ACTION: Introduce and hold the first public hearing to adopt an ordinance for a Zoning Map Amendment, Planned Area Development Overlay, and approve the Development Plan Review consisting of 13 new single-family residential units and a community center for TEMPE MICRO ESTATES, located at 1443 South Rita Lane. The applicant is Newtown Community Development Corporation. The second and final public hearing is scheduled for July 31, 2019. (Ordinance No. O2019.23)

FISCAL IMPACT: While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Adopt Ordinance No. O2019.23
Approve Development Plan Review, subject to conditions
Development Review Commission – Approve (7-0 vote), subject to conditions

BACKGROUND INFORMATION: TEMPE MICRO ESTATES (PL190007) is located at the south end of Rita Lane on three existing lots owned by the City of Tempe. Newtown was awarded development rights through a Request for Proposal process and has a Development and Disposition Agreement for acquisition and development of the property for 13 new single-family affordable homes. On May 14, 2019 the Development Review Commission heard this request and unanimously recommended approval. After the hearing it was determined through the proposed Development and Disposition Agreement that the square footage of the units would need to be larger. The design was modified from a single-story to a two-story product with 600 s.f. per unit, similar to the original proposed design. The applicant will return to the Development Review Commission in Study Session on June 11, 2019 to provide and update and explanation of the changes. The request includes the following:

<table>
<thead>
<tr>
<th>ZON190003</th>
<th>Zoning Map Amendment from R-4, Multi-family Residential to R1-PAD single-family residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAD190001</td>
<td>Planned Area Development Overlay to establish development standards for 13 single-family residences and a community room on .67 acres</td>
</tr>
<tr>
<td>DPR190007</td>
<td>Development Plan Review including site plan, building elevations, and landscape plan.</td>
</tr>
</tbody>
</table>

| Existing Property Owner | City of Tempe |
| Future Owner            | Newtown CDC  |
| Applicant               | David Crumme, Newtown CDC |
| Zoning District (current/proposed) | R-4 / R-1 PAD |
| Gross / Net site area   | .67 acres |
| Density                 | 19 du/ac (20 du/ac allowed in R-4) |
| Number of Units         | 13 one-bedroom units |
| Total Bedrooms          | 13 bedrooms |
| Total Building Area     | 8,220 s.f. |
| Lot Coverage            | 28% (60% maximum allowed in R-4) |
| Building Height         | 17'-20' (40' maximum allowed in R-4) |
| Building Setbacks       | 10' east front (facing Rita), 5’ west rear, 5’ east and south side, 5’ north side (20’ front, 10’ side, 10’ rear minimum in R-4) |
| Landscape area          | 11,000 s.f. 38% (25% minimum required in R-4) |
| Vehicle Parking         | 16 spaces provided (2 per unit, or 26 required for single-family; .77 spaces per unit, or 16 required for multi-family) |
| Bicycle Parking         | 13 spaces provided (established by PAD) |
**ATTACHMENTS:** Ordinance, Development Project File

**STAFF CONTACT(S):** Ryan Levesque, Deputy Community Development Director, (480) 858-2393

- Department Director: Chad Weaver, Community Development Director
- Legal review by: Sonia Blain, Deputy City Attorney
- Prepared by: Diana Kaminski, Senior Planner

**COMMENTS:**
This site is located south of Apache Boulevard, east of Rural Road, north of Broadway Road and west of McClintock, on the north side of the Union Pacific Railroad Tracks at the south end of Rita Lane. The site includes properties addressed as 1442, 1443 and 144 S. Rita Lane, including one lot that has served as a cul-de-sac for vehicle turnaround. The properties have been vacant for more than a decade.

This request includes the following:
- **ZON190003** Zoning Map Amendment from R-4, Multi-family Residential to R1-PAD single-family residential
- **PAD190001** Planned Area Development Overlay to establish development standards for 13 single-family residences and a community room on .67 acres
- **DPR190007** Development Plan Review which includes: 13 single family residences and a 900 s.f. community center, community garden and orchard, and parking for 8,2220 s.f. of building area on .67 net acres.

