REVISED

CITY OF TEMPE
REQUEST FOR COUNCIL ACTION

Council Meeting Date: 05/12/2016
Agenda Item: 6B7

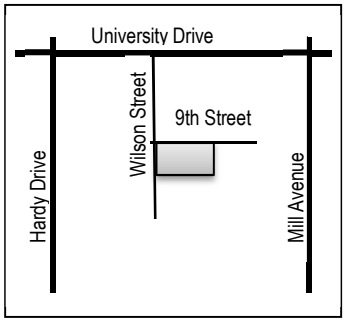
ACTION: Introduce and hold the first public hearing to adopt an ordinance for a Planned Area Development and approve a Development Plan Review for six single-family homes, for 9TH AND WILSON, located at 431 W. 9th Street. The applicant is Jerry Palmer of Palmer Architects. The second and final public hearing is scheduled for May 26, 2016. (Ordinance No. O2016.32)

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. O2016.32
Development Review Commission - Approval, subject to conditions (7 – 0 vote)

BACKGROUND INFORMATION: 9th AND WILSON (PL150336) is a proposed new single-family residential development consisting of two buildings each comprised of three attached homes on individual lots. The six residences would replace one existing house located on two lots, totaling approximately .34 acres, on the south east corner of 9th and Wilson Streets. This request was heard and recommended for approval by the Development Review Commission on April 12, 2016. After the hearing the applicant modified the colors to address Commission concerns for continuity and increased the turf in response to public input. The attachments were updated to reflect the most current designs. Additional public input received is also included in the attachments. The request includes the following:

1. Planned Area Development Overlay for modification to the R-3 Zoning District setback standards from 20' to 13' front yard, 10' to 5' side yard, and 20' to a 3' street side parking setback.
2. Development Plan Review including site plan, building elevations, and landscape plan.



Existing Property Owner	Joe Risi, Risi Development Corp.
Applicant	Jerry Palmer, Palmer Architects
Zoning District	R-3 Multi-Family District
Gross / Net site area	.34 acres
Density / Number of Units	17.6 du/ac / 6 units (maximum 20 du/ac / 7 units)
Unit Types	3-Bedroom Attached Single-Family Residences
Total Building Area	6,750 s.f.
Lot Coverage	45 % (50% maximum allowed)
Building Height	27 ft (30 ft maximum allowed)
Building Setbacks	13' west front yard, 5' south side yard, 15' east rear yard, 10' north street side (20' front, 10' side, 10' 15' rear, 10' street side yard minimum in R-3)
Parking Setback	3' street side yard parking setback (on 9th Street) (20' minimum)
Landscape area	27% (25% minimum required)
Vehicle Parking	16 spaces (12 garage, 4 guest on site) (12 min. required for single family)
Bicycle Parking	8 guest spaces (none required for single family, garage storage available)

ATTACHMENTS: Ordinance, Development Project File REVISED

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (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 south of University Drive, north of Broadway Road, east of Priest Drive and west of Mill Avenue and is located within the Wilson Art and Garden Neighborhood Association (formerly named Mitchell Park East Neighborhood). Nearby uses include commercial uses along University Drive, multi-family apartments to the north of the site, single-family residences on multi-family R-2 zoned lots to the west of the site, and a combination of single-family and multi-family residences on multi-family R-3 zoned lots to the east and south of the site. The Farmer Goodwin house is approximately 500 feet to the east, and Mitchell Park and Childs play Campus is approximately 700 feet to the west. The site currently consists of one single family residence with a guest house. The proposed project would replace the existing house with six single-family attached homes within two buildings consisting of three residences each. This is a revised site configuration from the originally submitted plan, resulting from neighborhood input during this process.

This request includes the following:

1. Planned Area Development Overlay for modifications to the front and side yard setbacks for the site, to allow the front yard setback on Wilson Street to be reduced from 20' to 13' inclusive of a bay window, the side yard from 10' to 5' to allow side by side standard garages, the street side (north) setback would remain 10' and the rear yard (east) setback would remain 15' within the back yards, the street side parking setback would be reduced from 20' to 3' for two guest spaces.
2. Development Plan Review which includes: two two-story buildings with three attached residences in each building, the site plan with a shared drive on 9th Street, landscape plan with front yards facing Wilson Street, and building elevations in a Craftsman style building design.

