

STAFF REPORT

THE MARSHALL AT TEMPE

Property Owner	Nitin Mistry, OM Hotels LP
Applicant	Zach Feldman, Aptitude Development
Zoning District (current/proposed)	CSS TOD C / MU-4 PAD TOD C
Gross / Net site area	1.37 acres
Density / Number of Units	138 du/ac / 189 units
Unit Types	20 studios 12 one-bedroom 83 two-bedroom 15 three-bedroom 59 four-bedroom
Total Bedrooms	479 bedrooms
Commercial Area	1,600 s.f.
Total Building Area	338,711 s.f.
Lot Coverage	80% 47,380 s.f. (75% maximum allowed in CSS)
Building Height	92', 7 stories (45' maximum allowed in CSS)
Building Step Back	Proposed removal of the step back requirement (Building Height Step Back required in CSS and MU when adjacent to single-family). 14' ground floor north front to building face, 8' to structural columns, 7' upper floors north front, 12' east and west side, 20' ground floor south rear, 15' upper floors south rear (0', 0', 0', 10' min.)
Building Setbacks	
Landscape area	16% 9,700 s.f. (25% minimum required in CSS)
Vehicle Parking	168 spaces + 2 car share spaces (402 min. in TOD)
Bicycle Parking	316 spaces (203 min. required)

COMMENTS:

This site includes four parcels within a portion of Lots 9 and 10 of the Jen Tilly Terrace Subdivision Plat and is located in the south east corner of the Downtown Tempe/Rio Salado/ASU/Northwest Neighborhoods Character Area Plan Three. Located on the south side of Apache Boulevard, east of Rural Road, and west of Terrace Road, the site has a commercial restaurant Pete's Fish and Chips to the west and further west is mixed-use project, The District on Apache. Multi-family condominiums are located to the south west, single-family townhomes are directly to the south and multi-family apartments are to the south east and east of the site. The proposed project would remove the existing hotel on this site and redevelop with a student housing development with 1,600 square feet of commercial ground floor space.

This request includes the following:

- GPA230006 General Plan Density Map Amendment from High Density up to 65 du/ac to High Density Urban Core more than 65 du/ac.
- ZON230006 Zoning Map Amendment from Commercial Shopping and Service CSS TOD Corridor to Mixed-Use Four MU-4 TOD Corridor
- PAD230006 Planned Area Development Overlay to establish development standards for a new seven story Mixed-Use development with 189 dwelling units on 1.37 acres.
- DPR230037 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. For further processing, the applicant will need approval for a Subdivision Plat, to combine the four lots into one.

SITE PLAN REVIEW

August 21, 2022 First Preliminary Review was a conceptual site plan proposing a 265' tall 20-story building including 5 levels of parking on 1.4 acres. The submittal included conceptual floorplans for all levels as well as massing diagrams for building form.

- Regarding density: the proposed density of 236 du/ac was to accommodate 330 units with 796 bedrooms and parking for 393 vehicles and 260 bicycles. Staff recommended reconsideration of the proposed development to conform with the General Plan designated density of up to 65 du/ac and a maximum building height of 90' to be more compatible with the surrounding context and the neighborhood to the south.
- Regarding front setback: staff recommended providing a minimum front setback of 14' to allow sufficient room for healthy tree canopy growth and provision of landscape along the street front for a shaded comfortable pedestrian experience.
- Regarding rear setback: staff recommended a 20' buffer on the south rear of the lot to accommodate healthy tree growth outside of the water utilities easement.
- Regarding site circulation: the driveway configurations and parking garage access did not appear to meet fire and solid waste requirements; recommendations were made to address circulation requirements.
- Regarding site equipment: SES and Transformers and HVAC and garage ventilation were not identified on the preliminary concept plan.
- Staff recommended shade on the south and west facing windows.
- Staff recommended full screening of the garage shown above ground with examples of architectural/aesthetic design concepts.
- Regarding the building height step back from the residences to the south: The building height and setback would put the units on the upper floors closer to the residences to the south. Staff recommended removing units on the south side to provide a step back at the upper floors and to break the building massing.

October 12, 2022 Second Preliminary Review proposed a 72' tall building with 7 stories and 1 underground parking level. The density was reduced to 135 du/ac to accommodate 189 units with 485 bedrooms and parking for 160 vehicles and 114 bicycles. A 3rd preliminary submittal was needed to include information requested for full review; blackline dimensioned site plan, landscape plan, grading plan, utilities/lighting/tree overlay plan and elevations are needed for content review prior to formal submittal.

- Regarding landscape: the single-family development to the south will require a landscape buffer with trees, the trees must be outside of the water utility easement and meet the root barrier separation requirements. Provide sufficient room for trees as a buffer on the south side of the site.
- Staff requested a conversion plan for units to be converted to other housing types in the future.
- Staff requested a more balanced mix of unit types, reducing the number of 4-bedroom units.
- Regarding water utilities: There are 8-inch and 6-inch water mains on the parcel, some are under the proposed building footprint and will need to be relocated. They will need to meet all clearance and separation requirements outlined in the Standard Comments and Engineering Design Criteria. There is an existing 8-inch sewer main along the southern property line. This sewer line will need to be evaluated for capacity in a sewer report at the time of permitting. This sewer line will need to meet all clearance and separation requirements as outlined in the Standard Comments and City Engineering Design Criteria.

December 7, 2022 Third Preliminary Review proposed a 90' building height with 191 units and 480 bedrooms.

