



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 05/26/2016
Agenda Item: 6C4**

ACTION: Hold the second and final public hearing to adopt an ordinance for a Planned Area Development Overlay and approve a Development Plan Review for a new mixed-use development containing 295 dwelling units, restaurant, retail, office, classroom, and church uses for NEWMAN CENTER / THE MAXWELL ON COLLEGE (PL150419), located at 712 South College Avenue. The applicant is Maxwell Tempe, LLC. (Ordinance No. O2016.29) *(Note: A legal zoning protest has been filed; therefore, a 3/4 City Council majority vote (6 of 7) is required for approval.)*

FISCAL IMPACT: While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Deny Ordinance No. O2016.29 as a result of modified conditions by DRC
Denial of Development Plan Review, as a result of modified conditions by DRC
Development Review Commission – Approval (7-0 vote), subject to modified conditions

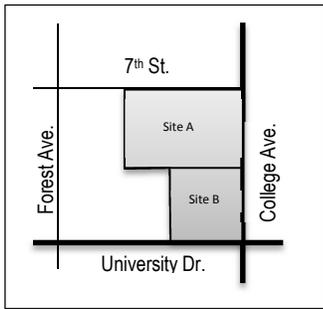
BACKGROUND INFORMATION: A LEGAL ZONING PROTEST HAS BEEN FILED WITH REGARD TO THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 OF 7) IS REQUIRED FOR APPROVAL.

NEWMAN CENTER / THE MAXWELL ON COLLEGE (PL150419) is a proposed development that encompasses an existing commercial site and the existing All Saints Newman Center. The building located at the southwest corner of 7th Street and College and the surface parking lots to the west (Site A) would be demolished, and a new building including a three-level parking garage and the 18- and 20-story towers would be constructed. The residential component on Site A is designed to serve the needs of university students. All existing buildings on the All Saints Newman Center (Site B) will remain, and a new four-story building would be constructed in the northeast corner of the site. In 2008, Site B received approval from City Council for a PAD that allowed a 22-story tower for student housing, worship hall, and chapel while maintaining the existing St. Mary's church. This development was never constructed. In 2010, the Development Review Commission approved a DPR for a new chapel, sanctuary, social hall, classrooms, and a residence. All but the classrooms and residence of this 2010 approval have been constructed. **Follow-Up from 1st Public Hearing:** At the meeting of 05/12/16, Councilmembers requested follow-up on the project consisting of concerns regarding property management of the student housing, reaching out to ASU for further collaboration, providing turn lane, parking requirements, height and density, and how this project comes into play with the timing of the Tempe/ASU traffic study. Since the last hearing staff met with the applicant team on multiple occasions and is aware that additional communication has been made by the applicant with Councilmembers and ASU. Attachment 170 included within the development project file provides stipulations that the staff and developer have agreed to in principle, effectively and substantially restoring the conditions removed by the Development Review Commission on April 12th. A right hand turn lane will be provided on College, and parking in accordance with the current code standards, through a combination of but not limited to some or all of the following: parking aisle reconfiguration, parking affidavit, additional parking levels, reduction of commercial space. It is anticipated that a comprehensive traffic study conducted the City and ASU will be completed in 60-90 days. Staff is in support of the project if the revised conditions provided in Attachment 170 can be included into the decision. This request includes the following:

1. Planned Area Development Overlay to establish development standards for density, building setbacks, building heights, landscape areas, and parking.
2. Development Plan Review including site plan, building elevations, and landscape plan

Property Owners

College Enterprises, Inc.



	College Street, LLC
	All Saints Roman Catholic Newman Center Tempe
	Sabas Brothers Rentals, LLC
	Tony Wall, Maxwell Tempe, LLC
Applicant	CC TOD (Corridor Area) & CC PAD TOD H (Historic Overlay)
Existing Zoning Districts	CC PAD TOD & CC PAD TOD H
Proposed Zoning Districts	1.89 acres
Net site area	156 du/ac / 295 units / 798 bedrooms
Proposed Density / Units / Bedrooms	
Unit Types	23 one bedroom
	156 two bedroom
	1 three bedroom
	115 four bedroom
Proposed Building Area	690,762 s.f.
Lot Coverage	Site A 100%, Site B 83% (NS)
Building Height	Site A 245' (50' max allowed), Site B 75' (270' max allowed)
Building Setbacks	0' front, 0' side, 0' street side, 0' rear (0, 0, 0, 0 min. allowed)
Landscape area	Site A 0% at grade & 41.2% at amenity deck, Site B 10% at grade (NS)
Total Vehicle Parking	217 spaces, incl. 10 on-street (488 min. required)
Total Bicycle Parking	256 spaces (272 min. required)

ATTACHMENTS: Ordinance, Development Project File, Additional Correspondence (#149-152), Attachments 153-170 including follow-up letter from applicant, Exhibit C-1 turn lane, and revised conditions, legal protest letter

STAFF CONTACT(S): Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Dave Nakagawara, Community Development Director
 Legal review by: Teresa Voss, Assistant City Attorney
 Prepared by: Karen Stovall, Senior Planner

COMMENTS

The site is located at the northwest corner of College Avenue and University Drive and is adjacent to the Arizona State University campus. College Avenue is a primary connection to Tempe’s Transportation Center for all bus routes and the Light Rail. To the north of the site, north of 7th Street, is the College Avenue Commons, a five-story facility operated by ASU that was constructed in 2014 and contains classrooms, offices, and retail uses. To the east of the site, across College Avenue, are the five-story ASU Foundation and a two-story commercial building. To the west is a two-story building that contains the University of Mary. To the south, across University Drive, is the main ASU campus.

The project includes a total of seven parcels that, for purposes of this request, are broken up into two sites. Site A includes six parcels at the southwest corner of 7th Street and College, totals 1.05 acres in size, and is currently zoned CC with a TOD Overlay. Site A currently contains single-story commercial buildings and surface parking. Site B is at the northwest corner of College and University, includes one parcel that is .84 acres in size, and is also zoned CC TOD but also has PAD and Historic overlays. Site B contains the historic St. Mary’s Church, which was built in 1902-1903. Neither this historic building nor the existing sanctuary and social hall are being modified as part of this project.

The St. Mary’s Church/Our Lady of Mt. Carmel Catholic Church property is listed on the Tempe Historic Property Registry (January 20, 2000) and on the National Register of Historic Places (January 30, 1978). The subject application was reviewed by the Historic Preservation Commission on January 21, 2016 and received approval of a Certificate of Appropriateness for the proposed redevelopment of portions of the All Saints Newman Center site. Although the Historic Preservation Commission action was limited to the designated parcel, the Commission voiced concern regarding the

proposed College Avenue encroachment on Site A, which would limit views of the Tempe Butte when looking north from University, and the historic church steeple when looking south down College toward University. An Action Summary of this hearing is provided as an attachment.