On May 14, 2019, the Development Review Commission unanimously recommended approval of the above request. The applicant is requesting City Council take action on these items. For further processing, the applicant will need approval for a Subdivision Plat, to combine the individual lots into one and a Horizontal Regime Subdivision, to create individual for-sale condominium units.

**SITE PLAN REVIEW**

- **April 4, 2018** First preliminary site plan review, standard comments provided, issues with Rita Lane and vehicle circulation and parking. Powerlines required to be undergrounded. Staff requested shade/shelter over doorways on units and provision for outdoor livable area such as a front or rear porch.

- **October 17, 2018** Second preliminary site plan review, formatting comments, reference to Character Area Three, questions about retention and community garden area, requirements for utility separation and concern about utility design conflicts with trees. Concern about fire and refuse circulation at end of Rita and proposed refuse solution. Most of the issues were related to technical requirements.

- **November 21, 2018** Third preliminary site plan review, formatting comments, questions about information on plan and issues with size of parking spaces and circulation requirements into parking area. Concerns about elevations not having enough material detail and reliance on vegetation to screen a blank stucco box. Recommendation to use mullioned windows to tie into the character of the area and use of frosted glass at door for privacy into residence. Staff requested variation in unit color, not just grey and white, to provide differentiation between individually owned units. Staff recommended that individual owners have a choice of trees appropriate in size for the area of the rear yards. Traffic comments had not yet been addressed: Dedicate 10-feet ROW along Rita, show existing ROW and proposed ROW on the site plan, fire hydrant should be at least 2’ behind the curb and 2’ from edge of sidewalk, relocate if in conflict. Overhead power pole should be 2’ behind the curb and not interfere with new sidewalk. Driveway shall be per detail T-320. Please update the layout. Provide 5.5 feet sidewalk on the west side of Rita Lane and install sidewalk ramp between parking lot driveway and on-street parking. Staff requested the Ash tree as a street tree in lieu of Iron Wood, which is slow growing and has thorns on branches next to sidewalk and parking spaces.
January 30, 2019

First formal review of project, formatting and other items not previously addressed were identified. The house to the north of the site is very close to the property line and has enjoyed a side yard of vegetation that is not technically on their site. Staff asked the applicant to discuss the wall height for the north side of the property, whether they want a 4’ wall for screening vehicle headlights or a 6’ wall for privacy/security. With regard to buildings, the unified grey and white box design relies heavily on planted vines to provide indidual unit character. The color concept using the cement board lap siding helps provided architectural interest, however, 2 of the 3 colors were grey, with only green offered as the accent. Staff asked applicant to consider 4 colors that would be used 1 per unit, with shades within the same hue (rather than 2 shades of grey, use a lighter or darker shade of the same color with 1 shade of grey). With 12 units, there would be 3 of each color, The ADA unit next to the community center could be the brown tone to tie in to the rust color of the community building. If these are owner occupied, they should have some differentiation. Applicant acknowledged that they were still working on the final color palette for the project and would address staff’s comments.

April 17, 2019

Second formal review of project introduced a new building floor plan that impacted the site, landscape and elevations. The units were reduced in height from 2 stories with a loft bedroom, to one story to provide more universal access between residences and address resident concerns with the proposed two-story model. This impacted the setbacks of the site. The front doors moved to the side of the units, and the back door was removed, with one door the unit had improved interior function and the entrance became more private. Design comments related to the proposed color scheme were to carry the identifying color through on all sides of the building, so that each unit had a unified architectural color, rather than entirely different colors on the side elevations. Perspective renderings of the houses with details were not provided. The street tree was a Little Leaf Ash, which is a shrub that does not meet our street shade tree requirements, staff asked for the Arizona Ash, the applicant provided a letter of response that they had updated the plans; however, the resubmittal showed a Desert Museum Palo Verde, a tree staff had previously recommended against based on growth pattern and location. A condition was added to address the two required street trees.

DEVELOPMENT REVIEW COMMISSION

May 14, 2019

The Development Review Commission heard a presentation by the applicant, took comments from the public, and discussed the project prior to making a unanimous vote to recommend approval of the proposed project. There were written concerns from residents regarding sufficient parking for the development, because Rita Lane is very narrow and has restricted availability for existing on-street parking. There is enough parking for each unit to have one parking space on site, plus 3 additional spaces for guests.

