

# STAFF REPORT SKYE

**MODIFIED**

**PROJECT DATA:**

Property Owner	Myrtle and University LLC
Applicant	Nick Wood, Snell & Wilmer LLP
Zoning District (current/proposed)	CC TOD / CC PAD TOD (City Center with Planned Area Development in the Transportation Overlay District Corridor)
Gross / Net site area	.458 acres
Density / Number of Units	614 du/ac / 281 units
Unit Types	51 studios 170 one bedroom 59 two bedrooms 1 three bedrooms
Total Bedrooms	342 bedrooms
Total Building Area	443,656 s.f.
Lot Coverage	99% (no standard in CC)
Building Height	300' (50' maximum allowed in CC)
Building Setbacks	0' south front, 0' west side, 0' east side, 0' rear (0, 0, 0', 10' minimum in CC)
Landscape area	0% ground level on site 3.9% on L26 amenity level, 1,345 s.f. provided in right of way (no minimum required in CC)
Vehicle Parking	275 271 spaces, 270 in garage and 1 on street (7 standard tandem, 6 compact tandem and 20 compact spaces), (175 minimum required in CC)
Bicycle Parking	282 spaces (282 min. required)

**COMMENTS:**

This site is located on the north west corner of University Drive and Myrtle Avenue within the Tempe Blocks 68, 69 & 70 Subdivision, City Center Zoning District and Transportation Overlay District. The existing Salvation Army building would be removed and replaced with a proposed 27-story mixed-use building. To the north of the site is an alley abutting the mixed-use Oliv Tempe building, to the northwest is the Westin Hotel, to the west is commercial uses and Shady Park restaurant, to the south of University Drive is the mixed-use Mirabella ASU development, and to the east of Myrtle Avenue is the Canopy by Hilton hotel. The proposed uses include approximately 6,650 s.f. of commercial ground floor uses and 281 residential units. This request includes the following:

- PAD23004 6 Planned Area Development Overlay for a 27-story mixed-use building with 281 dwelling units, 6,650 s.f. of commercial use, to establish Development Standards a building height of 300', density of 614 du/ac, 99% lot coverage and 0' setbacks, and to establish parking ratios to allow a reduction in parking to 275-271 spaces.
- DPR23002 6 Development Plan Review including site plan, building elevations, and landscape plan

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

Additional information has been provided since the first hearing, all modifications to the report are highlighted.

## **SITE PLAN REVIEW**

August 10, 2022 a first preliminary review was conducted for the site plan only. Standard formatting comments and document content requirements were provided. Concern was expressed regarding the site's garage entry in proximity to the alley and service area to the north side. Solid Waste provided comments regarding refuse staging and service. Staff requested coordination with APS regarding space for transformer service area and clearance requirements in addition to a requirement to provide a corner cutoff at intersection for sight visibility. Conflict was noted with clear 8' path of travel on sidewalks. Staff recommended to provide patio space on ground floor to provide for possible future commercial tenant needs. The plan proposed tandem parking.

November 2, 2022 second review included site plan, landscape plan, elevations. Comments were provided regarding gates and doors not swinging into alley or right of way. Staff recommended west elevation design to mitigate potential noise concerns from music venue to the west and noted the need to meet minimum 8' clear sidewalk requirement and required number of street trees; concerns expressed about project meeting street tree requirements due to underground utilities. Proposed plants included cacti and agave adjacent to public sidewalk, staff cited code requirements for pedestrian areas to not have spined or sharp pointed vegetation adjacent to walkways. Palette was very limited in plant material, recommendation for more plant variety than the 2 trees and 3 ground cover proposed. There were elevation comments regarding use of materials, request for four-sided architecture and garage screening details, request for more architectural detail on west building elevation.

February 22, 2023 third review and first formal submittal for project included all requisite plans for an entitlement application. The project review was reassigned due to staff changes; comments from prior reviews were included if not yet addressed. Minor formatting comments made on PAD sheets. The majority of landscape for the site is within the right of way with the building envelope established at 0' setback on all sides. The patio space and bike parking were proposed in right of way landscape area, the limited landscape available to the public at this location. Staff recommended patios be relocated on site and adjacent to the commercial suites and bike parking be located on site with a few spaces provided for public in the pedestrian amenity zone. Staff recommended removal of the small tree grates and re-establishment of the landscape strip that separates the pedestrians from traffic on the street. The four required street trees could be provided with understory plantings similar to the south side of University Drive. The palette added 2 new plants and did not address concerns about thorned plants near sidewalk. Staff requested shade to be provided on south and west windows with use of fins, canopies or recessed windows. Request for close of detail of the garage showing materials and how vehicles and lights inside would be screened from view. Comments regarding mechanical ventilation of garage to assure that proposed design solution and specified parking calculations would work with building code requirements. Staff suggested a planter box/wall to break up the garage massing on university, similar to another Skye project in Phoenix. Staff suggested masonry material at the ground floor columns for more architectural variation at the pedestrian level. The west side garage remained limited in architectural detail; examples were provided of masonry detailing to enhance the western elevation. There were no more tandem spaces, however several parking spaces did not provide sufficient space for exiting vehicles adjacent to walls. Staff requested less EIFS on western exposure and more color variation than grey and white to tie into the downtown character.

