



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 01/28/2016
Agenda Item: 6B2**

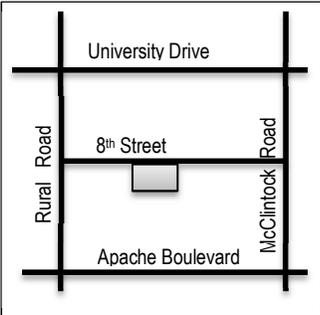
ACTION: Introduce and hold the first public hearing to adopt a Resolution for a General Plan Map Amendment, adopt an Ordinance for a Zoning Map Amendment from CSS to MU-4, a Planned Area Development Overlay and a Development Plan Review for a five-story building with 45 units and 5 live-work units for THE VALOR ON EIGHTH, located at 1001 East Eighth Street. The applicant is Manjula Vaz, Gammage & Burnham PLC. (Note, the General Plan Amendment requires an affirmative vote of at least two-thirds (2/3) of the City Council; therefore a Council vote of 5 of 7 is required for approval.) The second and final public hearing is scheduled for February 11, 2016. (Resolution No. R2016.13) (Ordinance No. O2016.10)

FISCAL IMPACT: While this Resolution and 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 Resolution No. R2016.13 and Ordinance No. O2016.10
Staff – Approval of the Development Plan Review, subject to conditions
Development Review Commission – Approval (7-0 vote), with conditions.

BACKGROUND INFORMATION: THE VALOR ON EIGHTH (PL150424) is located east of the Elias Rodriguez House on property owned by the City of Tempe. A request for proposal was issued for development of work-force housing for veterans with families. The awarded development agreement resulted in a design of a multi-level building, with podium parking on the first floor, five three-story market-rate commercial live-work units at the street front and 45 affordable housing units located in four stories over the parking. The Planned Area Development will define the development standards for the site. The request includes the following:

1. General Plan Projected Land Use Amendment from three land uses Residential, Civic to Mixed-Use and a General Plan Projected Density Map Amendment from High Density Urban Core (*more than 65 dwelling units per acre*) and No Density to High Density (*up to 65 du/ac*).
2. Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use Four (MU-4) within the Transportation Overlay District Station Area.
3. Planned Area Development Overlay for a 36 du/ac density development, with a 60 foot building height, 47% lot coverage, 35% landscape area, a minimum of 9 foot building setbacks, and modified parking ratios for the provision of 44 on-site parking spaces.
4. Development Plan Review including site plan, building elevations, materials and colors, and landscape plan.



Existing Property Owner	City of Tempe
Future Owner	Brian Swanton, Gorman & Company Inc.
Applicant	Rob Lane, Gammage & Burnham PLC.
Zoning District (current/proposed)	CSS TOD Station & No Zoning TOD Corridor/MU-4 PAD TOD Station Area
Gross/Net site area	1.42 acres
Density	36 du/ac
Total Building Size	110,254 s.f.
Lot Coverage	28,916 s.f. 47 % (50% maximum allowed in CSS)
Building Height	60 ft (35 ft maximum allowed in CSS)
Building Setbacks	10' front, 105' west side, 38' east side, 9' rear (0' front, 0' side, 10' rear minimum in CSS)
Landscape area	35% (15% minimum required in CSS)
Vehicle Parking	44 spaces on-site and 11 on-street (86 min. required)
Bicycle Parking	52 spaces (min. required)

ATTACHMENTS: Resolution, Ordinance, Development Project File

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director – Planning, (480) 858-2393
Department Director: Dave Nakagawara, Community Development Director
Legal review by: Teresa Voss, Assistant City Attorney
Prepared by: Diana Kaminski, Senior Planner

COMMENTS:

This site is located in the Sotelo Subdivision, in the Apache Boulevard Character Area, between University Drive to the north, Apache Boulevard to the south, McClintock Road to the east and Rural Road to the west. Surrounding uses include self-storage and commercial uses to the north. East of Dorsey there are commercial and light industrial on the north side and multi-family and single family on the south side of Eighth Street. To the west is the Elias Rodriguez House, a historic home owned by the City of Tempe and used by Chicanos Por La Causa, a non-profit organization. To the east are condominiums and apartments. To the south are apartments and student housing developments, including a newly approved future development University Village. The site is located in the La Plaza Tempe Archeological Area, the boundaries of a prehistoric archaeological site. La Plaza is the largest and most significant prehistoric resource known to exist in the city, with many human remains and other objects of cultural significance having been located throughout the expansive site. Accordingly, per the process specified in § 14A-4(k) of the Tempe Historic Preservation Ordinance, the Tempe Historic Preservation Commission has classified all parcels within the known boundaries of La Plaza Tempe as Archaeologically Sensitive. While this classification does not trigger any City-mandated archaeological monitoring requirements, it does serve as notice of the project site's archaeological potential and the need to comply with all applicable state and federal cultural resource laws. The Salt River Pima-Maricopa Indian Community ("SRP-MIC") Cultural Resources Department requests that all developments within the area provide archaeological monitoring during any on-site ground disturbing activities and enroll all who will be involved in on-site ground disturbing activity in SRP-MIC's cultural sensitivity training course.

The western side of the development, proposed for public open space, is part of an existing lot that includes the Elias-Rodriguez House, a Tempe Historic Property Register-listed property. Historic overlay zoning associated with the Elias-Rodriguez House designation applies solely to the westernmost .274 acre portion of the Elias Rodriguez Place parcel. Accordingly, the transfer of land in the easternmost portion of the Elias Rodriguez Place parcel is not subject to the Historic Preservation Commission review process required for designated properties.

The site consists of three parcels, the west end is located within the Transportation Overlay District Station Area and the east end is within the Corridor. The east end of the lot, adjacent to El Adobe Condominiums, was formerly a restaurant site that converted to a bar and became an entertainment venue. Prior ownership had made construction modifications to the building without permits and was determined unsafe until brought up to building code requirements. The property went into foreclosure and was acquired by the City with Community Development Block Grant (CDBG) funding. The applicant will be required to purchase the property and a small portion of vacant land adjacent to the Elias Rodriguez House parking lot, and amend the subdivision plat to combine three lots into one.

The proposed project consists of a U-shaped podium building built over 44 parking spaces on the ground level. Above the ground level, the building is split into two sections oriented north/south parallel to each other, connected by a wing on the west end and separated by an open air light court open to the east side. The north portion includes five live-work units located at ground level and extending up two additional floors of living space for a total of three stories on the north east side. At the north west end are the leasing office and community room with apartments above for a total of four stories at the street front. The south portion includes four floors of apartments over the podium parking, for a total of five stories on the south side. The applicant is requesting development standards through a Planned Area Development, including a reduction in density, larger setbacks and larger landscape area, increased building height, and a reduction in parking. The project will relocate and rebuild an existing public multi-modal path with enhanced lighting and landscape, and provide a secured play area for veteran families living on site. The project is partnering with Save the Family Foundation and a variety of veteran service agencies for social and financial services, counseling and career development for residents within the apartment community. The future property owner will retain ownership and operate the site with an on-site

manager.

