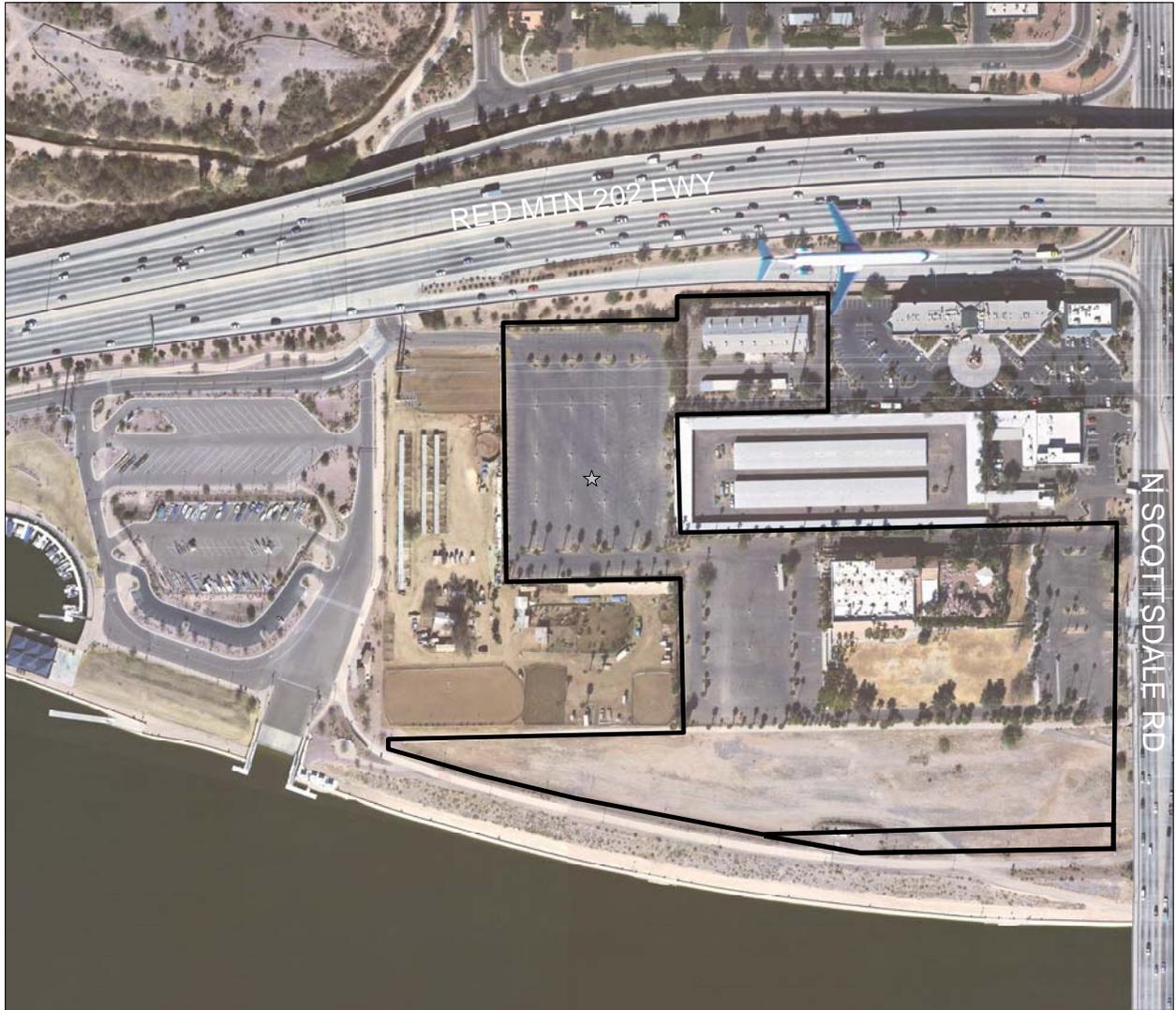


Location Map



HAYDEN HARBOR (PL070506)

RESOLUTION NO. 2011.06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE GENERAL PLAN 2030 PROJECTED LAND USE MAP FROM OPEN SPACE TO MIXED USE AND THE PROJECTED DENSITY MAP FROM NO DENSITY TO HIGH DENSITY (GREATER THAN 25 DWELLING UNITS PER ACRE) FOR APPROXIMATELY 5.23 ACRES LOCATED AT 430 NORTH SCOTTSDALE ROAD AND OWNED BY EL FENIX II, LLC AND THE CITY OF TEMPE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, that the General Plan 2030 Projected Land Use Map and Projected Residential Density Map are hereby amended for approximately 5.23 acres from Open Space, No Density to Mixed-Use, High Density (greater than 25 dwelling units per acre), located at 430 North Scottsdale Road.

More specifically described:

Parcel Nos. 133-22-005D; 133-22-017; and see attached 'Exhibit A'

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____ 2011.

Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. 2011.05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by removing the below described property from the GID, General Industrial District and designating it as MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay on 13.6 acres.

LEGAL DESCRIPTION

PARCEL NO. 1:

The east 300 feet of the south 440 feet of the north 880 feet of the west 495 feet of the northeast quarter of the northeast quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River base and meridian, Maricopa County, Arizona.

PARCEL NO. 2:

The south 134.96 feet of the north 1134.96 feet of the east 763.05 feet of the west 1258.05 feet of the northeast quarter of the northeast quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River base and meridian, Maricopa County, Arizona.

PARCEL NO.3:

The south 200 feet of the north 1000 feet of the northeast quarter of the northeast quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River base and meridian, Maricopa County, Arizona;

Except the west 495 feet thereof; and

Except the west 5 feet of the east 55 feet of the south 200 feet of the north 1000 feet of the northeast quarter of the northeast quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River base and meridian. Maricopa County, Arizona; and

Except the west 10 feet of the east 65 feet of the south 65 feet of the south 200 feet of the north 1000 feet of said northeast quarter of Section 15.

PARCEL NO. 4:

The south 200 feet of the north 600 feet of the northeast quarter of the northeast quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River base and meridian, Maricopa County, Arizona;

Except the east 568 feet thereof; and also

Except the west 495 feet thereof.

PARCEL NO. 5:

Easement for reciprocal ingress and egress as set forth in instrument No. 96-0171512

PARCEL NO. 6:

That portion of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Northeast corner of said Section 15;

Thence along the East line thereof, South 00 degrees 07 minutes 02 seconds West 1135.24 feet to the South line North 1134.69 feet of said Northeast quarter of the Northeast quarter of Section 15 and the Point of Beginning;

Thence along said South line, South 88 degrees 50 minutes 43 seconds West 827.44 feet;

Thence North 00 degrees 09 minutes 33 seconds East 2.70 feet;

Thence South 88 degrees 59 minutes 43 seconds West 495.10 feet;

Thence South 00 degrees 09 minutes 33 seconds West 29.88 feet to a point on a non-tangent curve concave to the North from which point a radial line bears North 18 degrees 33 minutes 51 seconds East;

Thence Easterly 657.84 feet along said non-tangent curve with a radius of 3977.85 feet to a point on the South line of said Northeast quarter of Section 15;

Thence along said South line, North 89 degrees 04 minutes 09 seconds East 684.01 feet to the East line of said Northeast quarter of Northeast quarter of Section 15;

Thence, along said East line, North 00 degrees 07 minutes 02 seconds East 198.47 feet to the Point of Beginning;

Except the East 80 feet thereof.

PARCEL NO. 7:

See attached Exhibit A

TOTAL AREA IS 13.6 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # ZON08004 and PAD08010** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

LEGAL DESCRIPTION
FOR
BIKEPATH EASEMENT

A portion of the South half of the Northeast Quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Beginning at a point on the North line of the South half of said Northeast Quarter, said point also being 75.00 feet West of the East line of said Northeast Quarter;

Thence South $00^{\circ} 07' 00''$ West along a line parallel with and 75.00 feet West of the East line of said Northeast Quarter, 16.31 feet;

Thence South $87^{\circ} 55' 36''$ West along the "Limits of Flood Control Maintenance Easement" as shown on an Exhibit recorded in Book 365, Page 34, Records of Maricopa County, 20.83 feet;

Thence continuing along said limits, South $84^{\circ} 35' 27''$ West, 294.39 feet;

Thence continuing along said limits, North $83^{\circ} 44' 52''$ West, 283.82 feet;

Thence continuing along said limits, North $79^{\circ} 34' 01''$ West, 21.43 feet;

Thence departing said limits, North $89^{\circ} 04' 08''$ East, 617.21 feet to the Point of Beginning.

Said parcel contains 14,859 sq. ft.



WHEN RECORDED RETURN TO:
City of Tempe
Community Development Department
31 E. 5th Street
Tempe, AZ. 85281

**WAIVER OF RIGHTS AND REMEDIES
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by El Fenix LLC, an Arizona Limited Liability Company and El Fenix II LLC, an Arizona Limited Liability Company as (Owner/s).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. **PL070506** to the City requesting that the City approve the following:

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

for development of the following real property (Property):

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

430 North Scottsdale Road, Tempe, AZ.

(Legal Description and Address)

