

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 05/23/2023

Agenda Item: 1

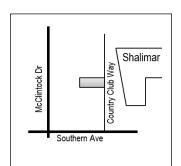
ACTION: Request a Development Plan Review for a new 7-unit attached single-family development for **COUNTRY CLUB TOWNHOMES**, located at 3250 South Country Club Way. The applicant is E-Project LLC.

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

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: COUNTRY CLUB TOWNHOMES (PL230012) is a proposed single-family attached development consisting of seven units within the RO, Residential Office zoning district. The request includes the following:

DPR230008 Development Plan Review including site plan, building elevations, and landscape plan



Property Owner Caam House LLC
Applicant Leonard Saguid, E-Project, LLC

Zoning District RO

(current/proposed)
Gross / Net site area 0.76 acres

Density / Number of Units 9.21 du/ac / 7 units

7 three bedroom
Total Bedrooms
21 bedrooms
Total Building Area
10,269 s.f.

Lot Coverage 31.06% (35% maximum allowed) Building Height 27'-5 ½" (30' maximum allowed)

Building Setbacks 15'-5" front, 32'-7" north side, 67'-7" south side, 10'-

1" rear (15', 10, 10', 10' min.)

Landscape area 32.44% (30% minimum required)
Vehicle Parking 17 spaces (14 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lily Drosos, Planner I (480) 350-8245

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Lily Drosos, Planner I

Reviewed by: Ryan Levesque, Deputy Director - Planning

COMMENTS:

This site is located to the east of McClintock Drive, west of the Loop 101 Freeway, and north of Southern Avenue in the RO, Residential Office zoning district. The property is situated on the west side of Country Club Way, across the street from the Shalimar Golf Club, and has never been subdivided. This is a vacant lot that is surrounded by single family uses to the east, commercial and medical office uses to the north, south and east, and multi-family uses in the surrounding neighborhood.

A cross-access agreement exists between the site and the property immediately to the south. The development shall be accessed by the existing driveway on the southern property. The parking spaces located along the south property line also for the benefit of the parcel to the south as declared in the cross-access agreement.

The proposed Development Plan Review consists of seven, two-story attached single-family townhomes. Each unit contains, a two-car garage, two balconies on the second floor, and a private yard on the northern façade.

This request includes the following:

1. Development Plan Review which includes: a two-story, attached single-family development consisting of 7 units within 10,269 s.f. of building area on 0.76 net acres.

The applicant is requesting the Development Review Commission take action on the item listed above.

For further processing, the applicant will need approval for a Preliminary and Final Subdivision Plat, to take the existing lot and a subdivide the townhomes on individual lots with a Preliminary and Final Subdivision, to create individual for-sale townhome units.

SITE PLAN REVIEW

In 2021, the applicant submitted a Preliminary Site Plan Review application (SPR21073) for the same project which had two preliminary reviews. When this record expired, a new Preliminary Site Plan Review application was submitted (SPR22138), which had one preliminary and three formal reviews (PL230012) conducted in 2022 and 2023. The original design had the driveway entrance along the southern property line shifted to the east, however, the driveway was shifted to the west to accommodate fire truck access. The initial site plan and building elevations presented the units as uniform with continuity on the plane and height. The new proposal demonstrates variation in height between units and recessing the units to provide more interest to the pedestrian realm. Staff recommended shade canopies above the balconies as they are northern and southern facing. The applicant provided a copy of the cross-access agreement with the property to the south and it was confirmed that the parking spaces shall benefit the parcel containing the existing shopping center. The landscape islands in between the paved driveways were reconfigured to align with the entrance to each unit and provide more shade to the pedestrian walkway in front of the garages. The alley to the west will be utilized for solid waste collection, and recycle bins are staged along Country Club Way on the day of collection. The applicant coordinated their plans with the Country Club Way Bicycle and Pedestrian Route, which included the demolition of the existing sidewalk and replacing a new 6' wide sidewalk along Country Club Way.

PUBLIC INPUT

- Neighborhood meeting not required.
- No public input received as of completion of this report.