- Regarding setbacks: The setback on the front was 14' at ground level with structural columns at 8' and 7' on upper floors. The setback on the rear was 20' on the ground level and 15' on the upper floors. These changes were made to accommodate landscape along the street front and along the rear of the site.
- Regarding Historic Preservation: The project is located within AZ U:9:165 (ASM) (La Plaza), a large Hohokam village site that has been determined eligible for listing in the National Register of Historic Places. HPO strongly recommends that the applicant follow the Salt River Pima-Maricopa Indian Community's (SRPMIC) request that ground-disturbing activity occurring at a project site within La Plaza be subject to monitoring by a qualified archaeologist in case cultural resources are encountered. The applicant is also required to comply with A.R.S. § 41-865 regarding the encounter and

disturbance of ancestral (human) remains and funerary objects.

- Regarding Parking: Additional comments regarding proposed parking reduction will be provided when parking analysis is submitted.
- Provide a solid waste plan and address dimension, clearance, egress, access and circulation requirements.
- Regarding landscape, the south side buffer had not been fully resolved.
- Additional details were needed to address some of the prior comments.

March 15, 2023 First Formal Review proposed 139 du/ac with 190 units and 479 bedrooms in a 91' tall building. The site plan showed large transformers within the required street front landscape at both sides of the street front. Staff requested that the transformers be located out of the limited landscape area at the street front and screened from view. The underground garage configuration would need revision to accommodate utility company requirements for this suggestion. Parking calculations had not been fully resolved, the requested number of spaces was lower than the City Center District standards and not comparable to existing PAD entitlements within the area. Staff recommended modification to unit mix to reduce the number of 4-bedroom units to balance the parking ratio to parking available within proposed design.

May 8, 2023 Second Formal Review modified the unit mix and reduced bedroom count. Street front modifications were made but the street entrance drives were offset and did not align with location of on-site drives. The underground garage configuration was modified but the transformers above ground were not relocated out of street front landscape. Comments regarding pedestrian safety and emergency egress were noted for revisions. The parking accommodations remained as previously proposed with ratios that are lower than comparable projects or similar industry standards. A few inconsistencies in data and plans were noted. The color changes proposed in the elevations did not match with the material sample boards in the renderings provided. Review was expedited to provide time for revisions to address these items. Items that could not be addressed have been identified by conditions of approval.

PUBLIC INPUT

- Neighborhood meeting was required.
- Neighborhood meeting was held Wednesday, May 3, 2023 from 6:00-7:00 p.m. at the Moxy Phoenix-Tempe at 1333 S. Rural Road, Tempe.
- See attached summary of meeting provided by the applicant.
- Community Development staff attended the meeting.
- No members of the public showed up for the hour scheduled for the meeting.
- The applicant indicated that they had reached out to the Citizens for a Vibrant Apache representatives to get feedback on the project.
- Community Development staff sent electronic notification to outside agencies on March 17, 2023. At completion of this report one response came from the State Historic Preservation Office: "A preliminary review of AZSITE, the state's electronic cultural resources inventory, indicates the project area is adjacent to a large prehistoric Hohokam archaeological site, and a prehistoric canal is projected to cross the southeastern corner of the project area. SHPO recommends that the project area be subjected to archaeological testing prior to any ground-disturbing activities." Contact information was included and this information was forwarded to the applicant.
- Upon completion of this report, staff has received no calls or emails of inquiry or concern regarding this case.

DEVELOPMENT REVIEW COMMISSION

The applicant presented their request and staff presented the case. Discussion focused on the parking ratio reduction request and the unique conditions of approval. It was noted that the conditions drafted related to parking appeared to be generous in relation to other projects on Apache with respect to ratios in the area and flexibility to resolve the concerns in some manner. Commissioners liked the design of the project and the aesthetics. Commissioner Johnson moved to approve; Commissioner Spears seconded the motion. Chair Di Domenico said he liked the look and scale of the project in context to other projects in the area and hopes that this project facilitates ridership within transit system. Although the parking is ultimately determined by the market, changes need to accommodate future conversion from student housing to other forms of housing with parking flexible for future forms of housing in order to remain marketable. Spears likes the project with the only concern being the parking, even if market driven. Commissioner Loyd likes the project as it is presented and appreciates the stated intention as student housing and believes its location will support student housing in the market with the parking

presented. Commissioner Redman has trouble voting for more parking anywhere, he would prefer to remove the condition regarding parking. The vote carried 5 in favor and two in opposition with a recommendation for approval with staff conditions as drafted.

PROJECT ANALYSIS

GENERAL PLAN

The applicant has provided a written justification for the proposed General Plan amendment.

Land Use Element:

The General Plan 2040 Projected Land Use for this site is Mixed-Use. The proposed project would rezone to conform with the land use and provide residential and commercial uses on site in conformance with the land use goals and element objectives for General Plan 2040. The site is within the LRT Corridor and Apache Boulevard Redevelopment Area and Land Use Hub. The plan takes into account surrounding building heights and provides landscape to maximize shade along the street front to support pedestrian mobility. This will be one of the first projects on Apache Boulevard with a level of below grade parking and a level of at grade podium parking but does not require additional building height for multiple stories of parking above ground. This reduces the scale of the structure and enhances the elevations with engaged livable space on all floor levels. The project minimizes vehicle dependency while encouraging multi-modal transportation in support of the 20-minute livable city.

H-10 Encourage development of needed housing in close proximity to transit, employment and services.

The General Plan 2040 projected residential density for this site is High Density up to 65 dwelling units per acre. The proposed General Plan Density Map Amendment would change this site to High Density Urban Core, more than 65 dwelling units per acre. Compact residences have limited private outdoor space but have access to common open space for recreation. Proximity to amenities and configuration of residences encourages resident interaction. This level of intensity should promote a village environment with easy access to goods and services, business and recreation. This request has a proposed density of 138 dwelling units per acre.

Below is a brief list of elements and the objectives that this proposed development implements:

LAND USE ELEMENT

LU-5 Provide land use and transportation integrated planning, design and development that reinforces and enhances the character of the entire community. The proposed project promotes the use of alternative modes of transportation and uses a variety of materials to create a harmonious design with the surrounding environment.