The applicant is requesting the Approval from the City Council for the above-listed items. For further processing, the applicant will need approval for a Subdivision Plat, to take the existing two lots and subdivide into six lots, with any common area tracts to be maintained by CC&Rs created as part of the HOA.

PRELIMINARY SITE PLAN REVIEW

8/26/2015 – First inter-departmental Site Plan Review (SPR) addressed technical requirements for the proposed plan, made suggestions regarding the design of the units, expressed concern regarding the number of units (suggested removing one), expressed concern regarding the number of bedrooms (some were labeled den or office, but could function as bedrooms. Design comments included need for privacy to adjacent properties, provision of shade, adequate room for tree growth, need for front porch elements facing the street and direction to refer to the architectural context of the neighborhood for building form and materials. The plan had three separate driveways on Wilson, with three tandem garages and drives; traffic engineering indicated there was insufficient room for three driveways within 100' of the intersection, and that only one driveway would function.

11/12/2015 – Second SPR included more information and response to technical details and entitlements required, including PAD, Use Permit and DPR. Similar comments to first review were made regarding number of units, number of bedrooms, parking configuration, and design which had not been addressed.

1/6/2016 – Third SPR showed a new parking configuration on Wilson, with one driveway serving 3 tandem guest spaces behind three tandem private garages. Comments regarding retention and refuse collection were made. Questions about the roof top decks were made. Staff had questions about design details and transitions between materials on elevations. Number of units in the site layout proposed remained a concern.

1/19/2016 – A formal submittal was made requesting a PAD, Use Permit and DPR for the proposed project, initiating the requirements for the neighborhood outreach and involvement plan and notification for a neighborhood meeting.

1/27/2016 – Staff routed the formal submittal plans for SPR again. The design did not change substantially from what was seen in prior versions. Although staff did not agree with the condominium portion of the project in the configuration of the tandem guest and garage parking, the applicant was free to make the request as presented.

2/19/2016 – The applicant held a neighborhood meeting (see summary below and in attachments). As a result of this

meeting, substantial changes were made to the plans.

3/2/2016 – Fifth site plan review was made as a result of these changes, to make sure that the revisions still met technical requirements of the interdepartmental review team (fire, solid waste services, engineering, water utilities, police, planning, development services building code, traffic engineering, transit, etc.) The plan had one driveway instead of 4, it removed tandem parking, it replaced the condominiums with attached single-family units, it reduced the height to meet the code, it still required setback reductions due to the side by side garage design, it modified the landscape plan to provide 15' front or rear yards for the units, front porches, bay windows, and a new architectural style that picked up elements of other buildings in the neighborhood inspired by Craftsman style architecture. The significance of the changes required the applicant to host a second neighborhood meeting to show the proposed revisions (see summary of the second meeting below and in attachments).

3/16/2016 – The last SPR was held for the project to address any outstanding technical issues such as grading and drainage, landscape design, building elevation details, etc. This internal staff meeting was held the same day as the second neighborhood meeting, with the applicant receiving staff input back at the end of the week, after the neighborhood meeting. The comments included a need for more details on the elevations in terms of materials and colors and transitions, and an improved landscape plan with turf and shade trees and more variety in ground cover materials to meet the design criteria for shade, color, texture and seasonal variety. The applicant was required to resubmit plans to address these last staff comments.