HAYDEN HARBOR AT TEMPE TOWN LAKE

Applicant's Letter of Intent

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

Application

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

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

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

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

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

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

PAD Development Standards

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

Area Context

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

Site Area and Context

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

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

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

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

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

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

Planning Context

General Plan 2030

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

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

Current Zoning & Specific Plans

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

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

Zoning Amendment Request

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

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

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

Project Description

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

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

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

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

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

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

Project Design

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

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

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

Landscaping

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

Site Circulation and Parking

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

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

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

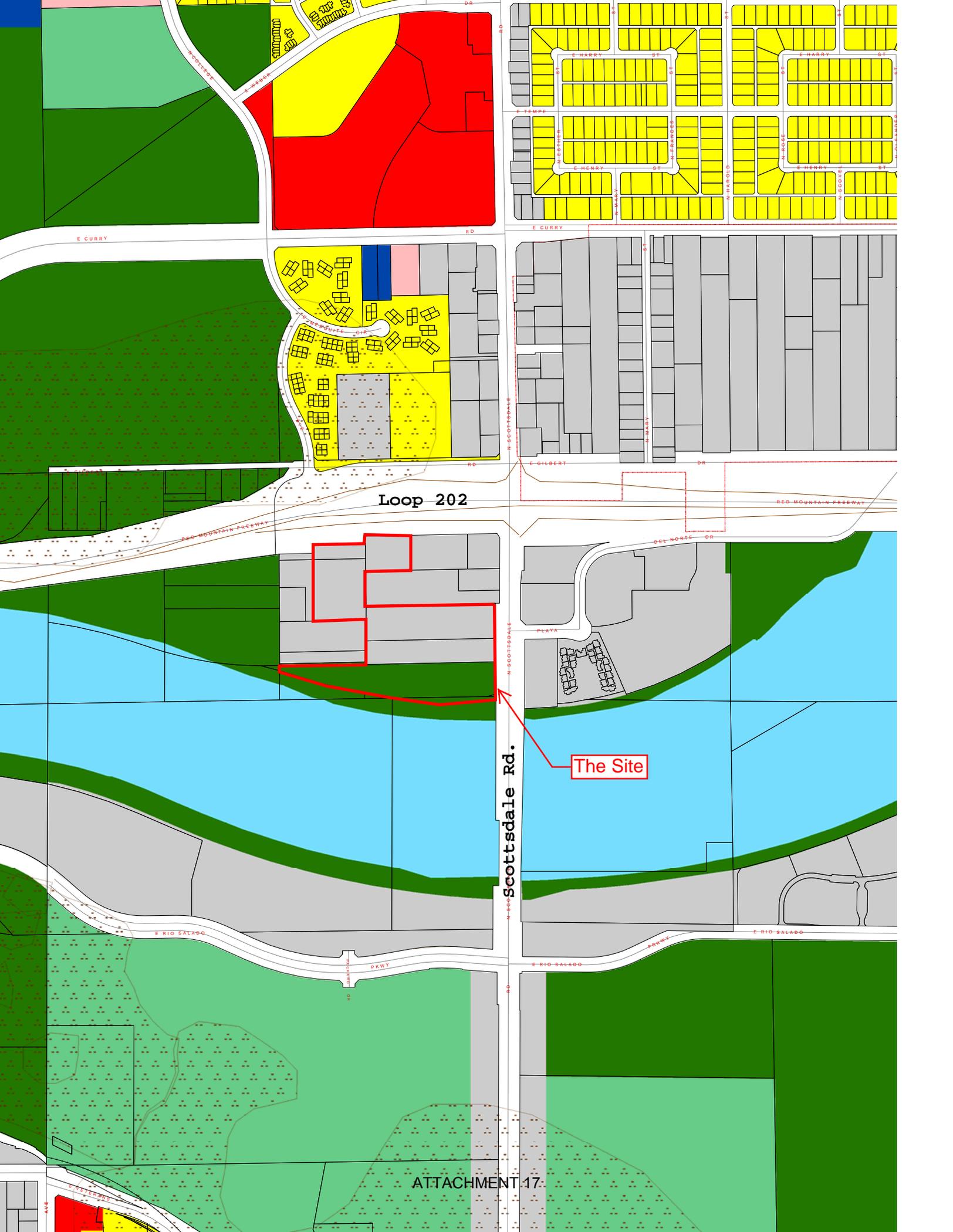
A traffic and parking study prepared by Heffernan & Associates for the Project is included as part of this Application.

Federal Aviation Administration Building Height Restrictions

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

Conclusion

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

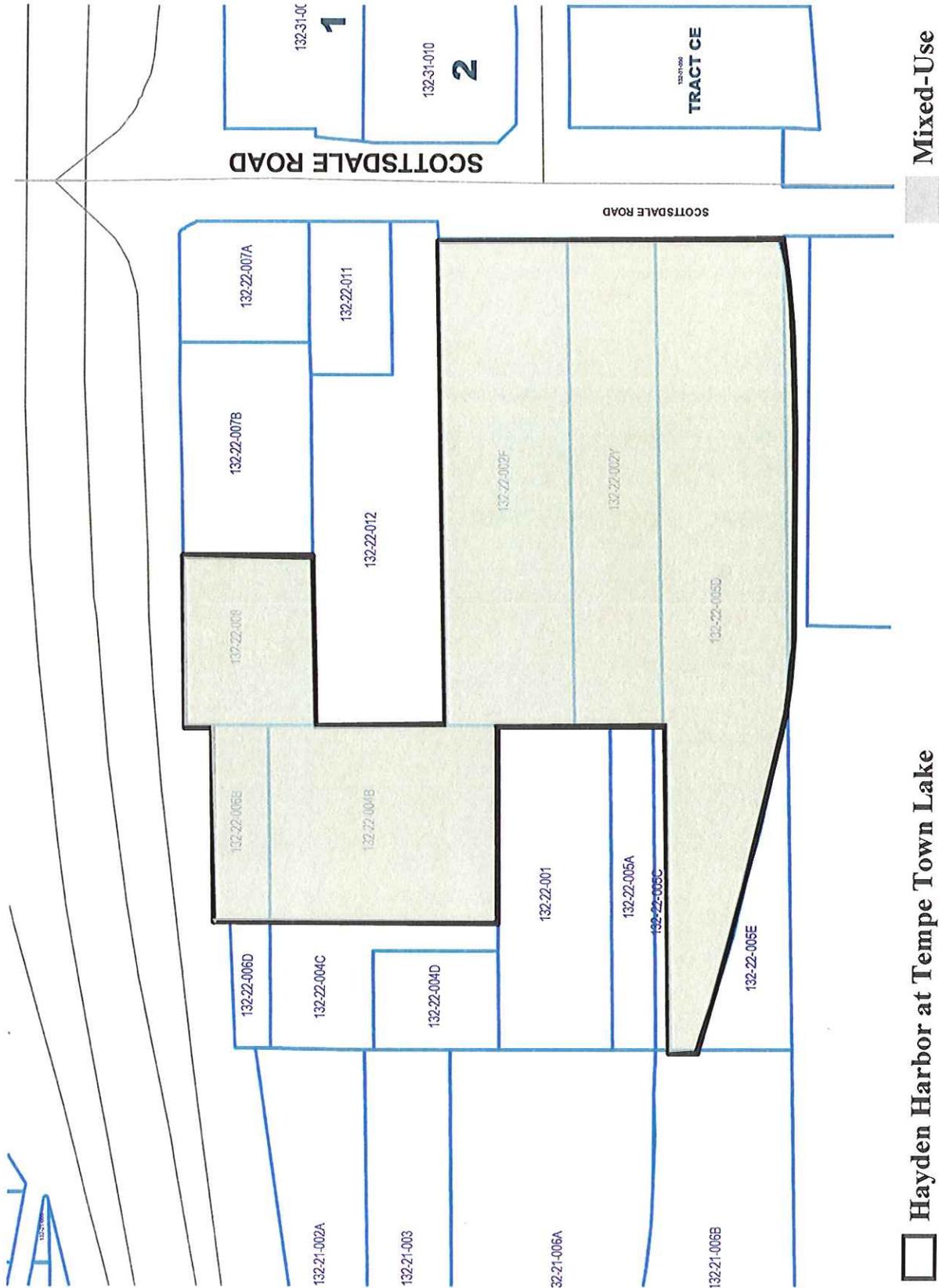


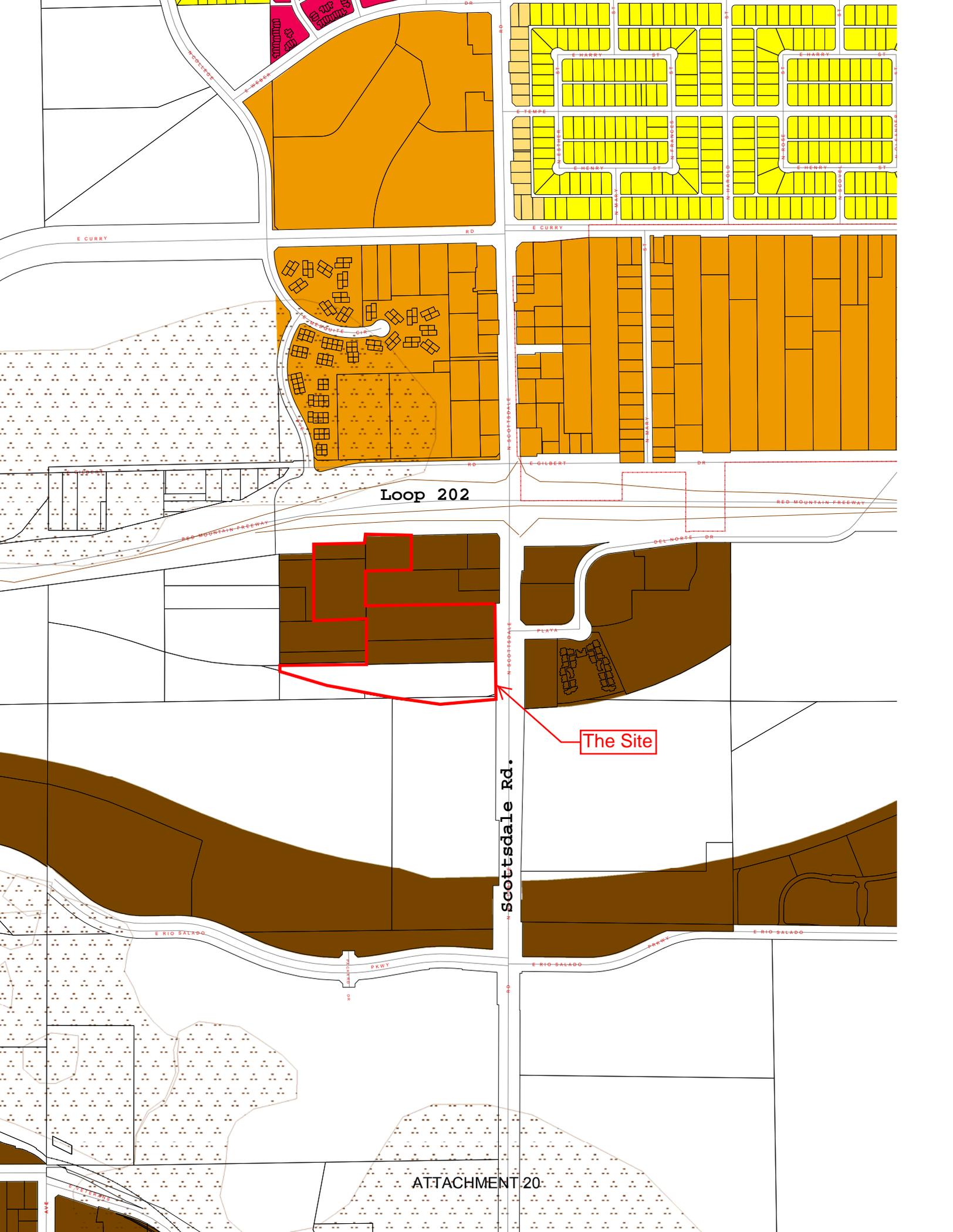
Loop 202

Scottsdale Rd.