May 17, 2023 the second formal submittal was made with changes to building elevations, landscape plan and solid waste plans. At this time, solid waste services had not yet approved the solid waste plan

due to design and safety concerns. The refuse diagram provided a horizontal distance of 21'-0" with the proper overhead clearance height 25'-0" (minimum); a minimum of 25' horizontal space is required to lift a container 25' overhead. A condition of approval was added to address this design requirement for the Development Review Commission hearing on June 13, 2023.

May 30, 2023 the applicant submitted revised plans to address the solid waste service concerns. These plans still required a backing motion in the alley that was considered a liability to solid waste collection services. The condition of approval remained in the report to allow further design refinement as the applicant continued to work with staff on this issue.

June 17, 2023 the applicant submitted a revised site plan and renderings to address modifications to the building, one week prior to the DRC hearing. These changes included relocation of the APS transformer yard to the Myrtle Avenue street side to accommodate forward motion of solid waste servicing in the alley without conflict of the garage entry and potential pedestrian/bike activity in the alley. This required revisions to the elevations to address the transformer yard without replicating the current conditions on the east side of Myrtle, by enhancing the design of the enclosures as an integrated part of the building architecture through use of materials and colors and recessing them under the building. These renderings were included in the attachments and presentation to the Commission and Council, however, the PAD sheets, landscape plan and other drawings associated with the changes were not updated at that time.

August 14, 2023 All revised plans were submitted by the applicant to reflect the design changes made to accommodate issues resolved during the review process.

## **PUBLIC INPUT**

- Neighborhood meeting was required.
- A Virtual Neighborhood meeting held: March 22, 2023 from 6 to 7pm.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- Comments from attendees included concerns about loss of views from existing residences, wanted information on traffic impact analysis and concern with increased traffic, concern about construction schedule and closure to Myrtle Avenue, need for design that mitigates noise from adjacent commercial uses, several commented they liked the overall design.
- Upon completion of this report, staff has received no calls/emails of inquiry or concern regarding this request.

## **DEVELOPMENT REVIEW COMMISSION**

The Development Review Commission heard this request on June 13, 2023. Commissioner Miller requested that the two archeological sensitive conditions listed in the Marshall project be added to this project as it is located in an area believed to have archeological significance. The applicant was not willing to include these two conditions, stating that the prior disturbance of this site for construction would have impacted anything previously. The applicant believes that existing statutory requirements would address any future discovery on the site. Commissioner Johnson asked about parking for customers of the retail use and where parking for deliveries would occur. Staff explained that the parking requirements in the downtown City Center District require provision for guest, customer and public parking but that the site only has one existing on-street parking space on Myrtle for public parking due to the gated garage entry. Commissioner Miller asked about deliveries and move in truck loading and is concerned about disruptions to traffic on Myrtle. There is a 15' loading bay off of the north end, there will be no truck unloading off site or in the alley, the property will schedule and manage move in activities. Commissioner Spears said the justification for not being able to accommodate design changes because of the size of the site validates the concern that this project is too big for this site. The buildings are too large, and do not provide enough open space at the ground level. Shady Park will be between two very

tall monolithic buildings. Based on past experience, Commissioner Spears has concerns about the alley; the existing uses on site have had challenges with truck maneuvering in the alley and adding this level of intensity to this alley will exacerbate the issues. The pedestrian safety in this area may be impacted by the buildings built too close to the corner at the alley. Regarding the existing building, Salvation Army is slab on grade with very little disturbance to the site and Commissioner Spears believes that the area is archeologically sensitive and the two conditions recommended from Commissioner Miller should be added. Commissioner Lloyd echoes the concerns expressed; she likes the separated sidewalks but the density is too high. She is concerned about traffic impacts, pedestrian interaction and the cumulative impacts of new developments and the overall quality of life in the downtown. The projects coming in lack character and this project seems to be too much for the site. Although we need more housing units, just because the area has the highest allowed density does not mean it should be maximized on every lot. Commissioner Miller said this is what would be found in Manhattan, and will impact traffic similarly, this is not the right project in the right place. Commissioner Johnson said the density is appropriate for the downtown, he lives downtown and although there are issues with parking sometimes this site is providing more than the minimum which may help that issue. Has concern on the monotony of the projects coming in that are very similar in height, density and form and it would be nice to have variation in the skyline. Chairman DiDomenico is not concerned about the density as much as the appropriate level for the area. The cumulative effect of all the projects, the back of house uses and how the buildings interface at the pedestrian zone need to address the need for drop off and delivery uses that do not have a place to stop other than one public space, and no place to store scooters other than on the sidewalk. No one is recognizing or designing for the ride share drivers driving around looking for someone to pick up or drop off, where do the food drop and delivery service drivers pull out, or do they just stop in traffic. If we are going to have density, they need a pedestrian environment to support transit and multi-modal uses with sufficient space. We need to demand the best design possible for the pedestrian experience and impacts to the quality of life in the area. Commissioner Spears said that no underground parking is provided, all the parking is above ground, on its own the project may be ok but the cumulative affects all of these projects coming in with the same design solution is compounding the problems, they cannot be designed in a vacuum. Commissioner Miller commented that the assumptions being made is that residents of the developments will use transit, but a lot of them will have cars in order to get to places in the valley or other places where transit does not go; those who choose to live in downtown Tempe may still need a car just to get around. Vice Chair Johnson moved to recommend approval of the proposed project with the staff presented modifications, Commissioner Forte seconded the motion. Commissioner Redman expressed concerns with 0' setbacks on all sides, this provides no ground floor open space or outdoor amenities except in the right of way; with density we need to have a balance of open space. The motion to recommend approval failed with 3 in favor and 4 opposed.

