



SECOND REVISED

**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 08/27/2015
Agenda Item: 6C1**

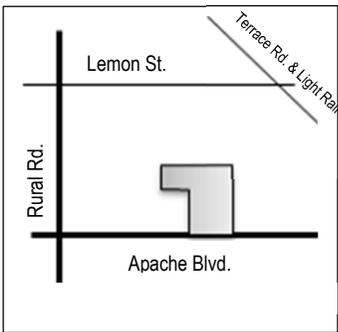
ACTION: Hold the second public hearing to adopt an ordinance for an Amended Planned Area Development Overlay and a Development Plan Review for a new mixed-use 14-story development for 1000 EAST APACHE, located at 1000 East Apache Boulevard. The applicant is Snell & Wilmer LLC. (Ordinance No. O2015.40)

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. O2015.40
Staff – Approval, subject to conditions
Development Review Commission – **Approval (6-1), subject to modified conditions**

BACKGROUND INFORMATION: 1000 EAST APACHE (PL150208) is proposed a 14-story (plus rooftop amenity deck) mixed-use development containing 384 dwelling units, 3,838 square feet of commercial space, and 195 square feet of restaurant space. The development is designed to serve the needs of university students. This site, previously named The Retreat at 1000 Apache, received approval in 2008 for two five-story, 67’ high mixed-use buildings containing student housing, retail/restaurant, and a parking garage. An administrative amendment to the PAD was approved in 2009 to adjust the number of provided parking spaces and allow small reductions in the side and rear building setbacks. A second PAD amendment was approved by the City Council in 2013 which increase the number of dwelling units, increased the building height to 14 stories (170’), and decrease the landscape coverage and rear building setback. In February 2015, the City Council approved a time extension for the existing PAD that requires the owner to submit a building permit by January of 2016. This request includes the following:

1. Amended Planned Area Development Overlay to modify standards for density, building setbacks, landscape area, and vehicle parking.
2. Development Plan Review including site plan, building elevations, and landscape plan.



Property Owner	Cav-Core-Tempe LLC
Applicant	Nick Wood, Snell & Wilmer, LLP
Current Zoning District	MU-4 PAD, TOD [Mixed-Use High Density, Planned Area Development Overlay, Transportation Overlay District (Corridor Area)]
Gross/Net site area	1.80 acres
Density/Units	213 du/ac / 384 units (181 du/ac / 326 units allowed by existing PAD)
Total Building area	641,864 s.f.
Lot Coverage	73% (73% max allowed by existing PAD)
Building Height	160' (170' to top of elevator) (160'-170' max allowed by existing PAD)
Building Setbacks	12' front, 25'-8" side-east, 8'-4" side-west (north part), 9'-4" side-west (south part), 1' side-south (garage facing Apache), 6'-3" rear [0' front, 13' side-east, 7' side-west (north part), 6'-4" side-west (south part), 0' side-south (garage facing Apache), 6' rear]

Landscape area at grade	13% (14% min allowed by existing PAD)
Vehicle Parking	417 spaces provided with requested parking reduction (713 min required by TOD)
Bicycle Parking	394 spaces (with site plan corrections) (394 min required by code)

ATTACHMENTS: Ordinance, Development Project File

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: Karen Stovall, Senior Planner

COMMENTS

This 1.8 acre site is currently vacant and located on the north side of Apache Boulevard, approximately 475 feet east of Rural Road. The property is currently zoned MU-4 PAD and is within the TOD Corridor area, with the light rail line running along Terrace Road to the northeast. The site is surrounded on the north by multi-family residential, on the west by a mixed-use development (922 Place), and on the east by a hotel. To the south, across Apache Boulevard, is a mixed-use development (The District) and a restaurant with drive-through.

The most recent approval for this site was granted in 2013 for the project known as The Grove at 1000 East Apache. This was a mixed-use project for a new 14-story building containing 326 dwelling units and 6,250 square feet of retail with a total building area of 726,348 square feet. The PAD for The Grove was granted a time extension in February of this year which requires that a building permit application is submitted no later than January 10, 2016.