This request includes the following:

1. General Plan Land Use Amendment from three land uses Residential, Civic, and No Designation to Mixed-Use and a General Plan Density Map Amendment from High Density Urban Core (more than 65 dwelling units per acre) to High Density (up to 65 du/ac).
2. Zoning Map Amendment from Commercial Shopping and Service (CSS) and No Zoning (on a portion of the site) to Mixed-Use Four (MU-4) within the Transportation Overlay District Station Area.
3. Planned Area Development Overlay for a 36 du/ac density development, with a 60 foot building height, 47% lot coverage, 35% landscape area, a minimum of 9 foot building setbacks, and modified parking ratios for the provision of 42 on-site parking spaces.
4. Development Plan Review including site plan, building elevations, materials and colors, and landscape plan.

The applicant is requesting the Development Review Commission provide recommendations to City Council on the items listed above. For further processing, the applicant will need approval of a Subdivision Plat, to combine lots into one.

PRELIMINARY SITE PLAN REVIEW

August 26, 2015 First Site Plan Review for the proposed development was completed. Issues identified included:

- fire access
- refuse access
- on site circulation
- questions about Salt River Project underground canal to the south
- existing walls around the property
- vehicle and bicycle parking requirements
- use of open space
- security
- commercial uses along street front
- proposed elevation design with a recommendation to tie the project into existing historic vernacular elements within the area. Staff provided photo examples, including a product built by the developer in another community as design reference. See Attachments 60-61 for reference images and design context discussion.
- recommendations for landscape plan modification for safety and aesthetic enhancement, including suggested use of edible landscape such as orange trees (which were historically characteristic of the area) and a community garden for the residents
- formatting details on plans provided
- required process for entitlements

October 14, 2015 Second Site Plan Review included the following:

- Between the first submittal and the second, the applicant met with residents in the area to get early input on the site plan, landscape plan and elevation design. Comments from the residents were incorporated into their second submittal for staff review.
- Fire and refuse access had not yet been addressed, the challenge being the shape of the lot, restrictions on the south side by the existing canal, restrictions on the east side by the required multi-modal path, and restrictions on the east side to minimize impacts to adjacent pool area of condominiums. The applicant continued to look for solutions after the comments from this second review.
- On site circulation was limited to provide the greatest opportunity for landscape and amenity area and

reduce parking, all vehicle traffic would enter from one drive on the east side, pedestrian traffic would be confined to the street front; residents or guests could access the gated play area where accessible pathways are provided.

- The underground canal is part of the University Village development to the south. Location of the canal was determined, which aided in specific location of the building and proposed landscape trees for shade and screening.
- The south side walls will be replaced as part of the University Village development, and will not be part of this project. If the project to the south does not get built, the existing wall will be repaired and maintained. The east side wall is shared with El Adobe Condominiums and will remain and be painted to match. New fencing and walls will be added on the west and south west sides of the lot for increased security.
- Vehicle parking is proposed for reduction by use of a parking analysis, bicycle parking will meet the code requirements for the Bicycle Commute Area.
- Open space area was modified to enhance resident experience on site.
- Security comments were addressed.
- Commercial frontage live-work units are to be leased at market-rate.
- Elevations had not changed significantly from first review. Applicant is seeking a contemporary design, more in character with Gracie's Village on Apache Boulevard than with surrounding context of Eighth Street.
- Landscape plan was enhanced, some recommendations were taken, however a resident community garden (accessible to residents, not public) or edible landscape elements were not included. Special consideration was made to address the pool on the property to the east; residents of El Adobe did not want trees hanging down over the pool area causing additional maintenance, they also did not want invasive roots, however, they did want visual screening for privacy. The solution to this unique condition was a hedge of Italian Cypress lining the landscape strip between the existing wall and the new driveway. Larger trees are provided south of the pool area.
- Formatting details were revised and a formal process application was made.

November 18, 2015 Final Site Plan Review of formal application to review remaining issues.

- The parking study and traffic study update were provided for staff review and approved.
- The fire access was resolved.
- Solid Waste Services was not yet satisfied with the circulation provided for refuse collection. The proposed solution meets the requisite turning radius, but did not clearly demonstrate safe backing into the garage. The applicant is working with solid waste services to address their concerns. A revised site and landscape plan was reviewed and accepted by Solid Waste Services on 11/30/15.
- The plans substantially addressed all prior comments; the majority of the remaining issues were formatting and clarifications between plans.
- Citrus trees were added for residents as an edible landscape amenity but no garden was included. Staff recommended the addition of exercise equipment on the south side of the building as a resident amenity, rather than just benches and a concrete path between trees. The applicant responded that they are providing an indoor recreational facility as part of the amenities, and did not wish to encourage congregation of people behind the parking garage, which is open.
- Staff does not support the use of artificial turf as proposed in this location, artificial turf is appropriate on rooftops and podiums where irrigation is limited, or in interior courtyards in shade. However, as part of a landscape plan, living vegetation is required and preferred to artificial materials. Artificial turf is hot, functioning equivalently to dark concrete and does not contribute to the cooling affect or environmental benefits of live plants.
- The amount of Muhlenbergia used seems excessive in the resident open space area, which prevents use of the open space for running and kicking a ball, or playing Frisbee, etc. The retention area is shown as

gravel not an open turf area. Staff requested that a real turf area be provided in the fenced open space for use by the residents.

- Staff requested the incorporation of additional vegetation along the western side of the public multi-modal path, and western side of the play equipment for shade and privacy.
- The landscape design uses one variety of Muhlenbergia throughout the site, staff recommended the use of purple Muhlenbergia at the street front, to incorporate more color.

PUBLIC INPUT

- Neighborhood meeting was required
- The applicant met with adjacent neighbors prior to the formal neighborhood meeting, staff was not a part of this early discussion, however, and modifications were made between site plan review submittals based on this early input. Of primary concern was the location of the refuse container on the east side, the existing maintenance issues with pine trees on the site and the adjacent HOA pool and a desire to have privacy between the two sites. Residents also expressed a desire for materials and colors reflective of the area and incorporation of art into the project.
- A neighborhood meeting held on November 5th 6:00 p.m. to 7:00 p.m. at the conference room of Hotel 1333 located at 1333 South Rural Road.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- At the meeting, a request was made for more brick around the pedestrian level of the building, and to assure that lighting would safely illuminate the bike path. Those in attendance were familiar with the project from the earlier meeting, and were complimentary to the changes made based on their prior discussions. There was general support expressed from residents in attendance.
- Staff received a call from a property owner on Eighth Street who is concerned with the height of the building, being the tallest on the street. The primary concern was with the proposed reduction in parking. As a property owner in the area, he is very aware of parking problems on Eighth Street and the required enforcement for protection of private parking at his property, managed by towing unpermitted vehicles. He strongly felt that any new development should provide the parking required by code. In the future this could convert to market rate housing in 20 or 30 years, and the parking minimum of 86 parking spaces on site should be provided at the time of construction. He stated that reliance on street parking would not be sufficient due to the high demand for parking. The caller then sent an email, which has been included in the attachments.
- Staff received one additional email in opposition to the project, which has been included in the attachments.