May 22, 2019

The single-story product reduced the square footage from 600 to 560 s.f., which did not meet the original proposal that the Housing Division accepted. Upon further review with housing and legal staff, the applicant was advised to return the product to the original size to comply with the project approved earlier by HUD. The applicant revised all the plans to meet this requirement and resubmitted for the Council process. The applicant is scheduled to return to the Development Review Commission to update them on the required change. Since the increase from one story to two-story is within the advertised PAD standards and was originally presented to neighbors as a two-story product, planning staff determined that the project met the intent of the advertised project.

PUBLIC INPUT

- A Neighborhood meeting was required for this project.
- The Neighborhood meeting held: Tuesday, December 4, 2018 at 6:00 p.m. at coLAB Studio located at 1614 E Cedar Street.
- Community Development staff attended the meeting.
- 90 households were notified, 19 people attended the meeting, additional discussion with residents included seven
additional neighbors in separate conversations with the applicant. The Public Involvement Plan Summary is provided in the attachments.

PROJECT ANALYSIS

GENERAL PLAN
The applicant has provided a written justification for the project, which is in conformance with the General Plan Land Use and Density maps and implements the Housing and Neighborhood Elements of the General Plan.

CHARACTER AREA PLAN
The site is located within Character Area Three: Downtown Tempe Rio Salado ASU Northwest Neighborhoods. In an area near historically eligible properties and in the Jen Tilly Terrace Neighborhood Association. The proposed project is a transitional infill site that considers the single-family character on Rita Lane. Units are internally loaded to face a central garden on site and has a separate parking area. Building massing of 600 s.f. is slightly smaller than the existing homes on Rita, which range in size from 775 s.f. to 1,018. The two-story units are similar in scale to existing houses east of Rita. Setbacks on Rita lane are not consistent, due to the twenty-year span of construction, with some houses appearing to be within 1-2’ of the property lines; the proposed development standards would have units a minimum of 5’ from any perimeter property line and 8’ between units, similar to surrounding residential developments. The building materials are simple due to the size of the units, stucco is shaded by proposed vines, and metal and painted cement board provide variation and architectural interest. The horizontal bands of cement board relate in scale to the slump block and brick residences on the street and provide visual interest. Lighting is designed to minimize glare and be sensitive to the residential nature of the site and surroundings. The landscape is designed to be compatible with the area, although there is flood irrigation in the neighborhood, the site uses a low-water use drip irrigation system for the landscape. The palette is compatible to surrounding plants with and provides significant street front shade using the Arizona Ash for the street tree. Other plants from the Character Area Plan palette include the use of citrus, Coral Vine, Creeping Fig, Prickly Pear Rosemary and garden plants. The remainder of the palette focuses on desert native plants such as Jojoba, Wolfberry, Chuparosa, Fairy Duster, Desert Milkweed and Globe Mallow, mixing historic imported residential plants with native plants to create a diverse palette. The common area landscape will be maintained by an HOA. Utilities are screened from view, powerlines undergrounded, and water meters tucked back behind street front landscape. The proposed project meets the design intent of the Character Area Plan.

ZONING
Rita Lane is zoned R-4, Multi-Family. The requested project is single-family detached units on individual lots and is proposing to change the density to R-1 PAD. The prior three homes were of unknown size, and unknown number of bedrooms. The proposed thirteen units are all one-bedroom and provide no space for additions or modifications that would increase the capacity of the units. The project has a lower density than the existing allowed density for the area with 19 dwelling units per acre instead of 25 du/ac.

Section 6-304 C.2. Approval criteria for Zoning amendment (in italics):
1. The proposed zoning amendment is in the public interest. The project develops property that has been vacant and blighted for 13 years. The site design mitigates an existing street deficiency by adding a turnaround for fire and refuse trucks and any vehicles that drive to the end of Rita Lane. The powerlines will be undergrounded to aesthetically enhance the end of the street. Shade trees and a sidewalk will be added for public use. The project provides affordable owner-occupied houses that help meet the city’s long-range housing needs. The restrictions of the product to not be rented out will assure a stronger sense of community with a less transient population.