PROJECT ANALYSIS

CHARACTER AREA PLAN

The project is located in the Alameda Character Area Plan, and is adjacent to the Colonia Del Sur Unit III Subdivision and across from the Shalimar Golf Club. The project complies with many of the guidelines of the plan, including:

- Mobility: the development was coordinated with the Country Club Way Bicycle and Pedestrian Route and features a
 new 6' wide sidewalk and shade trees along the street frontage promote mobility and multi-modal transportation.
- Connectivity: the pedestrian walkways on site connect to the public sidewalk to allow access to neighborhoods and the adjacent commercial uses.

- Shade: the building elevations display sun shades and canopies over the balconies on the second floor. Five shade trees are located along the Country Club Way street frontage, and accent trees are placed in the landscape islands that separate the paved driveway of each unit, providing shade at and around the entrances of the building.
- Crossings: Safe, Convenient, Comfortable: the development promotes active use of the Country Club Way corridors as recreational and pedestrian/bike commute access.
- Pedestrian Scale: this development demonstrates walk-up residential units with landscaped areas along the Country Club Way street frontage.

DEVELOPMENT PLAN REVIEW

Site Plan

This 0.76-acre site is situated at the northwest corner of Southern Avenue and Country Club Way. The project will consist of 7 dwelling units within one, two-story building; each unit containing a two-car garage. Each unit has a driveway with concrete pavers and are separated by landscape islands. While three guest parking spaces are required, there are ten located along the southern property line which are shared with the commercial site to the south per the recorded cross-access agreement.

Building Elevations

The proposed development is two stories and 29'-4" tall. The building is primarily finished with a faded grey painted stucco, with stone veneer accent walls. Black metal panels are utilized for the canopies, metal railings, and window sun shades. The northern and southern facades feature a variation in the height of the parapet to break uniformity from unit-to-unit.

Landscape Plan

The on-site landscape coverage totals 32 percent. Trees located along Country Club Way feature Red Rush Pistache, and Willow Acacias are proposed along the north property line. Australian Bottletrees are proposed along the west property line, adjacent to the alley. Red Rush Pistache trees are located along the southern property line, in the parking landscape islands and at the driveway entrance. The landscape islands that separate the paved driveways for each unit display Desert Willow.

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; variation in building height and wall planes is displayed on all elevations, which demonstrates variety in the streetscape.
- 2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort; the building features sun shades and canopies over the balconies, doorways and windows. The trees in the landscape islands in front of the pedestrian walkways provide additional shade in front of the unit entrances.
- 3. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings; building materials include stone veneer, stucco, vinyl frames, and metal panels.
- 4. Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings; the building and landscape elements are appropriately scaled to the site and the surrounding neighborhood.
- 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 buildings feature variations in height, wall planes, and materials which creates a sense of movement and activates the pedestrian realm at the street level.
- 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 facades provide architectural detail and windows facing the street front for additional surveillance, and the design is appropriate to the scale and context of the development.

- 7. Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage; the pedestrian walkways on the site provide convenient access to the public sidewalk and the development was coordinated with the Country Club Way Bicycle and Pedestrian Route.
- 8. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; the vehicular circulation will occur at private driveways, and do not interfere with pedestrian access routes on site.
- 9. Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; the design will comply with CPTED principles as it exhibits "eyes on the street" with windows facing the street, territoriality through private yards, gates access control, and the development's proximity to adjacent commercial uses to activate the area when businesses are closed.
- 10. Landscape accents and provides delineation from parking, buildings, driveways and pathways; the required landscape delineates the driveways, pedestrian pathways and the perimeter of site.
- 11. Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; not applicable.
- 12. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects. Lighting will comply with code requirements.

REASONS FOR APPROVAL:

- 1. The project meets the standards within the existing zoning district and is working within the allowable residential density for the site.
- The project will meet the development standards required under the Zoning and Development Code.
- 3. 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 Development Plan Review. This request meets the required criteria and will conform to the conditions.