Based on Commission discussion regarding the archeological concerns of the site, and in consultation with the Historic Preservation Officer, two additional conditions of approval were added to this report.

## **PROJECT ANALYSIS**

### **GENERAL PLAN**

The site is designated Mixed-Use in the General Plan with a projected density of High-Density Urban Core, greater than 65 du/ac. The applicant has provided analysis on how the proposed project meets the General Plan goals and objectives in the letter of explanation. The proposed development provides greater housing opportunities in the downtown city center area and implements objectives of redevelopment, economic development and housing chapters.

### **CHARACTER AREA PLAN**

Establishing quality design begins with the activation of the ground floor to create engagement and extend walkability. The podium level provides ground floor transparency and permeability. Construction materials include masonry and metal to differentiate the massing of the ground floor from upper floors

and provide pedestrian interest. The ground floor provides contiguous shade canopy within Transportation Overlay District with covered walkways to mitigate heat gain. The project provides barrier-free accessibility and visual transparency along walkways with sheltered entrances and exits of buildings with cantilevered canopies. Open space at the south west corner allows visibility around the building wall and additional rooftop amenities provide recreational open space to residents. The project engages both street frontages with patio seating and landscape that softens the site edge and buffers pedestrians from the street.

**ZONING**

The project site is zoned City Center CC District and is not proposed to change. The City Center CC district fosters employment and livability in Tempe's city center (generally bounded by the Town Lake to the North, the railroad tracks to the West, University Drive to the South and rural road to the East) by providing retail, offices, moderate- and high- density residential uses, entertainment, civic uses, and cultural exchange in a mixed-use environment that supports the public investment in transit and other public facilities and services. This district may also be considered mixed-use when the design provides a mix of uses for the purposes of implementing the General Plan Land Use. Skye Tempe meets the intent and standards of the City Center District, with proposed changes to the building height. The applicant is not seeking relief in the city center parking standards.

**PLANNED AREA DEVELOPMENT**

The proposed Planned Area Development Overlay would increase the building height from 50 feet to 300 feet to allow a 27-story building. The City Center standards allow density, lot coverage and landscape area to be determined through the Development Plan Review process. The proposed setbacks conform to the CC district and step back at the upper level to provide variation in building massing, promote air flow and views around the building.

Below is a comparison of existing and proposed development standards:

<b>SKYE TEMPE – PAD Overlay</b>			
<b>Standard</b>	<b>CC TOD Table 5-611A</b>	<b>PROPOSED CC TOD (PAD)</b>	<b>Change</b>
Residential Density (du/ac)	NS	614	-
Building Height (feet) [Exceptions, see Section 4-205(A)]			
Building Height Maximum	50 ft.	300 ft.	Increase
Building Height Step-Back Required Adjacent to SF or MF District [Section 4-404, Building Height Step-Back]	Yes	No	
Maximum Lot Coverage (% of net site area)	NS	99%	-
Minimum Landscape Area (% of net site area)	NS	3% (Level 26 amenity area)	-
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]			
Front South (on University Drive) Parking	0 ft 20 ft	0 ft In garage	-
Side West	0 ft	0	-
Rear North	0 ft	0	-
Street Side East (on Myrtle Avenue) Parking	0 ft 20 ft	0 ft In garage	-

Vehicle Parking	175	275 270 in garage 1 on street	-
Bicycle Parking	282	282	-

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

Unit Type	Unit Quantity / SF	Ratio	Parking Required per ZDC	Proposed Parking per PAD (/bedroom ratio)	Provided Parking per PAD
Studio	51	.5 space per bedroom	25.5	.5 space per bedroom	50
1 bedroom	170	.5 space per bedroom	85	.5 space per bedroom	109
2 bedroom	59	.5 space per bedroom	59	.5 space per bedroom	59
3 bedroom	1	.3 spaces per bedroom	1	.3 spaces per bedroom	1
Guest	281 units	.1 per unit (without commercial)	0	.1 per unit (without commercial)	0
Commercial	6,650 s.f.	1 <sup>st</sup> 5,000 waived, 1 per 500 s.f.	3.3	1 <sup>st</sup> 5,000 waived, 1 per 500 s.f.	4
				compact	18 20
				accessible	6
				EV standard & accessible	7 13
				EV compact	6
				EV accessible	1
				Tandem standard	8 7
				Tandem compact	5-6
				On Street (Myrtle)	1
<b>TOTAL</b>			174		275 270 in garage and 1 on street

Below is a comparison of projects within the area for comparison of density, building height, unit count and parking provision. There is a wide range of entitlements within the downtown area, the proposed development would be one of the most dense sites with greatest height within the area due to the size of the site. The parking provides 4 commercial spaces for the commercial use, and 1 public space on street, and no guest parking. The parking analysis did not address Section 4-607B of the Downtown Parking Standards requiring that public parking shall be provided for all new development and determined as part of the parking management plan. For the purpose of this section, "Public parking" means, parking which is not allocated or not restricted for exclusive use by employees or residents and shall remain available for customers or guests regardless of accessibility or associated fees for such parking. The proposed parking management plan includes more parking than the downtown standard requires, and through management of the site could meet this requirement by valet service of guests into allocated residential parking behind the gate. The details of this have not been finalized and a condition of approval has been added to address the functional operations of the site.