2. The proposed zoning amendment conforms with and facilitates implementation of the General Plan. This use promotes long term sustainability with ownership opportunities near transit with affordable units and on-site food for a higher quality of life and lower dependency on vehicles. The design is compatible with the established residential neighborhood and character area plan. The project specifically implements goals and objectives of the accessibility and housing elements of the General Plan using universal design and a human-scaled environment with multi-user access to each unit. The plan implements the Neighborhood preservation and Revitalization goals by enhancing the neighborhood with new landscape and new units and provides flexibility in housing types my introducing tiny homes that are in scale with the surrounding older homes on Rita Lane.
PLANNED AREA DEVELOPMENT
The proposed project would establish the development standards for the overall site and the individual lots through the PAD process.

## TEMPE MICRO-ESTATES – PAD Overlay

<table>
<thead>
<tr>
<th>Standard</th>
<th>R-4</th>
<th>PROPOSED R1-PAD</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Density (du/ac)</td>
<td>25</td>
<td>19</td>
<td>Decrease</td>
</tr>
<tr>
<td>Building Height Maximum</td>
<td>40 ft</td>
<td>17-20 ft</td>
<td>Decrease</td>
</tr>
<tr>
<td>Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage (% of net site area)</td>
<td>60%</td>
<td>28%</td>
<td>Decrease</td>
</tr>
<tr>
<td>Minimum Landscape Area (% of net site area)</td>
<td>25%</td>
<td>38%</td>
<td>Increase</td>
</tr>
<tr>
<td>Development Perimeter Setbacks (feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (east facing Rita) Parking Side (north, south and east side of lot on east side of Rita) Rear (west)</td>
<td>20 ft</td>
<td>10 ft</td>
<td>Decrease</td>
</tr>
<tr>
<td>Individual Dwelling Unit Setbacks (feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10 ft</td>
<td>3 ft</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>15 ft</td>
<td>3 ft</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft</td>
<td>5 ft</td>
<td></td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td></td>
<td>.75 per bedroom + .2 per unit = 12 required using TOD standards including 2 ADA</td>
<td>Decrease</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>N/A for single family</td>
<td>16 provided</td>
<td>Increase</td>
</tr>
</tbody>
</table>

Section 6-305 D. Approval criteria for P.A.D. (in italics):

1. The development fulfills certain goals and objectives in the General Plan and the principles and guidelines of other area policy plans. Performance considerations are established to fulfill those objectives. Per the analysis provided by the applicant and outlined in the section above, this project fulfills goals and objectives of the General plan. Performance requirements are enumerated in the Development and Disposition Agreement through the construction and sale of the units and the long-term management of the community trust land. CC&Rs will establish regulations for management of the property by the community.

2. Standards requested through the PAD Overlay district shall take into consideration the location and context for the site for which the project is proposed. The proposed standards are less dense, shorter, have less lot coverage and more landscape area than the existing zoning standards. The proposed setbacks are less than existing development in the area, however, the lot configuration for this development maintains the character of the street front with a rhythm of smaller units that will visually conform to the existing neighborhood massing and spacing.

3. The development appropriately mitigates transitional impacts on the immediate surroundings. The development transitions from the existing street by the addition of a surface parking lot. Landscape surrounding the parking lot and community building will help blend these elements into the surrounding area. The two-story homes have sloped roofs similar to existing homes, but in a more contemporary shed roof style. The use of cement board planks provides a transition from traditional board and batten construction and is similar in scale to the horizontal bands of

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PL190007 – TEMPE MICRO ESTATES
slump block construction. The development uses a combination of native and historic plant species to further reflect the character of the area.

DEVELOPMENT PLAN REVIEW
The applicant provided a letter of explanation about the unique design features of this project. The design team included a watershed management expert who assisted with stormwater retention and harvesting, including an above ground water storage tank to gravity feed water to the garden on site. Perimeter plants are primarily native species and all low-water use. Individual units are designed with solar orientation to provide shade on the entrances and south side of units and roof angles to encourage future solar panel additions by homeowners. The size of the units provides a sustainable living space that could be fully powered by solar. Sustainable design was implemented within the allowed parameters of an affordable housing development.