PROJECT ANALYSIS

GENERAL PLAN

The applicant has provided a written justification for the proposed General Plan amendment. The project consists of three lots that are designated Residential Land Use, with a residential density requirement of greater than 65 dwelling units per acre. The fourth parcel is designated Civic Land use, with no density designation given, as it is part of the parcel occupied by the Elias-Rodriguez House, which is a City owned historic property not intended for residential use. The site plan requires a portion of the development to be built on the west side of the lot, requiring an amendment for the civic portion to another land use, and to designate a density for that portion. Since the proposed project would not meet the minimum of 65 du/ac, the applicant was also required to amend the density map, to the high density category allowing up to 65 du/ac. The proposed project density would be 36 du/ac.

Land Use Element:

The General Plan Land Use designates the site for residential use on the east and civic use on the west, due to the affiliation with the Elias-Rodriguez House. The proposed project provides 45 affordable housing units, on-site support services including childcare, career development, financial advisement and counseling for residents and five market-rate live work units to create a village concept, in which there is the opportunity to live, learn, work and recreate in the same area. As a mixed-use development serving lower income veteran families, this request meets the residential land use, but adds additional services and small scale commercial uses to activate the street front, which requires the land use change to mixed use. It is meeting the goals and objectives of the land use element promoting a livable community.

The applicant also proposes to modify the density from High Density-Urban Core (more than 65 du/ac) to High Density (up to 65 du/ac) to align with the proposed density of the project. Development per the current projected density would result in a minimum of 42 more units if utilizing the entire site. With the omission of the western side currently not designated with a density, the .85 acre site would have a density of 59 du/ac; very close to the projected density for this site. However, developing to the minimum 65 du/ac would result in the reduction of ground-level landscape area, reduced building setbacks, increased parking demand and increased building height. The applicant wishes to provide on-site landscaping to meet the needs of prospective residents. Increasing the number of stories from four and five stories to account for additional units and parking could make the project less compatible with the adjacent one-story Elias-Rodriguez House and the three-story El Adobe Condominiums on either side of the site. The proposed amendment to reduce density reduces building mass and scale to be more in character with and sensitive to existing developments on Eighth Street.

The public benefit of the proposed reduction of density would be less demand on water and sewer utilities, less congestion and maintenance on the street. Due to the population proposed to be served, there would be higher demand for parks and recreation services and schools. Fire and police services might be lower due to the high concentration of military families and support services. The proposed development provides a quality of life for residents and the surrounding community with the quality of the building and site design, enhanced landscaping, integrated services and access to multi-modal transportation. The open space is visually accessible to the general public with one part secured for resident use only and the safety of the families; the other part provides a green belt linking residents on Eighth Street to businesses and light rail on Apache Boulevard. The existing bicycle path will be relocated and rebuilt with increased lighting and shade, providing greater safety to commuters and recreational cyclists and pedestrians. In an area that has experienced a significant intensification over the past ten years, and remains one of the most densely populated areas in the state, the reduction in density provides diversity to the housing stock, serves a different population, and creates needed open space in the urban core.

Surrounding governmental agencies and utilities have been notified by the City of Tempe of this proposed General Plan Amendment. As of completion of this report, there have been no responses.

Section 6-303 D. Approval criteria for General Plan amendment (*in italics*):

1. *Appropriate short and long term public benefits.* The site has had a history of incompatible uses in the neighborhood; this proposal will redevelop the site with a new infill of affordable housing for veteran families. The wait list for safe affordable housing and veteran housing is a demand that is not considered a short term need; the owner will remain in ownership and management of the property to assure the long term maintenance of the project. The redevelopment of the site will provide a sustainable solution serving 45 families in need of a stable supportive environment to go to school, get jobs and become part of the larger neighborhood community. The south side of Eighth Street transitions from student housing and ASU development to the west, to the Elias-Rodriguez house, which is only intermittently open for use by Chicanos Por La Causa. Eighth Street transitions to multi-family to the east, this site provides an

opportunity for street front activation with the five live-work units and increased security for pedestrians and bicyclists in the area. The relocation of the multi-modal path will include lighting upgrades for safety, and shade trees lining the path providing an immediate aesthetic and environmental enhancement.

2. *Mitigates impacts on land use, water infrastructure or transportation.* The development is a less intense use of water infrastructure and transportation, due to the reduced density and parking. The water utilities staff have reviewed the request. Any required water or sewer upgrades for the development will be made as part of the project. The traffic study for the site has been updated to reflect the proposed 50 residences and 44 parking spaces and has been approved by traffic engineering. The existing bike path is being relocated and street front improvements are being made as part of this development.
3. *Helps the city attain applicable objectives of the General Plan.* This development will help attain several objectives of the General Plan, including: seeking balance and compatibility of new land use development within established neighborhoods; working with neighborhoods to develop sensitive projects appropriate to surrounding context, promoting compact, efficient infill development, supporting affordable housing and human services, providing diverse housing opportunities. Specific to the Rail Corridor Growth Area, the project provides a mixed use development supporting reduced transportation costs for residences and promoting transit ridership, creates a walkable community, encourages a sense of place and community, revitalizes an underutilized site, balances density and open space (providing 47% lot coverage and 35% landscape area) and ensures access to jobs for residents.
4. *Provides rights-of-way, transit facilities, open space, recreational amenities or public art.* The proposed project will have a minor rights-of-way dedication on Eighth Street, and will help facilitate the landscape improvements for on street parking. The existing 6' sidewalk will remain at the street edge, with an additional 6' provided at the building face, these pedestrian paths are divided by large landscape areas that provide ample room for tree root growth and shade canopy at all times of the day. The open space is primarily secured for resident use, but visually open to public view, rather than walled off. The applicant is open to the incorporation of public art, and may encourage this by use of the live work spaces for market rate studio space for artists. However, the project is not required to provide public art. This may be something that evolves over time as a function of the residents.
5. *Potentially negative influences are mitigated and deemed acceptable by the City Council.* The proposed project has no foreseen negative influences. The applicant has met with residents of the adjacent condominiums twice, incorporating their requests into the design, including larger setback on the east side, use of non-invasive trees along the pool area, a building height step back from the south side to the north street front side, desired lighting for the bike path and requested changes to building materials. The tenants of this property are selected based on eligibility and the property is managed by a company with a record of performance on other sites around the valley. The property is being designed, developed and owned by the same company, providing a long-term investment in the quality of the project to assure maintenance and sustainability for the project.
6. *Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities.* The request meets the demand for increased affordable housing. The incorporation of veteran housing near ASU provides an opportunity to partner for educational support of veterans seeking careers after military service. The change of land use from residential and civic to mixed use still meets the land use intent for adding residences to the area; the commercial component is only five market-rate live work units, a product that has been in high demand in other areas of Tempe. The change of density from more than 65 du/ac to 36