Project	Location	Entitlement Year	Density (du/ac)	Building Height (ft)	Total unit #	Parking Provided
6 <sup>th</sup> & College Hotel	580 S. College Avenue	2019	0	170	180 keys	65
7 <sup>th</sup> Street Mixed Use	113 E. 7 <sup>th</sup> Street	2015	124-140	140-224	407 units and 200 keys	671 required 787 provided
100 Mill	100 S. Mill Avenue	2020	0	20-229	237 keys	819
250 Rio	250 W. Rio Salado Pkwy	2021	0	210		
Hanover	101 W. 5 <sup>th</sup> St	2012	124	85	341 units	736
707 South Forest	707 S. Forest Avenue	2019	492	212-235	252 units	203
The Foundry	204 W. University Drive	2016	157	117	260-300	557
Hilo	701 S. Mill Avenue	2019	339	136	122	66
The Collective	27 E. 7 <sup>th</sup> St	2018	670	252	268	164
The Hayden	580 S. College Avenue	2017	150	271	60	144

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.* The applicant provided a letter of explanation and the above analysis outlines the implementation of General Plan Goals and Objectives.
2. *Standards requested through the PAD Overlay district shall take into consideration the location and context for the site for which the project is proposed.* The standards requested are similar to
3. *The development appropriately mitigates transitional impacts on the immediate surroundings.*

## DEVELOPMENT PLAN REVIEW

### Site Plan

The site is less than a half-acre in size and is 110' wide by 181' deep, situated on the north west corner of Myrtle Avenue and University Drive. There are no driveways from the streets and all circulation occurs on the north side of the site. Transformers are accessed off of Myrtle Avenue and solid waste services are accessed from the alley, which is shared with the back of house for the Oliv project to the north. 8' clear sidewalks are provided on both Myrtle and University with access to bike parking and an outdoor patio within the right of way on Myrtle Avenue. Solid Waste services had not approved the solid waste plan prior to the hearing process due to design and safety concerns. Further revisions were made the plans and a condition of approval was added to address design and operational requirements for the solid waste plan to satisfy Solid Waste Division requirements.

### Building Elevations

The proposed density drives the design to a maximum building height of 300' with 0' setbacks on all four sides for the first seven floors, which include ground floor commercial and back of house uses and access to the parking structure from the alley to the north. At level 8 the building steps back on the north half to allow balconies and building articulation. Levels 9-26 maintain a similar recessed massing at the north end. The amenity deck with pool, spa and outdoor kitchen and dining are located on the north end

of level 26. Materials include colored ribbed texture CMU block, Painted CMU block, glazing is clear, spandrel and acoustic depending on location, painted metal panels both perforated and solid, painted metal composite panel, and exterior insulated finished stucco system panels painted bronze, gray and white.

### **Landscape Plan**

The proposed landscape area at the ground floor is predominantly in the right of way, including Red Push Pistache as the street tree on Myrtle Avenue and Heritage Oak as the street tree on University Drive. Landscape on University Drive is restricted due to a 24" underground irrigation line. The existing landscape was required to have 5 trees by condition of approval in 1986, through street modifications this was reduced to 4 trees in grates that have failed to thrive in the small grate condition. In coordination with the water utilities department, the site is allowed to maintain 4 trees with root barriers along the street front. Planting strips along both Myrtle and University Drive provide a comfortable pedestrian experience separated from vehicles and similar in character to the newer developments on the south side of University Drive.

Other plants in the palette include Agave, Blue Grama Grass, Purple Muhlenbergia, Prickly Pear Cacti and Rosemary.

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

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape;* The building form follows the context of the site, with a fire wall on the west side at the 0-lot line condition, garage access, utility transformer access and solid waste access all off of the alley to the north, utility transformers are accessed on the east facing Myrtle and ground floor commercial uses on the east and south.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;* Building canopies are provided for shade on the lower level and setbacks on the upper levels at the north end provide room for airflow around the building. Acoustic glazing and insulated EFIS provides energy conservation.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;* the materials include masonry block, efis, metal panels and canopies. The materials are similar to surrounding newer structures.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;* Projects within the downtown have received entitlements for building heights ranging from 84' (Hanover) to 343' (Centerpoint), with the buildings immediately surrounding the subject site entitled for up to 225' (Westin), 252' (Oliv) and 250' (Mirabella), 140-224' (7<sup>th</sup> Street Mixed Use including Canopy Hotel). The proposed building is 300' and is scaled to the redeveloped surroundings.
5. *Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level;* The building elevations are defined by use and proximity to property lines, with building code requirements for a fire rated wall on the west side where there is a 0' setback and ventilation required on the garage portion of the building and natural light provided by fenestration in residential units on the upper floors. Each elevation is unique but integrated by color and material with variation in depth of façade at different locations for further articulation.