LU-6 Promote compact, efficient infill development. The project provides 189 residences in 1.37 acres with 1,600 s.f. of commercial space and on-site amenities to serve the residents. The site is in close proximity to transit and is an infill site between a restaurant and an apartment community.

COMMUNITY DESIGN ELEMENT

CD-1 Create recognizable and usable places – the use of materials and colors and enhanced landscape at the street level set this project apart. The entry to the garage is open air with natural light to provide more permeability in the site with landscape tucked into the perimeter that is visible from the garage.

CD-2 Provide focal points – street front ground level commercial uses storefront for visibility, the building provides well defined pedestrian and vehicle entry points conveniently located on the building frontage.

CD-3 Achieve diverse continuity – the site is surrounded by buildings ranging from one story to nine stories, a combination of old and new construction and varied materials. The project is seven stories and picks up colors, materials and design elements of newer product along the boulevard, while setting itself apart in the street front design and parking configuration.

CD-4 Enhance Pedestrian Movement – by utilizing one-way drives, the width of the drives are smaller and the landscape area at the street front larger, providing room for more shade trees and pedestrian amenities at the ground level.

CD-6 Provide opportunities for interaction and observation – all levels of the building are activated with uses and windows.

CD-7 Encourage Mixed Use Designs – the project utilizes several of the strategies listed and includes a small commercial component at the ground level.

ACCESSIBILITY

The project will meet all building code requirements for accessibility and provided conversion plans for units in the event that housing needs in the community change and a different market product can be converted from the current design. The specific objectives of this element are not directly related to this project. No information was provided on universal design, however the parking, amenity areas and units will provide accessibility subject to the ADA requirements.

HISTORIC PRESERVATION ELEMENT

The site has been redeveloped at least three times in the past and is not an historic property. SHPO has identified the site to be within proximity to a large prehistoric Hohokam archaeological site, and a prehistoric canal is projected to cross the southeastern corner of the project area. The specific objectives of this element are not applicable to this project.

NEIGHBORHOOD PRESERVATION AND REVITALIZATION ELEMENT

NP2 Continue to educate and involve the public and neighborhoods in city processes – The project submitted a PIP and met the required communication process to encourage participation from neighborhood organizations, residents, property owners, businesses and stakeholders.

REDEVELOPMENT ELEMENT

RED-1 Encourage reinvestment, rehabilitation, redevelopment or reuse – the proposed project is redevelopment of a hotel that was built in 1999 and has been through multiple ownerships over the past few decades.

RED-2 Prevent and eliminate slum and blight - As a new building it will meet all current building code requirements.

RED-3 Stimulate private investment – The proposed development would include infrastructure for an underground and podium garage and all utilities needed to support the site. The addition of density in this area will support nearby commercial uses and provide greater utilization of transit.

HOUSING ELEMENT

Although the proposed development provides 189 new units, in review of the objectives of the housing element, the proposed development does not directly implement the objectives related to affordability or diversity of income levels served or housing product type provided. The limitation of product for use as a student housing development may alleviate demand for rental housing within the neighborhood and open up availability in other product types by a shift in student living options. A unit conversion plan was provided for the four-bedroom units should the market demand shift to a different demographic need.

ECONOMIC DEVELOPMENT ELEMENT

The proposed mixed-use development removes an existing commercial hotel while providing more housing and 1,600 square feet of commercial uses for employment opportunities. The proposed project will introduce more residents to the area to support local businesses but does not directly implement the objectives of this element.

GROWTH AREA ELEMENT

This site is located in the Rail Corridor Growth Area and implements the following objectives:

RC-1 Focus mixed use development near rail investments to support reduced transportation costs for residents and, in turn, produce increased transit ridership.

RC-2 Create a walkable community enhanced by rail transit – the project provides enhanced pedestrian experience along the street front with landscape and building shade and seating.

RC-3 Encourage land use and development that creates a sense of community and place – the upper floor amenity area supports internal community development and the street front pedestrian amenity area encourages more public community interaction by the commercial space.

RC-6 RC6 Maintain high design standards in landscape and building treatments – the design meets this objective in the materials and landscape provided. Refer to the Design Review section of the report for more information.

COST OF DEVELOPMENT ELEMENT

COD1 Encourage development that does not exceed planned infrastructure or service capacity – The project has been reviewed by respective impacted departments and outside agencies.

COD2 Ensure that land use intensification or redevelopment provide for necessary infrastructure or service capacity - The increase in density at this location will focus population in an area with existing service capacity and will meet infrastructure enhancement requirements through development of the site.

CIRCULATION

T2 Accommodate regional travel demands with transit and other modes, as alternatives to street widening, to address capacity needs – The proposed reduction in parking is intended to reduce single-occupancy vehicles and increase alternative modes of transportation for residents within the development.

PEDESTRIAN AND BICYCLE ELEMENT

PN4 Increase pedestrian accessibility and enhance the pedestrian environment with engaging and interesting experiences for pedestrians – The street front landscape and seating area is a unique element to the project.

With regard to bikeways, Apache Boulevard has an existing bike lane that will be enhanced at the drive entrances for increased visibility and awareness for drivers. The project will provide secure bike storage for residents to encourage bike use.

TRANSIT ELEMENT

The transit objectives are primarily internal to city functions, however increasing density and reducing parking in this project will encourage ridership of residents, supporting the goals of transit use.

TRAVEWAYS ELEMENT

TW-3 Establish guidelines that enhance the land use and transportation connection – this project increases street tree planting and landscape area on Apache Boulevard to facilitate safe and comfortable pedestrian and bicycle usage.