The project site sits within the boundaries of a prehistoric archaeological site known as La Plaza Tempe. 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 the project development team ensure 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 applicant voluntarily met with the SRP-MIC on June 23, 2015 to discuss the site’s prehistory and potential for archaeological discoveries.

This request includes the following:

1. Amended Planned Area Development Overlay to modify standards for density, building setbacks, landscape area, and vehicle parking.
2. Development Plan Review including site plan, building elevations, and landscape plan for a 15-story, 170’ high (to top of elevators) building containing 384 dwelling units, 3,838 square feet of commercial space, 195 square feet of restaurant space, and a five-level, above grade parking structure.

The applicant is requesting the Development Review Commission provide recommendations to City Council for both items listed above.

PRELIMINARY SITE PLAN REVIEW

- May 20, 2015: Preliminary Site Plan Review (site plan only) was completed. Plan identified a 160’ high building with 386 dwelling units and an unidentified commercial area. Comments included the need for a parking study, revised traffic impact study, identification of above grade patios, undergrounding overhead utilities, and to provide calculations for open areas of the parking garage due to building setbacks. Staff recommended a second SPR with elevations prior to formal submittal.

- June 17, 2015: Formal application was submitted and a second SPR was completed. Building elevations identified metal mesh at entire exterior of the garage. Comments included: need to address Building Code requirements pertaining to the limit of percentage of openings along the garage due to the proximity of the building to the property lines; recommendation to introduce relief or pattern into the stucco portions of elevations to break up blank walls; exhibit horizontal rather than sloping lines at the exterior of the garage; introduce a linear design or accentuate floor levels of the garage to break up the mesh; provide a more detailed storefront along Apache; use a more decorative screen to compliment the building architecture (examples provided); and provide complete use of accent materials on all elevations.
- July 16, 2015: Third SPR was completed. Applicant identified a solid block wall on the south garage elevation, added windows and reveals to all elevations, added mullions to the storefront, and added metal panels to the north elevations. Comments made by staff included: break up the five-story block wall of the garage with decorative metal panels, a mix of block, or other means; carry the vertical window lines down the entire length of the building using mesh, decorative block, etc. at the garage; where openings in the garage are permitted, screen the vehicles with a 3' high wall.

PUBLIC INPUT

- Neighborhood meeting was required.
- Neighborhood meeting held: June 23, 2015 at 6:00 p.m. at the Four Points by Sheraton, Tempe.
- Excluding the applicant's team and city staff, approximately 11 individuals attended. No concerns were raised by attendees. Discussion pertained to building design, occupancy, and use of units for student housing. See the attached summary of the meeting provided by the applicant.

DEVELOPMENT REVIEW COMMISSION

This project was heard at the Development Review Commission hearing held August 11, 2015. One individual representing the group Citizens for a Vibrant Apache Corridor (CVAC) spoke in support of the request, stating that he believes the project complies with the group's requirements for quality student housing and he would like to see it get approved.

PROJECT ANALYSIS

PLANNED AREA DEVELOPMENT

The most recent PAD amendment was approved for this site in 2013. The applicant requests an Amended Planned Area Development consisting of 384 dwelling units within a 14-story building. The requested standards would result in a development that is denser than previously approved (58 additional units) but has the same number of total bedrooms (833). A hammer head was previously identified for fire access; at the request of the Fire Department, the proposed plan identifies a looped fire lane, which caused a slight reduction in the percentage of at-grade landscape area. Also due to the looped fire lane, the east setback is almost double the previously approved 13'. An increased south setback along Apache is also provided, which creates patio space south of the building.

The table below shows a comparison of the base development standards, existing approved development standards, and the proposed development standards for the property.

