



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 04/16/2015
Agenda Item: 6A1**

ACTION: Hold a public hearing for a review of the Amended Planned Area Development Overlay for a time extension request of prior entitlements for 707 SOUTH FOREST, located at 707 South Forest Avenue. The applicant is Gammage and Burnham PLC.

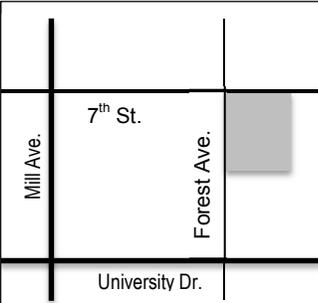
FISCAL IMPACT: There is no fiscal impact to City funds.

RECOMMENDATION: Not applicable

BACKGROUND INFORMATION: 707 SOUTH FOREST (PL090073) consists of an approved 20 story mixed-use building with 168 student housing units, structured parking, 5,000 s.f. of retail/restaurant space, and 1,163 s.f. of retail/office space. The overall building area is 311,007 s.f. The site is located at 707 South Forest Avenue and is zoned CC (PAD TOD), City Center, Planned Area Development Overlay, and within the Transportation Overlay District (Corridor Area). City Council approved the entitlement request on August 20, 2009 with a condition that a building permit shall be obtained on or before August 20, 2012 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. On December 3, 2010, the Community Development Department Planning Division administratively approved an Amended Planned Area Development Overlay that included a time extension to obtain a building permit by December 3, 2013. At this time, the development team has not obtained or applied for building permits. The project is in conformance with the General Plan land use designation of Mixed Use and High Density – Urban Core.

The property owner and applicant were notified by certified mail with return receipt on March 2, 2015 regarding the expired conditional approval. On March 16, 2015, the applicant Gammage and Burnham PLC, requested a time extension to this stipulation until December 31, 2016. It is requested that this stipulation now read:

A building permit shall be obtained on or before ~~December 3, 2013~~ December 31, 2016, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.



Property Owner	L & G Cannery, LLC
Applicant	Manjula Vaz, Gammage and Burnham, PLC
Current Zoning District	CC (PAD, TOD) City Center with a Planned Area Development Overlay and within the Transportation Overlay District (Corridor)
Gross/Net site area	.511 acres
Max. Density	329 du/ac (168 dwellings proposed)
Total Building Area	311,007 sf. interior
Lot Coverage	91.6% max
Building Height	235 ft., 20 stories max
Building Setbacks	0' front, 0' sides, 0' rear
Landscape Area	18.4%
Vehicle Parking	200 spaces provided (PAD standard)
Bicycle Parking	212 spaces provided

ATTACHMENTS: Extension letter, Approval letter for Amended Planned Area Development, Original Development Project File

STAFF CONTACT: 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:

An approval of this time extension has the effect of:

- Retaining the existing entitlements of CC, PAD, TOD with 168 dwelling units within a twenty (20) story building.
- Any significant changes, including the reduction of more than 10% of the height or density would require a major amendment to the PAD and require a new decision by the Council.

Not to consider acceptance of the time extension has the effect of:

- Requiring further direction from City Council to further evaluate either the schedule of development, or
- Direct staff to proceed with a reversion process of the PAD and zoning entitlements. This process would include a neighborhood meeting, recommendation hearing by the Development Review Commission and public hearings with a final decision by City Council.
- With the reversion of entitlements, any new submittal application (even if similar) would be brought back through the appropriate decision-making body.
- As a result of a zoning reversion, the zoning would change to the CC TOD (City Center, Transportation Overlay District) zoning district with the allowance of either commercial or residential land uses with a maximum height of 50 feet. The height of the approved PAD is more consistent with the Downtown Design Guidelines Heights Study for this location.
- The property would keep the General Plan projected land use designation of Mixed Use and High Density – Urban Core. The CC zoning district, as well as the project under the approved PAD, is considered appropriate for this land use designation.