6. *Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions;* The western elevation has minimal windows where the fire wall is required along the property line, a recessed section of the upper floors provides windows facing north in the recessed white portion of the wall, allowing natural light while minimizing heat gain. The south and east sides have shade over the street level storefront glazing and use of perforated metal panels on the upper levels of garage. The building steps back on the east and west to break the massing at the residential levels and balconies are recessed for privacy and provision of shade. The building elements create a rhythm of both vertical and horizontal patterns that vary on different sections of the elevations.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* The site is located in the Transportation Overlay District and has access to light rail, street car, micro-mobility modes, and bus transit with 8' shaded pedestrian paths separated from the street by landscaped street edge and no driveways in the pedestrian area. The building is chamfered at the corner to increase visibility for safe pedestrian movement.
8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;* All vehicular circulation is from the alley, all pedestrian traffic is on the sidewalks along University Drive and Myrtle Avenue. Audial Visual warning devices and mirrors will be utilized at corners where vehicles and pedestrians/skateboarders or bicyclists may interface along the alley.
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;* The site is activated with ground level uses on two streets and back of house uses on the alley. Balconies on the upper floors provide natural surveillance and the residences will be secured from public access.
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* The landscape is limited to what is available in the right of way, along the street landscape strip.
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 have been considered in the architectural elevations for location and proportion but will be submitted for separate processing.
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses and does not create negative effects.* A lighting plan was submitted, lighting will meet code requirements.

#### **REASONS FOR APPROVAL:**

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The PAD overlay process was specifically created to allow for greater flexibility, to allow for increased heights.
4. The proposed project meets the approval criteria for a Development Plan Review.

Based on the information provided and the above analysis, staff recommends approval of the requested Planned Area Development Overlay and Development Plan Review. This request meets the required criteria and will conform to the conditions.

**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. A building permit application shall be made within two years of the date of City Council approval or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than 30 days from the date of City Council approval, or the *Planned Area Development Overlay* approval shall be null and void.
3. The Planned Area Development Overlay for SKYE TEMPE 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 and prior to issuance of building permits.
4. **The proposed solid waste plan shall provide a minimum 55' wide by 12' deep with a 15' high clear maneuvering and service area for trash collection, along with a 25' vertical lift clearance height extending 25' in horizontal length at the front of the collection area. Revision of the solid waste plan shall be subject to solid waste services approval prior to issuance of building permits.**
5. **Solid waste staging and collection shall not occur in the alley and circulation movements shall be minimized to reduce risks to on-site and off-site pedestrian, bicycle and vehicle maneuvering in and around the alley and adjacent lots. If operators of solid waste service pick-up are found to be violation of this condition on a number of occurrences, the city will require the property owner/manager to modify the service design to comply with this condition.**
6. **Commercial deliveries and residential moving trucks shall be staged within the site and not impede traffic flow in the alley or on Myrtle Avenue.**
7. **The parking management plan shall be updated and provided to Community Development prior to issuance of building permits to provide limited vehicle access to serve commercial tenants, ~~customers~~ and guests on site through management of the available parking.**
8. **A 20' x 20' corner cutoff no-build easement with a 15' unobstructed vertical clearance shall be recorded prior to issuance of building permits.**
9. **An encroachment easement for all canopies extending into the right of way shall be recorded prior to issuance of building permits. Canopies within right of way shall be designed as removable structures in conformance with engineering requirements.**

**DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL: (Non-standard conditions are identified in bold)**

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, **and** building elevations ~~dated May 30, 2023~~ and landscape plan ~~as provided dated May 30, 2023~~. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review. **(MODIFIED BY STAFF)**
2. A Subdivision Plat is required for this development to combine existing lots into one and reco5rd any required easements and shall be recorded prior to issuance of building permits. Alternatively, the Owner's execution of a Covenant and Agreement to Hold Property as One Parcel may be permitted in lieu of recording the subdivision plat while the plat is being finalized. If this occurs, the plat must be recorded prior to issuance of the first Certificate of Occupancy.
3. The developer must submit a final Traffic Impact Study prior to any submittal for a building permit.
4. The developer must receive approval of the final Traffic Impact Study from the Transportation Division prior to issuance of a building permit or as otherwise determined by the Engineering and Transportation Department, Transportation Division.
5. The development shall prepare, at the time of initial building permits, gray shell commercial space for tenant leasing. The permit submittal shall include the following: adequate for future commercial space air conditioning (HVAC); provide a shaft to ventilate to the north elevation as shown on plans for commercial cooking exhaust; and a designated location for potential grease trap interceptor if needed.
6. At the time a temporary construction fence is added to the site, a future development sign banner shall be attached to the fence and provide information for the new development, in conformance with the Zoning and Development Code, Section 4-903, Sign Type J. The sign banner shall include project name/information and future tenant (if known). Images of the project may be included on the banner. A sign permit is required. The building permit plans shall include a note on the plans to provide this future development sign banner on site as long as the construction fencing remains.
7. The developer shall ensure that a representation is included in the Residential Lease Owner's Property Disclosure Statement, or if no Disclosure Statement is provided to the tenant, that prospective tenant is notified in writing of the proximity of the site to the numerous live entertainment venues in the vicinity of the downtown, in order to disclose the existence and operational characteristics of such businesses.
8. **This site is located within a known archeologically sensitive area with the likelihood of discovery of historic artifacts. Prior to issuance of any permits that would result in ground disturbance, the Developer shall hire a qualified archaeological firm to complete a monitoring and discovery plan (MDP) as well as archaeological testing prior to construction and/or monitoring of ground-disturbing activity during construction. This condition applies to projects on both previously disturbed and previously undisturbed ground.**
9. **Upon completion of building permit and prior to commencement of construction, contractors and subcontractors on the project performing ground disturbing activities will provide evidence (an unexpired decal) of successful completion of the Salt River Pima-Maricopa Indian Community (SRPMIC) online cultural sensitivity training and test. Evidence shall be provided**