Site Plan
The site is an L shaped lot at the end of Rita Lane, terminating at a 3'4" tall patina finished steel gate accessible for large trucks for moving or garden supplies, and for fire access to the units. Surface parking is split between 6 spaces on site but backing on to Rita Lane, and 10 spaces in a parking lot at the north end of the site. Existing power lines will be removed, and new lines undergrounded and terminated at the pole at the north end of the site. A new 5'6" sidewalk will be installed on the west side of Rita Lane, crossing the parking drive aisle. The parking lot serves for access to refuse in a communal enclosure, as well as providing a needed turnaround at the end of the street for vehicles. Bikes are stored behind a 6’ screen wall on site and compost bins are also screened from view. Pathways connect all the units with a flush entrance to encourage guests of all abilities to visit. For larger gatherings, a 900 s.f. community room with kitchen is provided on site, this room includes laundry and an outdoor clothes line, screened from view by a green screen trellis on perforated metal.

Building Elevations
The buildings are two-story side-entered residences with the primary material of smooth stucco finish and contemporary windows. The front face of the building has one window surrounded by a metal fin frame for shade that will create a picture frame affect on the interior, focusing on the community garden space. The front elevation is split between an 12.5’ wide stucco panel and a 7.5’ wide paneled section with painted cement boards in three colors, a dark grey, light gray and one of four unit identification colors interspersed in a random pattern from darker at the base to lighter at the top. The four colors used to differentiate the units are a dusty blue grey, a dark sage green a light sage green and a rust red and are used transitionally from one unit to the next to tie the design together. The community room has a rust patina finish on corrugated metal. One side of the unit has no windows, this is typically the west side, for reduced heat gain and privacy to the adjacent unit’s front door. The other side has a picture window next to the front door, and a second window. These sides of the units are separated approximately 8’ from the adjacent unit, which has vines planted at the base of the stucco wall, to eventually screen the unit and provide a softer vegetative view from these windows which face primarily east to shade the front door and reduce heat gain. The rear of the units has the SES and no windows and is south facing on 7 of the 13 units. The roof orientation and angle are designed to allow future solar panel installation if owners wish to add solar to their unit.

Landscape Plan
The proposed palette includes Ironwood in the parking lot and gated entrance, a Mesquite tree by the community center, and a variety of stone fruit and citrus trees for the on-site community garden. Staff has conditioned that the Fraxinus velutina, Arizona Ash be used for the two required street trees on the east side of the parking lot, on the west side of the street. This tree is a Native species that provides shade for the sidewalk and parking area and will fit the space provided without tree damage from the refuse truck. The proposed Desert Museum tree were specifically advised against, due to potential storm damage based on their growth pattern. Plants include a variety of agave, prickly pear with Mexican fence post for accents, two varieties of Desert Milkweed and Fairy Duster, Blue Grama grass, Chiltepín Pepper, Chuparosa, Wolfberry Jojoba and Globe Mallow. Rosemary is used as a ground cover. Five vine species are used: Coral Vine (Queens' Wreath), Arizona Grape Ivy, Lilac Vine, Primrose Jasmine, Baja Passion Vine. Planter beds for individual garden vegetables, herbs and flowers will be located in the central garden area. The combination of flowering plants will provide year-round color and texture and attract pollinators to aid in the food production on site. A screened enclosure is provided near the garden for composting. Resident garden opportunities would also be available to the residents of this community.
Section 6-306 D Approval criteria for Development Plan Review (in italics)

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape;* The buildings are tucked back on the lower portion of the site, with a 3’ screen wall at the west end of Rita and a 6’ screen wall at the east side of Rita. Two units have a common wall, and the accessible unit shares a wall with the community room. The combination of colors and materials from the community room and units provides variety as viewed from Rita Lane.

2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;* The buildings are oriented to provide shade to the front doors and windows, and minimize heat gain with no windows on the south or west sides of most units. The site is heavily landscaped with trees and has 38% of the site dedicated to landscape. The small 560 s.f. buildings have 8’ between units to provide shade and air circulation around the buildings, both mitigating heat gain and providing shade for energy savings and human comfort.