PUBLIC INPUT

- Neighborhood meeting was required for this request
- Neighborhood meeting held: Friday February 19, 2016 from 6:00 p.m. to 9:00 p.m. at715 W 5th Street, the Boys & Girls Club.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- Approximately 50 people were in attendance exclusive of staff and the applicant team.
- The proposed project consisted of three single-family detached homes facing 9th Street, each with standard 2 car garages and driveways deep enough for tandem guest on each lot (traditional lot design), creating 3 driveways on 9th Street. South of these three houses were three condominiums, sharing one driveway, with attached tandem garages with tandem guest behind the garage. The original request, as presented, included a Planned Area Development for reduced setbacks and a building height increase to 35' for the condominiums. Each condominium had 4 bedrooms and small private yards. A use permit was also necessary for the tandem parking.
- Comments from residents included:
    - removing a single house to replace with six houses is too much density for the site,
    - do not remove the house, keep the lot as it is now and sell it to someone who wants to live there,
    - even if the R-3 zoning allows six units it does not allow the change to the setbacks or height therefore do not ask to change the development standards (work within the code), do not ask for a PAD,
    - the parking provided will not work; it removes on-street parking with the number of proposed driveways and increases the number of bedrooms to 21 on site. Because of the location to the University, even sold as owner occupied could result in rental housing for students with cars and guests (shifting the parking burden further down the street), the plan has too many bedrooms and not enough parking
    - tandem parking will not work, expecting three separate owners to back their guests and their own vehicles out of one driveway is not realistic,
    - the building height is too tall and out of character for the area (three story units),
    - expressed desire for affordable housing, concern about the price of the units being too high for existing renters to afford,
    - desire to keep flood irrigation and large mature shade trees as part of the character of the area,
    - desire for the architecture to be in character with the area, do not build the Newport Beach style product in Mitchell Park, use colors and materials and forms that fit the context of the area,
    - concern about function of rooftop patios, and privacy to surrounding neighbors
    - concern about the process and why they didn't get to see the design earlier (applicant was meeting the requirements of notification and meeting prior to hearing, but residents wanted to see it prior to this

required 30 day period),
    - Why had the applicant not reviewed the existing Northwest Tempe Strategic Plan (2000) before designing the project
- At the end of the meeting residents agreed that a smaller group of residents, representative of the neighborhood, would meet with the developer to discuss what changes were needed to the project.
- As a result of this meeting, the applicant revised the plans to address as many of the comments as possible. A copy of the originally submitted plans is provided for reference in the attachments. The changes resulted in a complete redesign of the site plan, landscape plan, grading and drainage plan and building elevations.
- A neighborhood representative put together a team of approximately 12 people to meet separately from the developer to gather all concerns to be provided at one time. This information was then communicated to the developer from the representative.
- 2nd Neighborhood meeting held: Wednesday March 16th, 2016 from 6:00 p.m. to 7:00 p.m. at 715 W 5th Street, the Boys & Girls Club.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- Approximately 25 people were in attendance exclusive of staff and the applicant team.
- Response from the Developer regarding the prior comments from residents included:
    - The density of the lot is allowed by right within the General Plan and the Zoning Ordinance, removal of units will not work for the project as it is being proposed.
    - He purchased the property to develop it as it is allowed to be used.
    - The building height has been lowered to meet the R-3 zoning; however, a PAD is still necessary for two of the setbacks.
    - Tandem parking is no longer part of the program, all units have standard garages with side by side parking and additional on-site guest parking is available. Removal of the driveways also allows on street parking.
    - Although an earlier design for podium parking with 6 apartments above was considered, and would be more affordable, the applicant was working from earlier conversations with staff that owner-occupied product would be preferred to multi-family apartments. Affordable housing is generally handled through tax credits and special programs, which this project is not a part of; it is privately financed for market rate product.
    - The rooftop patios have been removed.
    - The applicant wishes to have a low water use landscape, but agrees that shade trees are important for the attractiveness of the product and the shade value and street appeal. Larger sized trees of a variety of species are provided based on his survey of surrounding landscape materials.
    - The applicant reviewed the existing Northwest Tempe Strategic Plan and incorporated the vision within this document into his new plan.
    - The design of the buildings is no longer Newport Beach, but more Craftsman style with influences of materials and forms from the surrounding area.
- Comments from residents in response to the new plan:
    - Some do not like the number of units
    - Some want a requirement for affordable housing included
    - Some do not want the PAD to be allowed to change the setbacks
    - Recognizing the private property rights allowed within the zoning need for the discussion should focus on the details and design
    - Concern about process with the smaller representative group not reflecting/representing the whole neighborhood but only a select few.
    - Thank you for listening and making the changes
    - Concern that the landscape plan showed gravel and no turf and limited ground cover.
    - The character of the area is lush shade trees and turf; the project should blend with the landscape of the area.
    - Questions about colors and materials, desire to not have a beige project, which would be out of character with the colorful eclectic palette of the neighborhood.
    - Questions about CC&Rs and HOA and how this functions
    - Discussion about on street parking and who could use this (anyone, unless residents chose to request

permit parking).

- From staff's perspective of the meeting, a majority of those attending appeared appreciative of the proposed changes, and a faction of residents remained dissatisfied with the development.