CONDITIONS OF APPROVAL:

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

1. This approval is based on conformance to preliminary drawings and exhibits submitted for the requests for a Planned Area Development Overlay and Development Plan Review except where amended by the conditions of approval indicated below and by governing Code and Ordinance Standards. The preliminary drawings and exhibits include the following:
 1. Site Plan sheet A0.1, dated 5/19/2009.
 2. Floor Plans sheets A1.0, A1.1, A1.2 and A1.3, dated 5/19/2009.
 3. Building Elevations sheets A2.0, A2.1 and A.2.2, dated 5/19/2009.
 4. Building Sections sheet A3.0, dated 5/19/2009.
 5. Site Improvement Plans (cover, sections and utility plan) sheets 1 of 4, 3 of 4 and 4 of 4, dated 5/5/2009.
 6. Site Improvement Plan (grading and drainage) sheet 2 of 4, dated 5/6/2009.
 7. Ground Floor and 20th Floor Landscape Plans, sheet PL1.1 and PL1.2, dated 5/6/2009.
 8. Materials Sample Board, dated 4/7/2009.
2. A building permit shall be obtained on or before ~~December 3, 2013~~ December 31, 2016, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.
3. Site clearing:
 1. Obtain a demolition permit and remove the existing buildings, site and landscape improvements of Oxford Square and University Commons after concluding the tenancy in the buildings to the satisfaction of all parties.

2. Do not demolish the existing buildings, site and landscape improvements, including landscape in the public right of way, until a building permit for the succeeding development is issued, or until Development Services and Public Works Division waivers for this condition are granted.
3. Coordinate with Public Works and Parks and Recreation Departments the salvage of existing city-owned fixtures and trees in the public right of way prior to demolition.
4. Maximum height of the building, as measured from the top of curb adjacent to the center of the front-yard of the site, to the highest portion of the roof or parapet of the building shall not exceed 235'-0".
5. The increased height exception stipulated in ZDC Sec. 4-205(A) shall be waived for the building. The structures stipulated in this section may not extend above the established height of the building. Similarly, architectural appurtenances such as antennae, communications equipment or flagpole may not extend above the established height of the building.
6. Submit height coordinates for the building towers to the Federal Aviation Administration for an Observation Evaluation (FAA 7460-1 form). Obtain written determination of "no hazard to air navigation" for the development's height from the F.A.A. and submit this finding to the City of Tempe prior to issuance of building permits.
7. Where a temporary structure such as a construction crane is utilized that exceeds the approved height of the building, submit height coordinates for the structure to the Federal Aviation Administration (FAA 7460-1 form) and the City of Phoenix Aviation Department (Airsides Operations staff) for review. Obtain and submit written approvals from each agency to the City of Tempe prior to issuance of a building permit.
8. The minimum required quantity of vehicle parking spaces for the building shall be 200 spaces, which may include on-street parking adjacent to the development. The development shall conform to the following with respect to parking:
 - a. The residential component shall include a maximum of 168 residential dwelling units and a maximum of 530 bedrooms. Residential parking is calculated at 0.36 vehicle parking spaces per bedroom. The parking standards for resident guest parking, residential amenity, resident lobby office and resident service/maintenance spaces are waived.
 - b. The commercial component shall be a maximum of 6,163 sf. of commercial area composed of general office, medical office, retail and indoor restaurant use, of which a maximum of 5,000 sf. may be dedicated for indoor restaurant. The parking standard for the first 25 percent of commercial office/retail area and the first 25 percent of restaurant area are each waived. The parking standard for outdoor restaurant area is waived. Parking is calculated for the remaining office/retail and restaurant areas as follows:
 - a. One vehicle parking space is required for every 1,000 sf. of indoor commercial area, including medical office, general office and retail area, including area of "back of house" functions.
 - b. One vehicle parking space is required for every 500 sf. of indoor restaurant area, including area of "back of house" functions.
9. Obtain an Encroachment Permit from the Public Works Department for portions of the building which overhang or otherwise encroach into the public right-of-way prior to first submittal for building plan check review, unless waiver for this condition is granted from the Public Works Department.
10. A Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
11. Phase 1 may use approved PAD parking ratios and shared parking within existing buildings, functioning as one development, as long as maintained by one ownership.