In 2008, City Council approved a PAD Overlay (PL070404) for Site B to allow a mixed-use development consisting of a 22-story building for student housing, social hall, worship hall, and chapel within approximately 260,000 square feet of building area. This PAD approval maintained the existing St. Mary's Church.

In 2010, the Development Review Commission approved a DPR (PL100304) for Site B consisting of a new building with a chapel, social hall, sanctuary, offices, classrooms, and a residence within approximately 34,300 square feet of building area. This DPR approval also maintained the existing St. Mary's Church. Construction of the new chapel, social hall, and sanctuary was completed in 2013. The offices, classrooms, and residence, which were located near the northeast corner of the property, were never constructed.

This request includes the following:

1. Planned Area Development Overlay to establish development standards for a new mixed-use project with a combined density of 130 du/ac, maximum building heights of 225' (Site A) and 52' (Site B), landscape areas of 0% (Site A) and 10% (Site B), with 0' setbacks, and reduced parking.
2. Development Plan Review including site plan, building elevations, and landscape plan

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

For further processing, the applicant will need: approval of a Final Subdivision Plat to combine five of the six individual lots of Site A into one; recordation of a covenant and agreement to hold separately owned properties as one parcel, approval of a license agreement for encroachments into the public right-of-way on both 7th Street and College Avenue and over the alley; and approval of maintenance agreements for non-standard work in the right-of-way.

PRELIMINARY AND FORMAL SITE PLAN REVIEW

10/21/15: Preliminary Site Plan Review (site plan only) was completed. Plans identified 630 units and 328 vehicle parking spaces. Narrative identified both student housing and for-sale housing. Comments made by staff included: requirement for a second preliminary review, identification of a plan for refuse pick-up, note that overhangs into right-of-way require license agreement, requirement for a Traffic Impact Analysis, request for a south-bound right-turn lane on College Avenue at University, and the request for complete project data and parking data to determine the required number of parking spaces. It was noted that if provided parking is less than required, a parking analysis is required to justify the reduction.

10/28/15: A Development Plan Review application was submitted, and a second Site Plan Review was completed. The site plan was not modified from the preliminary submittal to address staff's comments. The data identified 272 units and 328 vehicle parking spaces. Floor plans identified student housing and for-sale units. Neither a parking analysis nor a traffic impact analysis was provided. Though floor plans for below-grade levels were not submitted, the building sections identified a five-level parking garage (two levels below grade and three levels above) on Site A. Comments made by staff included: review the submittal requirements for a formal DPR application and provide required project data so staff can analyze the request; identify a plan for refuse pick-up and show how truck maneuvering will work; provide on-site loading, delivery, and service access; provide 3' high opaque screening at each level of the garage; identify locations of all gates within the parking garage; provide sight visibility at both garage exits; maintain min. 8' wide clearance along both streets; eliminate building encroachment on College Avenue into the right-of-way at level 7 and above to allow light and air flow and maintain views from public space at street level; and provide a south-bound right-turn lane on College Avenue.

12/9/15: A second submittal was made, and a third Site Plan Review was completed. This submittal included an application for a Planned Area Development Overlay. Plans identified 226-228 units and 284 vehicle parking spaces. The submittal included a traffic impact study but did not include a parking analysis to justify the request for reduced parking. City staff was informed by the applicant that the numbers used in the Traffic Impact Analysis were inaccurate and that a revised Traffic

Impact Analysis would be provided at a later date. Comments made by staff included: coordinate PAD sheets, site plan, elevations, floor plans, and landscape plan as they show different right-of-way improvements, different unit numbers, different parking counts, and different building heights; explain the parking plan for residents, residential guests, and the public (assigned, pay lot, etc.); provide sight visibility at both garage exits; identify a plan for refuse pick-up and show how truck maneuvering will work; and provide a south-bound right-turn lane on College Avenue.

12/29/15: A third submittal was made. This submittal included an application for a Use Permit for tandem parking and a parking analysis. A revised Traffic Impact Analysis with updated numbers was also included. Plans identify 231 units and 137 vehicle parking spaces (including 10 spaces on-street). The revised submittal eliminated the two below-grade levels of parking in the garage on Site A. The revised landscape plan eliminated three shade trees from 7th Street and nine shade trees from College Avenue. The plan identified refuse pick-up that could satisfy the requirements of the Solid Waste Division. Planning comments were not provided, because issues were to be addressed by condition in the DRC staff report.

2/22/16: At the applicant's request, the cases were pulled from the February 9, 2016 DRC agenda, and a fourth submittal was made that included the property on the immediate southwest corner of College and 7th Street. Comments made by staff requested clarification in the project data tables; increased width of the refuse service area to reduce the likelihood of damage by refuse trucks entering the building; limiting public accessibility to residential portions of development; more closely matching the colored elevations to the proposed colors; providing updated material boards with correct colors and materials; adding back the "fins" at more frequent intervals; de-emphasizing the rooftop screening; coordinating the perspectives and building elevations; correcting the photometric plan; correcting the calculations in the parking study; identifying alternate parking ratios if ratios other than those required by the code are requested; and providing a south-bound right-turn lane on College Avenue.

3/14/16: A fifth submittal was made. The applicant addressed the majority of staff's comments but disagreed with the recommendation for a south-bound right-turn lane on College.

PUBLIC INPUT

A neighborhood meeting was held on December 9, 2015. In addition to the applicant's team members, approximately five individuals were in attendance. Attendees asked questions that included the following: was any input received from Arizona State University; would the College Avenue frontage have retail; would the developer lease by unit or by room; if units would be open to the general public; what is the requested parking ratio; and would the development have student dining services. The applicant responded that he was in communication with ASU; leasing would be by room; yes, units would be open to the public; the current parking ratio is .5 spaces per bedroom; and that there would not be dining facilities. The applicant's meeting summary is attached.

Due to the inclusion of the corner parcel, the applicant held a second neighborhood meeting on March 2, 2016. In addition to the applicant's team, four individuals attended. General questions included the following: when rooms would be available; what sustainable elements were incorporated into the design; if the units would be affordable; if there is room for a Montessori school; if art was considered in the alley; that the buildings were too tall; a concern that this site was not the right location for student housing; that there is not enough parking. The applicant's summary of this meeting is also attached.