PARKING AND ACCESS MANAGEMENT

PAM2 Promote a balanced and sustainable community access strategy – the project provides 170 vehicle parking spaces and 160 bicycle parking spaces to support automobile, transit, bicycle, and pedestrian modes and maintains the existing on-street parking within the Rail Corridor Growth Area.

PAM3 Ensure neighborhoods are not adversely impacted by parking issues – the project has no physical connection to the neighborhood and is located mid-block, reducing the potential of off-site parking in the neighborhood to the south.

AVIATION ELEMENT

This element is not applicable.

CONSERVATION ELEMENT

ER-1: Increase energy efficiency and renewable energy to sustain economic growth, social equity and environmental preservation ER1 Seek clean energy solutions and reduction of greenhouse gasses to protect the environment. The project includes EV charging stations and will meet all building energy code requirements. The project encourages use of alternative modes of transportation to facilitate energy savings.

The project meets solid waste requirements for circulation and access and provides both recycle and refuse service for residents. The remainder of this element is not directly applicable.

ENVIRONMENTAL PLANNING ELEMENT

AQ2 Reduce the number of vehicle miles traveled locally and regionally – the project encourages transit oriented and mixed-use development and reduces vehicle parking while providing bicycle parking to promote alternative modes of transportation.

AQ4 Promote pollen sensitive landscape treatment – the proposed plants are not considered high pollen producers for wind-borne transmission but do provide habitat value for birds and insects.

AT1 Consider ambient temperature reduction within development, energy and water resources policies and programs – the development provides a significant amount of shade on the site, with perimeter tree plantings where feasible, the materials are light in color to reduce heat gain. The permeability of the garage will help retain airflow on the ground level.

WATER RESOURCES ELEMENT

W9 Integrate land use and water planning for proposed new and redeveloped sites. The project uses low-water use vegetation. The remainder of this element is municipal objectives not relevant to this project.

OPEN SPACE ELEMENT

The project provides 16% landscape area and has a large second floor courtyard style amenity area with pool and outdoor community space and a seventh floor 1,090 s.f. amenity deck at the north west corner.

RECREATION ELEMENT

This element primarily addresses municipal objectives. However the project provides pool, hammocks, outdoor movie viewing, a fire pit, amenity balcony and bbq grills to provide recreational amenities to residents.

PUBLIC ART AND CULTURAL AMENITIES ELEMENT

The site is not required to provide public art.

PUBLIC BUILDINGS AND FACILITIES ELEMENT

This element is not applicable.

PUBLIC SERVICES ELEMENT

This element is not applicable.

MUNICIPAL COURT ELEMENT

This element is not applicable.

SAFETY ELEMENT

The project has been reviewed by both police and fire staff and comments were addressed through the site plan review process. Crime Prevention Through Environmental Design principals of territoriality, natural surveillance and activity support are addressed through the design.

Criteria for Considering a General Plan Amendment: The applicant has provided a letter of explanation for how the project meets the criteria with this request.

1. *Written justification for the amendment should consider long-term and short-term public benefit and how the amendment, considering Land Use Principles, will help the city attain applicable objectives of the General Plan.* The short-term benefit is redevelopment of an underutilized site for housing. The long-term public benefit is the increased revenue generation from a mixed-use development supportive of transit.
2. *If the proposed amendment is only to the General Plan's text, there should be objective discussion of the amendment's long-term and short-term public benefit and the larger issue of its impact on the city attaining applicable objectives of the General Plan.* Not applicable.

3. *If the proposed amendment impacts the General Plan's Projected Land Use Map only, there should be objective discussion of the amendment's impact on the projected land use within a minimum of a half-mile of the property. Not applicable, proposed project meets the projected land use.*
4. *With a proposed amendment to the General Plan Projected Land Use Map, the applicant/developer's written discussion on the proposed amendment should respond to the Land Use Principles in the Land Use Element of the General Plan. The principles are presented below, in a generalized request/response format:*
 - a. Describe the public benefit of the proposed amendment in terms of increase/decrease in intensity and its impact on adjacent land uses versus the impact of the present land use designation
 - b. Describe the public benefit of the proposed amendment in terms of impact on the city's infrastructure (i.e. water, sewer, utilities, streets, in terms of anticipated traffic generation, projected carrying capacity, projected volume, availability of transit, need for additional access, or city services such as fire and police staffing and response times, etc.) versus the impact of the present land use designation
 - c. Describe the proposed development quality of life in terms of how its components reflect unique site design, building design, landscaping; integrate or provide access between varied uses; deal creatively with multi-modal transportation; and reduce/eliminate physical barriers, as well as provide residential, employment, shopping and local services opportunities
 - d. Describe the use of open space, parks or green belts, and how the development separates, as well as links, residential and nonresidential components, if the proposed development incorporates a residential component. If applicable, describe how the proposed development impacts existing parks
 - e. Describe the proposed development in terms of supporting regional and local transit objectives for arterial streets; implementing the goals and objectives of the Tempe Transit Plan; describe the internal street system in terms of supporting the above goals and objectives and incorporating uniquely designed transit facilities along the arterial streets
 - f. Describe the proposed amendment in terms of effects on the school districts (enrollments and facilities).
 - g. Identify additional quality of life components of the proposal in the criteria to justify a General Plan Amendment
5. *If there are concerns, consideration of the proposed amendment shall be granted only if potentially negative influences are mitigated and deemed acceptable by the City Council.*

Section 6-303 D. Approval criteria for General Plan amendment (*in italics*):

1. *Appropriate short- and long-term public benefits described above.*
2. *Mitigates impacts on land use, water infrastructure or transportation described above.*
3. *Helps the city attain applicable objectives of the General Plan described above.*
4. *Provides rights-of-way, transit facilities, open space, recreational amenities or public art described above.*
5. *Potentially negative influences are mitigated and deemed acceptable by the City Council*
6. *Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities provided by applicant letter of explanation and submitted presentation materials.*

CHARACTER AREA PLAN

The project is located in the south eastern edge of the Downtown Tempe/Rio Salado/ASU/Northwest Neighborhoods Character Area Plan Three. The design standards highlight quality of materials with podium level ground floor uses, shade and site amenities, a strong pedestrian realm free of barriers and active with uses and outdoor seating, parking that is subordinate to the architecture and uses and not the focal point of the site. The project uses class and metal with exposed concrete and cement board panels to create a layer of architectural detail reflective of this character area. The project promotes a walkable transit oriented mixed-use site with contextual consideration for the surrounding uses and buildings.