3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;* materials are standard for the area, a combination of insulated stucco finish, painted cement board, metal and glazing that is more contemporary than surrounding buildings.

4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;* The units are two-story, and less than 20’ at the peak of the roof. The community center is less than 20’ in total height. The size of the buildings is slightly smaller than the homes on Rita Lane but are appropriately scaled for the site and area.

5. *Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level;* building elevations are 20’ wide by 28’ deep, each elevation is designed specific to function and location and provides windows on two sides and colored cement board paneling on three sides. The combination of units and the use of color transitions between the units creates a rhythm while providing variation in the individual units.

6. *Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions;* The street front view will be primarily of the north and east sides of the community center, and the north face of a few units along the south side, as seen between the orchard of trees on site. The windows are north facing with metal fin shields around the frame. Walkways connect the units to the common garden area and community center.

7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* The site is approximately ½ mile south of light rail on Apache Boulevard and is also walking distance from the free Orbit neighborhood circulator. There are enough parking spaces for each unit to have 1 vehicle, and 1 bicycle on site, but the intent for this affordable housing community is that not all residents may need a vehicle, because of the access to alternative modes of transportation.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;* vehicles are limited to the on-site parking areas and use the parking lot as the turnaround to exit Rita Lane. Units are separated from the cars to promote a stronger sense of community as residents walk to their home from the parking area.
9. Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; The low screen walls provide views to the street front and to other buildings, the windows face the community space and the community room has windows facing the parking area; the entire site can be viewed from different vantage points, while the fire access lane is gated to prevent vehicle and bike trespass into the community garden area.

10. Landscape accents and provides delineation from parking, buildings, driveways and pathways; plants are an integral part of the design, from outlining the parking area, shading the sidewalks and buildings, providing privacy between units to providing food on site.

11. Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; signs have not been submitted for review and would be administered separately, and

12. Lighting is compatible with the proposed building(s) and adjoining buildings and uses and does not create negative effects. To maintain a residential feel and minimize night light impacts to these small homes, lighting levels are proposed to meet minimum safety standards while not impacting those living in or around the project.

REASONS FOR APPROVAL:
1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will meet 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 Zoning Amendment, Planned Area Development and Development Plan Review.

Based on the information provided and the above analysis, staff recommends approval of the requested Zoning Amendment, Planned Area Development and Development Plan Review. This request meets the required criteria and will conform to the conditions.

ZONING AMENDMENT AND PLANNED AREA DEVELOPMENT 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. A building permit application shall be made within two years of the date of City Council approval or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.

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 30 days from the date of City Council approval, or the Zoning Map Amendment and PAD approval shall be null and void.

3. The Planned Area Development Overlay for TEMPE MICRO ESTATES shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe’s Community Development Department within sixty (60) days of the date of City Council approval and prior to issuance of building permits.

4. A public access easement on the parking drive aisle shall be recorded on the subdivision plat to allow public to use this drive aisle for safe turn-around and circulation at the termination of Rita Lane in lieu of a cul-de-sac or hammerhead street configuration.
5. The off-site refuse enclosure intended to serve this development and the adjacent 11-unit apartment community (1436 S Terrace Road) shall be constructed prior to issuance of the first Certificate of Occupancy. In the event that the refuse enclosure is not constructed by the developer of Tempe Micro Estates, the City will allow the developer of 1436 S Terrace Road to construct the refuse enclosure on the City property.

DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL: (Non-standard conditions are identified in bold)

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

General
1. Except as modified by conditions, development shall be in substantial conformance with the site plan and building elevations dated April 27, 2019 and landscape plan dated April 26, 2019. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.

2. A final subdivision plat is required for this development and shall be recorded prior to issuance of building permits. Alternatively, the Owner’s execution of a Covenant and Agreement to Hold Property as One Parcel may be permitted in lieu of recording the subdivision plat while the plat is being finalized. If this occurs, the final plat must be recorded prior to issuance of the first Certificate of Occupancy.

Site Plan
3. Provide service yard and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment.