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

- Except as modified by conditions, development shall be in substantial conformance with the site plan and building elevations submitted April 26, 2023 and landscape plan submitted April 26, 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. A preliminary and final subdivision plat is required for this development, providing each dwelling unit on its own lot, and shall be recorded prior to issuance of building permits.
- 3. 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

- 4. The ten (10) surface parking spaces identified on the south side of the property allocate three (3) spaces to this development for guest parking and seven (7) spaces dedicated to the commercial property to the south pursuant to the recorded parking agreement #20190302094.
- 5. 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.
- 6. Emergency access gates between private yards shall not be locked or obstructed to maintain fire access.
- 7. 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.
- 8. 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.

Building Elevations

9. The materials and colors are approved as presented:

Roof – Stucco, Painted – Dunn Edwards – Dark Engine DE6350

Primary Building - Stucco, Painted - Dunn Edwards - Faded Grey DEW382

Secondary Building - Stucco, Painted - Dunn Edwards - Salem Black DE6343

Building Accent - Stucco, Painted - Dunn Edwards - Gray Pearl DEC795

Stone Veneer – Coronado – 12"x24" French Limestone – Silver Ash

Trim - Metal Panel - Dark Bronze

Windows and Doors - Vinyl Frames - Milgrad Style Line Series - Dark Bronze

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

- 10. If provided, roof access shall be from the interior of the building. Do not expose roof access to public view.
- 11. Conceal roof drainage system within the interior of the building.
- 12. Exterior vents shall be architecturally integrated with the adjacent materials and matching colors specified on each elevation.
- 13. 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.
- 14. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.

Lighting

15. Illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations.

Landscape

- 16. 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.
- 17. 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.
- 18. 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

- 19. 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.
- 20. Provide address numerals on the south building elevation.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 10" 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. 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: <u>http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms</u>. 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.

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.

TRAFFIC ENGINEERING:

• Provide 6'-0" wide public sidewalk, as required by Traffic Engineering Design Criteria and Standard Details.

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.

CIVIL ENGINEERING:

- 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:

- If residential cans are staged in the right-of-way and off-street, a maintenance agreement is required for the paving
 used to demarcate can location for individual units. 300 gallon bins in alley for refuse. Recycle bins staged on
 Country Club Way off of the sidewalk spaced 4' apart.
- Recycle bins to be staged from 6:00 am until collected and stored in garages on non-collection days.

PARKING SPACES:

Parking spaces to be provided in garages.

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/ag/.

HISTORY	& FACTS:

January, 1930	Date of first historical aerial.
May 15, 1985	The Design Review Board approved building elevations, site, and landscape plans for Shalimar Square located at 1950 East Southern Avenue and 3280 South Country Club Way (property to the south of subject site).
April 22, 1992	The Board of Adjustment approved the variance request (BA920047) to reduce the required number of off-street parking spaces from 103 to 93 spaces, located at 1950 East Southern Avenue (property to the south of subject site).
April 29, 2019	Declaration of Reciprocal Covenants and Easements (#20190302094) was recorded with Maricopa County to establish cross-access and shared parking agreement between 3280 South Country Club Way and 3250 South Country Club Way. This agreement allocates seven parking spaces to the commercial center to the south of the project site.
June 11, 2021	The initial Preliminary Site Plan Review application for this project (SPR21073) was submitted.

This project had two preliminary reviews conducted before the application expired.

October 17, 2022 The Preliminary Site Plan Review application (SPR22138) for this project was submitted. This

application had one preliminary review conducted.

January 13, 2023 The applicant created the Major Development Plan Review application for this project

(PL230012), and three formal reviews were conducted.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review