ZONING

The current zoning is CSS Commercial Shopping and Service in the Transportation Overlay District Corridor. The proposed zoning is MU-4, Mixed-Use-Four. All MU zone districts require the integration of commercial and residential uses to support pedestrian circulation and transit as alternates to driving, and to provide employment and housing options. All mixed-use districts require a PAD Overlay for processing. The MU-4 district allows unlimited housing density in a mixed-use setting with commercial, office, and public uses. Development intensity in the MU-4 district is established through the PAD Overlay process and must be consistent with the General Plan and the city's ability to provide public facilities. The current CSS zoning and development standards would not support the proposed redevelopment of the site, the zoning amendment is necessary for implementation of the General Plan and Transportation Overlay District at this location. The development standards are determined by the PAD specific to the design proposed for this site.

Section 6-304 C.2. Approval criteria for Zoning amendment (*in italics*):

1. *The proposed zoning amendment is in the public interest.* See applicant's letter of explanation and the analysis provided in the General Plan portion of this report.
2. *The proposed zoning amendment conforms with and facilitates implementation of the General Plan.* See applicant's letter of explanation and the analysis provided in the General Plan portion of this report.

PLANNED AREA DEVELOPMENT

The proposed development standards would increase the density of the site by almost seven times the currently allowed density. The building height would double and the step back adjacent to the single-family townhomes being constructed to the south would be removed. The Lot coverage would increase by 5% and the landscape area would decrease by 9%. The building setbacks would increase on all sides, providing more street front landscape from 0' to 14', a larger side yard setback from 0' to 12' and a larger rear yard setback from 10' to 20' at ground level and upper floors would project out to a setback of 15'. Below is a table of the proposed development standards.

THE MARSHALL AT TEMPE – PAD Overlay			
Standard	CSS TOD C	PROPOSED MU-4 (PAD) TOD C	Change
Residential Density (du/ac)	20 du/ac	138 du/ac	Increase
Building Height (feet) [Exceptions, see Section 4-205(A)]			
Building Height Maximum	45 ft.	92 ft. (7 stories)	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)	75%	80%	Increase
Minimum Landscape Area (% of net site area)	25%	16%	Decrease
Setbacks (feet) (a) [Exceptions, see Section 4-205(B)]			
North Front	0 ft	14 ft to building wall and 8 ft to face of columns on ground floor, 7 ft upper floors	Increase
Parking	20 ft	20 ft	-
East and West Side	0 ft	12 ft	Increase
South Rear	10 ft	20 ft ground floor, 15 ft upper floors	Increase
Vehicle Parking	402	168 + 2 ride share spaces	Decrease
Bicycle Parking	203	316	Increase

The parking ratio is proposed to be .35 spaces per bedroom and .2 per unit for guest parking. The applicant provided a parking analysis to justify the reduction, however the standards presented were less than the TOD, City Center, ITE and ULI parking standards. Most developments along Apache Boulevard have provided a minimum of one parking space per unit established through the PAD entitlements. Staff expressed concern regarding the reduction with suggestions of reducing numbers of units and number of four-bedroom units to provide a product with more demographic flexibility if the market for student housing changes. Conditions have been added to address the proposed parking.

Unit Type	Unit Quantity / SF	TOD Ratio	Parking Required per ZDC TOD Corridor	Proposed PAD Ratio	Proposed Parking per PAD
Studio	20	.75 space per bedroom	15	.31 space per bedroom	6
1 bedroom	12	.75 space per bedroom	9	.31 space per bedroom	3.72
2 bedroom	83	.75 space per bedroom	124.5	.31 space per bedroom	51.46
3 bedroom	15	.75 space per bedroom	33.75	.31 space per bedroom	13.95
4 bedroom	59	.75 space per bedroom	177	.31 space per bedroom	73.16
Guest	189 units	.2 space per unit	37.8	0 space per unit	15
Commercial	1600 s.f.	Waived for 25% of floor area / 300	4	1 per 500 s.f.	4
TOTAL			402		168 + 2 Car Share spaces

Below is a comparison of developments within the area, which have a range of densities from 24 to 87 (with an average of 52 du/ac) and building heights from 34 to 165 feet (with an average of 75 feet). The parking ratios vary from site to site, between code required, TOD allowed, or ratio reductions for a mix of uses and Planned Area Developments with parking studies. Based on the total number of spaces provided, with the exception of Eastline Village, which had a Development Agreement that included parking standards, all sites on Apache provide a minimum of 1 parking space per residential unit, plus guest and customer parking.