1000 EAST APACHE – PAD Overlay

Standard	MU-4 TOD	Existing MU-4 PAD, TOD	Proposed MU-4 PAD, TOD	Change
Residential Density (du/ac)	NS	181	213	Increase
Building Height (feet) [Exceptions, see Sec. 4-205(A)]				
Building Height Maximum	NS	160' 170' (top of elevator)	160' 170' (top of elevator)	n/a
Building Height Step-Back Required Adjacent to SF or MF District [Sec. 4-404, Building Height Step-Back]	Yes	Yes	Yes	
Maximum Lot Coverage (% of net site area)	NS	73%	73%	n/a
Minimum Landscape Area (% of net site area)	NS	14%	13%	Decrease
Setbacks (feet) (a) [Exceptions, see Sec. 4-205(B)]				
Front - south (Apache Blvd.)	Max 20'	0'	12'	Increase
East side	NS	13'	25'-8"	Increase
West side – south part	NS	6'-4"	9'-4"	Increase
West side – north part	NS	7'	8'-4"	Increase
South side – garage facing Apache	NS	0'	1'	Increase
Rear - north	NS	6'	6'-3"	Increase
Vehicle Parking	.75/bedroom, +.2/unit for guests; 1/300 retail SF (25% of SF waived); 1/75 restaurant SF (25% of SF waived)	.81/bedroom +.2/unit for guests; 1/300 retail SF (25% of SF waived); 1/75 restaurant SF (25% of SF waived)	.47/bedroom, no add'l for guests; 1/300 retail SF (25% of SF waived); 1/75 restaurant SF (25% of SF waived)	Decrease
Bicycle Parking	.75/unit (studio, 1 & 2 bdrms), 1/unit (3 & 4 bdrms), +.2/unit for guests; 1/7,500 retail SF; 1/500 restaurant SF	.75/unit (1 & 2 bdrms), 1/unit (3 & 4 bdrms), +.2/unit for guests; 1/7,500 retail SF; 1/500 restaurant SF	.75/unit (studio, 1 & 2 bdrms) 1/unit (4 bdrm) +.2/unit for guests; 1/7,500 retail SF; 1/500 restaurant SF	n/a

The Transportation Overlay District requires residential vehicle parking at a ratio of .75 per bedroom plus .2 per unit for guest parking. This results in a requirement of 702 spaces for the residential use. The proposed PAD uses a ratio of .47 per bedroom and no additional parking spaces for guests, which results in a total of 392 residential spaces required. The applicant has provided a Parking Study for justification of this reduction, which is included in the attachments. The quantity of residential parking spaces provided is significantly less than that required by the TOD Overlay but reflects the centralized location of the development, presence of the light rail, and type of residents (students) expected to occupy the units. Additionally, there is less of an impact for vehicle spillover and not connected to neighboring streets. Retail and guest parking ratios comply with the TOD requirements. Three on-street parking spaces are provided on Apache in addition to the 414 total provided.

A traffic impact study (TIS) was provided by the applicant and approved by the Public Works Department, Traffic Engineering Division. The executive summary is included as an attachment.

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 development fulfills the projected land use and residential density of the General Plan by developing a mixed-use project at a density above 65 du/ac. The proposal is a compact infill development that incorporates transit-oriented design within the light rail corridor area.
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 requested development standards take the site context into consideration. Sufficient setbacks are provided for emergency access, and the increased setback adjacent to the street will encourage a more pedestrian-friendly atmosphere along Apache Boulevard.
3. *The development appropriately mitigates transitional impacts on the immediate surroundings.* The project locates the largest building setback along the east property line, adjacent to an existing two-story hotel. The reduced setbacks are designed adjacent to property lines that border the parking lot of existing apartment complexes to the north and a 116' high mixed-use development of similar character (922 Place) to the west.

DEVELOPMENT PLAN REVIEW

Site Plan

The property is 1.80 acres and is an irregularly shaped lot. The development will include a new, eight-foot wide detached sidewalk adjacent to Apache, which continues as detached to the west. Vehicular access is provided by a single driveway, which is fixed by the existing median break in Apache Boulevard. The driveway leads to a porte-cochere and directs vehicles to surface parking spaces and a five-level, above grade parking garage that is partially surrounded by the building. The north end of the drive aisle connects to a 20' wide, looped fire lane that leads to an emergency and refuse access driveway provided near the east property line; this driveway will be gated and posted with a "Do Not Enter" sign. The vertical opening of the porte-cochere and fire lane clearance beneath the building is a minimum 13.5' high to comply with fire access requirements.

