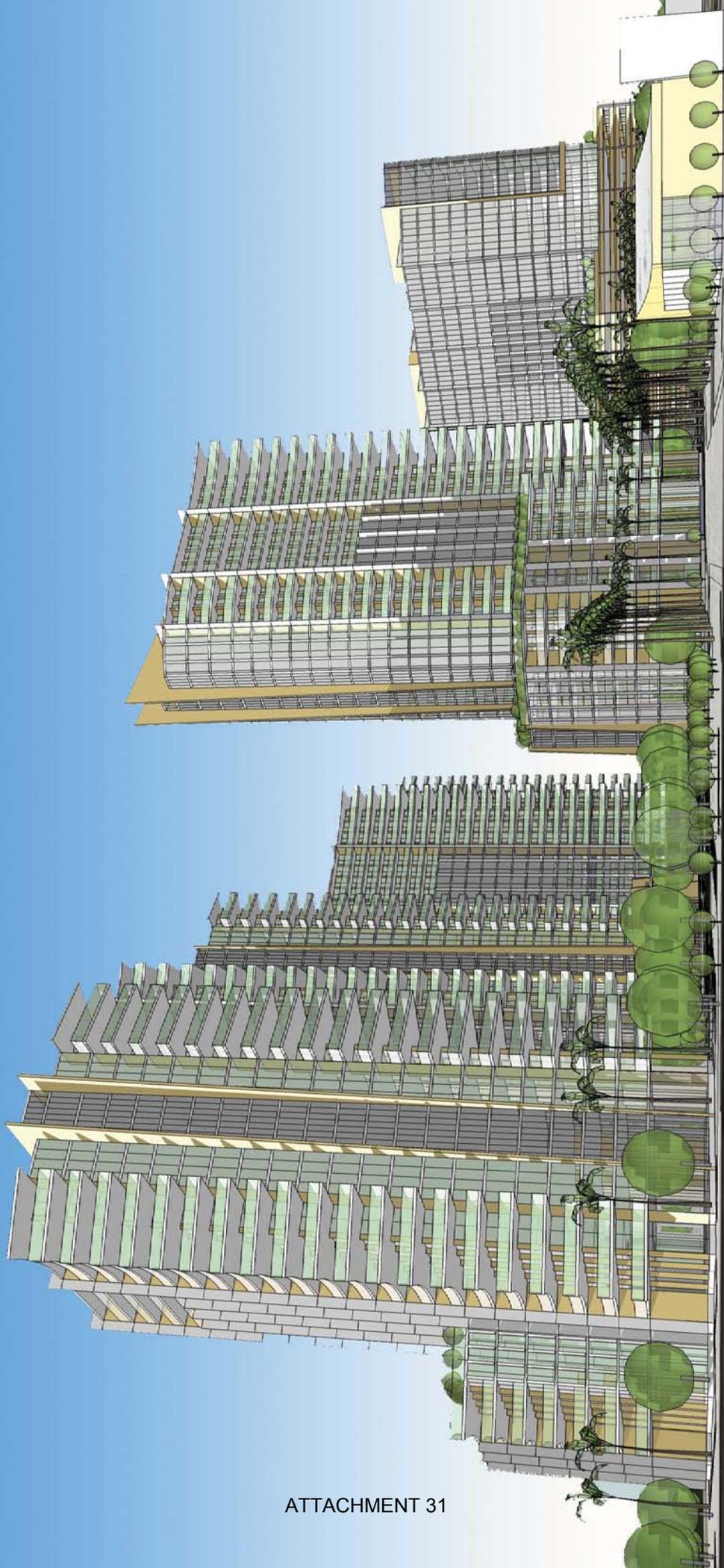
10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010
JOB #: 075-100%:000