DEVELOPMENT PROJECT FILE

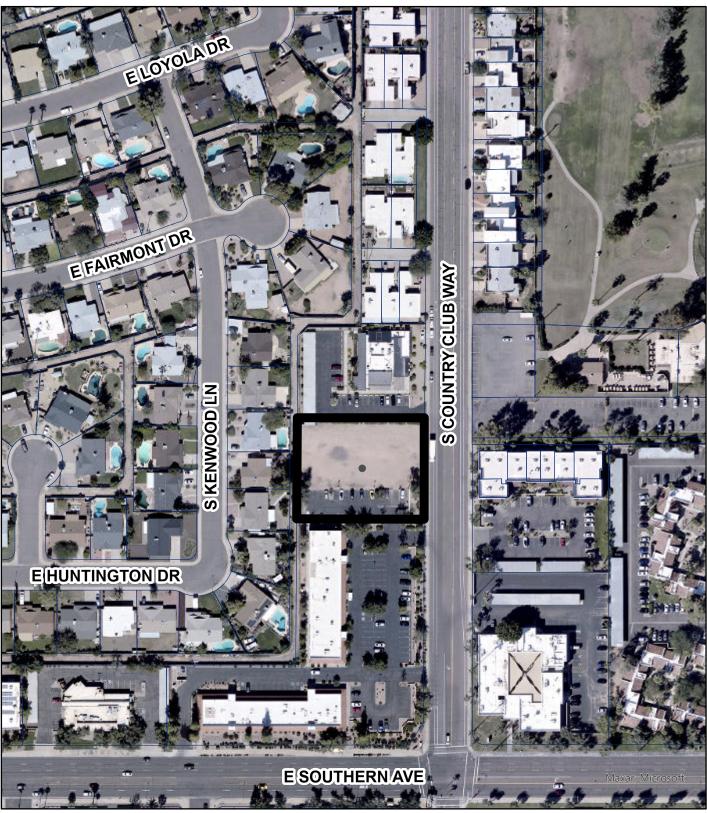
for COUNTRY CLUB TOWNHOMES (PL230012)

ATTACHMENTS:

- 1-12. Site Context (Location Map, Aerial and Aerial with Site Plan Overlay, Site Photos)
- 13-14. Applicant's Letter of Explanation
- 15-17. Site Design (Site Plan, Landscape Plan, Underground Utility and Lighting Plan)
- 18-28. Building Design (Blackline/Color Elevations, Sections, Renderings, Material Samples, Floor Plans)
- 29-37. Supplemental Information
 - Refuse Plan
 - -Fire Access Plan
 - -Cross-Access and Shared Parking Agreement
 - Affordable Housing Impact Statement

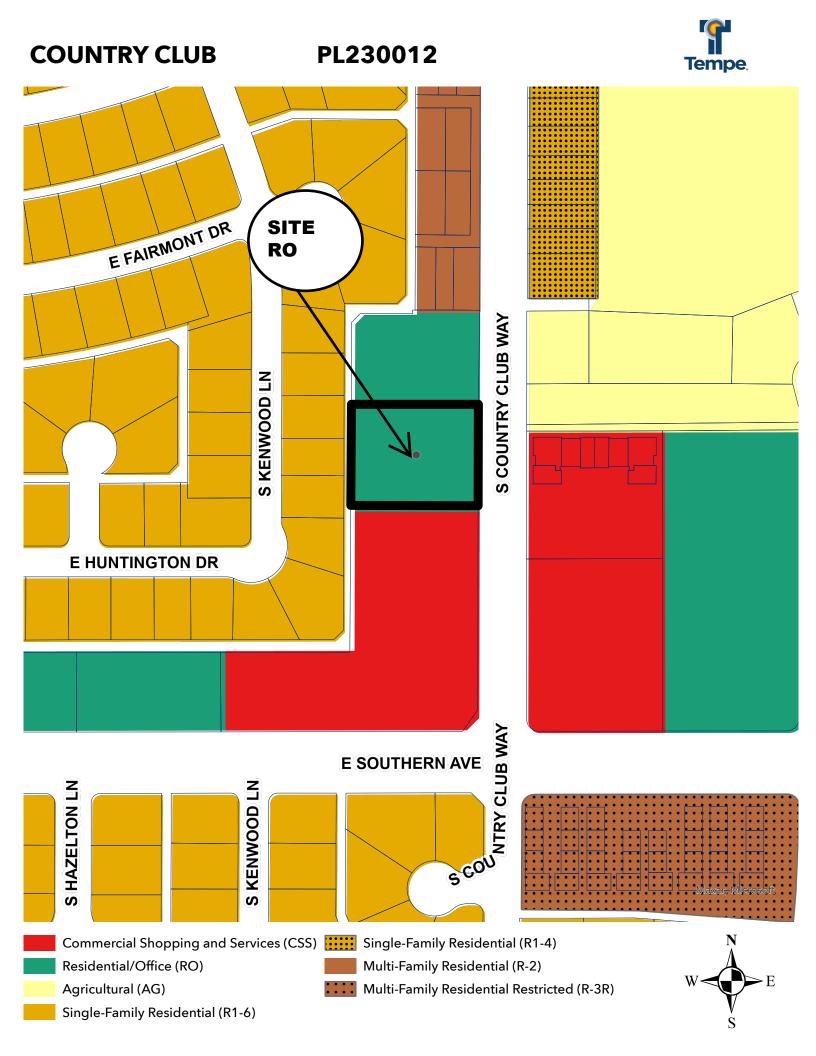
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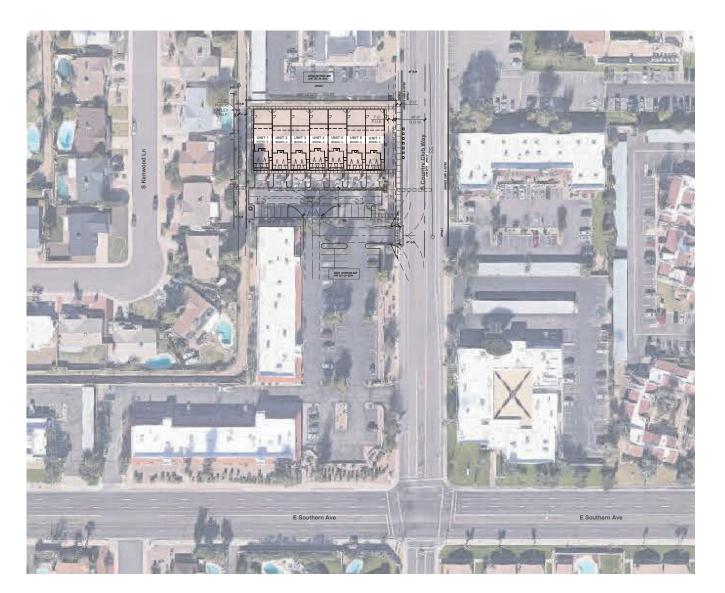
COUNTRY CLUB TOWNHOMES