upon request by the Community Development Department, Historic Preservation Officer. Obligation of this condition shall be noted on the permitted set of plans. (MODIFIED BY STAFF)

10. A total of eighteen (18) initial parking spaces will be designated as guest parking (unreserved), including three (3) spaces for commercial employees. The Parking Management Plan and Planned Area Development Overlay cover sheet will be modified to reflect the allocated number of spaces, and with any records or updates provided through Community Development. (ADDED BY STAFF)

### Site Plan

11. 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 paned windows with ¼" pane thickness or more.
12. Provide service yard and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade or are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment.
13. 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.
14. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
15. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
16. The above grade amenity deck adjacent to the alley and Myrtle Avenue shall be designed with a minimum 6'-0" high wall, measured from floor grade, with the top 2'-0" designed with glazing. **The amenity deck shall have CCTV surveillance capturing the area along the perimeter amenity walls.**

### Floor Plans

17. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
18. Public Restroom Security for single-user restroom door hardware shall provide a key bypass on the exterior side
19. Garage Security:
  - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.

- b. Paint interior wall and overhead surfaces with a highly reflective white color, minimum LRV of 75 percent.
- c. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.

20. Parking Garage:

- a. Minimum required parking dimensions shall be clear of any obstructions.
- b. At the ends of dead-end drive aisles, provide 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, with the exception of ~~the six (6) eastern compact spaces as shown on project plans adjacent to the north stairwell on the passenger side.~~ **(MODIFIED BY STAFF)**

### Building Elevations

21. **The portable swiveling davit arms secured to the perimeter amenity deck shall be removed after use and stored out of sight.**
22. **The utility gates located on the north and east sides of the building shall be artistically enhanced subject to planning approval prior to building permits.**
23. **Provide mirror on building to aid in driver's viewing of pedestrians/vehicles adjacent to garage exit.**
24. **On the north and east side elevations, provide audial and visual warning device from garage and alley to warn pedestrians of oncoming vehicle traffic exiting the garage or alley.**
25. **Transformer gates shall not block alley or pedestrian sidewalk during servicing.**
26. A minimum of the first three (3) feet of each parking structure level (ground floor and above grade) must be screened with a 100% opaque material, which shall be finished to complement the building design.
27. If provided, roof access shall be from the interior of the building. Do not expose roof access to public view.
28. Conceal roof drainage system within the interior of the building
29. Exterior vents shall be architecturally integrated with the adjacent materials and matching colors specified on each elevation.
30. 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.
31. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
32. The materials and colors are approved as presented, **except as modified:**
  - **As depicted on the west elevation, EFIS-03R shall be corrugated with a minimum 1" depth and 1" width in ribs to provide more building articulation. The vertical band pattern of CMU-02A from ground level through level 8 shall be matched by EFIS-03R above Level 8 to the full building height.**

- On the west elevation, at the southern end of the garage fire wall, the 18' wide field of CMU-01A shall incorporate horizontal bands of integral color accent block CMU-02 at each floor, level 02 through level 07, in order to continue the slab edge expression at level 08 through level 26 throughout the entire building height.