Building entrances are provided at multiple points along the first floor. A retail area fronts Apache on the east side of the driveway, and a small coffee bar fronts Apache on the west side. The plan identifies two residential lobbies, one on each side of the drive aisle; both lobbies connect to stairs and elevators that lead to the upper building floors. The parking garage is designed with two stairwells and access to interior corridors that connect to elevators.

A condition is included to modify the vehicle and bicycle parking areas on the east side of the drive aisle to allow greater separation between the vehicle overhang and bike spaces directly to the east. Another condition corrects the number of bicycle spaces identified on the plan (to comply with minimum space dimensions) and requires that additional bike spaces be located interior to the building to meet the minimum number required by code.

Building Elevations

The building is of contemporary design and will complement the architecture of 922 Place directly to the west. The massing addresses the scale of existing buildings along Apache; the portion closest to Apache is 10 stories high while the north side is 15. The design includes a post-tensioned concrete structure with exteriors of exposed concrete, high efficiency glazing, and cladding of Exterior Insulation and Finish System (EIFS) and metal. EIFS colors include off-white (the majority of the building) and gray (lower portions). White, perforated, metal panels surround the three amenity decks on the fifth, 10th, and 15th levels. The five-level parking garage that protrudes from the northwest corner of the building is constructed of gray, integral colored concrete masonry units with bands of gray, split-face masonry units for accent. Openings in the garage are screened with stainless steel metal mesh. Metal mesh is also used on top of the masonry in a vertical fashion to mimic the vertical window design above. Conditions are included to modify the garage elevations to eliminate the metal mesh laid over the masonry and modify the color and increase the amount of the split-face masonry to create a greater accent along the garage elevations. A condition is also included to integrate all exposed concrete into the building design.

Landscape Plan

Grade-level landscaping totals 13 percent; however, three rooftop decks are provided at the fifth, 10th, and 15th levels. These levels contain: landscaping and seating (fifth floor deck); landscaping, seating, grills, a fire pit, and game area (10th floor deck); and landscaping, seating, grills, lounge areas, a television, and a pool (15th floor deck). At-grade landscaping includes trees protected by grates adjacent to Apache, within a landscape island in the courtyard, and along the west and east property lines. Shrubs and groundcover are provided in areas adjacent to the building where trees are prohibited due to the building overhead. No trees are proposed along the north property line due to the placement of electrical equipment, the fire pump room, and generator. Conditions are included to increase the number of trees adjacent to Apache and to modify the tree species in the parking lot landscape island.

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 is designed with variation in materials, colors, fenestration, and wall planes along all elevations. The design provides variety in the streetscape.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; the second floor cantilevers over the first floor along Apache, providing a shaded walkway and patios for pedestrians at the ground level. The construction of a detached sidewalk along Apache will allow shade trees on the south side of the sidewalk to shade pedestrians in front of the building. Cantilevered floors provide shade for building windows, and windows are designed using double pane, low-e glazing.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; materials are of high quality and compatible with adjacent developments.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings*; in order to respect the scale of other developments in the immediate vicinity, the building form places the highest elements in the rear and lower elements adjacent to Apache. The fire lane is located along the east side of the building, providing the largest setback adjacent to an existing two-story development to the east. The building is appropriately scaled relative to the site and surroundings.
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*; variation is provided in wall planes, materials, and heights to relieve monotony. The building setback at the ground level and use of storefront glazing define the base at the pedestrian level along Apache. The building stepback at the 12th floor creates a well-defined top.
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*; building façades respond to the orientation of each side. The elevation along Apache has high transparency to the commercial and lobby areas on the first floor, creating visibility at the street level.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage*; the project conforms to the pedestrian oriented design standards of the Transportation Overlay District, including maximum/minimum building setbacks, location of building entrances, ground floor windows, street-facing façades, pedestrian amenities, and sidewalk, open space, and landscape standards. This design will support transit patronage.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; vehicular access is provided by a single driveway on Apache, where cars are directed to surface parking spaces and a parking garage. Colored concrete pavers are proposed for the patio areas directly north of Apache, which will delineate pedestrian areas from vehicular routes paved with asphalt.*
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; the site plan has been reviewed by the Police Department and complies with required safety design elements. The height of proposed landscaping adjacent to pedestrian paths and lighting requirements both outside and within the parking garage will comply with CPTED principles. The applicant has volunteered to complete a security plan that will be reviewed by Police.*
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways; the plan identifies Thornless Palo Verde trees adjacent to the street frontage to continue this street tree theme along Apache. Landscape planter areas border the north side of the sidewalk and the base of the building to delineate pathways and signal driveway locations.*
11. *Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; signs are subject to separate development plan review.*
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects. Lighting will comply with current code requirements to meet minimum illumination levels and be non-intrusive to adjacent properties.*