du/ac is appropriate due to the unique location of this site between an historic property and an existing condominium community, within an area that characteristically is between one and three stories tall; THE VALOR ON EIGHTH will be the tallest building on Eighth Street at four and five stories, until a new development is built at the corner of Rural and Eighth Street. The reduction in parking based on the population served will also reduce vehicle traffic impacts.

ZONING

The proposed zoning change is required for a portion of the site that does not have zoning. It would also remove the Commercial Shopping and Service (CSS) district, which was not in conformance with the residential land use projected in General Plan 2040. By rezoning the entire site to Mixed-Use Four (MU-4) within the Transportation Overlay District Station Area, the property will fulfill goals and objectives of the General Plan as stated previously. It will introduce residents into the area and provide development standards through the Planned Area Development which are a better design solution for the character of the area than what would be allowed within the existing CSS zoning.

Section 6-304 C.2. Approval criteria for Zoning amendment (*in italics*):

1. *The proposed zoning amendment is in the public interest.* The project responds to a request for qualifications from City Council for affordable housing, it addresses a market demand for veteran housing, it conforms to the Transportation Overlay District requirements and objectives, it meets the intent of the proposed Apache Boulevard Character Area Plan, it provides increased public safety, increased shade, and an enhanced public multi-modal path. It provides on street parking and the opportunity for low-intensity commercial uses at the ground floor to engage the street front.
2. *The proposed zoning amendment conforms with and facilitates implementation of the General Plan.* This was described in the prior section of this report.

PLANNED AREA DEVELOPMENT

The applicant is required to submit a Planned Area Development for establishment of the development standards within the Mixed Use Four Zoning District. Below is a comparison of the existing and proposed development standards for the site:

THE VALOR ON EIGHTH – PAD Overlay			
Standard	CSS	PROPOSED MU-4 (PAD)	Change
Residential Density (du/ac)	20 DU/AC (w/ use permit and development of existing commercial on site, not vacant lot)	36 DU/AC	Increase
Number of Dwelling Units	28	50	56% Increase
Breakout of Unit Types	Dependent on submittal	15 – 1 bedroom 5 – 2 bedroom w/ live-work 14 - 2 bedroom 16 – 3 bedroom	N/A
Building Height (feet) [Exceptions, see Section 4-205(A)]			
Building Height Maximum	35 ft.	60 ft.	58% Increase
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	Yes	No (met by increased setback)	
Maximum Lot Coverage (% of net site area)	50%	47%	3% Decrease
Minimum Landscape Area (% of net site area)	15%	35%	20% Increase
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]			
Front Parking	0 ft 20 ft	10 ft north N/A (garaged parking)	10 foot Increase
Side	0 ft	38 ft east / 105 ft west	38 and 105 foot increase
Rear	10 ft	9 ft 11 in. on south	1 inch Decrease
Vehicle Parking	86 spaces	55 spaces (34 on-site for residents, 10 on-site for guests) 11 on-street public spaces	31 space or 36% decrease
Bicycle Parking	52 spaces	60 spaces	8 space or 15% increase

The proposed Planned Area Development increases the density and number of residences from the existing allowed by CSS zoning, which requires existing commercial on site to remain as part of a revitalization project. In this case, the site has no structures, so no residential would be permitted with the existing zoning. The proposed building height would be almost twice as tall as what is currently allowed, and would be the tallest building on Eighth Street. However, taller buildings are entitled to the west with a new 250 foot tall development at Rural and Eight Street. The building is set back 38 feet from the east, which meets the step back requirement of 1 foot for every foot higher than 30 feet adjacent to residences. The building also varies from three floors at the east side street front, to five floors on the west end stepping up as it moves away from existing residences. The lot coverage is decreased and landscape area significantly increased, bringing the site almost to a balance between structure and open space on site.

The applicant is also requesting a modification to the parking ratios within the PAD. Below is a comparison of code and TOD standards to the proposed ratios and provided parking:

Unit Type	Unit Quantity / SF	Code Ratio	Code Required	TOD Ratio .75 per bedroom	TOD Allowed (inclusive of on-street parking)	Proposed Parking per PAD Ratio	Proposed Parking per PAD
1 bedroom	15	1.5 space per unit	22.5	.75	11.25	.33	4.95
2 bedroom	14	2 spaces per unit	28	1.5	21	.66	9.24
3 bedroom	16	2.5 spaces per unit	40	2.25	36	.99	15.84
Live-Work 2 Bedroom	5	2	10	1.5	7.5	.66	3.3
Guest	50 units	.2	10	.2	10	.2	10
TOTAL			111		86		43
TOTAL PROVIDED						34 on site 10 on site guest 11 on street TOTAL 55 spaces	

The proposed PAD includes a parking study with proposed reductions of on-site parking. The site is located within the Transportation Overlay District Station Area, which allows a 21% reduction of parking from the code required ratios and the use of on-street parking to be used in the provided parking calculations, although these spaces remain open to the public and are not for the exclusive use of the site. However, the applicant's experience with affordable housing developments both suburban and transit-oriented sites, provides a real-life parking experience based on vehicle ownership which is different than either the Zoning Code or the TOD standards. Unlike market rate housing that may have residents who use light rail for daily commutes, but own vehicles for entertainment or weekend use, lower income residents often do not own vehicles and rely on dial a ride, taxi service, bicycling, bus or light rail service. The applicant provided a parking study that demonstrated a range of parking demands between 31-82% less than the parking required, depending on demographics and location of the development. The closest comparison was Gracie's Village, located on the light rail line, which utilizes 44% of the required parking on site. Eighth Street currently has a high demand for on-street parking caused during the weekdays by students and employees at ASU, and evenings and weekends caused by Four Peaks Brewery and other

attractions within the area. The on-street parking spaces are first-come first-serve, not permitted or regulated by time of day or time restrictions at this time. As part of the revitalization of Eighth Street pedestrian amenities, the on street parking will be enhanced, and studied for effective management and utilization. Due to the high demand for on street parking on Eighth Street, and the demographics of the target population, staff requested that on-site guest parking be provided to assure that relatives and friends of the families could find parking on site to visit. For children of families who may have members with disabilities or families without vehicles, play dates and parties are more likely to occur by guests coming to THE VALOR ON EIGHTH. As the project establishes itself in occupancy, the management of these spaces may change. The project is proposing 34 on-site resident spaces for the 50 units, and 10 on-site guest spaces, with an additional 11 on-street spaces available for residents, guests, the live-work units or non-profit service providers who serve residents. The total parking available would 55 parking spaces.