Project	Location	Entitlement Year	Density (du/ac)	Building Height (ft)	Total unit #	Parking Provided
Residences on Main (Mill Haus @ Apache and River)	2125 E Apache Blvd	2021	49	58	219	276 Provided 212 Bike
Haven @ Apache	1916 E Apache Blvd	2023	64	75	182	235 Provided 174 Bike
Blue @ Eastline Village	2058 E Apache Blvd	2021	46	60	187	218 Provided 184 Bike
Aura Apache	1820 E Apache Blvd	2021	60	68	295	362 Provided 287 Bike
Apache Rock Apartments	1935 E Apache Blvd	2021	33	47	75	110 Provided 76 Bike
Park Place	1317 S Terrace Rd	2018	62	East (67') West (63')	285	499 Provided 661 Bike
NINE20 (Lemon Mixed Use Development)	919 E Lemon St	2009	78	165	479	1098 Provided 502 Bike
922 Place (Campus Edge)	922 E Apache Blvd	2008	87	119	132	369 Required 248 Provided
Apache Apartments	1111 E Apache Blvd	2019	24	34	111	244 (111 covered)
Metro 101 Phase 1	2177 E Apache Blvd	2017	47	67	202	274 Provided 196 Bike
SKYE at McClintock Station (Fore McClintock Station)	1831 E Apache Blvd	2015	32	60	423	631 Provided 418 Bike
BLVD 1900 (Campus Suites on the Rail/The Domain)	1900 E Apache Blvd	2012	41	70	299	1033 Provided 351 Bike

Eastline Village	2032 E Wildermuth Ave	2016	51	90	698	152 Provided 627 Bike
Gracie's Village	1520 E Apache Blvd	2012	25	54	50	131 Provided 70 Bike
Grigio Metro	1811 E Apache Blvd	2010	37	70	408	944 Provided 98 Bike
The District on Apache	977 E Apache Blvd	2013	50	90	279	894 Provided 326 Bike
The Rise (The Retreat/The Grove)	1000 E Apache Blvd	2013	70	67	124	281 Provided 138 Bike
Array on Apache (Mixed Use Development at Apache & Terrace)	1100 E Apache Boulevard	2018	71	94	391	657 Provided 430 Bike
The Nexa (The Hayden at Dorsey Station/The Motley)	1221 E Apache Blvd	2016	60	65	399	607 Provided 250 Bike

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. See applicant's letter of explanation and above analysis.*
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 density of the site is higher than most along the boulevard and outside of the station area. The removal of the step back puts units at the upper levels closer to the residential developments to the south.*
3. *The development appropriately mitigates transitional impacts on the immediate surroundings. The proposed standards are in character with the developments closest to the site.*

DEVELOPMENT PLAN REVIEW

Site Plan

The site is located on the south side of Apache Boulevard with ingress from the western one-way entry drive circulating through an at-grade podium parking level and one sub-terranean parking level. The street front provides an 8' sidewalk with landscape area ranging from 4' to 14' with transformers set back and screened from the sidewalk to allow more landscape. The applicant coordinated with the utility provider to assure transformer access will be feasible as presented. On street parking is being retained but will be shifted to be centered between the new drives, with four shade trees in front of the building. Solid Waste services has approved the solid waste plan and fire staff have approved the fire access plan. The front yard setback is 14' to the face of the building and 8' to face of columns, and 7' to face of upper floors. This provides room for ground floor amenity area and shade. Similarly, the south rear setback is 20' at ground floor (inclusive of the 10' water utilities easement) and 15' at the upper floor. There are 8' deep by 4' tall planter boxes within the rear yard setback to provide a landscape buffer to the residents to the south. The 12' side setbacks provide more airflow around the building with greater open space on all four sides of the building.

Building Elevations

The building design has a lightness in form with two driveways and 12' of side yard setbacks providing permeability through the site, allowing views back into the rear of the building where additional landscape softens the east and west corners of the building. The ground floor street front is glazing which adds to the floating building form that is shaded on the ground level by pedestrian scaled overhangs and changes in materials from exposed cast concrete and masonry wrapped columns to wood grained fiber cement board siding for the 17' of the first level. Upper floors extend to 80' at the roofline and parapets which alternate between 88' and 91' for roofline variation. Floors two through seven continue the materials from the ground floor up the building façade with fiber cement board panels in a cool medium and dark grey and a warm light grey accented by a rust-colored panel complementing the woodgrain panels. A blue accent band wraps the upper floors adding a variation in the color palette. The articulation of the façade provides additional interest between materials as shadows are cast on the recessed and projected masses of the form. The podium level garage is ventilated by the natural airflow of the setbacks from the side walls of the site.

Landscape Plan

The proposed design provides 16% ground floor landscape area inclusive of hardscape and landscape material. The proposed street trees are Fruitless Olive with understory plants including Thundercloud Sage, Pottosporum, Salvia Autumn Sage, Agave, Wedelia, Sago Palm, Bush Morning Glory, Eremophila Outback Sunrise Emu Bush, Candelila Euphorbia, Red Yucca and Prostrate Rosemary. Plants along the street front provide variety and texture in massings of plants around the outdoor commercial seating area as well as at the building edge. Olives grow to approximately 25' tall and provide a grey color tone that compliments the building colors and sage while contrasting with other plant materials. The tree size in relation to the building allows increased visibility of the building façade and provides north light to the units on the north side. The south side has 4' raised planter beds to separate trees from an existing water utility easement along the south 10' of the site. Ghost Gum planted in the raised planter beds will grow to 40' tall plus the planter height to provide a visual buffer to residents to the south, as well as shading the south side windows on levels 2 through 5 of the units. Evergreen Elm are added at the south east and south west corners to provide variation in plant material and additional shade and screening, to soften the building corners. Within the sewer easement artificial turf is provided as an amenity area for residents. The side yards are used for ground level and underground parking, with no vegetation except at the north and south ends outside of the parking area. Additional landscape is provided at the upper-level amenity area.