PROJECT INFORMATION

COUNTRY CLUB TOWNHOMES PROJECT NAME: PROJECT ADDRESS: 3250 S COUNTRY CLUB WAY TEMPE. AZ 85282 APN 133-34-827B

PROJECT DESCRIPTION:

NEW 7 SINGLE FAMILY ATTACHED TOWNHOMES, 3 BEDROOM, 3 BATHROOM, 2 CAR GARAGE EACH WITH ABOUT 2,000 SF O LIVING AREA

OWNER CAAM HOUSE LLC / CONSTRUCT HOMES LLC 11011 N 92ND ST NO 1005 SCOTTSDALE, AZ 85260

E-PROJECT, LLC 610 E BELL RD #2-607 ARCHITECT: PHOENIX, AZ 85022 PHONE: 602-910-7728 FAX: 480-359-4407

E-MAIL: edmir@e-projectinternation CONTACT: EDMIR DZUDZA, AIA

SITE INFORMATION

PROPERTY ADDRESS: 3250 S COUNTRY CLUB WY, TEMPE, AZ 85282

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VICINITY MAP



610 E Bell Rd #2-607 Phoenix AZ 850 phone: 602/910-7728 fax: 480/359-44 e-mail: info@e-projectintemational.c Date 02-17-2023

project



Club Townhomes Country

Мар Aerial Contextual

04-13-2023 5121 Project No. Drawn By: Checked By: ED ED Approved By

A110

CONTEXTUAL AERIAL MAP

SCALE: 11° 40'-0"