One letter of support was received the day of the Development Review Commission hearing and is included in the attachments.

In coordination with multi-family developments proposed around the Arizona State University Campus, Angela Creedon, Associate Vice President of Community & Municipal Relations, was provided notification of the project through the applicant's public notification process on November 24, 2015 and February 15, 2016. Additionally, John Creer, AVP of Real Estate Development for ASU, was provided updates to the plans by city staff. Staff has received a written statement from ASU that is included in the attachments.

DEVELOPMENT REVIEW COMMISSION

This request was heard at the April 12, 2016 Development Review Commission hearing. There was no public comment. The Commission voted to approve the project (7-0 vote) with the deletion of staff conditions to 1) provide the minimum number of residential parking spaces required by the Zoning and Development Code, 2) require an updated letter from ASU to confirm adequate parking for the church use, and 3) provide a south bound dedicated right-turn lane on College Avenue. Commissioners stated that they did not agree with the need for a right-turn lane on College and would like to see an alternative; expressed concern with the safety of pedestrians on the College Avenue sidewalk if it was made more narrow; supported the parking reduction due to the anticipated demographic of the renters; liked the use of brick veneer to tie into the existing project; and liked that there is more than one level of commercial use within the building on Site A.

PROJECT ANALYSIS

TRANSPORTATION

A Traffic Impact Analysis was submitted by the applicant (see attached), and the Transportation Division has provided the following comments:

The models, pedestrian analysis, and projections used in the Traffic Impact Analysis do not quite match the existing conditions (volumes, pedestrian walking patterns, Level-of-Service) or realistically predict future traffic patterns and conditions. Operationally, the southbound right- and left- turns share a single lane on College Avenue at University Drive. This situation is already at capacity during peak hours and requires geometric changes to safely and efficiently accommodate any future growth along College Avenue. The geometric improvements must be done as part of this project and shall include, at a minimum, separated right- and left- turn lanes, while still safely accommodating pedestrians, bicyclists, and transit within the City right-of-way. The dimension of the proposed new right-turn lane shall be approximately 10' wide and 100' in length with a 60' taper length. Similar developments in the area have been required to, and have agreed to, provide separate southbound right-turn lanes approaching University Drive.

A condition is included that the Traffic Impact Analysis be revised to include the construction of the new right turn lane as described above and that a revised Traffic Impact Analysis be submitted and approved prior to issuance of the first building permit.

PLANNED AREA DEVELOPMENT

The applicant requests a Planned Area Development (PAD) Overlay consisting of 295 dwelling units, 54,206 s.f. of commercial area, 3,249 s.f. of classroom area, and 21,651 s.f. of existing church space. The total proposed building area is 690,762 s.f. The proposed development standards for the PAD are separated into those applicable to Site A (north of the alley) and Site B (south of the alley). The table below shows a comparison of the development standards for the CC TOD zoning district, the previous PAD Overlay approved for Site B in 2008, and the proposed standards for Site A and Site B with the new PAD Overlay.

THE MAXWELL ON COLLEGE – PAD Overlay				
Standard	CC TOD	EXISTING PAD (SITE B ONLY)	SITE A PROPOSED CC TOD PAD	SITE B PROPOSED CC TOD PAD
Lot Size (acres)	n/a	.86	1.05	.84
Residential Density (# of units)	NS	209 du/ac (180 units)	281 du/ac (294 units)	2 du/ac (1 unit)
Building Height (feet) [Exceptions, see Section 4-205(A)]				
Building Height Maximum	50'	270' (incl. mech.)	245' (incl. mech.)	75' (incl. mech.)
Maximum Lot Coverage (% of net site area)	NS	63%	100%	17.8%

Minimum Landscape Area (% of net site area)	NS	14%	0% (ground level) 41.2% (at amenity deck)	17.8%
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]				
Front	0'	7' (east)	0'	0'
Side	0'	0' (north)	0'	0'
Street Side	0'	0' (south)	0'	0'
Rear	0'	0' (west)	0'	0'

The General Plan Projected Land Use Map and Projected Density Map identify this site as Mixed-Use, High Density-Urban Core (more than 65 du/ac). The mixed-use proposal, with a combined density of 156 du/ac, complies with these designations.

The proposed maximum building height on Site A is 245'. While higher than other existing structures in the immediate vicinity, this height is supported by the Downtown Building Heights Concept Study included in the Downtown/Mill Avenue District and Vicinity Community Design Principle. This study identifies a maximum height in this area of 300'. Additionally, 7th Street Mixed Use, approved in 2015 and located at the northwest corner of Forest Avenue and University Drive, has a maximum permitted height of 300' and a proposed building height of 224'.

The proposed maximum height on Site B is 75', and the Downtown Building Heights Concept Study identifies a maximum height on this site of 75'. The proposed height is compatible with the existing sanctuary at a height of 46'-3".

Recognizing that that underlying CC zoning district has no maximum lot coverage, no minimum percentage of landscape area, and no minimum building setbacks, the proposed standards for Site A and Site B are appropriate and consistent with other high density mixed-use developments in the vicinity.

Parking

The 2008 PAD submittal included letters from two nearby property owners that authorized the use of a total of 111 vehicle parking spaces on nearby lots for the Newman Center Student Housing Project, which was never constructed. Approval of that project was conditioned on the developer providing a minimum of 50 vehicle parking spaces on the site or on an adjacent lot and a minimum of three vehicle spaces utilized for a "shared car program."

The parking analysis approved with the 2010 Development Plan Review application for the Newman Center chapel, social hall, sanctuary, offices, classrooms, and a residence included a lease agreement for 70 vehicle surface parking spaces on an adjacent lot (which will be eliminated by the proposed project), with the remainder of the 268 required spaces provided within on-street parking in the vicinity or within nearby ASU pay-to-park facilities.

The table below summarizes the required and proposed *vehicle* parking for the project. The "Number Required by ZDC" column uses the parking ratios established by the Downtown Parking Standards text amendment that was approved by City Council on December 17, 2015. Commercial uses include retail (12,870 s.f.), restaurant (17,223 s.f.), and office (24,113 s.f.).