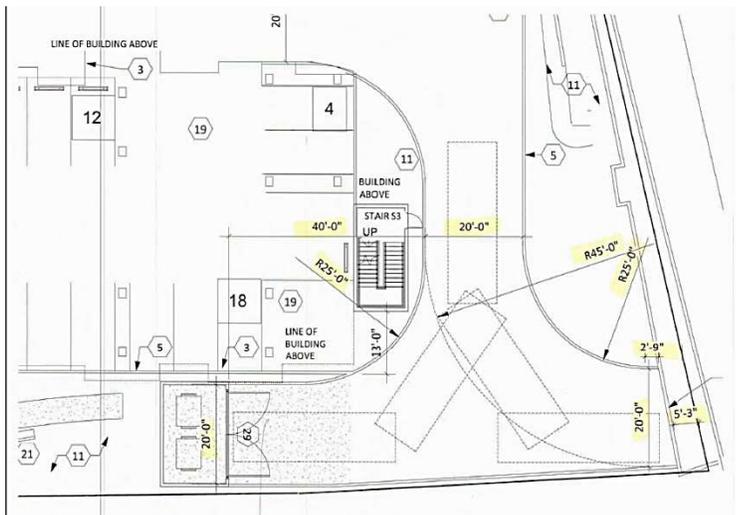
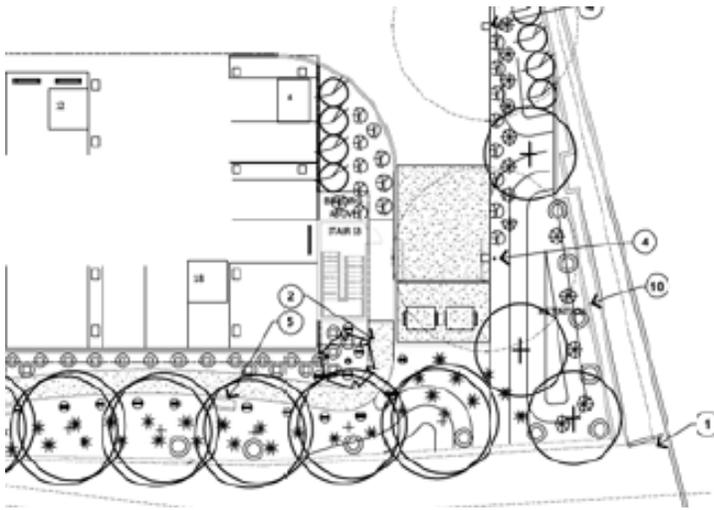
Section 6-305 D. Approval criteria for P.A.D. (*in italics*):

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 in the previous section of this report, the proposed PAD facilitates development of an infill redevelopment that fulfills goals and objectives of the General Plan and the proposed Apache Boulevard Character Area Plan.*
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 lot is uniquely shaped and encumbered with an existing multi-modal path that must remain open to the public while the rest of the site must sensitively address the needs of veterans seeking a secure and comfortable environment to raise a family. The proposed development standards increase the quality of life of residents and the surrounding community with a plan that accommodates encourages and promotes an innovatively designed mixed-use infill project that is attractive and harmonious to the community.*
3. *The development appropriately mitigates transitional impacts on the immediate surroundings. The proposed standards significantly increase the setbacks and landscape area for the site, and sensitively addresses the transitional nature of the subject site within the context of the existing established community.*

DEVELOPMENT PLAN REVIEW

Site Plan

The building is oriented on the eastern side of the site, with a north/south orientation. The structure has a centralized light court between a building that is U shaped in design with a central light court allowing morning and midday light into the units, but shading the structure from afternoon glare. The first floor is a storefront screening podium parking that is open on the south side. The site is accessed by vehicles on the east side, within the 38-foot side yard setback. Refuse is tucked back at the south east corner. A revised site plan was presented to Solid Waste Services staff to address circulation concerns. Below is the original proposed refuse layout as shown on the landscape plan, and the new revised solution that meets refuse collection requirements. Approximately five trees will be affected by the solution however these are not required trees. This solution keeps the refuse away from the condominiums to the east, hides the enclosure from street view, and provides a turn-around for refuse trucks without requiring a backup into the parking drive entry.



The west side of the property has a private playground and ramada for resident use, and a public multi-modal path outside of the fenced landscape amenity area. A retention area is located west of the path, and is lit and landscaped for public safety. The site has a large percentage of open space, providing a break in the wall of development further east. The street front has two sidewalks, the existing 6' sidewalk, a 12' deep landscape island extends the length of the building broken by 6' connecting paths leading to a second 6' wide integrally colored paver path connecting the live-work units, leasing office, and community room.

Building Elevations

The proposed building design has a three story elevation on the street front east end, transitioning to the three-story condominiums and apartments further east of the property. On the west end, the building is four stories at the street front. The U shaped building extends up to five stories on the west and south sides with deep overhangs on balconies providing shade. The street front uses roll-up glass storefront doors for the live work units, which have a first floor commercial space and two floors of residential space above. The east side elevation is designed to mitigate privacy conflicts with residents on site and the pool and condominiums to the east. The balconies have privacy walls on the east side, and windows are clerestory to let in natural light without providing views in or out. Windows on the north elevation are large, the south side are smaller with mullions similar in character to older casement windows in the neighborhood. The roofline varies on all four elevations between changes in roof height from three to five floors, as well as a pitched and flat roof element that provides an asymmetrical contemporary form with reference to pitched rooves found on older buildings. The materials are a

combination of painted stucco, metal roofing and fascia, brick veneer and 12" x 24" porcelain tile siding. The stucco is painted bisque tan, cream, and light olive green colors providing a lighter more neutral palette than residences to the east of the site. The brick veneer ties in to the historic creamery building and other residences in the area. The predominant multi-family material in the area is stucco. Newer developments use metal. The porcelain tile product is a more costly exterior finish with high durability, providing a unique look from conventional cmu, stucco or brick. The product will require no repainting and is easy to wash. The combination of materials is simple, elegant, textural and scale-appropriate to the size of the building.