MATERIAL MATRIX_ABRIDGED	
MARK	DESCRIPTION
CMU-01A	8"x8"x16" CMU, RIBBED, SPLIT-FACE TEXTURE - HUNTINGTON GRAY
CMU-01B	8"x8"x16" CMU, FLAT, BURNISHED TEXTURE - HUNTINGTON GRAY
CMU-02	8"x8"x16" CMU, RIBBED, SPLIT-FACE TEXTURE - MOJAVE BROWN
CMU-03	8"x8"x16" CMU, FLAT, BURNISHED TEXTURE - PAINTED TO MATCH CMU-01
CMU-03-P1	8"x8"x16" CMU - PAINTED PT-01
CMU-03-P2	8"x8"x16" CMU - PAINTED PT-02
CMU-03-P3	8"x8"x16" CMU - PAINTED PT-03
CMU-03-P4	8"x8"x16" CMU - PAINTED PT-04
CMU-04	8"x8"x16" CMU CRASH WALL - PAINTED DARK GRAY
CONC-01	CAST-IN-PLACE CONCRETE WITH DIRECT-APPLIED STUCCO, MATCH COLOR OF EIFS-01 - WHITE
EIFS-01	EIFS PANEL SYSTEM (FLAT) - WHITE LINEN
EIFS-01R	EIFS PANEL SYSTEM (RIBBED) - WHITE LINEN
EIFS-02	EIFS PANEL SYSTEM (FLAT) - DIAMOND DUST (ACCENT)
EIFS-03	EIFS PANEL SYSTEM (FLAT) - BURNT ASH
EIFS-03R	EIFS PANEL SYSTEM (RIBBED) - BURNT ASH
GL-01	IGU GLAZING (WINDOW WALL & PUNCHED) - CLEAR
GL-01A	IGU GLAZING (WINDOW WALL & PUNCHED) - ACOUSTIC LAMINATED - CLEAR
GL-01S	IGU GLAZING (WINDOW WALL) - SPANDREL
GL-02	IGU GLAZING (STOREFRONT) - CLEAR
GL-10	GLASS BALCONY GUARDRAIL - CLEAR
MTL-01A	ALUMINUM MULLION - BRONZE
MTL-01B	ALUMINUM MULLION - BLACK METALLIC
MTL-01C	ALUMINUM MULLION - MEDIUM GRAY
MTL-02A	GARAGE SCREEN - SOLID, MEDIUM GRAY
MTL-02B	GARAGE SCREEN - PERFORATED, MEDIUM GRAY
MTL-02C	GARAGE & MECH PENTHOUSE SCREEN - SOLID, BRIGHT SILVER
MTL-02D	GARAGE SCREEN - PERFORATED, BRIGHT SILVER
MTL-03A	METAL COMPOSITE PANEL (TYPICAL) - BRONZE
MTL-03B	METAL COMPOSITE PANEL (RESI ENTRY) - BLACK
MTL-03C	METAL COMPOSITE PANEL (TYPICAL) - BRONZE
MTL-03D	METAL COMPOSITE PANEL (FCC ENTRY) - MEDIUM GRAY
MTL-04A	INTEGRATED METAL GRILL / LOUVERS - BRONZE
MTL-04B	INTEGRATED METAL GRILL / LOUVERS - WHITE LINEN
MTL-04C	INTEGRATED METAL GRILL / LOUVERS - DIAMOND DUST
MTL-04D	INTEGRATED METAL GRILL / LOUVERS - MEDIUM GRAY
MTL-05	8' HIGH SCREEN WITH REMOVABLE TUBE STEEL POSTS AND 180° OPERABLE SWING GATES FOR CLEAR ACCESS WITH CORRUGATED METAL PANEL WITH PERFORATIONS - MEDIUM GRAY
MTL-06A	PTD. STEEL FRAME CANOPY W/ PTD. ALUM SLATS. - TYP. STOREFRONT CANOPY - BRONZE
MTL-06B	PTD. STEEL FRAME CANOPY W/ PTD. ALUM SLATS. - RESI ENTRY CANOPY, MATCH MTL-03B - BLACK
PT-01	PAINTED CONCRETE, MATCH COLOR OF EIFS-01 - WHITE

Provide primary building colors and materials with a light reflectance value of 75 percent or less.

## Lighting

33. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.
34. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

## Landscape

35. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.
36. 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 ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". 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.

- 37. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
- 38. 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.

### **Building Address**

- 39. Verify property address and submit a PDF copy of the site plan with unit floor plans for permanent addressing to [permitcenter@tempe.gov](mailto:permitcenter@tempe.gov) prior to submittal of construction documents.
- 40. Provide address numbers on the north and west elevations and on the east building elevation facing the street to which the property is identified.
  - a. Conform to the following for building address signs:
    - 1) Provide street number only, not the street name
    - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
    - 3) Self-illuminated or dedicated light source.
    - 4) On multi-story buildings, locate no higher than the second level.
    - 5) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
    - 6) Do not affix numbers or letters 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 number on the roof of the building. Orient numbers 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.

**SITE PLAN REVIEW:** Verify all comments by all departments on each 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.

**DEADLINE:** 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. A complete building permit application shall be made on or before two (2) years from the date of city council approval or within a time stipulated as a condition of approval, when development plan review application is processed concurrently with a PAD Overlay District. 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.

#### STANDARD DETAILS:

- Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: <http://www.tempe.gov/city-hall/public-works/engineering/standards-details> or purchase book from the Public Works Engineering Division.
- Access to refuse enclosure details DS116 and DS118 and all other Development Services forms at this link: <http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms>. The enclosure details are under Civil Engineering & Right of Way.

**BASIS OF BUILDING HEIGHT:** Measure height of buildings from top of curb at a point adjacent to the center of the front property line.

**MECHANICAL SCREENING:** All roof mounted mechanical equipment shall be concealed on all sides by elements that are an integral part of the building design and are equal to or greater in height than the mechanical equipment. Ground-mounted equipment may be screened using a masonry wall or other durable material as approved through development plan review.

**FEDERAL AVIATION ADMINISTRATION:** Applicant/Developer proposing construction or alterations which may affect navigable air space is responsible to submit a Notice of Proposed Construction or Alteration - Off Airport form to the Federal Aviation Administration (FAA) and provide documentation of building height clearance prior to issuance of building permits. Per the FAA, filing shall be done a minimum of 45 days prior to construction. For additional information visit the Federal Aviation Administration, Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

#### 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: <http://www.tempe.gov/home/showdocument?id=30871>. 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 AND EFFICIENCY:** (Residential and parks are exempt, commercial and mixed use are not exempt). As required in [Tempe City Code 33-140 - 142](#), all new non-residential development projects are required to submit a Water Conservation Report that details potential water use, for review and approval by the Municipal Utilities Department, prior to building permit issuance. For a report template and more information, visit the [commercial water conservation webpage](#).