Vehicle Parking Required and Provided					
Use	Unit Quantity / SF	ZDC Ratios	Number Required by ZDC	Proposed Ratios per PAD	Number Proposed by Study
1 bedroom	23 units	.5 space per bed	11.5	.5 spaces per bed	11.5
2 bedroom	156 units	.5 spaces per bed	156	.22 per bed	68.64
3 bedroom	1 unit	.3 spaces per bed	.9	0 per bed	0
4 bedroom	115 units	.3 spaces per bed	138	0 per bed	0
Guest		.1 per unit	29.5	.1 per unit	29.5
<i>Total Residential</i>	295 units	--	336	--	110
Commercial	54,206 s.f.	1 st 5,000 s.f. waived,	98.41	1 st 5,000 s.f. waived,	98.41

		then 1/500 s.f.		then 1/500 s.f.	
Classroom	3,249 s.f.	1/300 s.f.	10.83	1/350	9.28
Church (existing)	21,651 s.f.	1/300 s.f.	72.17	0 (parking to occur in ASU Foundation garage)	0
TOTAL	--	--	488	--	217 (incl. 10 on-street)

The chart below is a comparison of the parking requirements for the project within the Transportation Overlay District prior to the Downtown Parking Standards text amendment, the parking required by the current code since the passing of the text amendment, and the applicant's proposal.

Vehicle Parking Comparison for THE NEWMAN CENTER / THE MAXWELL ON COLLEGE	
Number required by TOD (Corridor Area) Overlay prior to text amendment	1,194
Number required by CC District after 2015 text amendment	517 488
Number Proposed by Study	217 (incl. 10 on-street)

A parking study was provided by the applicant and is included as an attachment. The study proposes alternate parking ratios for two-, three-, and four-bedroom units, an alternate ratio for the classroom use, and off-site parking for the existing church use. A total of 217 parking spaces would be provided compared to the **517 488** parking spaces required by the ZDC. Therefore, the PAD proposes 300 parking spaces less than what is required by the ZDC.

Provided Vehicle Parking Locations	
Parking Space Type	Number
Commercial uses & residential guest (metered, within garage)	127
Residential (gated access, within garage)	80
<i>Total Garage Parking</i>	<i>207</i>
On-Street adjacent to site	10
TOTAL	217

The 29 guest parking spaces required for the residential use and the 98 spaces for the commercial uses (total 127) are located within the parking garage. The study proposes a vehicle parking ratio of 1 space per 350 s.f. of classroom area, resulting in nine required spaces; however, these nine spaces are not accounted for in the provided on-site or on-street parking numbers. The study states that the spaces will be provided in the parking garage, but the total number of garage spaces only accounts for the commercial, residential, and residential guest spaces. The study must be revised to state where the nine parking spaces will be located.

The study identifies the existing Newman Center area of 21,651 s.f.; however, it shows that no parking spaces are required for the church use. The ZDC requires 72 vehicle parking spaces for the use. The study states that the required parking for the existing church will be provided within the ASU Foundation Building parking structure and includes a 2005 letter from ASU that stated the agreement between ASU and the Newman Center at that time but did not identify a specific number of spaces to be available. An updated letter was not provided, but the study concludes that this agreement is still in place. A condition is included to revise the study and PAD to correctly show the number of required vehicle parking spaces. Another condition is included to require that that developer provide an updated letter from ASU or another property owner in the vicinity that specifies the reservation of a minimum of 72 vehicle parking spaces for the existing church use.

The study concludes that other student housing projects have demonstrated that parking structures are under-utilized, so only 80 of the 306 required resident spaces will be provided. The 80 spaces include all the required parking for the one-bedroom units and 44% of the required parking for the two-bedroom units. The applicant believes that these unit types are more likely to be occupied by couples that include one individual who may not be an ASU student and who would need a

vehicle to drive outside of downtown Tempe. No parking is provided for the three-bedroom unit, which is the rectory house on Site B, or for the four-bedroom units, as the applicant believes residents of in these dwelling types will not need vehicles. The two- and four-bedroom units will be marketed with the limited parking. In order for this development to comply with the residential parking requirements of the approved Downtown Parking Standards text amendment that was passed in 2015, a condition has been included to require a minimum of 444 parking spaces. This includes 336 spaces for the residential use, 98 spaces for the commercial uses, and 10 spaces for the classroom room uses. As described in the parking study, the 72 spaces required for the church use would be provided off-site. This brings the total number of spaces provided either on- or off-site to 516.

The table below summarizes the required and proposed *bicycle* parking for the project.

Bicycle Parking Required and Provided				
Use	Unit Quantity / SF	ZDC Ratios	Number Required by ZDC	Number Proposed by Study
1 bedroom	23 units	.75 space per unit	17.25	23
2 bedroom	156 units	.75 spaces per unit	117	312
3 bedroom	1	1 space per unit	1	3
4 bedroom	115 units	1 space per unit	115	460
Guest	--	.2 per unit	59	0
<i>Total Residential</i>	<i>295 units</i>	--	309	798
Retail	12,870 s.f.	1/7,500 s.f., 4 min.	1.72	4
Restaurant	17,223 s.f.	1/500 s.f.	34.45	34.45
Office	24,113 s.f.	1/8,000 s.f., 4 min.	3.01	4
Classroom	3,249 s.f.	1/1,500 s.f.	2.17	2.17
Church	21,651 s.f.	1/1,500 s.f.	14.38	16.37
TOTAL	--	--	365	859 (incl. 64 on-street)

The parking study does not identify any bicycle parking spaces for the church use, but the PAD shows a total of 16 spaces. A condition is included to revise the study to correctly show the number of required bicycle parking spaces.

The parking study and PAD identify a total of 859 bicycle parking spaces provided, including 64 spaces on the street. The site plan, however, identifies only 52 spaces along 7th Street and College. A condition is included to correct the number of on-street spaces from 64 to 52 and correct the number of provided spaces from 859 to 847.

Of the 795 bicycle parking spaces provided on-site, 69 are provided on the first floor of the garage, 84 are provided on the third floor of the garage, 179 are provided on the fourth floor of the building. The remaining 463 bicycle spaces are provided within dwelling units. No guest parking for the residential use is provided. Although not explained in the study, the applicant has stated that guests of the residents will check-in at the lobbies and either takes bicycles to the gated areas of the garage or up to a residents' unit.

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

1. *The development fulfills certain goals and objectives in the General Plan and the principles and guidelines of other area policy plans. Performance considerations are established to fulfill those objectives. The development fulfills the land use and residential density goals of the general plan and complies with the maximum building heights established through the Downtown Building Heights Concept Study.*
2. *Standards requested through the PAD Overlay district shall take into consideration the location and context for the site for which the project is proposed. Except for the requested parking reductions, the proposed development standards take the site context into consideration. As a result of the parking conditions removed from the*

recommendation by the Development Review Commission, staff is unable to support the request. With such a significantly low number of parking spaces provided, the proposed development would have a negative impact on the availability of parking in the surrounding neighborhood and the long term viability of the project.