The Site

General Plan 2030 Projected Land Use (Proposed)





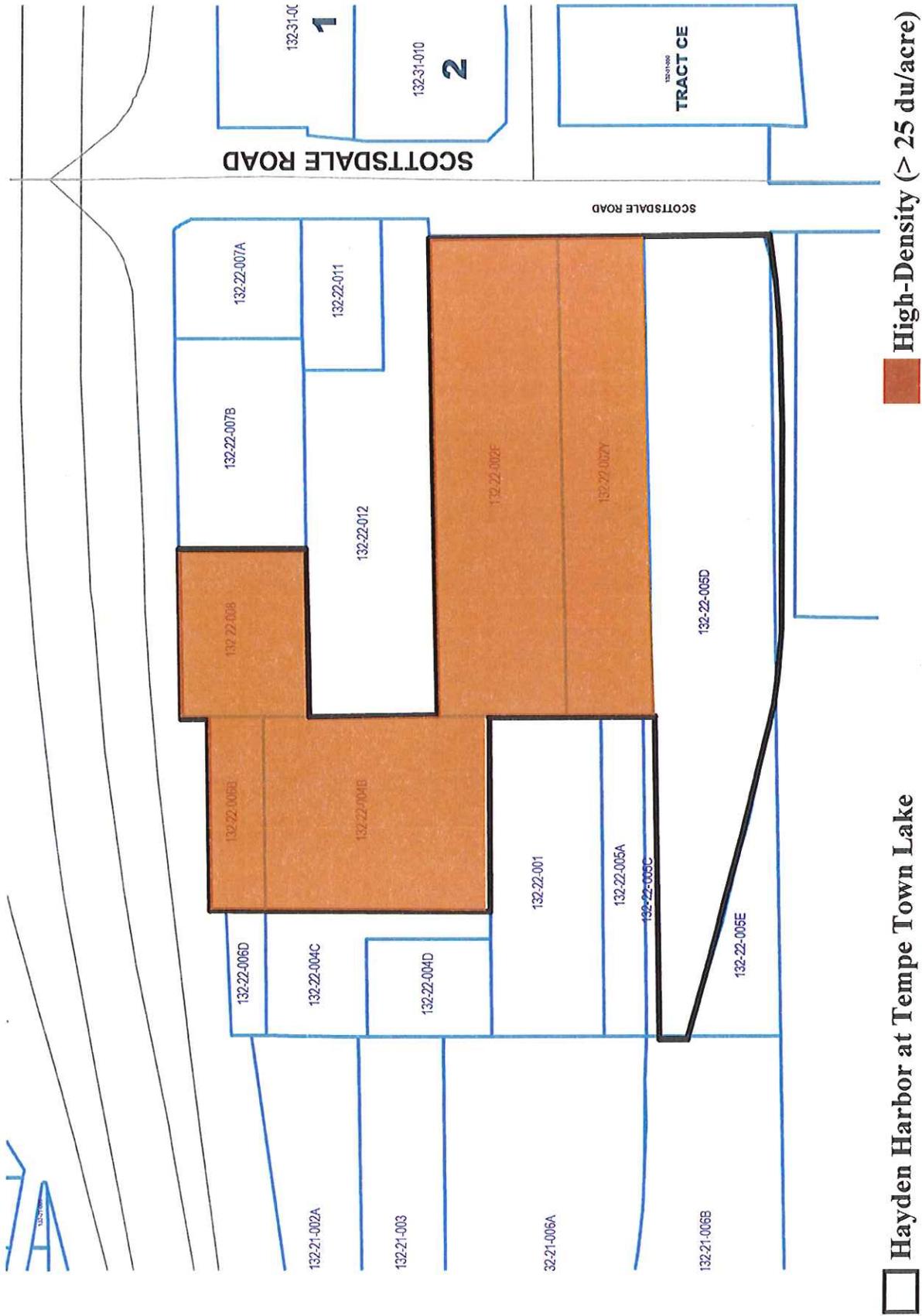
Loop 202

The Site

Scottsdale Rd.

ATTACHMENT 20

General Plan 2030 Projected Residential Density (Existing)



Hayden Harbor at Tempe Town Lake

General Plan 2030 Land Use and Density Map Amendment

Applicant's Letter of Intent

El Fenix LLC and El Fenix II LLC (the "Applicant" or "El Fenix"), the owner of multiple parcels totaling approximately 14.8 gross acres (approximately 13.6 net acres) in size located at the northwest corner of Scottsdale Road and Tempe Town Lake in Tempe, Arizona (the "Site"), respectfully submits this application to redevelop the Site.

Application Request

The Applicant is submitting a General Plan land use and density map amendment, zoning map amendment, and planned area development (PAD) overlay application as part of the Applicant's application for the redevelopment of the Site (the "Application"). The requested zoning map amendment and PAD overlay, as well as the proposed development itself, are discussed in detail in a separate narrative included as part of the submittal package for the Application.

The intent of the General Plan amendment request is to designate the entire Site for mixed-use and high-density (greater than 25 units per acre) residential uses. The purpose of the request is to create a vibrant mixed-use development consisting of office, hospitality, residential, restaurant and retail uses that will provide employment opportunities in immediate proximity to housing and services, enhance pedestrian activity around Tempe Town Lake, and serve as a gateway to both Tempe Town Lake and downtown Tempe.

The 2030 General Plan already designates the majority of Site for mixed-use and high-density residential uses. This General Plan land use and density map amendment request only pertains to approximately 5.23 net acres of the Site located along the adjoining pedestrian and bike path on the Maricopa County Flood Control District levee structure. The General Plan currently designates this area of the Site for Public Open Space land uses.

Area Context

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

that the Project will significantly enhance the area's urban environment while providing residential, hospitality, employment and retail opportunities that will serve as a catalyst for future redevelopment opportunities along Tempe Town Lake.

Public Benefit

The requested amendment, if approved, will benefit the public in several ways. The amendment will accommodate the development of an aesthetically pleasing mixed-use development that will complement the vibrant mix of destination, entertainment and recreational uses located along Tempe Town Lake and stimulate economic activity in North Tempe. The intent of this Application is to further energize both the lakefront and Scottsdale Road street frontage at this gateway to Tempe Town Lake and downtown Tempe and provide the residents of Tempe and the surrounding area with exciting new hospitality, office, residential, retail and restaurant opportunities in one location. Furthermore, the amendment represents an opportunity to vastly enhance the appearance of a highly-visible location currently presenting a picture of underutilized parcels at the city's front door for travelers from the north, east and west with the introduction of a high-quality, mixed-use project representative of the ongoing private and public investment along Tempe Town Lake.

General Plan 2030 Elements Objectives

Land Use, Design + Development

Land Use

Goal: "...to foster development that conserves resources and enhances the environment in which people live, learn, work and play."

Objectives: "Encourage reinvestment and redevelopment appropriate to a particular area."
"Ensure that new development will be consistent with general plan goals"

The Site's location is an appropriate area for reinvestment and redevelopment by its location within the Town Lake Redevelopment Area, one (1) of seven (7) growth areas designated by General Plan 2030. The goal of the Town Lake Growth Area is "to develop a regional, lake-centered urban destination, designed to link quality mixed-uses of offices, stores, residences, restaurants, cultural amenities, recreational opportunities, and activities for residents, employees and tourists, while being an economic engine and source of civic pride." Furthermore, the Town Lake Growth Area encourages vertical mixed-use development to maximize land use. Hayden Harbor will provide a mix of high-quality hospitality, office, residential, retail and restaurant uses in a vertical urban environment in proximity to recreational amenities. Hayden Harbor will also stimulate economic activity along Tempe Town Lake and in North Tempe.

The Site's location at Tempe's front door for travelers from the north, east and west and its proximity to Tempe Town Lake also make it ideal for reinvestment

and redevelopment. The Project, which represents a significant reinvestment and redevelopment of an underutilized Site, presents an extraordinary opportunity to further energize the greater Town Lake area with additional hospitality, office, residential, retail and restaurant uses that are appropriate for this area of Tempe and that will complement existing adjacent and surrounding uses.

With the exception of the parcels comprising the land use and density map amendment request, the land use and residential density projected for the Site by General Plan 2030 is already mixed-use and high-density (greater than 25 units per acre). The Applicant's request to amend the General Plan's projected land use and density maps to designate the entire site for mixed-use and high-density uses will rectify the projected land use and residential density inconsistencies on the Site. In addition, the Project is exactly the type of high-quality, high-density, creatively designed mixed-use development envisioned by General Plan 2030 for this area of Tempe which will create a living environment reflective of a "village" concept where there is opportunity to live, work and recreate within one development area.

Accessibility

Goal: "...to create a city that has design potential to meet community needs through universal design which provides access and benefit through accessible public and private facilities, services and programs."

Objectives: "Create adaptive environments that can meet current and future needs of the community"

The proposal will comply with all Americans with Disabilities Act (ADA) accessibility guidelines for buildings and structures. Further review of this provision will occur during site plan and building permit stages of development.

Community Design

Goal: "...to develop standards that will enhance the community's quality of life for future generations."

Objectives: "Create recognizable and usable places by enhancing enclosure, connections, permeability and transparency"
"Encourage mixed-use designs"
"Promote sustainable concepts"

The Project's is a mixed-use design that will ensure the establishment of a recognizable and usable place. Project design features, such as breaking up the building form into multiple buildings and varying the height of the structures, will reduce the bulk and scale of the development while maintaining a significant urban presence along the street and lake frontages at the same time. In addition,

buildings are oriented toward the public right-of-way and/or designed to engage the street and lake frontages. The common goal of these design features in combination with the provision of ample landscaping is to establish an active, recognizable, pedestrian friendly and inviting street frontage within the Site conducive to an urban environment setting.

The Project will enhance the community's quality of life by further energizing the greater Town Lake area with additional residential, hospitality, employment, restaurant and retail uses that will complement existing development and recreational amenities along Tempe Town Lake. As a result, the Project will establish a true mixed-use environment that offers an opportunity to live, work and play in one location.