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;* based on the presented elevations, submitted letter of explanation and above analysis, the building meets this criterion.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;* As described in the letter of explanation and the above analysis, the site provides air circulation and shade and will conform to building code energy standards to minimize heat gain and mitigate heat retention on site.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;* the proposed materials are in character with the newer developments along the boulevard, and provide enhanced detailing and material color and variety.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings;* The combined use of shorter trees along the pedestrian path and taller trees in planters to help screen and shade the south elevation provide a landscape that is integrated to the building massing and site configuration relative to the surrounding area.
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 design presents a ground level that is different from the upper floors, and the upper floors are broken up vertically and horizontally by material and color changes as well as surface plane depth variation to meet this criterion.
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 building presents strong architectural detail and variation at the street level and addresses the criterion as outlined in the letter of explanation and the above analysis.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* the project is supportive of pedestrian, bicycle and transit ridership and provides an enhanced environment supportive of alternative modes of transportation.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; vehicle access is controlled by right turn into the site and right turn out of the site from separated drives. Pedestrian paths are clearly delineated with special attention to site visibility through and exiting the garage. Enhancements to the bike lanes will help inform drivers and cyclists of the entry drive location with visual cues.*
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; the police department reviewed the project for CPTED conformance.*
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways; As presented and described by the applicant submittal and the above analysis, the project meets this criterion.*
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 overall architectural form and will be addressed by separate permit and*
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses and does not create negative effects. Lighting will conform to the requirements of the code and will not create nuisance glare to surrounding properties.*

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 and densities and provides for modification of development standards appropriate to the project design.
4. The proposed project meets the approval criteria for a General Plan Amendment, Zoning Amendment and Development Plan Review.

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

ZONING AMENDMENT AND 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 General Plan Amendment, Zoning Map Amendment, Planned Area Development Overlay approval shall be null and void.
3. The Planned Area Development Overlay for THE MARSHALL AT 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 development of 189 units and 1,600 s.f. of commercial use shall provide shared guest and commercial customer parking at a ratio of .2 per unit (38 spaces) in addition to one of the following ratios for the residential use:**
 - a. **Provide 1 parking space per unit (189 spaces) for a total of 227 spaces including guest, or**
 - b. **Reduce the bedroom count to match the provided 170 parking spaces per the ratio of .5 parking spaces per bedroom (264 bedrooms) for a total of 170 spaces including guest parking or alternatively,**
 - c. **Provide an off-site recorded parking agreement to provide a combination of on-site and off-site total 227 parking spaces prior to issuance of building permits.**

5. **This condition is for data analysis only and holds no future encumbrances on the project The applicant shall provide an annual parking report to Community Development Planning Division on the last week of September for the first four (4) years of operation after issuance of certificate of occupancy. Data to be included:**
 - **Number of employee parking permits (if any)**
 - **Number of on-site permitted vehicles per unit**
 - **Number of guest or customers parked per year (September to September) and number of guest parking availability**
 - **Cost of parking permit for residents**
 - **Total Occupancy of units**
 - **Number of tenants identified on the lease application who own a vehicle but park off-site or have an ASU parking permit. (MODIFIED BY STAFF)**

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 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.
2. The developer must submit a final Traffic Impact Study prior to any submittal for a building permit.
3. 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.
4. An amended Subdivision Plat is required for this development 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.
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 roof space, evidence of roof structural support, and internal set lines for future adequate commercial space air conditioning (HVAC); provide a shaft to ventilate to the roof for commercial cooking exhaust; and a designated location for potential grease trap interceptor if needed.

6. 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. (ADDED BY STAFF)
7. 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. (ADDED BY STAFF)
8. 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.

Site Plan

9. Provide service locations as shown on the solid waste plan and site plan for both refuse and recycling collection and pick-up on the property. Coordinate the storage areas for refuse and recycling containers with the overall site and landscape layout.
10. Provide service yard and mechanical (cooling tower/generator) 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.
11. 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.
12. Provide upgraded paving at each driveway consisting of integral colored unit paving. Extend this paving in the driveway from the right-of-way line to 14'-0" on site and from curb to curb at the drive edges. From sidewalk to right-of-way line, extend concrete paving to match sidewalk.
13. 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.
14. 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.
15. The above grade amenity deck adjacent to Apache Boulevard shall be designed with a minimum 6'-0" high wall, measured from floor grade, with the top 2'-0" designed with glazing. Landscape planters shall be located on either the exterior or interior of the wall to act as a buffer from the building edge.

Floor Plans

16. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
17. Public Restroom Security for single-user restroom door hardware:
 - a. Provide a key bypass on the exterior side

18. Garage Security:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Provide stair exits that are open to the exterior.
 - c. Paint interior wall and overhead surfaces with a highly reflective white color, minimum LRV of 75 percent.
 - d. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.

19. Parking Garage:
 - a. Minimum required parking dimensions shall be clear of any obstructions.
 - b. At the ends of dead-end drive aisles, provide a designated turn-around space, minimum 8'-6" clear in width (locate on left side if available), including 3'-0" vehicular maneuvering area for exiting. Turn-around area shall be clearly demarcated.
 - c. Provide a minimum 2'-0" of additional width for parking spaces when adjacent to a continuous wall.