At the completion of the Development Review Commission report on 3/29/16, staff received 10 emails regarding the project. Comments included opposition, support, or input for improvement (larger windows on 9th Street side elevations and more turf). The emails are provided in the attachments.

At the completion of the City Council report on 4/26/2016, staff received 3 emails and a letter regarding the project. Two emails supported the revisions and the project, one email opposed the project. The letter was written in opposition and appeal of the Commission recommendation. These documents are in the attachments.

DEVELOPMENT REVIEW COMMISSION

At the April 12, 2016 public hearing, the Commission took public comment and discussed the project based on the presented information. Concern was expressed regarding the detail of color application between units, and making a smooth transition from one unit to the next using colors shown. Concern was also expressed regarding the limited amount of turf and vegetation shown on the landscape plan. Direction was given by the motion to approve, with the condition that the applicant work with staff and the neighborhood on the design details including more windows on the north elevation, any color modifications, and with revisions to the landscape plan to incorporate a landscape palette more appropriate to the historically flood irrigated neighborhood aesthetic of turf and shade trees. After the hearing, the applicant forwarded revisions to the landscape plan, adding more turf to the yards. The elevations were modified to integrate one trim color and one window color for all units, and changing the color of the middle units from dark grey to a lighter grey for more continuity with the adjacent units. Staff forwarded these modifications to the neighborhood representative, who shared the revisions with other residents within the area for input.

PROJECT ANALYSIS

CHARACTER AREA PLAN

This area does not yet have a Character Area Plan. The Northwest Tempe Strategic Plan 1998-2002, which was accepted by Council but was not formally adopted. The plan addresses the entire northwest Tempe area, not just Mitchell Park. Issues raised within this document included neighborhood deterioration and maintenance, traffic, parking, parks and recreation facilities (at the time Mitchell School was closed), maintenance of streets and sidewalks and enforcement of the zoning ordinance. Assets of the neighborhood included neighborhood character, diversity in housing, mature landscaping and convenient location. Desires expressed included owner-occupied family-oriented housing, fewer rental houses, and stronger advocacy and neighborhood involvement for revitalization. Defined character objectives included architecture relating to street character and activity, functional landscape for all land uses, general design and maintenance policies for the different neighborhoods. Housing objectives included maintaining and increasing residential property values, accommodate additional population through small scale infill housing options appropriate to the zoning without adversely affecting the character of the neighborhood.

PLANNED AREA DEVELOPMENT

9th & Wilson – PAD Overlay			
Standard	**R-3 Multi-Family**	**R-3 PAD**	**Change**
Residential Density (du/ac) Maximum	20	17.6	No change
Number of Units Maximum	7	6	No chance
Number of Bedrooms Per Unit / Total	-	3 / 18	No change
Building Height (feet) [Exceptions, see Section 4-205(A)] Building Height Maximum Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	 30 ft Yes	 27 ft Yes	 No Change No Change
Maximum Lot Coverage (% of net site area)	50%	45% (6,750 s.f.)	No Change
Minimum Landscape Area (% of net site area)	25%	27% (4,045 s.f.)	No Change
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)] Front (west, facing Wilson Street) Parking Side (south) Rear (east) Street Side (north, facing 9th Street) Parking	 20 ft 20 ft 10 ft 15 ft 10 ft 20 ft	 13 ft 20 ft 5 ft 15 ft 10 ft 3 ft	 **Decrease** No Change **Decrease** No Change No Change **Decrease**
Vehicle Parking	16 spaces (as a multi-family development) 12 spaces (as a single-family development	16 spaces on site 5 on street	Decrease from multi-family, Increase from single family
Bicycle Parking	6 spaces for multi-family 0 spaces for single-family	8 spaces on site Plus garage parking	N/A

The Planned Area Development respects the underlying zoning and modifies the setbacks to accommodate the project design. Although the zoning standards would allow ground floor paved parking underneath a podium building, and the character of the area is predominantly single car carports or garages with tandem parking in driveways, the proposed design provides a standard side-by-side parked garage for each unit, enabled by the reduced side yard from 10 feet to 5 feet to accommodate the width of the individual units aligned three deep on either side of a shared driveway, with additional guest parking tucked between units. Each unit has a private 15' deep by 28' wide yard, with a bay window projection on a part of this open space and a 67 square foot porch for sheltered outdoor space. The design allows less building lot coverage, more landscape area and less building height. The applicant is seeking relief on the side yard parking setback from 20' to 3' to accommodate 2 additional guest parking spaces on site.