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

Historic Preservation

Goal: "...to enhance community character and heritage through the identification and preservation of significant sites, properties and districts."

There are no historical buildings on the Site. The predominant reinvestment in the Site is new construction.

Housing

Goal: "...to provide diverse housing opportunities for current and future residents for all income levels and household types, with specific focus on providing affordable housing programs to help those with the greatest need."

Objectives: "Encourage mixed-income-level housing developments and neighborhood"
"Encourage property reinvestment"
"Support housing development that provides the longest-term affordability"

Redevelopment of this Site by private investment will achieve the objective of providing new infill housing product that will assist Tempe in meeting residential demands. Of the total proposed building area, 1,692,750 square feet is dedicated for residential and/or hospitality uses. The multi-family residential units will provide a variety of single to multiple bedroom units attractive to a mix of income levels.

Neighborhoods

Goal: "...to provide a participatory planning process to guide planning and to promote programs that enhance neighborhoods and encourage a sense of community."

- Objectives: “Educate and involve the public in the city process”
“Ensure that the planning process is open to all residents and business of the community”

It is important to the Applicant to be a good neighbor and conduct an open application process. For these reasons, a neighborhood meeting will be held prior to the first public hearing of the Application.

Redevelopment

- Goal: “...to sustain or maximize the efficiency of land uses within areas of stagnation or decline by providing the best economic, social and cultural potential through local policies and programs that minimize or mitigate slum and blight or other conditions affecting public health, safety and welfare.”

- Objectives: “Encourage reinvestment, revitalization, redevelopment or reuse”

The Site currently consists of underutilized and generally vacant parcels located within the Town Lake Redevelopment Area. This redevelopment area encourages vertical mixed-use development to maximize land use. The proposed mixed-use project is precisely the reinvestment desired for this area.

General Plan 2030 Elements – Economics + Growth

Economic Development

- Goal: “...to stimulate a sustainable, diversified, and vibrant economy while preserving the Tempe vision and values.”

- Objectives: “Develop an improved local business climate that fosters private investment”
“Develop an increased tax base”
“Promote a sustained improvement in the standard of living and quality of life for all residents”

The Project’s inclusion of Class A office space and modern multi-family dwelling units will appeal strongly to companies seeking Class A office space located in an urban setting, as well as successful young professionals who desire to be located near shops, restaurants and entertainment destinations. The location of both employment, residential and hospitality uses on the Site will enhance demand for commercial services both on and off-site, which in return will increase the City’s tax base. It is also anticipated that redevelopment of the Site will encourage additional reinvestment.

Cost of Development

Goal: "...to ensure funding availability for growth and maintenance of all planned development, both public and private."

Objectives: "Ensure that land use intensification or redevelopment provide for necessary infrastructure or service capacity"
"Promote opportunities for development, which benefit the community"

Considering that the Site is comprised of infill parcels that present a prime opportunity for redevelopment, there is already significant infrastructure capacity on-site. The Applicant is also currently working with the city and Flood Control District of Maricopa County to ensure that all necessary infrastructure capacity for the Project will be provided. The redevelopment of the underutilized and generally vacant parcels comprising the Site with a high-quality mixed-use development will provide substantial benefits to both the surrounding area and the city.

Growth Areas- Town Lake

Goal: "...to develop a regional, lake-centered urban destination, designed to link quality mixed-uses of offices, stores, residences, restaurants, cultural amenities, recreational opportunities, and activities for residents, employees and tourists, while being an economic engine and source of civic pride."

Objectives: "Attract economic development opportunities"
"Establish the Town Lake area as an attractive regional and national destination and centerpiece of community pride"

This Project provides a substantial reinvestment in the area by redeveloping a Site consisting of underutilized and generally vacant parcels with a high-quality mixed-use development that will enhance the economic base of the city. The Project will also further enhance the attractiveness of the Town Lake area by providing additional high-quality hospitality, retail and restaurant uses at the same time.

General Plan 2030 Elements – Conservation

Environment (Air, Noise, Ambient Temperature, Energy)

Goal: "...to improve regional air quality through regulatory compliance and local policies and programs that minimize the impacts of air pollution."

Objectives: "Meet or exceed air quality regulations"
"Reduce the number of vehicle miles traveled"
"Manage noise impacts"

“Maintain or reduce ambient temperatures”
“Encourage energy conservation as a part of all developments”

The Project will meet or exceed all air quality regulations. Because the Project is envisioned as a regional employment center with supporting retail, restaurant, residential and hospitality uses all within proximity to the Town Lake’s recreational amenities, on-site movement will mainly be achieved through the use of public sidewalks. This system will significantly reduce the number of vehicle trips. In addition, multiple bicycle parking areas will be provided on the Site and the use of alternative modes of transportation will be encouraged.

Land

Goal: “...to address brownfield development, habitat management and solid waste management through quality development.”

Strategies: “Promote recycling in all residential areas, both single and multi-family”
“Encourage businesses to recycle, and reduce packaging”

The Applicant will encourage on-site businesses, residents and guests to recycle to the maximum extent feasible. In addition, green building techniques and energy efficient design will be employed to address the Conservation Element.

Water

Goal: Paraphrase “...to provide the highest level of water quality and service to residents, safely collect and treat wastewater and minimize the volume of pollutants going off-site.”

Objectives: “Implement stormwater pollution control measures...”
“Maintain compliance with Tempe’s NPDES permit...”

The objectives on water and wastewater are municipal in nature and do not directly relate to the Project. The Applicant will comply with NPDES requirements.

General Plan 2030 Elements – Transportation

Pedestrian Network

Goal: “...to recognize and encourage pedestrian travel as an important part of the transportation system.”

Objectives: “Provide convenient and safe pedestrian access to destinations to promote neighborhood sustainability”
“Ensure accessibility for all”

The movement of pedestrians, both on foot and on bicycle, is a major design element of the Project. With the adjacent location of Tempe Town Lake and a mixture of office, residential, hospitality, retail and restaurant use planned for the Project, movement within the Site will mainly be achieved through the use of a comprehensive system of well lighted and accessible public sidewalks designed to create an environment conducive of on-site movement. All buildings on the Site will be linked with sidewalks to allow pedestrian movement throughout the Project. The primary goal of this system is to establish a seamless flow between each of the Project's buildings, as well as the pedestrian and bike path located on the adjoining Maricopa County Flood Control District levee structure.

Bikeways

Goal: "...to recognize and encourage the use of the bicycle as an important part of the transportation system."

Objectives: "Provide safe and convenient bicycle access from neighborhoods to schools, parks, shopping, transit, employment, and other destinations"

The Site has direct access to the pedestrian and bike path located on adjoining the Maricopa County Flood Control District levee structure. As discussed above, a comprehensive pedestrian circulation system including public sidewalks designed to create an environment conducive of on-site movement will be provided. All buildings on the Site will be linked by the pedestrian circulation system. The primary goal of this system is to establish a seamless flow between the Project's mix of uses and the adjoining public open space and recreational amenities offered by Tempe Town Lake.

Transit

Goal: "...to coordinate Tempe's Transit Plan with the overall transportation plan to support increased ridership."

Objectives: "Increase available transit modes and services to support ridership increases"

An existing bus bay is located along the Site's Scottsdale Road Street frontage immediately north of Playa Del Norte. The development of a regional employment and destination center on the Site will increase transit ridership at the noted bus bay.

Travelways

Goal: "...to encourage the development of a street and rail network in Tempe that balances the needs of various types of travelers and more fully serves all modes of transportation."

- Objectives: “Create a compatible relationship with adjacent land uses”
“Provide safe pedestrian and bicycle environments along streets”
“Mitigate heat and climate conditions along streets, where appropriate”

Future employees, residents and patrons will benefit from being able to use multiple modes of transportation (paths, sidewalks and public transit) to easily access various uses within the Project, the recreational amenities of the Town Lake area, and the Red Mountain freeway from the road system.

Redevelopment of the Site will mitigate heat and glare conditions along streets by providing significant landscaping improvements along Scottsdale Road, both sides of Playa Del Norte and throughout the internal circulation area. The noted landscape improvements will provide appropriate shade trees along the Scottsdale Road and Playa Del Norte street frontages. The noted planting of trees along Scottsdale Road and Playa Del Norte, as well as the internal circulation area, will provide shade and facilitate pedestrian friendly designed sidewalks through the Project.

Motorists/ Parking and Access Management

- Goal: “...to ensure that persons who chose to travel in privately-owned vehicles on the streets and freeways of Tempe will be able to do so safely and efficiently.”
“...to encourage project planning, design, and development incorporating parking and access management strategies to influence travel behavior and reduce congestion on busy streets.”

- Objectives: “Provide safe streets...”
“Coordinate with emergency services to ensure their ability to respond to emergency calls promptly.”
“Promote parking areas”

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

At-grade parking courtyards, an above-grade parking garage, and a below-grade parking garage are distributed throughout the Site to serve parking needs for

employees, residents and visitors. Parking facilities distributed throughout the Site will accommodate office, residential, hospitality, retail and restaurant uses, as peak parking demand for these uses will alternate depending on the time of day and the day of the week. All parking and internal access will comply with City standards.

Aviation

Goal: "...to facilitate safe land uses, minimize noise impacts, and promote easy access to and between different modes of transportation, both within Tempe and in the larger regional context."

Objectives: "Coordinate with regional and federal aviation authorities on aviation issues"

Williams Aviation conducted a preliminary analysis on the Site to determine building height restrictions in effort to ensure that operations at Phoenix Sky Harbor International Airport will not be adversely impacted by the Project. Pursuant to the findings of the preliminary analysis, the Federal Aviation Administration (FAA) will allow building heights up to 329 feet on the Site. The maximum building height proposed is 274 feet, which is 51 feet below the FAA's limit. A letter from Williams Aviation detailing the findings of the noted preliminary analysis is included as part of the Application.

General Plan 2030 Elements – Open Space, Recreational + Cultural Amenities

Open Space/ Recreational Amenities

Goal: "...to preserve a variety of natural, landscaped and hardscaped open spaces that serve the diverse and changing needs of an urban community."

"...to provide social, recreational and economic benefits to the community by promoting physical fitness through passive and active recreational areas and programs serving a diverse range of abilities and interest."