Conclusion

Based on the information provided and the above analysis, staff recommends approval of the requested Amended 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, alternate setbacks, building heights, and landscape design.
4. The proposed project meets the approval criteria for a Planned Area Development Overlay and 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.

1. Except as modified by conditions, development shall be in substantial conformance with the Third Amended Planned Area Development for 1000 East Apache cover sheet and site plan.
2. A building permit application shall be made on or before two years from 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.
3. 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 (September 28, 2015), or the Amended Planned Area Development approval shall be null and void.

4. The Third Amended Planned Area Development Overlay for 1000 East Apache shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
5. The 11 vehicle parking spaces for commercial users must be signed for exclusive commercial guest use during business hours and may be used by residents only after the last business on-site has closed.
6. **A member of the general contracting team shall attend the Salt River Pima-Maricopa Indian Community cultural sensitivity training course.** (ADDED BY COMMISSION)

**DEVELOPMENT PLAN REVIEW
CONDITIONS OF APPROVAL:**

General

1. Except as modified by conditions, development shall be in substantial conformance with the site plan, elevations, and landscape plan dated July 23, 2015. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.
2. The development shall prepare, at the time of initial building permits, ready-to-use commercial space for tenant leasing. The permit submittal shall include the following: adequate roof space, evidence of roof structural support, and internal set lines for future adequate commercial space air conditioning (HVAC); provide a shaft to ventilate to the roof for commercial cooking exhaust; and a designated location for potential grease trap interceptor if needed.
3. At least (70) parking spaces shall remain unrestricted and accessible for guest use.
4. New construction shall be sound mitigated resulting with indoor noise levels not to exceed a day night-level (DNL) of 45 decibels.
5. At the completion of development, the developer shall make any necessary street repair and pavement improvements within 300 feet of the site resulting from damage from construction activity.
6. **A member of the general contracting team shall attend the Salt River Pima-Maricopa Indian Community cultural sensitivity training course.** (ADDED BY COMMISSION)
7. **Work with staff to address the cleaning and pigeons on shelves in and around the building.** (ADDED BY COMMISSION)
8. **Process a staff-level Development Plan Review for the landscape on the upper-level landscape gardens.** (ADDED BY COMMISSION)

Site Plan

9. To increase the clearance between the vehicle parking spaces adjacent to the 288-space bicycle parking area, reduce 1) the length of the vehicle parking spaces from 18' to 16' (with two-foot overhang) and 2) the width of the walkways between the rows of bicycle parking from six feet to five feet. These modifications will create a two and one-half foot clearance between vehicle overhangs and the west row of bicycle parking spaces.
10. The site plan shall be modified to note a total of 204 at-grade bicycle parking spaces that comply with standard detail T-578 **or an alternative bike parking detail.** The additional 190 bicycle spaces shall be provided and identified within dwelling units or elsewhere interior to the building. (MODIFIED BY COMMISSION)
11. Provide service yard and mechanical (cooling tower/generator) yard walls that are at least 6'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yard, as indicated.

12. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
13. Provide upgraded paving at the west driveway for a distance of 20'-0" from the back of sidewalk and from curb to curb at the drive edges.
14. 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.
15. 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

16. Exit Security:
 - a. Provide visual surveillance by means of fire-rated glazing assemblies from office stair towers into adjacent circulation spaces.
 - b. In instances where an elevator or stair exit in the office or garage 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.
17. Public Restroom Security:
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by automatic sensors, key or remote control mechanism
 - b. Single user restroom door hardware:
 - 3) Provide a key bypass on the exterior side
18. Garage Security:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Paint interior wall and overhead surfaces in garage floor levels with a highly reflective white color, minimum LRV of 75 percent.
 - c. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.
19. Parking Garage:
 - a. Minimum required parking dimensions shall be clear of any obstructions.
 - b. At the ends of dead-end drive aisles, provide a designated turn-around space, minimum 8'-6" clear in width (locate on left side if available), including 3'-0" vehicular maneuvering area for exiting. Turn-around area shall be clearly demarcated.
 - c. Provide a minimum 2'-0" of additional width for parking spaces when adjacent to a continuous wall.

Building Elevations

20. Except as modified by conditions, the materials and colors are approved as presented:

Exposed building walls – cast in place concrete

Primary EIFS color – Dryvit – integral color, sand pebble fine, Moonlight DV612

Secondary EIFS color – Dryvit – integral color, sand pebble fine, Tattletale DV615A

Metal accent panel – Metal Sales – Magna-Loc Panel, Corten AZP Raw finish

Parking garage metal mesh – Cambridge Architectural – "braid" flexible stainless steel, 65% open

Perforated metal panel – McNichols – quality round perf galvanized panel, 1/2" round holes, white powder coated
Parking garage concrete masonry unit – Western Block – 8x8x16, smooth, Route 66
Secondary parking garage concrete masonry unit – Western Block – 8x8x16, split face, Route 66 (see condition #18)
Glazing – double plan, blue tint, low-E
Window frames – matte black aluminum

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.

21. Where floor-to-ceiling metal mesh is proposed on the garage, provide a three-foot high screen wall of smooth CMU (color Route 66) to screen vehicles within the garage.
22. Modify the color of the split face block to an integral colored white block to closely match the white EIFS (color Moonlight).
23. Eliminate the metal mesh laid over the split face concrete masonry units.
24. Where flush with EIFS walls, exposed concrete shall be painted to match the adjacent EIFS.
25. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
26. Conceal roof drainage system within the interior of the building.
27. 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.
28. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
29. 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.
30. **Work with staff to create window opening limiters to limit objects being thrown from the building or residents using the shelves.** (ADDED BY COMMISSION)

Lighting

31. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting.
32. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance.

Landscape

33. Except as modified by conditions, the plant palette is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process.
34. Trees on Apache shall be single trunk Desert Museum Hybrid Palo Verde (planted with a minimum 36" boxsize).
35. Provide street trees within 4' x 12' wide cast iron grate.
36. Increase the number of Palo Verde trees on the east side of the driveway from three to four.
37. Replace the three Ironwood trees in the parking lot landscape island with two Chilean Mesquite trees.
38. 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.
39. 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.
40. 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.
41. 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.
42. **Work with staff to add additional landscape to the northern elevation of the project.** (ADDED BY COMMISSION)

Signage

43. Provide an address sign on the building elevation facing the street to which the property is identified.
- a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) 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.
 - c. Provide one address sign on the roof of the building. Orient sign to be read from the south.
 - 1) Include street address number in 6'-0" high characters on one line and street name in 3'-0" high characters on a second line immediately below the first.
 - 2) Provide high contrast sign, either black characters on a light surface or white characters on a black field that is painted on a horizontal plane on the roof. Coordinate roof sign with roof membrane so membrane is not compromised.
 - 3) Do not illuminate roof address.