3. *The development appropriately mitigates transitional impacts on the immediate surroundings.* The development is appropriate for the site and immediate surroundings; however, without appropriately addressing the parking obligations, this will potentially affect the immediate surroundings with a greater demand on temporary on-street parking and a reliance on students to receive parking from the limited parking supply provided by ASU.

DEVELOPMENT PLAN REVIEW

Site Plan

The site is 1.89 acres and is irregularly shaped. The development encompasses the two existing Newman Center buildings that will remain on Site B. A new four-story building is proposed at the northeast corner of Site B and an 18- and 20-story building on Site A. Site A will contain 294 units planned for rental to ASU students, and Site B will contain one unit for use by employees of the church.

All on-site parking is provided within a four-level garage at the bottom of the Site A building. One level of the garage is below grade, and three levels are above. Except for the vehicular entrances, the garage is not visible from the street frontages. Vehicular access to the garage is provided by a driveway on 7th Street and a driveway at the alley between Sites A and B. The alley also provides access to the electrical utilities and refuses collection areas. Refuse collection on Site A will occur inside the building and includes a trash compactor to service the entire project. Refuse collection on Site B will include a recycling container in the existing refuse area that will service the entire project. The buildings on Sites A and B are connected at the third floor by a bridge that goes over the alley.

Building entrances are provided at multiple points along the first floor of both proposed buildings. Retail areas front 7th Street and College on Site A with a restaurant fronting College on Site B. The plan identifies three residential lobbies on Site A. The parking garage is designed with stairwells and elevators accessible from the lobbies and the garage. The garage is gated at the west end of level 2, restricting the upper 80 vehicle spaces to residential use.

Exterior stairs on 7th Street lead up to a rooftop deck located at the fourth building level. This deck is expected to function as a patio for the associated retail/restaurant businesses in the building. A shade canopy is identified on the deck, but no details of the canopy have been provided.

The site plan shows eight bicycle parking spaces on 7th Street that are located north of building doors that swing outward, into the right-of-way, which would not leave the minimum 8' clearance required. A condition is included to relocate the four bicycle racks on 7th Street to meet the minimum clearance.

Building Elevations

The proposed building on Site A is of contemporary design and will complement the architecture of newer buildings to the north and east of the site. The building is constructed of glass, steel, and concrete. The first three levels of the building incorporate brick veneer to tie into the existing church and sanctuary buildings to the south. Upper levels use a glazing system and metal panels that are broken up by vertical aluminum fins. At the eighth level, the fins are broken by a floor of glazing that wraps the entire building. The building on Site A projects into the right-of-way for a distance of 14' along College leaves a vertical clearance of 10'-4" to 14' between the sidewalk and building. At the fourth floor, the building is pushed back to the property line. Along 7th Street, the building on Site A projects into the right-of-way for a distance of 9'-6", leaving a vertical clearance of less than 14' (not dimensioned) between the sidewalk and the building.

The south elevation of the south tower on Site A indicates "local art" (keynote 25) to be used where charcoal gray masonry is proposed at the garage. The applicant has not identified what this artwork might be. In order to prevent obstruction of the existing 20' wide alley, a condition is included to prohibit projections into the alleyway. In order to create artwork that is incorporated into the building design and is something other than a painted mural, a condition is included to require such

artwork to be architecturally integrated with the building masonry through sandblasting, acid etching, bas-relief, or similar application prior to issuance of building permits.

The Transportation Overlay District (TOD) of the ZDC requires ground floor windows in at least 50% of the building length and 25% of the ground level wall area of all building façades that face a street. It is not clear if the north elevation of Site A complies with this requirement of the TOD, so a condition is included to provide the ground floor window measurements and provide additional windows if necessary.

At the west property line of Site A, the building is adjacent to an existing surface parking lot and a two-story building that is situated on the south portion of the lot. The west elevation of the building on Site A identifies a three-story, 34' high solid wall with masonry veneer. This wall has no breaks in it. Although not called out on the plans, the elevation depicts a horizontal pattern in the masonry veneer that breaks up the solid, blank wall. A condition is included to specify a pattern with the wall. This can be done using a relief pattern, similar to what is proposed for other elevations of the project, or by incorporating the Endicott Red Blend veneer into the wall.

The proposed building on Site B is four-stories and less than 48' high (actual height not dimensioned). The south and west elevations use red brick veneer to blend with the two existing buildings on Site B. The east and north elevations incorporate red and charcoal brick veneers used on the new building on Site A. The height, massing, and materials complement the existing structures on the site. At the second floor, the building encroaches into the College Avenue right-of-way for a distance of 10'-7", leaving a vertical clearance of 10'-4" between the sidewalk and building. Interior to the site, the building connects to the existing Newman Center building at the second, third, and fourth levels by means of exterior bridges.

Landscape Plan

The site plan identifies Site A as having 1% ground-level landscape area. An amenity deck is provided on the fourth floor of the building, and this deck is permitted to be counted toward the on-site landscape area. The plans note this 18,800 s.f. deck as 43% of the site area; however, it calculates to 41%. The project data on the PAD and DPR sheets should be corrected to accurately reflect this. Site B provides a minimum of 18% ground-level landscaping, and the majority of this is within the courtyard between the existing historic church and sanctuary buildings.

The landscape plan identifies the right-of-way landscaping along 7th Street and College and excludes the University Drive frontage, because it will not be modified by the request. Southern Live Oak trees are provided along 7th Street and College with shrubs of Lantana, Yucca, Aloe, and Muhly.

Section 6-306 D Approval criteria for Development Plan Review (*in italics*):

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape*; both proposed buildings are located at the street front/side property lines. At level two and above, both proposed buildings overhang into the right-of-way, creating a shaded pathway for pedestrians. On Site A, a break in the building is created by the fourth floor garden deck, at which point the two towers are established. The elevations incorporate brick veneer at the first three floors that ties into the adjacent developments. The placement, varying wall planes, varying building heights, and materials provide variety in the streetscape.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; the building design will provide shade for pedestrians along both street frontages. The glass of both towers is shielded by metal fins that mitigate heat gain. The placement of all vehicle parking spaces within a garage below the building eliminates areas of exposed asphalt pavement.