Objectives: "Identify opportunities for new open space"
"Provide a variety of recreational opportunities that reach as many residents as possible"

The Project is designed to provide immediate access to the open space and recreational amenities offered by Tempe Town Lake. In addition, the Project is designed to create pockets of private open space. The intent of the landscaping design is to create a garden-like environment which is segregated from vehicular traffic. The Applicant's intent is to create a "resort feel" for residents, guests and patrons. It is a primary goal of the Site's design to extend enclosed interior spaces into well-landscaped grounds in order to blur the lines between indoor and outdoor environments. Further adding to the Project's indoor-outdoor landscaping

theme, the stepped-back building designs allow for the creation of heavily landscaped areas at the seventh level of each mixed-use tower.

Public Art and Cultural Amenities

The goals and objectives for Public Art and Cultural Amenities are not applicable to this request.

General Plan 2030 Elements – Public Services + Facilities

Public Buildings/ Public Services/ Human Services

The goals and objectives for Public Buildings, Public Services and Human Services are not applicable to this request.

Public Safety

Goal: Paraphrase "...to identify existing and proposed emergency, fire and police facilities and services designed to protect the community from natural and human caused hazards."

Objectives: "Intervene in disorderly, dangerous, and unpredictable situations in the community."

The request to amend General Plan 2030 Land Use Map does not compromise public safety. The proposed redevelopment will provide an opportunity to significantly enhance public safety, including compliance with the City's Crime Prevention through Environment Design (CPTED) Guidelines.

Conclusion

Hayden Harbor at Tempe Town Lake is a high-quality mixed-use design that will provide additional desired living, hospitality, employment, retail and restaurant opportunities along the north bank of Tempe Town Lake. The requested mixed-use and high-density designations are appropriate for the area and will establish a consistent designation for the entire Site. Hayden Harbor will complement and build on the ambiance, lifestyle and environment already established Town Lake, as well serve as a catalyst for future development opportunities that will continue to enhance the urban development environment and experience envisioned by the city for the area. We look forward to discussing this request with you in the near future and respectfully request your support.

MEMORANDUM

GAMMAGE & BURNHAM
A Professional Limited Liability Company

January 20, 2011

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

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

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

(1) **Posting & Notification:**

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

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

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

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

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

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

(3) Neighborhood Meeting of December 15, 2010:

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

Meeting Attendees

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

Presentation

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

Questions Posed by Meeting Attendees

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

Questions Addressed

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

Comments Submitted by Meeting Attendees

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

Meeting Adjournment

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

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

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

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

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

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

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

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

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

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

NEIGHBORHOOD MEETING

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

PLEASE PRINT

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

PLANNED AREA DEVELOPMENT OVERLAY FOR HAYDEN HARBOR

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

ACKNOWLEDGEMENT

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

SIGNATURE _____
 STATE OF ARIZONA
 COUNTY OF MARICOPA

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

NOTARY PUBLIC _____
 MY COMMISSION EXPIRES _____

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

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

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

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

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

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

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

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

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

EXCEPT THE WEST 10 FEET OF THE EAST 65 FEET OF THE SOUTH 45 FEET OF THE SOUTH 200 FEET OF THE NORTH 1000 FEET OF SAID NORTHEAST QUARTER OF SECTION 15,
 THE SOUTH 200 FEET OF THE NORTH 600 FEET OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 568 FEET THEREOF; AND ALSO
 EXCEPT THE WEST 495 FEET THEREOF.
 EASEMENT FOR RECIPROCAL INGRESS AND EGRESS AS SET FORTH IN INSTRUMENT NO. 96-071512

LEGAL DESCRIPTION (CITY OF TEMPE)

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

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

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

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

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

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

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

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

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 44 MINUTES 18 SECONDS, AN ARC LENGTH OF 50.23 FEET TO A REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1998.50 FEET;

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

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

TEAM:

OWNER/DEVELOPER: EL FENIX, LLC & EL FENIX II, LLC
 10866 WILSHIRE BLVD., SUITE 400
 PHOENIX, AZ 85014
 PHONE: 310.200.1800
 FAX: 310.200.1850

AGENT: PROS ASSOCIATES
 1122 G CAMPBELL
 PHOENIX, AZ 85014
 PHONE: 602.770.3170
 FAX: 602.926.1431

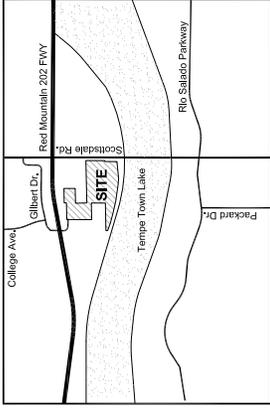
CITY OF TEMPE: DEVELOPMENT SERVICES
 PLANNING & ZONING
 TEMPE, AZ 85280
 PHONE: 480.630.8331

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

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

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

LOCATION MAP



CITY APPROVALS

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

BY: _____ DATE _____
 DEVELOPMENT SERVICES

CONDITIONS OF APPROVAL:

PLANNED AREA DEVELOPMENT OVERLAY FOR HAYDEN HARBOR

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

EL FENIX, LLC & EL FENIX II, LLC

10866 Wilshire Boulevard, Suite 400
 Los Angeles, CA 90024



City of Tempe
 Planning Services
 P.O. Box 5022
 Tempe, AZ 85280



LEO A DALY
 ARCHITECTURE
 INTERIORS
 EST. 1915

Project No. 075-10094-000
 10.26.2010

ENT-01

PRELIMINARY - NOT FOR CONSTRUCTION

TOWER 1
 BUILDING HEIGHT: 220'
 NO. OF STORIES: 21
 PROGRAM TYPE
 RESIDENTIAL (157 UNITS) G.S.F. REQ'D PKG. PROVID'G PKG. REQ'D BIKE PKG.
 RETAIL 11,700 39.0 219.5 220 39 117.6
 RESTAURANT 19,500 65.0 258.5 259 65 121.6
 TOTAL 199,800 258.5 259 65 121.6

TOWER 2
 BUILDING HEIGHT: 242'
 NO. OF STORIES: 23
 PROGRAM TYPE
 RESIDENTIAL (289 UNITS) G.S.F. REQ'D PKG. PROVID'G PKG. REQ'D BIKE PKG.
 RETAIL 11,700 39.0 219.5 220 39 117.6
 RESTAURANT 19,500 65.0 258.5 259 65 121.6
 TOTAL 199,800 258.5 259 65 121.6

TOWER 3
 BUILDING HEIGHT: 278'
 NO. OF STORIES: 26
 PROGRAM TYPE
 RESIDENTIAL (194 UNITS) G.S.F. REQ'D PKG. PROVID'G PKG. REQ'D BIKE PKG.
 RETAIL 11,700 39.0 219.5 220 39 117.6
 RESTAURANT 19,500 65.0 258.5 259 65 121.6
 TOTAL 199,800 258.5 259 65 121.6

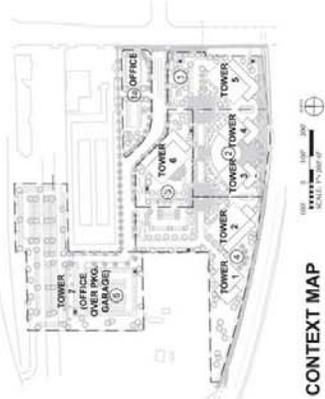
TOWER 4
 BUILDING HEIGHT: 278'
 NO. OF STORIES: 26
 PROGRAM TYPE
 RESIDENTIAL (194 UNITS) G.S.F. REQ'D PKG. PROVID'G PKG. REQ'D BIKE PKG.
 RETAIL 11,700 39.0 219.5 220 39 117.6
 RESTAURANT 19,500 65.0 258.5 259 65 121.6
 TOTAL 199,800 258.5 259 65 121.6

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

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

TOWER 7
 BUILDING HEIGHT: 213'
 NO. OF STORIES: 18 (12 Story over 6 story parking garage)
 PROGRAM TYPE
 OFFICE 255,300 1021.2 1042 31.9
 TOTAL 255,300 1021.2 1042 31.9

OFFICE
 BUILDING HEIGHT: 15'
 NO. OF STORIES: 1
 PROGRAM TYPE
 OFFICE 6,000 24.0 30.0 4.0
 TOTAL 6,000 24.0 30.0 4.0



CONTEXT MAP

PROJECT DATA:

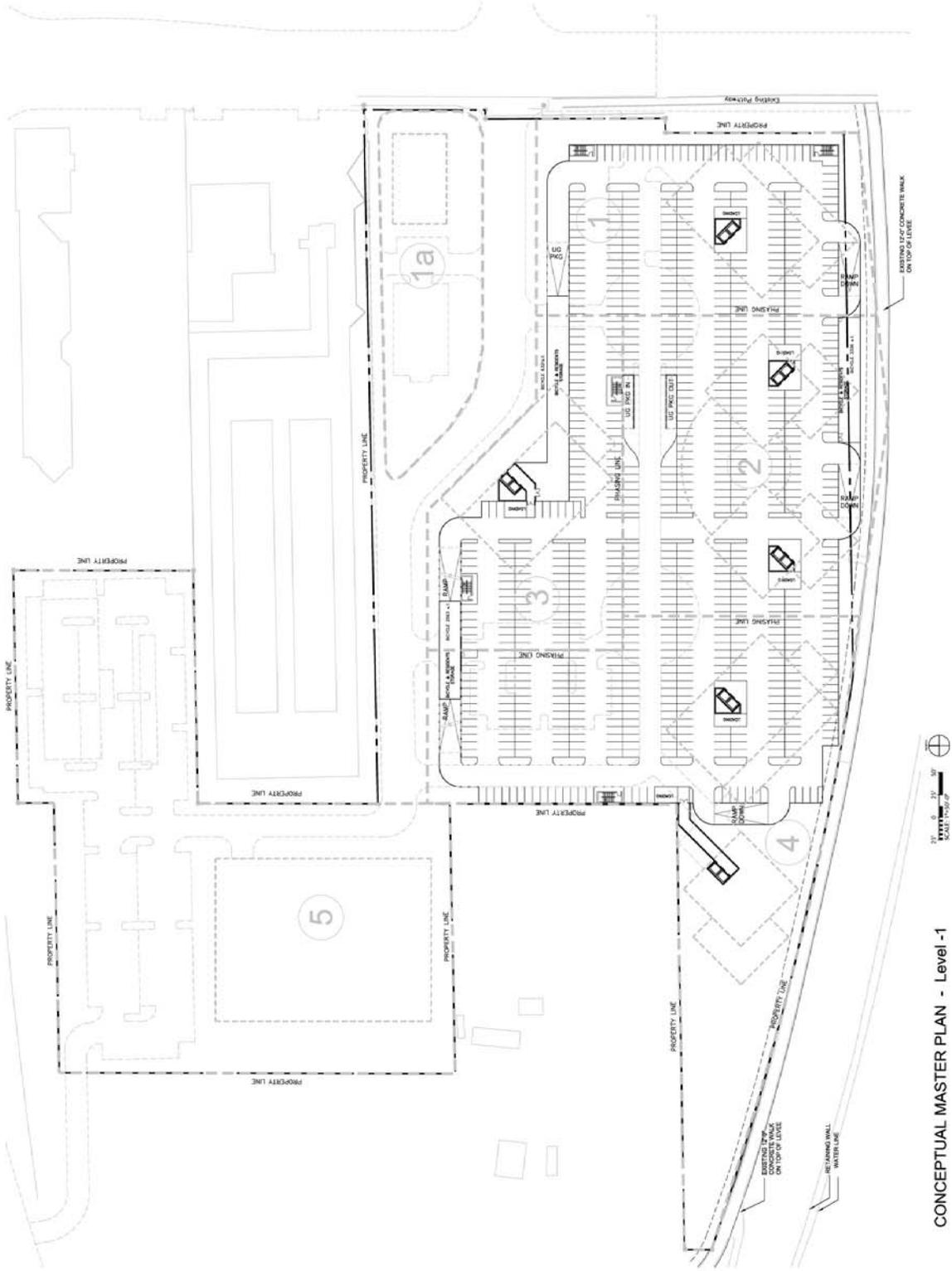
- EXISTING ZONING: CID
- PROPOSED ZONING: MU-4 PAD
- GROSS SITE AREA: 14.8 AC (648,369 G.S.F.)
- TOTAL BUILDING AREA: 2,059,580 G.S.F.
- GROUND FLOOR AREA: 149,350 G.S.F.
- DENSITY: 3.2
- CONSTRUCTION TYPE: 1B / AUTOMATIC SPRINKLER
- 1411 TOTAL UNITS (95 UNITS / ACRE)
- LOT COVERAGE: 23%
- LANDSCAPE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

PARCEL AREA:

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

NOTE:

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



CONCEPTUAL MASTER PLAN - Level -1

HAYDEN HARBOR - Floor Plan Level -1

430 NORTH SCOTTSDALE ROAD
 TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

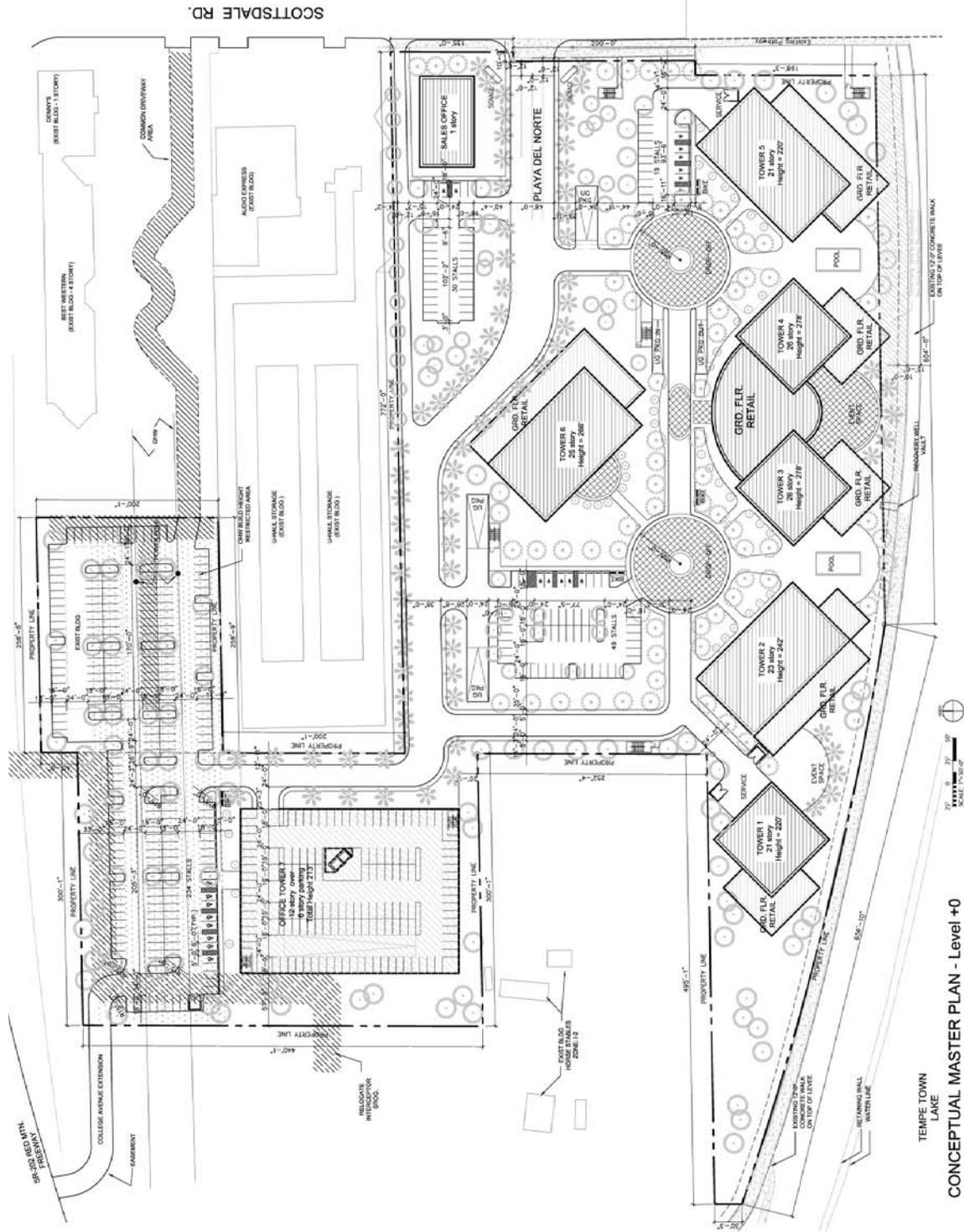
10866 WILSHIRE BOULEVARD, SUITE 400
 LOS ANGELES, CA 90024

10.26.2010
 JOB #: 075-100%:000

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



30' 0" 10' 0" 30' 0"
SCALE: 1/8" = 1'-0"

TEMPE TOWN LAKE

CONCEPTUAL MASTER PLAN - Level +0

HAYDEN HARBOR - Floor Plan Level +0

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

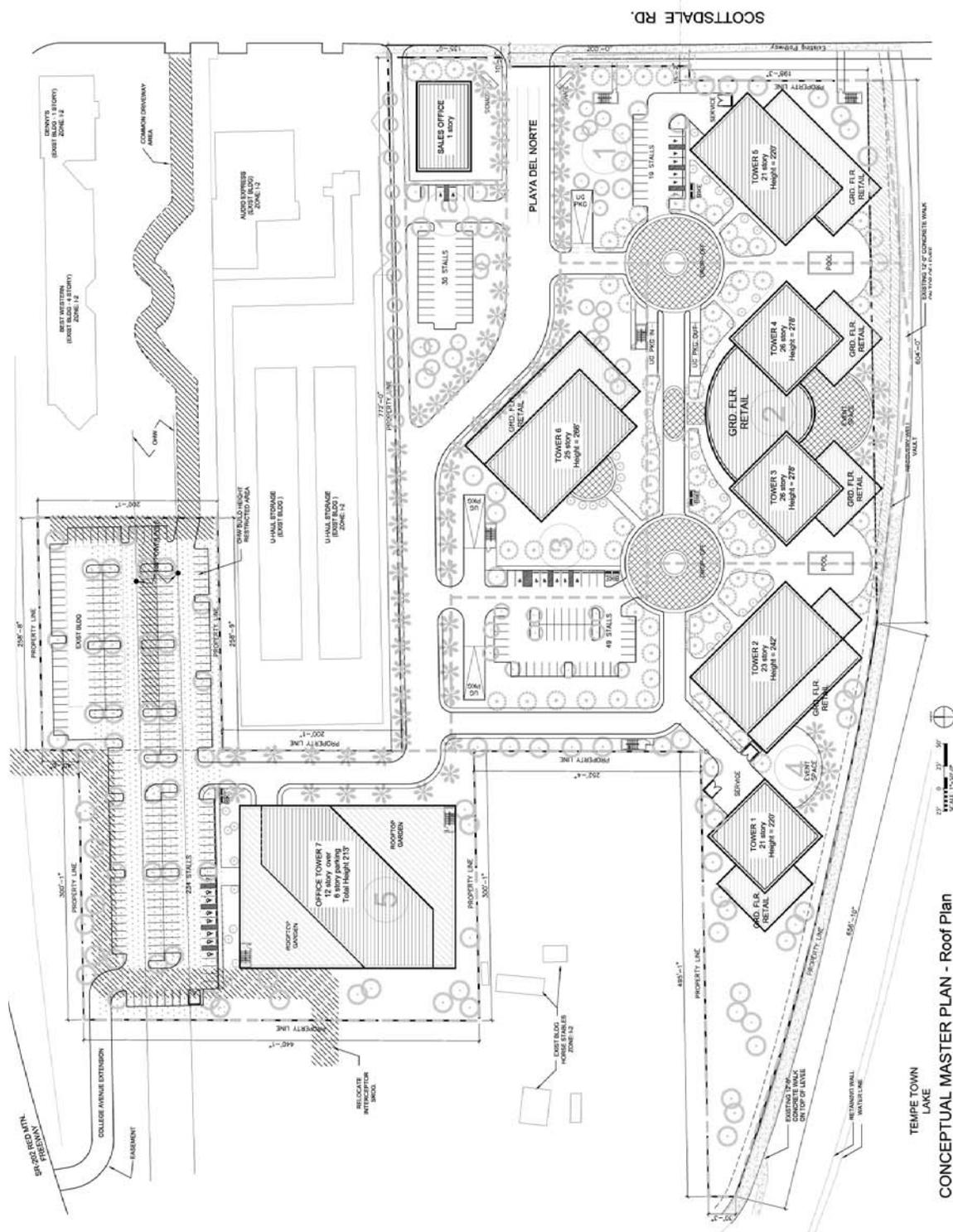
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10.26.2010
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PHOENIX, ARIZONA 85018
TEL: 602-954-0818