Landscape Plan

The letter of explanation indicates a design intent for a *garden like environment and park like feel with open spaces for gathering and recreation*. Significant changes were made to the landscape plan to address staff's earlier comments. Additional plant varieties and quantities were added to diversify the palette and create a garden-like landscape that is low-water use and low maintenance. The applicant also worked with residents to the east to assure that the proposed palette would not impact the existing pool east of the site. The applicant is open to the incorporation of a resident area for gardening. However, edible landscape is not required by code; staff has conditioned that this be considered within the fenced area to enhance the amenities available to residents. This may be something that evolves over time as a function of the residents.

The applicant proposes artificial turf for the play area. Per the architect, grass cells and turf grasses cannot be utilized per Arizona Department Of Housing (ADOH) requirements for the tax credit application which states "*In landscaping areas, use no turf or artificial turf only*" and therefore is proposing surfaces outside of play areas are to be either decomposed granite or artificial turf. Staff considers the entire area within the fenced area as a play area. According to ADOH applicants identify which design criteria they wish to use to earn tax credit points. They have options and can apply for amendments to their tax credit proposals. Gracie's Village offers a retention area for open play and recreation that has natural turf; this remains the expectation for a residential development.

The result of the tax credit application is that the play area for children has been limited to a shade canopy over wood chips, concrete sidewalks and artificial turf, limiting open space with proposed landscape prevents natural movement in the play area. Staff supports the use of artificial turf, in unique circumstances, like rooftops, podium structures and internal courtyards w/ heavy shade (ie. not visible to the public and in areas not conducive to real turf). There is a movement for water conservation to remove real turf in exchange for artificial turf; however, this design application is not conducive to all projects. The issues with artificial turf in the proposed application are the following:

- Landscape areas must be real vegetative material by code, if this is determined to be a landscape area, artificial plants do not meet the code.
- Artificial turf is very hot, and can burn people or pets with second degree burns; a recent example being in Canada, with an air temperature of 80 degrees and a sport field registering 120 degrees. The applicant is willing to add trees to provide more shade in the proposed artificial turf area.
- Artificial turf requires washing to prevent bacterial growth that does not build up on real turf that is irrigated; this includes cat urine, bird droppings and dog feces, making it less conducive to play areas. The applicant has moved the pet drinking station to the south side of the building, out of the play area, to discourage dogs from using the play area.
- Artificial turf does not transpire as a real plant, and therefore contributes to the heat island affect, absorbing heat as a hot dark surface, and radiating it back like concrete (the substrate is a very compact sand/gravel base, that absorbs heat just like sand and gravel)
- Concern regarding the contents of artificial turf contributing to release of heavy metals or chemicals from the product into soils as the product is exposed to sun and rain and breaks down over time, however this has not been definitively determined.
- Although each site design is reviewed based on the conditions of the location, allowing artificial turf here

would potentially set precedence other projects wishing to justify other site design solutions using artificial turf.

For the above reasons, staff is conditioning that the applicant work with ADOH and staff to consider an alternative play surface design solution to provide a play area conducive to utilization of a larger portion of the fenced open space.

The plan uses a lot of trees, including Citrus and Sissoo on the south side to provide shade, a privacy buffer and fruit for residents; Cypress on the east side to provide a vertical visual buffer without impacting maintenance of the adjacent pool at the condominium development; Pistache along the north street front and in the retention basin at the west side, and Evergreen Elm within the resident amenity area west of the building. The use of trees clearly defines the space, provides shade and privacy where needed, and creates a grove surrounding the building. The shrubs and ground cover provide a limited variety of color and texture.

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 building orientation and height variation, roofline, use of different window types, use of different materials and the articulation of balconies and deep roof overhangs provide a building with four unique elevations, visible from different vantage points both on and off site.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;* The proposed building orientation maximizes the north/south exposures and limits western exposure. The use of shaded balconies and an internal light court provide visual interest on all sides of the structure and enhance the living experience for residents. Natural light will reduce the need to use artificial lighting in the units. The landscape is heavily shaded with trees and shade canopies, maximizing pedestrian comfort in the surrounding open space.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;* The proposed materials are similar to surrounding existing developments, with a few newer products exceeding the quality of older properties. The use of clerestory, storefront, roll up glass doors and mullioned windows provides variety within a unified context of the elevations, tying in historic references with contemporary construction.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;* The building and landscape design are scaled to compliment the surrounding existing developments, the height is staggered to push the taller portion closest to student housing on the south and future taller development to the west. The shorter side is adjacent to existing three story buildings and is set back both from the street edge and the side of the property, to provide some visual relief to the pedestrian. Shade trees line the sidewalks and multi-modal path, and are appropriately designed for the size of the 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;* Each elevation of the development is unique, addressing site specific conditions. The materials and colors provide consistency that wraps the building from each side, using the brick, porcelain tile, windows and stucco colors to highlight different structural forms, emphasizing the first floor pedestrian level, visually defining the live-work units, and deepening the balconies with color change.

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 building facades are unique, articulated with a variety of materials and colors and different window types. The elevations respond climactically to each side of the building and address privacy needs to the east, and maximize visual surveillance of the street front to the north.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* the proposed design encourages the use of light rail, orbit, bus, bicycle and pedestrian commuting with shaded sidewalks along Eighth Street and a shaded multi-modal path connecting from Eighth Street to the development along Apache Boulevard.
8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;* Vehicle circulation is limited to the east side, pedestrian activity occurs on the other three sides of the structure. Lighting and an open podium parking area provide easy surveillance of the parking area for pedestrian safety.
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;* The project was reviewed by police staff, the proposed security fence around the site, use of lighting and size appropriate landscape will provide an area easy to see in and around, supported by activity on all sides of the building.
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* Landscape separates the sidewalk areas and softens the edge of the building. Orange trees are provided for residents on the south side. Evergreen and deciduous trees shade the open space areas creating a grove-like appearance to the western side of the lot. The driveway is lined with cypress to provide a green hedge at the entry, privacy to the condominium pool, and an scale-appropriate entryway to the residents.
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;* Not a part of this request, signs to be processed by separate application.
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.* Lighting is designed to provide code required levels of foot candles without overpowering the site with excessive glare. The multi-modal path and playground area will provide night time activity support and the east side will be full cut off fixtures screened by the cypress hedge along the east edge.

Conclusion

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

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 for an enhanced project design.
4. The proposed project meets the approval criteria for a General Plan Amendment, Zoning Amendment and Development Plan Review as indicated by the applicant's submittal and the staff analysis provided within this

report.

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 General Plan Amendment, Zoning Map Amendment and Planned Area Development approval shall be null and void.
3. The Planned Area Development Overlay for THE VALOR ON EIGHTH 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.
4. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
5. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Community Development Department no later than one year from the date of City Council approval. Failure to record the plat within one year of City Council approval shall make the plat null and void.
6. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL:

General

1. Except as modified by conditions, development shall be in substantial conformance with the site plan and building elevations dated November 9, 2015 and landscape plan dated November 9, 2015. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.