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TEL: 602-954-0818



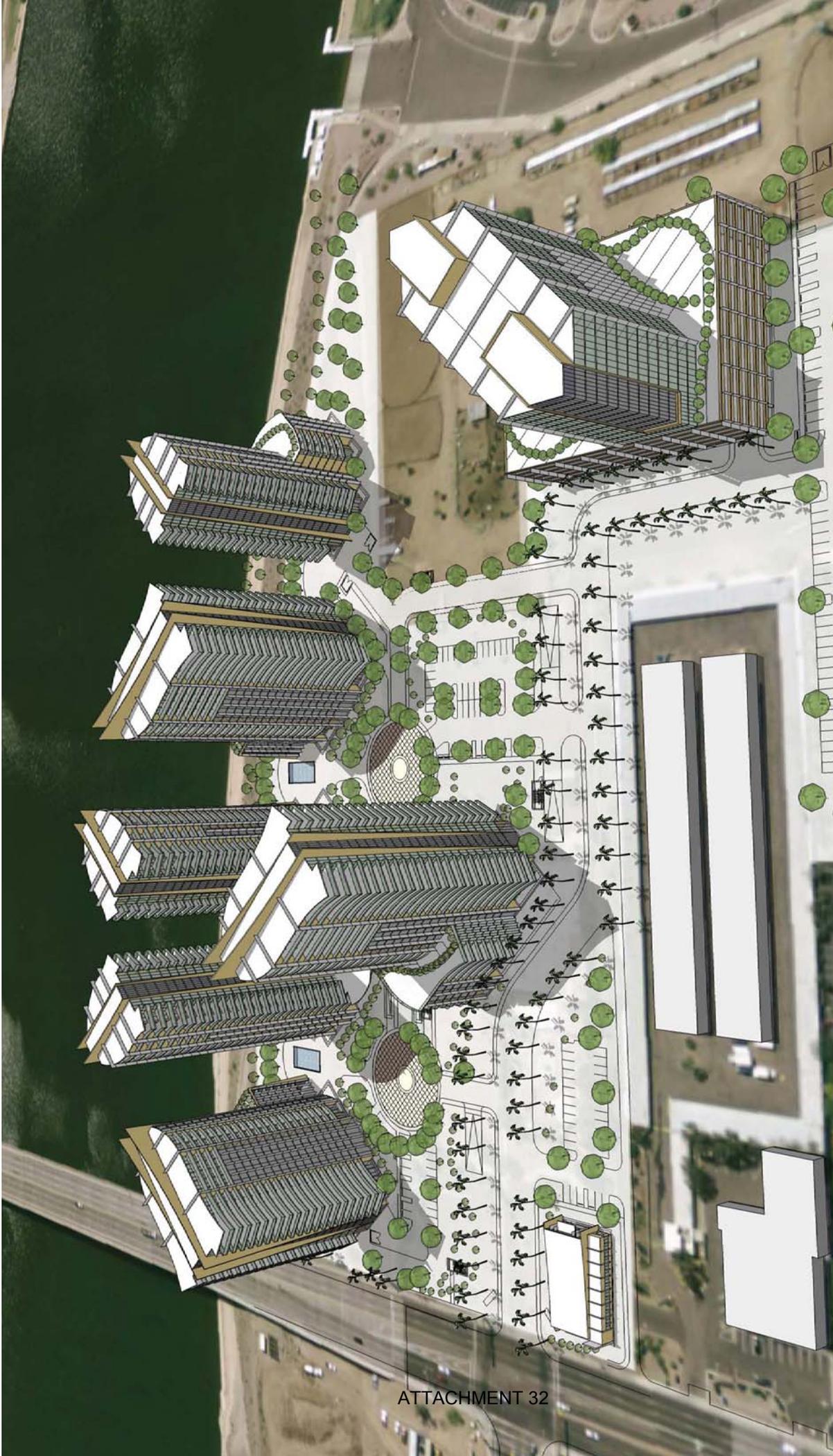
ATTACHMENT 31

HAYDEN HARBOR - Scottsdale Rd. East Entrance
430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC
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ATTACHMENT 32

HAYDEN HARBOR - Aerial View Looking South
430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC
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Memorandum

Public Works Department



Date: February 18, 2011
To: Ryan Levesque, Sr Planner, Development Services
From: Cathy Hollow, Sr Civil Engineer, Transportation Division
Subject: Hayden Harbor Traffic Impact Study

I have reviewed the traffic impact analysis prepared for the Hayden Harbor located in the southwest quadrant of Rural Rd and Loop 202. The main access to the site is via the intersection of Scottsdale Rd and Playa del Norte. The analysis included trip generation for the proposed project which will include 1400 residential units, 261,300 square feet of office use, 105,500 square feet of retail use, as well as level-of-service analysis for the year 2020. The project is expected to generate 12,700 trips on a daily basis at full build-out with 950 AM peak hour trips and 1,270 PM peak hour trips.

Based on the preliminary findings of the study, four of the five intersections that were analyzed will operate at level of service F during one or both peak hours using the existing lane configurations and traffic control in 2020. This does not anticipate improvements in terms of additional lanes that would mitigate this result. The fifth intersection (College and Curry) is expected to operate at satisfactory levels in the future during both peak hours. The City agrees that some of the additional traffic at the intersections is due to growth in the background traffic (not from this site).

The report suggests that the traffic on College Ave and Gilbert Dr would likely double with the project. The study recommends minor modifications to the intersection of College Ave and Gilbert Dr. Also, minor modification would have to be made on Scottsdale Rd at the intersection of Playa del Norte and Scottsdale Rd to open the west leg. The improvements would not be funded by the City.

The study further recommends travel demand strategies as a way to mitigate the project traffic impacts. However, there were no definitive strategies or requirements offered at this time.

The City accepts the Traffic Impact Study as submitted.