With the proposed Planned Area Development, the applicant is:

- Providing the required landscape islands adjacent to the two guest parking spaces on 9th Street, within the parking setback.
- Reducing the length of the two interior guest parking spaces from 18' to 16' to accommodate the interior stairwell and landing leading to the second floor; these guest spaces are compact in length, but not required by code.
- Providing parking screen walls along 9th Street as required.
- Increasing parking from 12 (required for single family) to 16 spaces on site, inclusive of 2 compact.
- Providing guest parking
- Providing bike parking
- Providing a 6' wall for the east and south sides, in character with the neighborhood.
- Providing a 5' landscape buffer on the south side and a 15' landscape buffer on the east side.
- Trees are not required on east side for single family; however the design provides trees along the east side for the

back yard units.
- Provides street trees 1 ½" caliper.

As a result of this proposed PAD, the design of the site is tied to the development standards and cannot be modified without further public process.

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.* The project meets goals within the General Plan Community Design, Neighborhood Preservation and Revitalization, Land Use and Housing Elements utilizing the strategies defined within the General Plan. A few of these include allowing flexibility in housing types and configurations, encouraging reinvestment and redevelopment appropriate to a particular area, focusing on the transition of density to single-family neighborhoods, balancing efficient uses of the land, creating an appealing street environment to promote walking, providing flexibility in siting and design of new developments to protect neighborhood character, promoting compact, efficient infill development, promoting architectural design that draws from and relates to its context, encouraging shade and comfortable pedestrian environments, providing natural surveillance for community safety.
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 project addresses the neighborhood context and strategic plan in form, materials, stylistic elements, landscape and use.
3. *The development appropriately mitigates transitional impacts on the immediate surroundings.* The project is a corner lot across from a small apartment community, on a block zoned for multi-family and used for single family. It provides a new attached home product that transition from multi-family to single family by design.

DEVELOPMENT PLAN REVIEW

Site Plan

The site plan has three attached residences facing Wilson Street to the west, with sidewalks from the public sidewalk leading through the 13-15 foot front yards to the front porches of each unit. From 9th Street, the side of the units are facing north, with the second set of three attached residences facing east, with private 13-15 foot rear yards. The shared drive from 9th Street provides access to the guest parking and six garages for the units. Bike parking for guests is provided at the 9th Street drive entrance, behind a screen wall. Refuse will be located in the rear yards of the east units and in the garages of the west units, with designated brick areas located at the curb front for each unit to place the cans for solid waste and recycling collection. The public sidewalk on 9th Street meanders behind this brick area, and serves as an extended sidewalk on non-collection days.

Building Elevations

The architecture picks up the low pitch roofline common to ranch homes in the area, with gable ends similar to the bungalow and craftsman styles in nearby Maple Ash neighborhood. The roof material is a newer architectural asphalt shingle used in historic home restoration, providing a wood shake roof look with the fire resistance and durability desired for newer homes. The thickness of these tiles provides more insulated quality as well as aesthetic depth that casts shadows, adding to the three dimensional quality of the roof. Windows have mullioned individual lights more in character with homes from the 1920s through 1960s before large paned glazing became more common. The use of cement board textured in wood and laid in lap plank ties in to the older architecture with wood panel construction while providing a newer more durable product less susceptible to termite and sun damage. Board and baton construction is used on gable ends, as is common in the area. The neighborhood architecture has masonry accents as well as slump block constructed ranch homes, this design incorporates a masonry wainscot and chimney on the homes. The use of stucco is seen in nearby apartments and some remodeled homes in the area, and is used in the elevations of these homes, broken up by the above-listed materials, windows and doors.

Landscape Plan

The proposed landscape design is a very diverse palette, utilizing newer low-water using species such as Acacia Mulga, Leather-leaf Acacia and Live Oak trees, accented with Mexican Fan Palm, and Hopseed Bush, Red Yucca, Sage, and

Muhlengergia; the palette also includes older more traditional plants found throughout the neighborhood such as Shamel Ash and Afghan Pine and limited areas of turf. Conditions related to the yards visible from the street frontage have been added to increase the turf area and the ground coverage visible from the streets. The proposed street tree along Wilson Street is the Shamel Ash, and along 9th Street are Chinese Elm and Live Oak. The south side utilizes Afghan Pine and the east side has Live Oak, Afghan Pine and Acacia Mulga.