Site Plan

2. The site plan is approved as submitted November 9, 2015, and revisions for refuse collection submitted on November 30, 2015. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.

3. Provide service yard and mechanical yard or parapet walls that 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.
 - a. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance.
 - b. Provide gates of height that match that of the adjacent enclosure walls.
 - c. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
 - d. Gates must be illuminated to 5 foot candles.
5. Provide upgraded paving at driveway consisting of integral colored unit paving. Extend this paving in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. From sidewalk to right-of-way line, extend concrete paving to match sidewalk.
6. Coordinate all perimeter wall conditions with adjacent property owners:
 - a. existing east side wall to be maintained and proposed masonry retaining wall on east side is approved as proposed,
 - b. existing west side fencing to remain; coordinate a single wall solution for the south side with property owner and Salt River Project, do not build a 6' steel picket fence on the south side; an 8' cmu wall is required, with any requisite gates for SRP access to be opaque.
 - c. the street front wall on the west side play area shall be a maximum of 4' in height.
7. 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.
8. 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.

Floor Plans

9. Exit Security:
 - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
 - b. In instances where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
10. Parking Garage:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Provide exit stairs that have vision panels into the garage area.
 - c. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.
 - d. Minimum required parking dimensions shall be clear of any obstructions.
 - e. At the ends of dead-end drive aisles, provide a designated turn-around space, minimum 8'-6" clear in

width (locate on left side if available), including 3'-0" vehicular maneuvering area for exiting. Turn-around area shall be clearly demarcated.

- f. Provide a minimum 2'-0" of additional width for parking spaces when adjacent to a continuous wall.
- g. Eliminate parking bumpers where feasible and utilize continuous curb or extended raised sidewalk to prevent tripping hazards in garage.

Building Elevations

11. The materials and colors are approved as presented (November 9, 2015):

Roof – Flat with Parapet

Roof – Metal pre-weathered Gvalue by Berridge in a medium zinc color

Primary Building – Stucco painted Dunn Edwards DE6157 Bisque Tan (stucco 1 on elevations) (light yellow/tan)

Secondary Building – Stucco painted Dunn Edwards DE6239 Latte Froth (stucco 2 on elevations) (cream)

Tertiary Building – Stucco painted Dunn Edwards DE6243 Union Springs (stucco 3 on elevations) (medium olive green)

Fascia - Metal pre-weathered Gvalue by Berridge in a medium zinc color

Building Accent – Brick Veneer Embarcadero by McNear Brick medium mixed color weathered look standard brick size in standard mortar pattern

Building Accent – Porcelain Cladding Ecocrete Sage by Iris US 12" x 24" tiles horizontally placed with staggered grout line similar to brick pattern.

Windows - Anodized aluminum frames, roll-up glass garage doors (5 live work units), storefront divided panel glazing, and vinyl mullioned windows on upper residential floors.

Glazing – clear, low-e

Provide primary building colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Additions or modifications may be submitted for review during building plan check process.

12. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
13. Conceal roof drainage system within the interior of the building.
14. 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.
15. Coordinate the electrical service entrance section (S.E.S.) with utility provider (Salt River Project) and Community Development staff to integrate the S.E.S. into the building architecture and fully conceal equipment from public view.
16. Upper/lower divided glazing panels in exterior windows at grade level, where lower glass panes are part of a divided pane glass curtain-wall system, shall be permitted only if laminated glazing at these locations is provided.

Lighting

17. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.
- a. Provide bollards and building mounted lighting where feasible to reduce the number of light poles on site.
 - b. Provide shields on lights on the east side of the building to prevent light glare trespass to property to the east.

- c. Provide minimum light levels required by code, but do not exceed light levels with overly illuminated areas that change the character of the area or create glare.

18. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

Landscape

19. The plant palette is approved as proposed and specified on the landscape plan. With the following additions or exceptions:

- a. Work with Arizona Department of Housing (ADOH) and City staff for a potential alternative play surface to the proposed artificial turf in the resident open space play area
- b. Consider a raised planter bed for resident gardening within the fenced open area.

Any additions or modifications may be submitted for review during building plan check process.

20. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 1/2" caliper trunk.

21. 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 1/2" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than 1/2". 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.

22. 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.

23. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

24. Trees shall be planted a minimum of 20'-0" from any existing or proposed public water or sewer lines. The tree planting separation requirements may be reduced from the waterline upon the installation of a linear root barrier, a minimum of 6'-0" parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08" thick, installed 0'-2" above finish grade to a depth of 8'-0" below grade. Final approval subject to determination by the Public Works, Water Utilities Division.

Signage

25. Provide address signs on the east, north and west building elevations

- a. Provide street number only, not the street name
- b. Compose of 8-12" high, individual mount, metal reverse pan channel characters.
- c. Self-illuminated or dedicated light source.
- d. Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
- e. Do not affix number or letter to elevation that might be mistaken for the address.
- f. 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.

- 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.
- 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.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the 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.
- **STANDARD DETAILS:**
 - Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: <http://www.tempe.gov/city-hall/public-works/engineering/standards-details> or purchase book from the Public Works Engineering Division.
 - Access to refuse enclosure details 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.
- **COMMUNICATIONS:**
 - Provide emergency radio amplification for the combined building and garage area in excess of 50,000 sf. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Refer to this link: www.tempe.gov/index.aspx?page=949. Contact the Information Technology Division to discuss size and materials of the buildings and to verify radio amplification requirements.
 - For building height in excess of 50'-0", design top of building and parapet to allow cellular communications providers to incorporate antenna within the building architecture so future installations may be concealed with little or no building elevation modification.
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the non-residential components of this project. Have the landscape architect and mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office

Procedure Directive # 59. Refer to this link:

www.tempe.gov/modules/showdocument.aspx?documentid=5327. Contact Public Works Department, Water Conservation Division with questions regarding the purpose or content of the water conservation reports.

- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). 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.
- 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 opportunity for ambush opportunity. Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
 - 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 including pool, clubhouse or other gated common areas.
 - Crime Free Multi-Housing status for this property may be required.
 - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- 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.
 - Provide two 4-foot wide gates for a total clear opening of eight feet at the east end of the fire access road on the west side of the building.

ENGINEERING:

- 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.
 - Develop strategy for recycling collection and pick-up from site with Sanitation. Roll-outs may be allowed

for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.

- Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.

- **TRAFFIC ENGINEERING:**

- Existing 6'-0" wide public sidewalk shall be maintained and repaired as required by Traffic Engineering Design Criteria and Standard Details.
- Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
- 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 www.tempe.gov/index.aspx?page=801 . 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.
- Verify conformance of accessible vehicle parking to the Americans with Disabilities Act and the Code of Federal Regulations Implementing the Act. Refer to Building Safety ADA Accessible Parking Spaces Marking/Signage on Private Development details.
- 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.