4. 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.

5. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

6. 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, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.

Building Elevations
7. The materials and colors are approved as presented:
   - Roof – white spray foam finish
   - Primary Building – Smooth finish stucco painted Sherwin Williams 7028 Incredible White, LRV 74
   - Secondary Building – Hardie Concrete Fiber Panel smooth plank, horizontal offset pattern in the following color combinations:
     - James Hardie Iron Gray
     - James Hardie Boothbay Blue 280-C3 / Sherwin Williams SW7603 Poolhouse,
     - James Hardie Mountain Sage / Sherwin Williams SW2851 Sage Green
     - James Hardie Heathered Moss / Sherwin Williams SW2860 Sage
     - James Hardie Traditional Red / Sherwin Williams SW0033 Rembrandt Ruby
     - James Hardie Monterey Taupe
     - James Hardie Woodstock Brown
   - Community Room Building – Patina metal panel
   - Doors and Window Frames – White Vinyl
   - Other – Greenscreen landscape panels in dark brown finish
CMU walls in natural gray concrete with standard aggregate, medium sandblast finish. Provide primary building colors and materials with a light reflectance value of 75 percent or less. Additions or modifications may be submitted for review during building plan check process.

8. Conceal roof drainage system within the interior of the building.

9. 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 is not permitted.

10. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.

**Lighting**

11. The following lighting levels shall be applied to this single-family development to minimize over-illumination and glare impacts to the surrounding neighborhood:
   - Walkways shall be illuminated to one-half foot candles,
   - Parking shall be illuminated to two-foot candles
   - Refuse enclosure shall be illuminated to five-foot candles with shielded fixture
   - Mailbox area shall be illuminated to two-foot candles
   - Individual unit doors may be manually controlled by occupants, not subject to the dawn to dusk illumination levels of multi-family standards.

**Landscape**

12. The two street trees Parkinsonia hybrids on the west side of Rita Lane shall be replaced by Fraxinus velutina Arizona Ash, minimum 1 ½” caliper.

13. Irrigation notes:
   a. Provide dedicated landscape water meter.
   b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½” feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½”. Provide details of water distribution system.
   c. Locate valve controller in a vandal resistant housing.
   d. Hardwire power source to controller (a receptacle connection is not allowed).
   e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.

14. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

15. Top dress planting areas along Rita Street frontage and parking area with a rock or decomposed granite application. Top dress all other landscape areas on site with organic mulch as proposed by the landscape plan or with rock or decomposed granite. All rock or organic mulch areas shall have an application of 2” uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

**Building Address Numerals**

16. Provide address sign(s) on the building elevation facing the street to which the property is identified.
   a. Conform to the following for building address signs:
      1) Provide street number only, not the street name
      2) Compose of 8” high, individual mount, metal reverse pan channel characters.
      3) Self-illuminated or dedicated light source.
      4) On multi-story buildings, locate no higher than the second level.
      5) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
      6) Do not affix numbers or letters to elevation that might be mistaken for the address.
   b. Utility meters shall utilize a minimum 1” number height in accordance with the applicable electrical code and utility
company standards.

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

SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

DEADLINE: Development plan approval shall be void if the development is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the development plan.

CC&R’S: The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Manager and City Attorney.

STANDARD DETAILS:
• Access to refuse enclosure details DS116 and DS118 and all other Development Services forms at this link: http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms. The enclosure details are under Civil Engineering & Right of Way.

BASIS OF BUILDING HEIGHT: Measure height of buildings from top of curb at a point adjacent to the center of the front property line.

HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.

POLICE DEPARTMENT SECURITY REQUIREMENTS:
• Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.
• 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.
  • Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
• Provide method of override access for Police Department (punch pad or similar) to controlled access areas or other gated common areas.

TRAFFIC ENGINEERING:
• Provide 5'-6" wide public sidewalk along Rita Lane as required by Traffic Engineering Design Criteria and Standard Details.
• Construct driveways in public right of way in conformance with Public Works, Traffic Engineering requirements.
- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. 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 Intersection Sight Distance memo, available from Traffic Engineering if needed. 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.