3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;* brick veneer and storefront windows are used at the first three floors of the buildings. A glazing system, metal wall system, and metal fins are used on higher floors. Where the garage is adjacent to property lines and may have limited openings, brick is arranged in decorative patterns to break up the long, opaque walls. The proposed materials are compatible with adjacent developments, including the existing historic Old St. Mary's church to the south that is constructed of brick and the College Avenue Commons to the north, across 7th Street, with steel frame construction and glazing shielded by metal cladding that runs in a horizontal direction.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;* the four-story building proposed for Site B is appropriately scaled to the existing historic church and more recently constructed sanctuary building. While higher than the existing structures, it serves as a transition to the significantly higher 18- and 20- story towers on Site A.
5. *Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level;* lower levels of the building incorporate glazing and brick veneer with upper portions constructed of glass and metal. Variation is provided in wall planes, materials, and building height to relieve monotony.
6. *Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions;* design elements at the street level create visual interest. Architectural elements, including the proposed right-of-way encroachments, shade much of the sidewalk adjacent to the site, building entrances, and storefronts.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* the project provides clear pedestrian access from the site to adjacent sidewalks. The condition requiring the right-turn lane would eliminate the bus pull-out on College, north of University, but the bus could use the lane temporarily, while passengers enter/exit the bus.
8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;* vehicular circulation would occur at the entire perimeter of the site, with vehicles accessing the garage via College, 7th Street, and the alley that leads west to Forest Avenue. A south bound right-turn lane on College Avenue is necessary to address both existing and future traffic demands for the adjoining intersection.
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;* the plans have been reviewed by the Police Department, and the applicant has incorporated several suggestions, such as separating access to the residential lobbies and the commercial uses and gating the walkway between the new building on Site B and the existing sanctuary. The height of proposed landscaping adjacent to the public sidewalks will comply with CPTED principles.
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* right-of-way landscaping delineates pedestrian pathways at the perimeter of the site.
11. *Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located;* signs are subject to separate plan review.
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.* The photometric and lighting plan submitted with the application excludes Site B; however, a plans that include Site B will be required with construction document submittal. Lighting must comply with current code requirements to meet minimum illumination levels and be non-intrusive to adjacent properties.

Conclusion

Based on the information provided and the above analysis, staff recommends denial of the requested Planned Area Development, and Development Plan Review. Although this request meets the majority of the required approval criteria, the proposal will not conform to the conditions necessary to mitigate potential negative impacts.

REASONS FOR DENIAL:

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will not meet the development standards required under the Zoning and Development Code. As a result of the parking conditions removed from the recommendation by the Development Review Commission, the project falls significantly short of the minimum number of parking spaces required by the ZDC.
3. The proposed project does not meet the approval criteria for a Planned Area Development Overlay and Development Plan Review. The plans do not appropriately address the parking obligations or vehicular circulation adjacent to the site by means of the recommended south bound right-turn lane.

PLANNED AREA DEVELOPMENT CONDITIONS OF APPROVAL:

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

1. Except as modified by conditions, the development shall be in substantial conformance with the Planned Area Development Overlay for The Maxwell cover sheet, site plan, and site data sheets dated March 14, 2016.
2. A building permit application shall be made within two years of the date of City Council approval or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
3. A demolition permit may not be issued for any existing structures on the site until full building permits for The Maxwell are issued, unless the applicant/developer provides the City of Tempe with a performance surety for the construction of structures on the site in the amount of \$120,000.00 guaranteeing the faithful performance by the Contractor. Performance surety may be in the form of a bond, cashier's check, certified check, or money order. The applicant/developer may alternatively provide verification of financial capacity for completion of the new construction as approved by the Community Development Director or designee.
4. The property owners shall sign a waiver of rights and remedies form. By signing the form, the Owners voluntarily waive any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than 30 days from the date of City Council approval, or the PAD approval shall be null and void.
5. The Planned Area Development Overlay for The Maxwell shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department within sixty (60) days of the date of City Council approval.
6. A License Agreement for encroachments into the public right-of-way along 7th Street and College Avenue must be obtained from the Community Development Department prior to receiving a building permit for portions of the building above grade. Encroachments shall be per the approved site plan and building elevations.
7. Where the building crosses multiple parcels and connectivity or access is required to comply with building code, prior to issuance of building permits, the developer shall record a building code compliance covenants and agreements to hold properties as one parcel.
8. A Final Subdivision Plat is required for a portion of this development where one owner owns multiple adjacent lots and shall be recorded prior to issuance of building permits.

9. The developer must receive approval of the Final Traffic Impact Study from Transportation prior to submittal of the first building permit.
- ~~10. The plans shall be modified to provide a minimum 444 vehicle parking spaces, which excludes those required for the existing church use. These 444 spaces may be accomplished with below grade parking in the garage or off site parking with the recordation of a parking affidavit. (DELETED BY COMMISSION)~~

The number of provided bicycle parking spaces may be reduced to comply with the requirements of the Zoning and Development Code Table 4-603.E.

11. The parking study and/or PAD shall be revised as follows:
 - a. Update the parking management plan to identify the location of the commercial, guest, and classroom spaces.
 - b. Correctly identify the required number of vehicle parking spaces for the church use as 72.
 - ~~c. Provide an updated letter from ASU or another property owner in the vicinity of the project that specifies the reservation of a minimum of 72 vehicle parking spaces for the church use. (DELETED BY COMMISSION)~~
 - d. Correctly identify the number of required bicycle parking spaces for the church use as 16.
 - e. Correctly identify the provided number of bicycle parking spaces as 847.
 - f. Correctly identify the provided number of on-street bicycle parking spaces as 52.

DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL:

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

General

1. Except as modified by conditions, development shall be in substantial conformance with the site plan, landscape plan, and building elevations dated March 14, 2016. Minor modifications may be review through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.
2. The development shall prepare, at the time of initial building permits, ready-to-use commercial space for tenant leasing. The permit submittal for the ready-to-use commercial space shall include only the following: adequate roof space, evidence of roof structure support, and internal set lines for future adequate commercial space air conditioning (HVAC); provide a shaft to ventilate for commercial cooking exhaust; and a designated location for potential grease trap interceptor if needed.
3. Interior building walls, ceilings, and floors for the residential units shall provide a minimum sound transmission class of (55) or more. Exterior building walls for the residential units shall provide a minimum sound transmission class of (39) or more. Exterior windows for the residential units shall provide a minimum sound transmission class of (28) or more using insulated double glazed windows with ¼" pane thickness or more.
4. Building plans submitted for compliance review to the City of Tempe's the Community Development Department shall be sealed and signed by an engineer licensed in Arizona with a proficiency in sound mitigation or noise control. The engineer shall note on the building plans that the building design is capable of achieving the required noise level reduction.
5. Submit an application for review of Covenants, Conditions, and Restrictions (CC&Rs) for the on-going care and maintenance of the common areas which are the responsibility of the property owners. The CC&Rs shall be reviewed and in a form acceptable by the City Attorney's Office and the Community Development Department.