**HISTORIC PRESERVATION:** State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of ancestral (human) remains or associated funerary objects). Arizona Revised Statutes [§ 41-865](#) stipulates that "any landowner with intention to disturb human remains or having unintentionally disturbed human remains shall immediately cease any activity in the vicinity of the remains and shall notify the Arizona State Museum Repatriation Office of the encounter. Any human remains and funerary objects shall not be further disturbed without obtaining written permission from the Repatriation Office." Additional information about requirements related to



encountering and disturbing ancestral (human) remains and funerary objects on private land can be found on the Arizona State Museum [website](#). While not required, applicants are encouraged to enlist the services of a qualified archaeological firm to conduct monitoring during ground-disturbing activity on private property that is Archaeologically Sensitive (AS). Contact the Historic Preservation Officer with general questions.

#### POLICE DEPARTMENT SECURITY REQUIREMENTS:

- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage 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.
- Refer to Tempe City Code Section 26-70 Security Plans.
- The Owner is required to prepare a security plan for the project with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
- 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:

- Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
- 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.
- Correctly indicate clear vision triangles at 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](http://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 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.
- Maintain a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure.
- Any new or existing overhead utilities (if any) on or adjacent to site must be placed underground, including street crossings, per City of Tempe Code, Section 25-120 thru 25-126 & Ord # 88.85 except for transmission lines (greater than 12.5 kv).
- 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.
- The site is within an Alternative Retention Criteria Area. Verify specific design considerations with the Engineering Department.

#### SOLID WASTE SERVICES:

- Enclosure indicated on site plan is exclusively for refuse.
- Contact the Solid Waste Division to verify that vehicle maneuvering and access to the enclosure is adequate. Refuse staging and collection must be on site; no backing onto or off of streets, alleys or paths of circulation.
- Develop strategy for recycling collection and pick-up from site.
- 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 6:00 am to 4:30 pm 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.

#### ZONING AND DEVELOPMENT CODE:

- 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](http://www.tempe.gov/zoning) or purchase from Community Development.

#### LIGHTING:

- Design site security lighting 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:**

- Trees shall be planted a minimum of 16'-0" from any existing or proposed public utility lines. The tree planting separation requirements may be reduced to no less than 8'-0" from utility lines upon the installation of a linear root barrier. Per Detail T-460, the root barrier shall be a continuous material, a minimum of 0.08" thick, installed to a minimum depth of 4'-0" below grade. The root barrier shall extend 6'-0" on either side of the tree parallel to the utility line for a minimum length of 12'-0". Final approval is subject to determination by the Public Works, Water Utilities Division.
- 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 <https://agriculture.az.gov/plantsproduce/native-plants>. 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](http://www.tempe.gov/signs).

**DUST CONTROL:** Any operation capable of generating dust, include, but not limited to, land clearing, earth moving, excavating, construction, demolition and other similar operations, that disturbs 0.10 acres (4,356 square feet) or more shall require a dust control permit from the Maricopa County Air Quality Department (MCAQD). Contact MCAQD at <http://www.maricopa.gov/aq/>.

**HISTORY & FACTS:**

- June 7, 1893      Tempe Blocks 68, 69 & 70 was platted by the Tempe Land and Improvement Company, establishing Lots 18 and 19 at the north west corner of 8<sup>th</sup> Street (now University Drive) and Myrtle Avenue.
- November 26, 1894      Area was Annexed into Tempe.
- 1930                      Historic aerial indicated a structure at the north east corner of the lot, possibly a residence
- 1949                      Historic aerial indicated existing structure on site
- 1962                      Property Record Card listed Church of God Faith of Abraham at 714 S. Myrtle at this site, on Lots 18 & 19.
- January 31, 2012      Community Development Planning Division approved a landscape modification.
- February 26, 2015      Community Development Planning Division approved landscape modifications
- July 1, 1986              Hearing Officer approve a variance to waive the required 10' landscape strip along the northwest corner of Myrtle and the alley to allow additional onsite parking at 40 E. University Drive in the CCD Central Commercial District for the Salvation Army. This variance was granted with conditions including a requirement for dedication of right of way to provide a 55' right of way on University Drive and alley to be 20' along north rear of lot. Landscape conditions required five 15-gallon trees to be planted along University Drive and Myrtle Avenue frontages, and a requirement to re-establish a turf landscape strip along the University frontage and a gravel landscape strip along the

Myrtle frontage.

No additional information relevant to this case.

- June 13, 2023      Development Review Commission heard this request for a Planned Area Development to establish development standards and a Development Plan Review for a 27-story mixed-use development consisting of 281 units and 6,650 s.f. of commercial use on approximately .5 acres for SKYE TEMPE located at 780 South Myrtle Avenue. The Commission voted 4 to 3 to not recommend approval of this request.
- July 27, 2023      City Council is scheduled for an introduction and first hearing for the above request.
- September 7, 2023      City Council is scheduled for a second and final hearing for the above request.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-305, Planned Area Development (PAD) Overlay districts  
Section 6-306, Development Plan Review