HISTORY AND FACTS:

Subdivision

June 19, 1893 The Map of Tempe, a subdivision prepared for the Tempe Land and Improvement Company, L. W. Blinn, President, was recorded in the State of California, County of Los Angeles, before Geo. W. Parsons, Commissioner of Deeds for Arizona Territory, in Book 2, Page 26 of Maps for Maricopa County, Arizona. Note: The subject site is composed of Lots 8, 9 and 10 of Block 13 of the Map of Tempe.
Note: No information available on the subsequent subdivision of Lot 10 into three parcels. No available information on the original residential constructions on the properties at 203 E 7th Street, 211 E 7th Street, 215 E 7th Street, 705 S Forest Ave, 707 S. Forest Ave and 709 S Forest Ave.

Oxford Square

December 8, 1964 Certificate of Occupancy granted for commercial building located at 704-710 S. Forest Avenue. Building is on west side of Forest and is north of the midblock alley between 7th and University).
Note: this is the western portion of Oxford Square.

December, 1965 Certificate of Occupancy granted for commercial “U” shape building located at 709 S. Forest Avenue (December 23) and 707 S. Forest Avenue (December 30). Building is on east side of Forest and is north of the midblock alley between 7th and University).
Note: this is the first part of the eastern portion of Oxford Square.

November 18, 1968 The Board of Adjustment approved a Use Permit to construct a commercial building for two retail stores (Harry Whipple) at 203 East 7th Street and 705 S. Forest Avenue in the C-3, Central Commercial District.
Note: this is the second part of the eastern portion of Oxford Square.
Note: This is the building that most recently housed Wet Paint (now vacant) and currently houses Ma’i Island Grill. The first condition of approval requires an architectural match, which confirms this building was the last piece of Oxford Square to be constructed.
Note: Oxford Square was located on both sides of Forest Avenue south of 7th Street to the alley. Portion of Oxford Square west of Forest was demolished in May, 2008. Oxford Square east of Forest still exists.

November 19, 1968 Building permit issued for removal of existing house at southeast corner of Forest and 7th.

April 1, 1969 Certificate of Occupancy granted for commercial building located at 203 East 7th Street (southeast corner of Forest and 7th).

June 27, 1979 The Board of Adjustment approved a Use Permit to operate a sandwich/ice cream shop and a Variance to reduce the required off-street parking spaces from 59 to 44 for Tina’s Old Fashioned Ice Cream (Thomas Monforton) at 705 S Forest Avenue in the CCD, Central Commercial District.
Note: Tina’s was located on the east side of Forest but the Variance for parking reduction was for the entire Oxford Square Shops, including three parcels at the southwest corner of 7th And Forest (in addition to two parcels at the southeast corner of 7th and Forest which are a part of the subject site).

Early Mixed Use (Lots 8 & 9)

December 4, 1967 Request for conversion of the rear of an existing frame construction residence to a General Repair, Fix it and Saw Shop (Howard D. Thomas) at 211 East 7th Street was withdrawn prior to

Board of Adjustment hearing date due to Building Code difficulties in converting a portion of the residence to commercial use.

Note: this was a first stab at mixed use on the subject site.

January 21, 1974

The Board of Adjustment approved a Use Permit (William McCormick) to operate a ski repair shop at 213 East 7th Street in the CCD, Central Commercial District.

Note: This is an example of mixed-use from an earlier era of development. An existing ski rental shop facing 7th Street was alongside an existing residence on this property. The ski repair shop was located in a freestanding building facing the alley at the rear of the property. As a result of this construction activity, construction upgrades were required for the ski rental facility in the residence to conform to the building code.

October 17, 1979

The Design Review Board approved the sign for Barb's Dark Room (Barbara Pierce) at 713 East 7th Street

Note: the Dark Room was an example of a commercial use that exclusively fronted the mid-line alley between 7th Street and University Drive. The signs on the alley were oriented to be read from Forest Avenue through the Forest and alley intersection.