Site Plan

6. In order to maintain an 8' clear width along 7th Street, relocate the four western-most bicycle racks shown north of the outward-swinging doors.
7. Provide No Parking signs on the north and south sides of the alley from College Avenue to the west end of the project.
- ~~8. The developer shall provide a south bound dedicated right turn lane on College Avenue. The Lane shall not extend north of the alley and will follow an approximate alignment with the original street curb. Final details shall be approved by the Public Works Department Transportation Division. (DELETED BY COMMISSION)~~
9. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
10. Utility equipment boxes for this development that are visible from the perimeter of the buildings shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings. Such equipment may be decorated as part of an art installation.
11. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
12. The site plan project data table shall be revised to reflect 41% landscape area at the deck level.

Floor Plans

13. Exit Security:
 - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
 - b. In instances where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
14. Public Restroom Security:
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by automatic sensors, key or remote control mechanism
 - b. Single user restroom door hardware:
 - 3) Provide a key bypass on the exterior side
15. Garage Security:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Provide exit stairs that are open to the exterior as indicated.
 - c. Paint interior wall and overhead surfaces in below-grade garage floor levels with a highly reflective white color, minimum LRV of 75 percent which may be accented with color for wayfinding and decorative artwork or wall murals as approved by the Community Development Department.
 - d. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.
16. Parking Garage:
 - a. Minimum required parking dimensions shall be clear of any obstructions.
 - b. At the ends of dead-end drive aisles in locations currently shown on the plans, provide a designated turn-around space, minimum 8'-6" clear in width (locate on left side if available), including 3'-0" vehicular maneuvering area for

- exiting. Turn-around area shall be clearly demarcated.
- c. Provide a minimum 2'-0" of additional width for parking spaces when adjacent to a continuous wall.
 - d. Provide a minimum 10' x 10' visibility triangle at both garage exits.

Building Elevations

17. The materials and colors are approved as presented:

Building at base – masonry – Endicott Brick Medium Ironspot #46, flush and relief pattern
– masonry – Endicott Brick Manganese Ironspot, flush and relief pattern
– masonry – Endicott Brock Red Blend, flush and relief pattern

Gates at first floor services areas – perforated steel, Centria Silver Gray

Upper and lower level glazing – clear insulated

Lower level window frames – dark bronze aluminum

Upper level window frames – clear anodized aluminum

Upper building walls – aluminum composite metal wall panel system – Centria, Light Champagne

Window fins at upper glazing – aluminum extrusion – Centria Silver Gray

Window fins at upper glazing – aluminum extrusion – Arcadia Inc., 7594 XE Light Bronze

Rooftop mechanical screening – perforated aluminum wall panel system, Centria Silver Gray

Specific colors and materials exhibited on the materials sample board are approved by planning staff. Additions or modifications may be submitted for review during building plan check process.

- 18. The artwork identified in key note 25 of the south elevation on Site A may not project into the 20' alley. Any artwork that projects into the 20' alley may be allowed, subject to review and approval of an encroachment permit by the City of Tempe.
- 19. The applicant shall submit a Minor Development Plan Review application for the "local art" identified in key note 25 of the south elevation on Site A. This art shall be architecturally integrated with the building design. The DPR shall be submitted and approved prior to issuance of certificate of occupancy for the residential portions of Site A.
- 20. Provide verification per Zoning and Development Code Section 5-612.F.1 that that ground floor windows on the north elevation on Site A are proposed in at least 50% of the building length and 25% of the ground level wall area by providing the percentages. If these minimums are not met, modify the elevations to comply.
- 21. Modify the west elevation on Site A to indicate a pattern in the brick. The pattern may be accomplished through relief in the brick, by incorporating the Endicott Red Blend, or by another means of architectural integrated design as approved by the Community Development Department, Planning Division.
- 22. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
- 23. Conceal roof drainage systems within the interior of the buildings.
- 24. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.
- 25. Locate the electrical service entrance section (S.E.S.) inside buildings.

Lighting

26. Excluding the College Avenue and 7th Street frontages, this project shall follow requirements of ZDC Part 4, Chapter 8, Lighting. The College and 7th Street frontages shall be designed per the photometric plan submitted March 14, 2016. Modifications to this plan shall be made to accomplish a minimum illumination level of five (5) foot-candles at residential building entrances (i.e. residential lobbies).

Landscape

27. Irrigation notes:

- a. Provide dedicated landscape water meter.
- b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC 1/2" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than 1/2". Provide details of water distribution system.
- c. Locate valve controller in a vandal resistant housing.
- d. Hardwire power source to controller (a receptacle connection is not allowed).
- e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
- f. Repair existing irrigation system (on site or in the adjacent public rights-of-way) where damaged by work of this project. Provide temporary irrigation to existing landscape (on site or in street frontages) for period of time that irrigation system may be out of repair. Design irrigation so existing plants on site or in frontages are irrigated as part of the reconfigured system at the conclusion of this construction.

28. Include the requirement to de-compact soil in planting areas on site and in public right-of-way and remove construction debris from planting areas prior to landscape installation.

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

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

Signage

31. Provide address signs on the building elevation facing the street to which the property is identified.

- a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 10" or 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Do not affix number or letter to elevation that might be mistaken for the address.
- b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.
- c. Provide one address sign on the roof of the building on Site A. Orient sign to be read from the south.
 - 1) Include street address number in 6'-0" high characters on one line and street name in 3'-0" high characters on a second line immediately below the first.
 - 2) Provide high contrast sign, either black characters on a light surface or white characters on a black field that is painted on a horizontal plane on the roof. Coordinate roof sign with roof membrane so membrane is not compromised.
 - 3) Do not illuminate roof address.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The owners shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Manager and City Attorney.
- Development plan approval shall be void if the development is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the development plan.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/zoning or purchase from Community Development.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
 - Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: <http://www.tempe.gov/city-hall/public-works/engineering/standards-details> or purchase book from the Public Works Engineering Division.
 - Access to refuse enclosure details and all other Development Services forms at this link: <http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms>. The enclosure details are under Civil Engineering & Right of Way.
- **BASIS OF BUILDING HEIGHT:** Measure height of buildings from top of curb at a point adjacent to the center of the front property line.
- **COMMUNICATIONS:**
 - Provide emergency radio amplification for the combined building and garage area in excess of 50,000 sf. Amplification will allow Police and Fire personnel to communicate in the buildings during a catastrophe. Refer to this link: www.tempe.gov/index.aspx?page=949. Contact the Information Technology Division to discuss size and materials of the buildings and to verify radio amplification requirements.
 - For building height in excess of 50'-0", design top of building and parapet to allow cellular communications providers to incorporate antenna within the building architecture so future installations may be concealed with little or no building elevation modification.
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the non-residential components of this project. Have the landscape architect and mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59. Refer to this link: www.tempe.gov/modules/showdocument.aspx?documentid=5327. Contact Public Works Department, Water Conservation Division with questions regarding the purpose or content of the water conservation reports.
- **HISTORIC PRESERVATION:** State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and

repatriation of the items.