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 proposed project provides homes facing Wilson with projected bay windows, front porches, changes in roof height and chimneys, with significant street front architectural detail and variation in materials and colors.

2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;* the building uses contemporary energy efficient materials and significant tree coverage to shade the sidewalks and units.

3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;* materials are of superior quality and provide a high level of architectural detail reflective of historic elements within the area, but providing diversity in housing product, style and form.

4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;* the buildings are shorter than the allowed zoning standard height, are two story units in character to the apartments to the north, and other two-story units in the surrounding area, and are set back from the street edge. Landscape material will be pedestrian scaled and enhance the streetscape.

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;* the building mass is broken up on the front and back of the units, the end sides are more continuous in form, but use the windows to create a sense of movement. A wainscot and gable rooftop help define the base and top of the structures.

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 provide significant architectural interest and detail.

7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* the site is a small infill site, walking distance from transit availability on University Drive, and has bicycle racks on site.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;* the single shared drive minimizes sidewalk conflicts for pedestrians, and provides forward motion for vehicles leaving the site.

9. *Plans appropriately integrate Crime Prevention through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;* the design of the buildings and site provides significant street front interaction.

10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* the landscape enhances the street front and the architecture.

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;* are not a part of this request.

12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.* Will be sensitively designed to a single-family environment.

Conclusion

Based on the information provided and the above analysis, staff recommends approval of the requested 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 within zoning districts.
4. The proposed project meets the approval criteria for a Development Plan Review.

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 PAD approval shall be null and void.

3. The Planned Area Development Overlay for 9th Street and Wilson Residences 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.

DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL:

General

1. Except as modified by conditions, development shall be in substantial conformance with the revised site plan and building elevations received March 28, 2016 and the revised landscape plan received March 28, 2016. Minor modifications may be review through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.
    a. **The applicant shall continue working with staff and the neighborhood to come up with a landscape plan that is more appropriate to the area and to add more windows to the north elevation. ADDED BY THE DEVELOPMENT REVIEW COMMISSION.**

Site Plan

2. HVAC to be fully screened from public view with walls that are at least the height of the equipment being enclosed. Equipment not shown on elevations is not to be added to the roof without architectural integration to provide requisite screening. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment.

3. 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.

4. 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.

5. 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

6. The materials and colors are approved as presented (March 28, 2016):
   Roof –Owens Corning, Architectural composition shingles 50 yr life, Heritage pattern Vintage color
   Front Door – Cedar pattern wood grained Masonite door.
   Garage Door –Insulated metal door to match Sherwin Williams Ceiling Bright White SW7007 (white)
   Reclaimed Faux Stone Wainscot
   Reclaimed Brick

   Primary Building Unit 1– Cementitious panel, lap board and board and baton pattern, wood grain finish, painted Sherwin Williams Grassland SW6163 (light green)
   Trim & Columns Unit 1 – Wood, painted Sherwin Williams Ramie SW6156 (cream/beige)
   Frames – Fiberglass composite window, integral to match Sherwin Williams Ceiling Bright White SW7007 (white)
   Shutters (composite) & Railing (wood) – painted to match Sherwin Williams Ceiling Bright White SW7007 (white)

   Primary Building Unit 2 – Cementitious panel, lap board and board and baton pattern, wood grain finish, painted Sherwin Williams Peppercorn SW7674 (dark grey)
   Trim & Columns Unit 2 – Wood, painted Sherwin Williams Tin Lizzie SW9163 (medium grey)
   Frames – Fiberglass composite window, integral to match Sherwin Williams Ceiling Bright White SW7007 (white)
   Shutters & Railing – Wood, painted to match Sherwin Williams Ceiling Bright White SW7007 (white)
   Primary Building Unit 3 – Cementitious panel, lap board and board and baton pattern, wood grain finish,, painted Sherwin Williams Downing Sand SW2822 (sand/tan)
   Trim & Columns Unit 2 – Wood, painted Sherwin Williams Well-Bred Brown SW7027 (medium brown)
   Frames – Fiberglass composite window, integral to match Sherwin Williams Rookwood Dark Green SW2816 (olive green)
   Shutters & Railing – Wood, to match Sherwin Williams Rookwood SW2816 (olive green)

   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.