**FIRE:**
- Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.

**CIVIL ENGINEERING:**
- An Encroachment Permit or License Agreement must be obtained from the City for any projections into the right of way or crossing of a public utility easement, prior to submittal of construction documents for building permit.
- Underground utilities except high-voltage transmission line unless project inserts a structure under the transmission line.
- Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
- 100-year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

**SOLID WASTE SERVICES:**
- Enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with standard detail DS-116.
- Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate. Refuse staging, collection and circulation must be on site; no backing onto or off of streets, alleys or paths of circulation.
- Gates for refuse enclosure(s) are required. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.

**PARKING SPACES:**
- At parking areas, provide demarcated accessible aisle for disabled parking.
- Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

**ZONING AND DEVELOPMENT CODE:**
- 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/zoning or purchase from Community Development.

**LIGHTING:**
- Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
• Indicate the location of all 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.

LANDSCAPE:
• Trees shall be planted a minimum of 16'-0" from any existing or proposed public utility lines. The tree planting separation requirements may be reduced to no less than 8'-0" from utility lines upon the installation of a linear root barrier. Per Detail T-460, the root barrier shall be a continuous material, a minimum of 0.08" thick, installed to a minimum depth of 4'-0" below grade. The root barrier shall extend 6'-0" on either side of the tree parallel to the utility line for a minimum length of 12'-0". Final approval is subject to determination by the Public Works, Water Utilities Division.
• Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and “protected” trees and other plants on site. Move, preserve in place, or demolish native or “protected” trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department. Notice of Intent to Clear Land form is available at https://agriculture.az.gov/plantsproduce/native-plants. Follow the link to “applications to move a native plant” to “notice of intent to clear land”.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to www.tempe.gov/signs.

DUST CONTROL: Any operation capable of generating dust, include, but not limited to, land clearing, earth moving, excavating, construction, demolition and other similar operations, that disturbs 0.10 acres (4,356 square feet) or more shall require a dust control permit from the Maricopa County Air Quality Department (MCAQD). Contact MCAQD at http://www.maricopa.gov/aq/.

HISTORY & FACTS:

1930-1940 Historical Aerials indicate the area was used for agriculture, served by flood irrigation.

January 22, 1948 The Halsingborg Subdivision of Lots 30 & 31 and part of Tract A of Jen Tilly Terrace was recorded in Maricopa County.

1949 Rita Lane was established, and the first houses developed.

1951 The area was annexed into the City of Tempe and zoned Residence B (multi-family)

1969 Most of the street was developed.

1999 The City of Tempe purchased 1436 S Rita Lane.

2000 A partial cul-de-sac turn-around was constructed on the west side of Rita Lane on the property the city purchased.

2004 Lots 1443 and 1444 S Rita Lane were purchased by the City of Tempe

2006 The homes on the south end, purchased by the City, were removed. The properties have remained vacant for 13 years.

June 13, 2017 A Request for Proposals was issued for an affordable housing project modeled after a tiny home community for the vacant lot at 1443 S. Rita Lane.

January 18, 2018 City Council Adopted RESOLUTION NO. R2018.03 authorizing the City Manager or designee to
negotiate exclusively with Newtown Community Development Corporation an agreement for the purchase or lease of City-owned land located at 1443 South Rita Lane and the development of for-sale owner-occupied housing (Tiny Houses) for low-and moderate-income households.

May 14, 2019

Development Review Commission heard a request and recommended 7 to 0 to approve the Zoning Map Amendment, Planned Area Development and Development Plan Review for a new single-family residential development consisting of 13 affordable micro-homes for TEMPE MICRO ESTATES, located at 1443 South Rita Lane.

June 27, 2019

City Council is scheduled to introduce and hold the first public hearing to adopt an ordinance for Zoning Map Amendment, Planned Area Development and Development Plan Review for a new single-family residential development consisting of 13 affordable micro-homes for TEMPE MICRO ESTATES, located at 1443 South Rita Lane.

July 31, 2019

City Council is scheduled for a second public hearing for the above request.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-304, Zoning Map Amendment
Section 6-305, Planned Area Development (PAD) Overlay districts
Section 6-306, Development Plan Review