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 to 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.
 - 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 13'-6" 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 a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.

- 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.

- REFUSE:
 - 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.

- DRIVEWAYS:
 - 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.

- PARKING SPACES:
 - 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:

Mid Century Office Building

September 19, 1962: Building Permit issued for two-story office building located at 1000 East Apache Boulevard in the C-2, General Commercial District. Final inspection made for the construction on April 19, 1963. Building (demolition) Permit issued on March 17, 2008 to remove the existing fire damaged building at 1000 East Apache Boulevard.

LandSource Proposal

May 8, 2006: LandSource Tempe, an eighteen (18) story mixed-use project featuring street front retail and including 104 residential and four live/work condominiums at 948 and 1000 East Apache Boulevard in the CSS District, was presented to the Apache Boulevard Project Area Committee. The proposal was favorably received. The project subsequently grew to nineteen (19) stories before being shelved by LandSource Holdings LLC in late 2006.

The Retreat (Zoning change and PAD)

July 29, 2008: The Development Review Commission approved the request by the Retreat @ 1000 Apache for a Development Plan Review and recommended approval to City Council for a Zoning Map Amendment and Planned Area Development Overlay for two five-story mixed use buildings, 67'-0" high, including support spaces and 124 student housing units of 162,629 sf. and retail/restaurant area of 4,352 sf. and for one five level parking garage, 52'-0" high, with an area of 96,665 sf. including one subterranean level, located at 1000 East Apache Boulevard in the CSS, Commercial Shopping and Service District. The Retreat previously had been reviewed on March 10, 2008 by the Apache Boulevard Project Area Committee, on March 12 and May 14, 2008 by the Tempe Apache Boulevard Association and was presented in a neighborhood meeting on June 23, 2008. The request included the following:

DPR08093 – Development Plan Review including site plan, building elevations and landscape plan (this approval has expired).

Note: during this hearing the Commission modified two ZON/PAD conditions of approval (#7 and #8). These conditions concerned building setbacks and were expanded to state that garage ventilation retaining walls for shafts to the subterranean level are allowed within the building setback but are to be no less than 4'-0" from the adjacent north and west property lines. These modified conditions are now part of the Amended PAD (PAD09003).

ZON08003 – (Ordinance No. 2008.30) Zoning Map Amendment from CSS, Commercial Shopping and Service District to MU-4 (PAD, TOD), Mixed-Use, High Density District with a Planned Area Development Overlay and within the Transportation Overlay District.

PAD08008 – Planned Area Development Overlay to establish development standards to allow a maximum density of 70 dwelling units per acre, maximum building height of 67'-0", minimum building setbacks of 0'-0" at front and side yards, minimum 7'-0" building setback at rear yard, maximum building lot coverage of sixty-four (64) percent, and minimum landscape lot coverage of nineteen (19) percent.