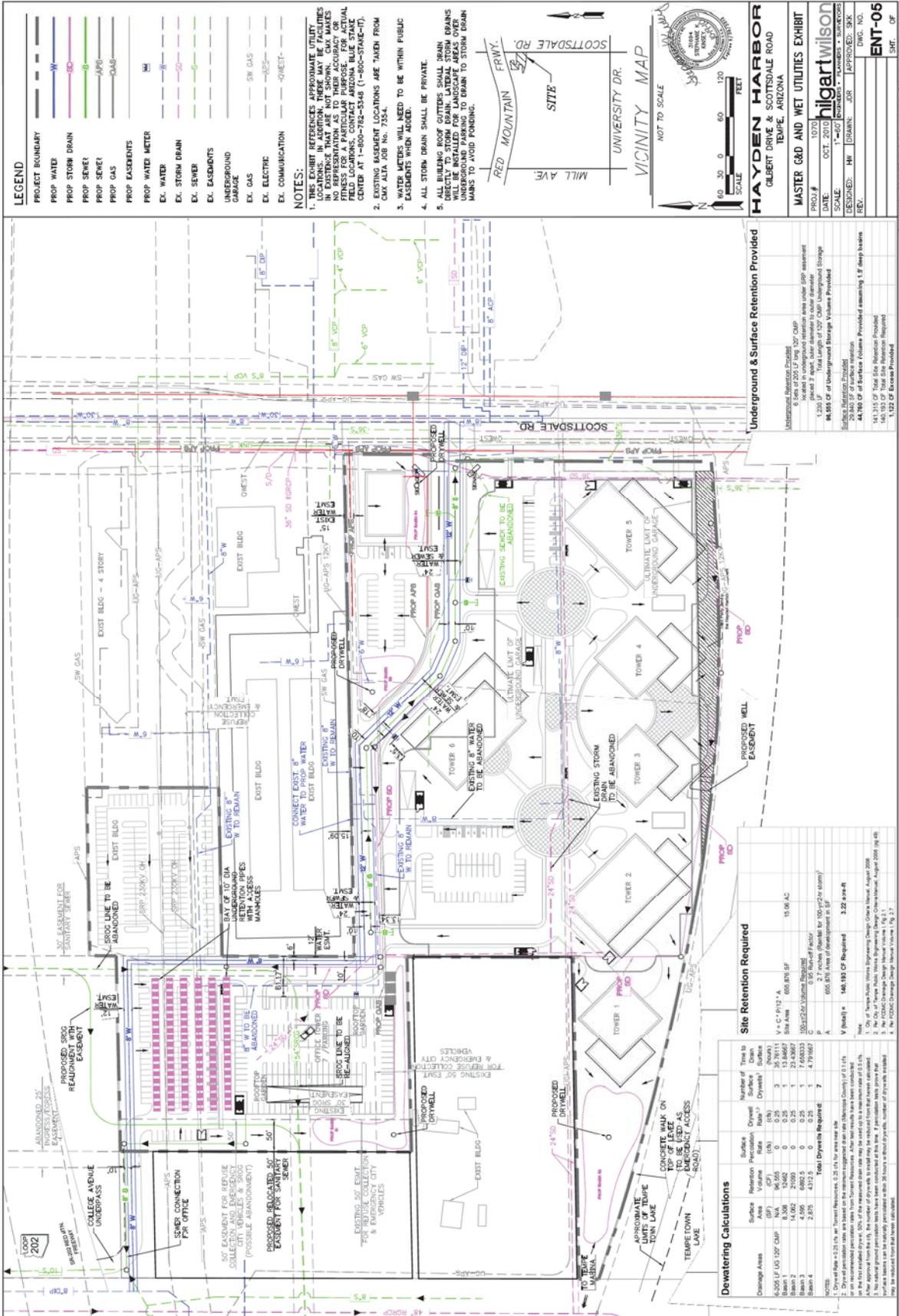
CONCEPTUAL MASTER PLAN - Roof Plan

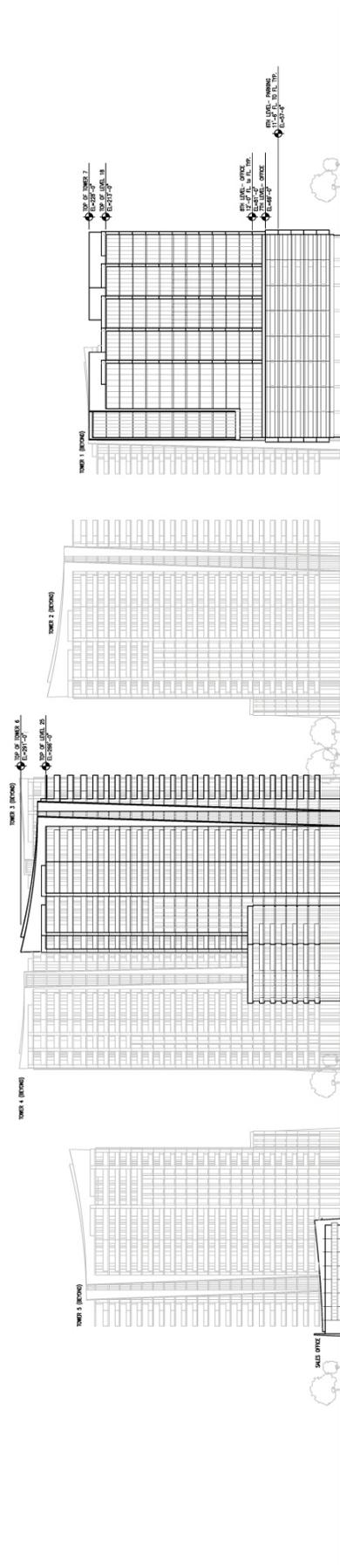
HAYDEN HARBOR - Roof Plan
 430 NORTH SCOTTSDALE ROAD
 TEMPE, ARIZONA

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

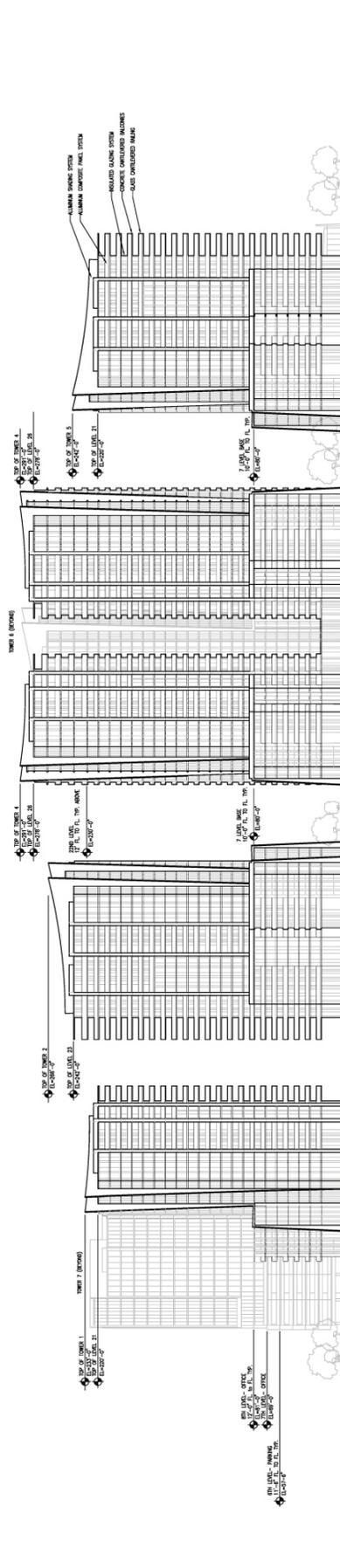
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 PHOENIX, ARIZONA 85018
 TEL: 602-954-0818





CONCEPTUAL NORTH ELEVATION
 25' 0 25' 50'
 SCALE: 1/8"=1'-0"



CONCEPTUAL SOUTH ELEVATION
 25' 0 25' 50'
 SCALE: 1/8"=1'-0"



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

EL FENIX, LLC & EL FENIX II, LLC
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LOS ANGELES, CA 90024

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PHOENIX, ARIZONA 85018
TEL: 602.954.0818



HAYDEN HARBOR - North Elevation

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

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LOS ANGELES, CA 90024

10.26.2010
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PHOENIX, ARIZONA 85018
TEL: 602.954.0818



HAYDEN HARBOR - East Elevation

430 NORTH SCOTTSDALE ROAD
 TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

10866 WILSHIRE BOULEVARD, SUITE 400
 LOS ANGELES, CA 90024

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 PHOENIX, ARIZONA 85018
 TEL. 602.954.0818



HAYDEN HARBOR - West Elevation

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

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LOS ANGELES, CA 90024

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TEL: 602.954.0818



HAYDEN HARBOR - Aerial View Looking North

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

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LOS ANGELES, CA 90024

10.26.2010

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2340 EL AVILA BLVD., SUITE 200
PHOENIX, ARIZONA 85018
TEL: 602.954.0818