- POLICE DEPARTMENT SECURITY REQUIREMENTS
 - Refer to Tempe City Code Section 26-70 Security Plans
 - Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.
 - Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - Provide method of override access for Police Department (punch pad or similar) to controlled access areas including pool, clubhouse or other gated common areas.
 - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- TRAFFIC ENGINEERING:
 - Incorporate brick sidewalks for all off-site pedestrian paving. Follow City of Tempe Public Works Department Detail T-353, when designing all sidewalk areas in the Right-of-Way. Alternative paver materials may be considered subject to review, and approval, by the Engineering and Planning Departments. Any alternative patterns should be used in small amounts to create accent areas at entrances, or to demarcate architectural features of the building. Do not propose a wholesale change of material. These materials shall be compatible with the Americans with Disabilities Act, ADA, and the Building Code.
 - Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
 - Correctly indicate clear vision triangles at all driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed www.tempe.gov/index.aspx?page=801. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- FIRE:
 - Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.
 - Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.
- CIVIL ENGINEERING:
 - An Encroachment Permit and/or License Agreement must be obtained from the City for any projections into the right-of-way or crossing of a public utility easement prior to submittal of construction documents for building permit.
 - Underground utilities except high-voltage transmission line unless project inserts a structure under the transmission line.
 - Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - Two 100 year onsite retention is required for this property, coordinate design with requirements of the Engineering Department.

- **SOLID WASTE SERVICES:**
 - Enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Public Works specifications.
 - Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate.
 - Develop strategy for recycling collection and pick-up from site with Sanitation. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
 - Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.

- **PARKING SPACES:**
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act and the Code of Federal Regulations Implementing the Act. Refer to Building Safety ADA Accessible Parking Spaces Marking/Signage on Private Development details.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

- **LIGHTING:**
 - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
 - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.

- **LANDSCAPE:**
 - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department. Notice of Intent to Clear Land form is available at www.azda.gov/ESD/nativeplants.htm . Follow the link to "applications to move a native plant" to "notice of intent to clear land".

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

HISTORY & FACTS:

February 2, 1960	The Board of Adjustment approved a parking variance for the Newman Center from 36 spaces to 26 spaces.
September 24, 1980	The Board of Adjustment (A-80-9.8) approved a Use Permit to operate a restaurant and a Variance to reduce the required number of parking spaces from 46 to 26 in the Central Commercial District at the site located at 706 South College Avenue.
June 21, 1989	Design Review Board approved a new courtyard site plan and landscape plan for the Newman Center, subject to conditions.

- September 19, 1996 The City Council approved the requests for a Use Permit to allow an existing restaurant to expand by 667 s.f. for outside dining in the CCD District and Variances to 1) reduce the minimum required parking from 49 to 25 spaces the entire site and 2) allow non-conforming conditions of parking area to remain intact for by College Street Deli (SIP-96.75) located at 706 South College Avenue.
- January 20, 2000 The City Council approved the designation of the Old St. Mary's Church as a historic property.
- February 19, 2002 The Hearing Officer approved a Use Permit to allow the retail sale of clothing and accessories for V-Underground (BA020018) located at 714 South College Avenue.
- February 7, 2006 The Redevelopment Review Commission approved ALL SAINTS CATHOLIC NEWMAN CENTER (RRC06001) for Development Plan approval of a new two-story social hall, day chapel, and sanctuary (34,936.83 s.f.) including building elevations, site plan and landscape plan and a Use Permit Development Standard to increase the maximum allowable height for a structure by 20%, from 50 feet to 60 feet, located at 230 East University Drive., located at 230 East University Drive.
- February 10, 2006 Development Services Department approved the request for a shared parking model to allow 27 parking spaces on-site with off-site parking for the All Saints Catholic Newman Center, for the addition of a new sanctuary and chapel, located at 230 East University Drive.
- October 11, 2007 The Historic Preservation Commission recommended approval of the Planned Area Development Overlay request for ALL SAINTS NEWMAN CENTER STUDENT HOUSING related to preservation review of the historic Old St. Mary's Church.
- February 12, 2008 Development Review Commission recommended approval of ALL SAINTS NEWMAN CENTER STUDENT HOUSING (PL070404) with a modified condition that would allow a 270' building. (4-2 vote)
- March 20, 2008 City Council approved the request for a Planned Area Development Overlay for ALL SAINTS NEWMAN CENTER STUDENT HOUSING (PL070404) for a mixed-use development consisting of a twenty-two (22) story building for student housing, worship hall and chapel within approximately 260,000 sq. ft. of building area located at 230 East University Drive.
- October 14, 2010 Historic Preservation Commission approved this request for the ALL SAINTS CAHOTIC NEWMAN CENTER building in context with preserving the historic building on site. This item was conditionally approved by the Commission.
- December 14, 2010 The Development Review Commission approved the request by ALL SAINTS CATHOLIC NEWMAN CENTER (PL100304) for a new chapel building with offices, social hall, classrooms, and residence within approximately 34,300 s.f. of building area, while maintaining the existing church on approximately .72 acres located at 230 East University Drive.
- April 28, 2011 The City Council approved the request by ALL SAINTS CATHOLIC NEWMAN CENTER (PL100304) for a final subdivision plat for one (1) lot on .84 acres.
- January 21, 2016 The Historic Preservation Commission approved a certificate of appropriateness for THE

MAXWELL (HP121015A / PL150419), located at 712 S. College Avenue.

April 12, 2016 Development Review Commission recommended approval of NEWMAN CENTER / THE MAXWELL ON COLLEGE (PL150419), consisting of a new mixed-use development containing 295 dwelling units, restaurant, retail, office, classroom, and church uses, located at 712 South College Avenue.

May 12, 2016 This request is scheduled for the first City Council public hearing.

May 26, 2016 This request is scheduled for the second City Council public hearing.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

Section 6-306, Development Plan Review

Section 6-308, Use Permit