Building Elevations

20. The materials and colors are approved as presented:

MATERIAL LEGEND							
TAG	DESCRIPTION	MANUFACTURER	COLOR	TAG	DESCRIPTION	MANUFACTURER	COLOR
01	EXPOSED CONCRETE	N/A	N/A	15	DECORATIVE ALUMINUM LOUVER	TBD	COLOR TO MATCH IRON GRAY
02	BRICK VENEER	SUMMIT BRICK	VICTORIAN	16	REAR STUD MOUNTED BACKLIT BUILDING SIGNAGE (PROCESSED BY A SEPARATE PERMIT)	TBD	BLACK
03	4" PRE-CAST CAP/SILL	MESA PRECAST	TUSK				
04	FIBER CEMENT PANELS WITH COLOR MATCHING ALUMINUM REVEAL JOINTS	JAMES HARDIE	RUSTIC ROAD	17	ALUMINUM HORIZONTAL SCREENING	TBD	BLACK
05	FIBER CEMENT PANELS WITH COLOR MATCHING ALUMINUM REVEAL JOINTS	JAMES HARDIE	IRON GRAY	18	EXT. LED WALL LIGHT FIXTURE	GALLEON	BLACK
06	FIBER CEMENT PANELS WITH COLOR MATCHING ALUMINUM REVEAL JOINTS	JAMES HARDIE	LIGHT MIST	19	EXT. LED DECORATIVE SCONCE	TBD	BLACK
				20	STRUCTURAL STEEL PIPE	N/A	BLACK
07	FIBER CEMENT PANELS WITH COLOR MATCHING ALUMINUM REVEAL JOINTS	JAMES HARDIE	ELEGANT RED	21	MONUMENT BUILDING SIGN. (PROCESSED BY A SEPARATE PERMIT)	N/A	BLACK / WOOD
08	FIBER CEMENT PANELS WITH BUTT JOINTS AND SEALANT	JAMES HARDIE	GULF OF MAINE	22	REAR-STUD MOUNTED BACKLIT BUILDING ADDRESS SIGNAGE (12" METAL REVERSE PAN)	TBD	BLACK
09	WOOD LOOK FIBER CEMENT LAP SIDING	WOODTONE	OLD CHERRY	23	INSULATED STEEL DOOR	TBD	BLACK
10	VINYL WINDOW	TBD	BLACK FRAMES	24	ALUMINUM RAILING WITH GLASS PANELS	TBD	BLACK / GLASS
11	ALUMINUM STOREFRONT WINDOWS/DOORS	TBD	BLACK FRAMES	25	BOTTOM STUD MOUNTED RETAIL SIGNAGE (PROCESSED BY A SEPARATE PERMIT)	TBD	TBD
12	PRE MANUFACTURED METAL SOLAR SHADE	REVAMP	PAINT TO MATCH ACCENT BAND	26	THROUGH THE WALL VENT (EXHAUST, DRYER, ETC.)	TBD	PAINT TO MATCH ADJACENT WALL
13	PRE MANUFACTURED METAL CANOPY	ARCHITECTURAL FABRICATION	BLACK	27	FIBER CEMENT PANELS WITH BUTT JOINTS AND SEALANT	JAMES HARDIE	LIGHT MIST
14	METAL COPING	TBD	BLACK	28	STAINED WOOD TRANSFORMER SCREENING	TBD	COLOR TO MATCH OLD CHERRY

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

21. A minimum of the first three (3) feet of the parking must be screened with a 100% opaque material, which shall be finished to complement the building design.
22. If provided, roof access shall be from the interior of the building. Do not expose roof access to public view.
23. Conceal roof drainage system within the interior of the building.
24. Exterior vents shall be architecturally integrated with the adjacent materials and matching colors specified on each elevation.

25. 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.
26. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.

Lighting

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

Landscape

29. Street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.
30. **The landscape plan will be modified to include 10 vine plants (Hacienda Creeper, Trumpet Vine, Creeping Fig or Yellow Orchid Vine) spaced 20' on center along south perimeter cmu wall.**
31. 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.
32. 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.
33. 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

34. Verify property address and submit a PDF copy of the site plan with unit floor plans for permanent addressing to permitcenter@tempe.gov prior to submittal of construction documents.
35. Provide address sign(s) all building elevations viewable from the street.
 - 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.

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: <https://www.tempe.gov/home/showpublisheddocument/84995/637344631281000000> 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: <https://www.tempe.gov/government/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.

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.
- 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 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 <https://www.tempe.gov/home/showpublisheddocument/6815/635323967996830000>. 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.
- 100-year onsite retention required for this property, coordinate design with requirements of 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. 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 6:00 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 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.

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:

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| 1930-1940s | Maricopa County Historic Aerials show this area as agricultural uses. |
| May 4, 1943 | Maricopa County approved a Subdivision Plat for Jen Tilly Terrace including Lots 9 and 10, the subject sites of this request. At this time the properties extended as through lots to Spence Avenue. Subsequent land splits were made without a City review or recordation process. |
| 1949-1969 | Aerial photos indicate a variety of early development on site. Property record card indicates the site was used for a fruit stand from 1959-1967. |
| July 1, 1969 | Design Review Board approved site plan, landscape plan and elevations subject to a requirement that the building to be located within 40' of the street front. |
| July 29, 1969 | Design Review Board required the parking to be angled with a one-way traffic pattern and additional landscape to be added to the street front. The property operated as a McDonald's restaurant along the state highway. |
| February 16, 1977 | Design Review Board approved site plan, landscape plan and building elevations for McDonald's restaurant with conditions for more landscape, sufficient parking, and requirements to provide screening of parking, mechanical equipment and refuse. |
| September 28, 1994 | Board of Adjustment denied BA940207 for a Use Permit to operate a bar/restaurant and Use Permit for entertainment and 6 variances for ROWDY'S ROADHOUSE in the C-2 General Commercial District at 1031 E Apache Boulevard. |
| May 27, 1997 | Design Review Board approved a Use Permit and height variance for THE COMFORT INN. The certificate of occupancy was issued on August 13, 1999 for a hotel use. |
| June 13, 2023 | Development Review Commission heard the request for a General Plan Density Map Amendment from High Density up to 65 du/ac to High Density Urban Core more than 65 du/ac, a Zoning Map Amendment from Commercial Shopping and Service CSS to Mixed-Use Four MU-4, a Planned Area Development Overlay to establish development standards and a Development Plan Review for a new seven-story Mixed-Use Development for THE MARSHALL AT TEMPE, located at 1057 East Apache Boulevard. The Commission voted 5 to 2 to 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 6-302, General Plan Amendment
- Section 6-304, Zoning Map Amendment
- Section 6-305, Planned Area Development (PAD) Overlay districts
- Section 6-306, Development Plan Review