ATTACHMENT 51

HAYDEN HARBOR - Southeast Looking Northwest

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

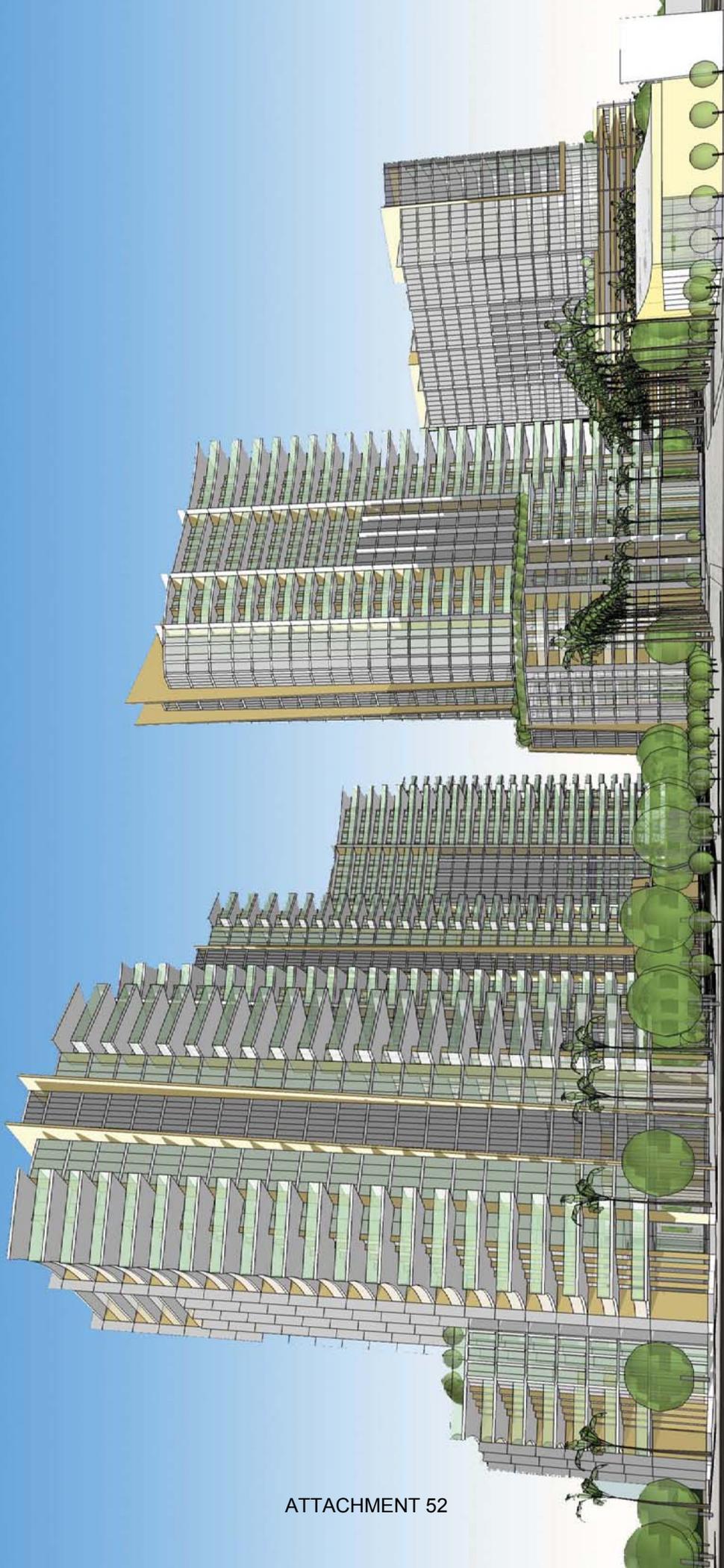
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PHOENIX, ARIZONA 85018
TEL. 602.954.0818



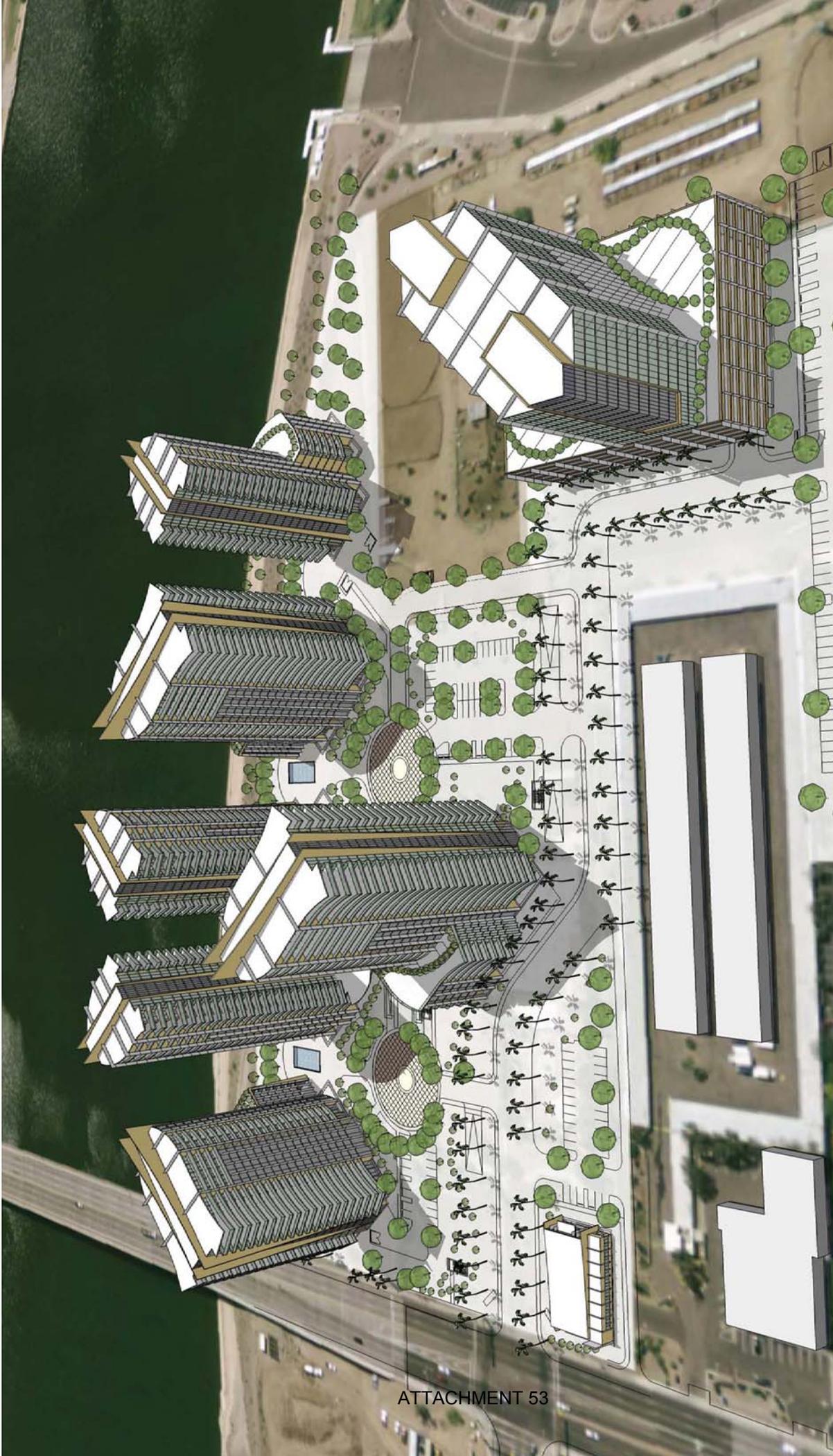
ATTACHMENT 52

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

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

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ARCHITECTURE PLANNING ENGINEERING INTERIORS
3346 E. WILSHIRE BOULEVARD, SUITE 200
PHOENIX, ARIZONA 85018
TEL. 602.954.0818



ATTACHMENT 53

HAYDEN HARBOR - Aerial View Looking South

430 NORTH SCOTTSDALE ROAD
TEMPE, ARIZONA

EL FENIX, LLC & EL FENIX II, LLC

10866 WILSHIRE BOULEVARD, SUITE 400
LOS ANGELES, CA 90024

10.26.2010

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3340 E. WILSHIRE BOULEVARD, SUITE 200
PHOENIX, ARIZONA 85018
TEL: 602.954.0818

Memorandum

Public Works Department



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

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

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

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

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

The City accepts the Traffic Impact Study as submitted.

COPY

EDWARD SANTACRUZ, TRUSTEE
THE EDWARD SANTACRUZ AND NANCY SANTACRUZ
REVOCABLE LIVING TRUST DATED OCTOBER 27, 1994

15490 N. 83RD Way
Scottsdale, AZ 85260
(480) 966-3100 * Fax (480) 921-7603
email eds@audioexpressusa.com

February 22, 2011

City of Tempe
Community Development Department
31 E. Fifth Street
Tempe, AZ 85281

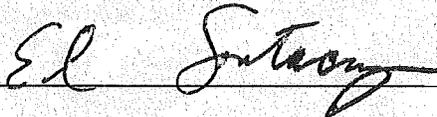
Ladies and Gentlemen:

I, Edward Santacruz, Trustee of The Edward Santacruz and Nancy Santacruz Revocable Living Trust dated October 27, 1994 (the "Trust"), hereby state:

1. The Trust is the owner of the property at 550 N. Scottsdale Rd., Tempe, AZ 85281.
2. The Trust authorized the filing with the City Clerk of the Legal Protest dated January 25, 2011 against the proposed Zoning Map Amendment, the Planned Area Development Overlay and the General Plan Map Amendment for the Hayden Harbor at Tempe Town Lake Project.
3. The Trust further authorizes Nancy Hempy, Director of Real Estate for Freight Sales, Inc. and Audio Express stores; Mariscal, Weeks, McIntyre & Friedlander, P.A.; and other necessary consultants as Ms. Hempy feels are necessary to represent the Trust and the Trust's property interests in this matter, including, but not limited to, further actions required related to the Legal Protest.

If you have any questions, please contact Nancy Hempy. Thank you.

Edward Santacruz, Trustee
The Edward Santacruz and Nancy Santacruz
Revocable Living Trust
Dated October 27, 1994.





SAC Self-Storage

1250 East Missouri Avenue, Phoenix, AZ 85014
Phone: (602) 248-0525 Fax: (602) 248-0530

February 23, 2011

City of Tempe
Community Development Department
31 E Fifth Street
Tempe, AZ 85281

To Whom It May Concern:

I, Bruce Brockhagen, the Secretary and Treasurer for Sixteen SAC Corporation, the property owner of the property located at 500 N. Scottsdale Road, Tempe, Arizona, do hereby state and represent the following:

- 1.) Sixteen SAC did authorize the Legal Protest dated January 25, 2011 (and filed with the City of Tempe) against the Proposed Zoning Map Amendment, the Planned Area Development Overlay and the General Plan Map Amendment for the Hayden Harbor at Tempe Town Lake Project, the "Project";
- 2.) Sixteen SAC authorized and further authorizes those designated representatives of the U-Haul Co. of Arizona and Amerco Real Estate Co. and their hired attorneys, agents, contractors, consultants, and each and all of them, to represent Sixteen SAC and its property interests and rights with regard to the Project, including, but not limited to, further actions associated with the Legal Protest and/or other legal and administrative actions.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Brockhagen', with a long horizontal flourish extending to the right.

Bruce Brockhagen
Sixteen SAC
Secretary and Treasurer