- September 11, 2008: The City Council approved the request for The Retreat @ 1000 Apache located at 1000 East Apache Boulevard. The request included a Zoning Map Amendment and a Planned Area Development Overlay, as detailed in the July 29, 2008 entry above.
- April 6, 2009: Development Services (Community Development) staff administratively approved the minor modification request for the Planned Area Development Overlay (PAD) for The Retreat @ 1000 Apache. The (1st) Amended PAD (PAD09003) consists of an adjustment to the amount of vehicular parking provided (the required amount of parking was not reduced), an eight inch reduction of Building 1 side yard and Building 3 rear yard setbacks (from 7'-0" to 6'-4") and an exemption of first floor bedroom window separation from adjacent on-site pedestrian walkways.
- March 22, 2011: The Development Review Commission approved the request by the Retreat @ 1000 Apache for a Development Plan Review (DPR11038). This Development Plan Review replaced DPR08093, which expired when the building safety plan check period for the Retreat expired. DPR11038 has also expired.
- 1 Lot Subdivision Plat
- September 9, 2008: The Development Review Commission approved the Preliminary Subdivision Plat for the Retreat @ 1000 Apache. The project is located at 1000 East Apache Boulevard in the MU-4 (PAD) (TOD) District.
- September 18, 2008: The City Council approved an abandonment of an 8'-0" wide by 60'-0" long appendage of public alley at 1000 East Apache Boulevard (Ordinance 2008.44). The purpose of the abandonment is to allow the appendage to be purchased by the developer and incorporated into the site for the Retreat.
- October 15, 2008: Quit Claim Deed per Ordinance 2008.44. Quit Claim Deed conveys the 8'-0" wide by 60'-0" long alley parcel north and adjacent to parcel 132-73-116A from City of Tempe to 1000 EAST, L.L.C.
- October 28, 2008: Special Warranty Deed per Escrow No. CT2720700. The Special Warranty Deed conveys property from the Leonard J. Erie and Susan M. Erie Living Trust to 1000 EAST L.L.C. This property is described as follows: "The North 130 feet of the West 105 feet of the East 165 feet of the West 594 feet of the South 343 feet of the Southwest quarter of the Northwest quarter of Section 23, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian of Maricopa County, Arizona." This property is the westernmost "panhandle" of the site.

Note: With this conveyance, unification of all parcels that make up the site under the ownership of 1000 EAST, LLC is completed.

- January 22, 2009: The City Council approved the request for The Retreat @ 1000 Apache for a Final Subdivision Plat on +/-1.80 acres located at 1000 East Apache Boulevard. The Final Subdivision Plat combined the parcels and former alley into one lot and made public right of way dedication on Apache Boulevard.
- February 05, 2009: The Final Subdivision Plat for “The Retreat @ 1000 Apache” was recorded in the official records of the Maricopa County Recorder’s Office (MCR # 2009-0097428).
- The Grove
- October 11, 2012: The Grove was presented at a regular session of the Tempe Apache Boulevard Association. The presentation was favorably received by members of the association.
- October 23, 2012: The Grove was presented at the Development Review Commission pre-session.
- October 24, 2012: A neighborhood meeting was conducted for The Grove at the Four Points by Sheraton Hotel. The presentation was favorably received by the five members of the public in attendance.
- November 13, 2012: The Development Review Commission, by a 4-3 vote, approved the Development Plan Review including site plan, building elevations and landscape plan for The Grove at 1000 East Apache consisting of a proposed mixed-use development on +/-1.80 net acres including 326 dwelling units, +/-3,538 sf. leasing/reception offices, +/-6,250 sf. retail and +/-290,197 sf. parking garage all within a fourteen (14) story building of +/-726,348 sf. total interior building area. The Grove is located at 1000 East Apache Boulevard in the MU-4 (PAD, TOD), Mixed-Use, High Density District with a Planned Area Development Overlay and within the Transportation Overlay District (Corridor). As part of the same vote, the Development Review Commission recommended to City Council approval of the following request:
- 2nd Amended Planned Area Development Overlay to establish new development standards including an increase in density from 70 du/ac for 124 dwelling units to 182 du/ac for 326 dwelling units, an increase in building height from 67’-0” to 160’-0”, an increase in building lot coverage from 64 percent to 73 percent, a reduction in landscape lot coverage from 19 percent to 14 percent, and a reduction in rear yard setback from 6’-4” to 6’-0.
- December 13, 2012: Scheduled City Council introduction and first public hearing for the Planned Area Development Overlay for this request.
- January 10, 2013: The City Council approved the request for The Grove at 1000 East Apache (PL120130).
- February 12, 2015: The City Council approved a time extension request for The Grove at 1000 East Apache (PL120130).
- 1000 East Apache
August 11, 2015 This request was heard at the Development Review Commission public hearing.
- August 13, 2015 This request is scheduled for the first City Council public hearing.
- August 27, 2015 This request is scheduled for the second City Council public hearing.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-305, Planned Area Development (PAD) Overlay districts
Section 6-306, Development Plan Review
PL150208 – 1000 EAST APACHE