7. Provide secure roof access from the interior of the building. Do not expose roof access to public view.

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 concealed from public view.

Lighting

11. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned:

a. Driveway to be illuminated from dawn to dusk 2 foot candles by a commonly controlled (HOA) light source with photocell control, not timer or switch. Fixtures shall be residential in scale and dark sky compliant.
b. Front doors to be illuminated to a minimum of 2 foot candles with dark sky compliant fixtures appropriate to the character of the architecture. Lights can be switch controlled by homeowner.
c. Lighting on units shall be in character and scale with the architecture and not produce excessive light.

Landscape

12. The plant palette is approved as proposed and specified on the landscape plan (March 28, 2016). Any additions or modifications may be submitted for review during building plan check process.
    a. Additional turf shall be provided in the front yards of the units facing Wilson Street.
    b. Where turf is not used in the yards facing Wilson and siding 9th Street, the mature vegetative cover of alternative plant materials shall be a minimum of 70% ground coverage (exclusive of tree canopy above).

13. Irrigation notes:
    a. 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.
    b. Locate valve controller in a vandal resistant housing.
    c. Hardwire power source to controller (a receptacle connection is not allowed).
    d. 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 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.

16. 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.

Addressing

17. Provide address sign(s) on the building elevation facing west and east.
    a. Conform to the following for building address signs:
        1) Provide street number only, not the street name
        2) Compose of 4 or 6" high, individual mount, metal characters with a dedicated light source.
        3) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
        4) Do not affix number or letter 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.

- The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping and parking required by Ordinance or located in any common area on site. Garages shall be maintained as the parking spaces for each unit and may not be used for storage or living space that prevents parking vehicles in garages. The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Manager and City Attorney.

- 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 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:
  - 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.
- TRAFFIC ENGINEERING:
  - Provide 6'-0" wide public sidewalk, or 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.

- 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:
  - 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.
  - Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate.

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

HISTORY & FACTS:

January 1930	According to aerial photography from Flood Control District of Maricopa County, a residential structure was on site at this time.
December 1937	Aerial photography indicated property changes to the building configuration. 1938 Residential District was 30' (all residential was in one category)
1948	Zoning Ordinance 193 created two residential districts; Residential A & B had 30' and 40' respectively. This site was zoned Residential A.
1957	Zoning Ordinance 268 Map shows property and surrounding lots as R-2. The ordinance had five residential districts: Residential Districts 1, 2, 3, 3A and 4 were created with 30' for 1, 2 & 3, "3 stories" for R-3A, and 48' for R-4.

February 22, 1960	Property record card information indicates a request was made to change the zoning from R-1 to R-3 on all lots between 9th & 10th Streets, on the east side of Wilson Street.
May 19, 1960	Property record card information indicates a change of zoning from R-1 to R-2, but no information regarding an ordinance for this change was located.
January 24, 1964	City Council adopted Zoning Ordinance 405, which changed the zoning map to R-3 for the east side of Wilson in the block between 9th and 10th Streets.
July 31, 1967	A building application received for permission to construct a one story building to be used as apartment and garage/carport. The structure appeared completed in aerial photos from 1969.
May 22, 2002	Board of Adjustment approved Variance requests for the Richards Residence which, if timely constructed, among other requirements, would have allowed: • Waive all required landscape islands and accompanying plant material. • Reduce the length of two parking spaces from 18' to 16'. • Waive all parking screening walls. • Allow required parking to encroach into the required side yard setback. • Wave required parking space striping. • Reduce required parking from 4 to 3 spaces. • Waive the (1) required guest parking space. • Waive required bicycle parking ("ASU-commuting area"). • Waive required 8'masonry wall on the south and east property lines. • Waive required 6' landscape buffer at the east property line. • Waive required trees (15 gal. 15' on center) along east property line. • Waive all required street trees. These variances were time sensitive, conditioned specific to the approved site plan as submitted and for three units only.
April 12, 2016	Development Review Commission held a public hearing and recommended approval of the requested Planned Area Development and Development Plan Review.
May 12, 2016	City Council is scheduled for the introduction and first public hearing for this request.
May 26, 2016	City Council is scheduled for the second public hearing for this request.

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