- **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:**

- 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 www.azda.gov/ESD/nativeplants.htm . Follow the link to "applications to move a native plant" to "notice of intent to clear land".

- **SIGNS:** Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification signs. Directional signs (if proposed) may not require a sign permit. Directional signs are subject to review by planning staff during plan check process.

HISTORY & FACTS:

1200	Archeological surveys of the area revealed both prehistoric and historic significance. The prehistoric suggest occupation by the Hohokam during portions of the Colonial, Sedentary, and early Classic periods. Historically, the area was part of a Hispanic barrio variously known as La Cremaria (named after a nearby creamery where many of its residents were employed), Barrio del May's, and the Sotelo Addition. Residential development began in the early 1870s but intensified after 1890 (excerpt from Summary of 2005 Archeological Investigation).
Circa 1882	Elias-Rodriguez House constructed on lot to the west.
1920	What is now Eighth Street was once the Bankhead Highway, an historically significant transcontinental motor route dating to the early twentieth century.
1930	Historic aerial photos indicate south side of Eighth Street are residences with agricultural land to the north and south of the subject site and surrounding properties.
1958	Area was annexed into the City of Tempe.
August 21, 1967	Modifications were made to the site without building permits, it is unclear from property record cards if this was an adaptive reuse of an existing residence or existing commercial use.
February 17, 1972	Property record card indicated a liquor license issued for a business at 1001 E. Eighth St, The Library Bar. Noise and nuisance complaints for the property use started immediately after this date.
1980	Freddie's Down the Road bar was disconnected from septic system and connected to sewer system. The property continued to receive ongoing nuisance complaints for property upkeep, noise and behavior of customers.
May 4, 1987	Planning Division issued a letter to the Sun Club, indicating it had a legal non-conforming use previously operated as the Library Bar and Freddie's Down the Road. The letter indicated that if the use significantly changed or intensified, a use permit would be required. The building associated with this use was destroyed by fire.
June 22, 1994	Board of Adjustment approved a request for a Use Permit to allow a new bar/nightclub to operate at 1001 E Eighth Street in the C-2 General Commercial District. The use did not include live entertainment, outdoor speakers were prohibited, and bar activities were required to cease at 1:00 am per state statutes.
August 17, 1994	Design Review Board approved building elevations, site plan, landscape plan and signage for the Thirsty Beaver at this location.
September 9, 1993:	The City executed a document combining a portion of lot three with lot four, creating a .2736 acre parcel including the Elias-Rodriguez House and surrounding land.

- September 28, 1994 Board of Adjustment approved a request for a Variance to allow a deviation in the landscape buffer requirements on the south of the property.
- September 11, 1997: The Tempe City Council voted to add the Elias-Rodriguez House to the Tempe Historic Property Register, thereby applying historic overlay zoning to the .2736 acre parcel.
- October 26, 2000: The Tempe City Council added additional property to the .2736 acre parcel, to create a .97 acre parcel. The supporting documents did not define which portion of the parcel was subject to HPC review.
- February 15, 2001: The Tempe City Council amended the lot lines approved on October 26th, 2000. The supporting documents did not address the historic overlay, resulting in City records showing the new parcel, inclusive of vacant land and parking lot, without exception, as bearing an historic overlay on a portion of the site not intended for historic designation. This will be clarified by an administrative opinion rendered by the Historic Preservation Officer as a part of the proposed development.
- June 26, 2002 Board of Adjustment approved a request for a Use Permit to allow a bar under new ownership, a Use Permit for a 1,200 s.f. outdoor dining area, and a Variance to reduce the parking from 75 to 51 spaces for Shady Grove Bar and Grill. The parking reduction was contested by residents due to perceived parking issues with the prior Thirsty Beaver business.
- July 15, 2002 Design Review Board staff approved a request for the design of a patio addition for Shady Grove Bar and Grill.
- October 2, 2003 City Council approved a Resolution selecting the proposal by Trailer Park Restaurant Inc. to improve 939 and 949 E. Eighth Street for surface parking in exchange for lease of these properties. Trailer Park Restaurant was also known as Dos Gringos.
- 2004 El Adobe Apartments were built to the east of the subject site, which had been vacant from sometime after 1979 until 2003. In 2006 the apartments were converted into Condominiums.
- 2010 The parking lease agreement for Trailer Park Restaurant was transferred to a new property owner. The Hearing Officer approved two Use Permits for Trailer Park Restaurant, to allow a Series 6 bar in the CSS and to allow live entertainment including disc jockeys and live bands. The venue name later changed to Rocky Point Cantina, and the format of the bar changed to become a concert venue leased out for bands to perform with on-line ticket sales. Code enforcement received a complaint for excessive noise.
- 2012 During the course of the year, the owner became delinquent in payments to Tempe for the parking lease. Subsequent complaints were filed for excessive weeds, debris in the parking lot, graffiti and noise. May 1, 2012-May 19, 2013 Tempe Police received 42 calls for service, 17 were loud music/noise complaints; most were after 10pm in the evening.

- May 23, 2013 Spike TV's Bar Rescue television series came to the site and did a 4 day business remodel, including name and menu change, and new interior and exterior modifications. This work was done without Planning Development Plan Review process and without building permits.
- July 23, 2013 The Development Review Commission approved a request for the exterior modification. A subsequent assessment of cumulative building modifications inside resulted in a structural engineering report outlining the extent of modifications necessary to comply with building code. The property owner determined that he would not be able to make requisite changes to maintain a certificate of occupancy. The property was foreclosed on by the bank, which later determined the existing structure was not able to be used or cost effectively refurbished.
- March 13, 2014 City of Tempe purchased the property with the use of Community Development Block Grant funding for the purposes of acquiring sufficient land to construct affordable workforce housing.
- November 25, 2014 City of Tempe issued a request for qualifications for market rate and affordable housing.
- February 26, 2015 City Council approved a development agreement with Gorman & Company Inc. for the development of veteran's family housing on this site.
- December 8, 2015 Development Review Commission is scheduled to hear a request for a General Plan Amendment, Zoning Amendment, Planned Area Development and Development Plan Review consisting of MU-4 Mixed-Use High-Density (up to 65 du/ac) five-story building with 45 apartments and five live-work units for THE VALOR ON EIGHTH, located at 1001 East Eighth Street. The applicant is Rob Lane, Gammage & Burnham PLC.
- January 28, 2016 This request is scheduled for an introduction and first City Council public hearing.
- February 11, 2016 This request is scheduled for the second City Council public hearing.

ZONING AND DEVELOPMENT CODE REFERENCE:

- Section 6-302, General Plan Amendment
- Section 6-304, Zoning Map Amendment
- Section 6-305, Planned Area Development (PAD) Overlay districts
- Section 6-306, Development Plan Review