Fumusa Properties

September 20, 1972

The Design Review Board approved the building elevations, site and landscape plans for Fumusa Properties located at 215 East 7th Street in the C-3, Central Commercial District.

Note: the site included the Lot 8 (part of the subject site) and Lots farther east currently containing the Student Health Center that are not included in the subject site. The project was not built.

University Commons (Lots 8 & 9)

March 24, 1982

The Board of Adjustment approved a Use Permit and three Variances for University Commons (Brad Schultz and William McCormick) at 215 East 7th Street in the CCD, Central Commercial District.

- Use Permit to establish a general commercial use center
- Variance to reduce the required number of off-street parking spaces from 32 to 16 for a general commercial use.
- Variance to reduce the required width of five parking spaces from 9'-0" to 8'-0".
- Variance to reduce the required landscape strip between the street property line and the parking area from 10'-0" to 5'-0".

Note: the parking ratio used at the time was one parking space per 250 s.f. of general commercial (retail or general office) space.

February 3, 1983

The Design Review Board approved the building elevations, site and landscape plans for University Commons at 215 East 7th Street in the CCD, Central Commercial District.

March 28, 1984

The Board of Adjustment denied the following appeal, Use Permit and Variance requests for University Commons (Schultz and Associates) at 215 East 7th Street in the CCD, Central Commercial District.

- Appeal a condition of approval, dated March 25, 1982, stipulating that only general commercial uses be permitted in this complex.
- Use Permit to allow a sit down restaurant in this complex.
- Variance to reduce the required number of off-street parking spaces from 35 to 16 (the parking Variance approved in 1982 was for a 16 space reduction, rather than 19 which was

denied in 1984).

Note: the effect of this denial prohibited a restaurant from being housed at University Commons.

Downtown Studies

May 01, 1996

RECREATING A TRADITIONAL DOWNTOWN: A Concept Plan for the Redevelopment of the Southeast Quadrant of Downtown Tempe, Arizona

March 30, 2006

Concept Study DOWNTOWN BUILDING HEIGHTS: an Appendix to Downtown Mill Avenue District and Vicinity Community Design Principals

707 South Forest

May 4, 2009

The Development Team held a neighborhood meeting and presented 707 South Forest at Hatton Hall beginning at 6:00pm. Five citizens attended and provided comments. The neighbors included tenants from Oxford Square and a representative from the development team for University Square (proposed project to the west). The presentation was favorably received.

June 9, 2009

The Development Review Commission, by a vote of six to one, approved the site plan, building elevations and landscape plan for 707 South Forest. By the same vote, the Development Review Commission recommended approval of the following to City Council: a Planned Area Development Overlay to allow a maximum 235'-0" tall building and a vehicle parking reduction from 484 to 200 parking spaces. The project is located at 707 South Forest Avenue in the CC, City Center District and is within the TOD, Transportation Overlay District.

July 2, 2009

The City Council received an introduction and held a 1st public hearing for 707 South Forest for a Planned Area Development Overlay to allow a maximum 235'-0" tall building and a vehicle parking reduction from 484 to 200 parking spaces. The 0.511 acre site is located at 707 South Forest Avenue within the City Center District and Transportation Overlay District.

July 7, 2009

The applicant's legal representative presented 707 South Forest to attendees at the July meeting of the Riverside Sunset Neighborhood Association. At this meeting, the legal representative offered to arrange a guided tour of The VUE, a student housing project by Campus Acquisitions at 922 East Apache Boulevard, to interested members of the RSNA in order for the members to better understand the mixed-use student housing type that is represented by both projects. The offer was accepted and the tour took place on August 4, 2009.

August 20, 2009

The City Council approved the request for 707 South Forest.

December 3, 2010

Community Development Department Planning Division administratively approved an Amended Planned Area Development for 707 South Forest.

March 16, 2015

Gammage and Burnham PLC submitted a time extension application on behalf of the property owner, L & G Canner LLC.

April 16, 2015:

Hold a public hearing for a time extension request for an Amended Planned Area Development Overlay for 707 South Forest.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-305, Planned Area Development (PAD) Overlay districts

PL090073 – 707 SOUTH FOREST