Context map

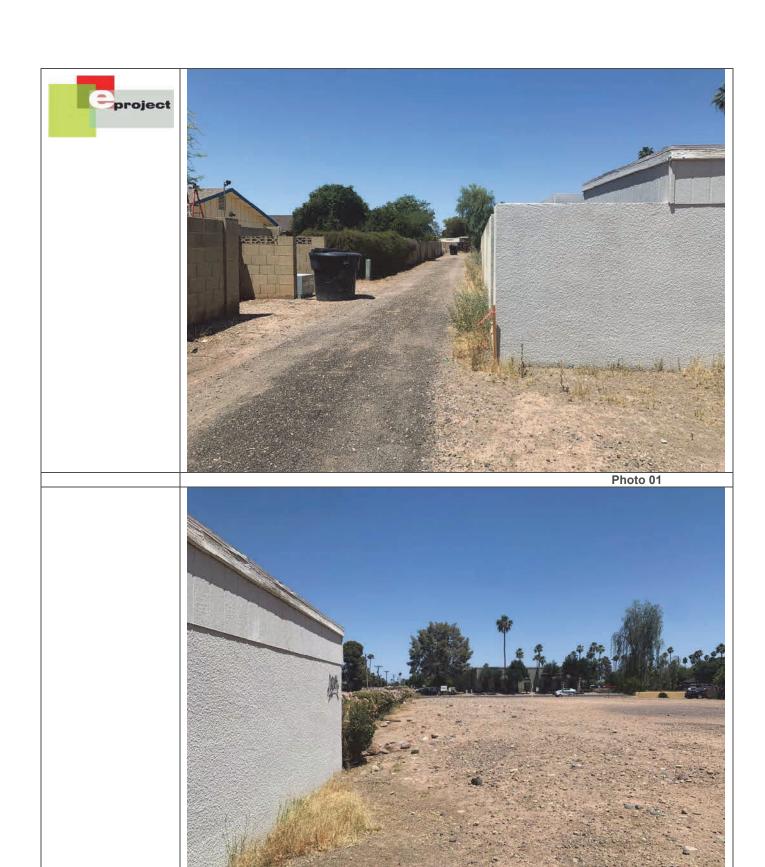
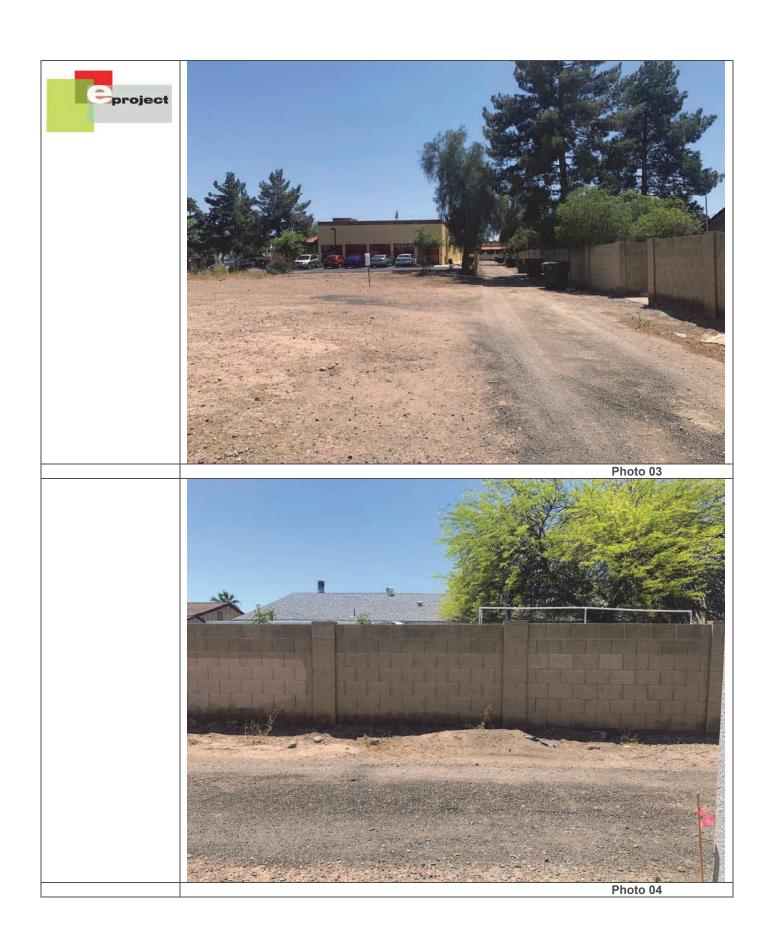
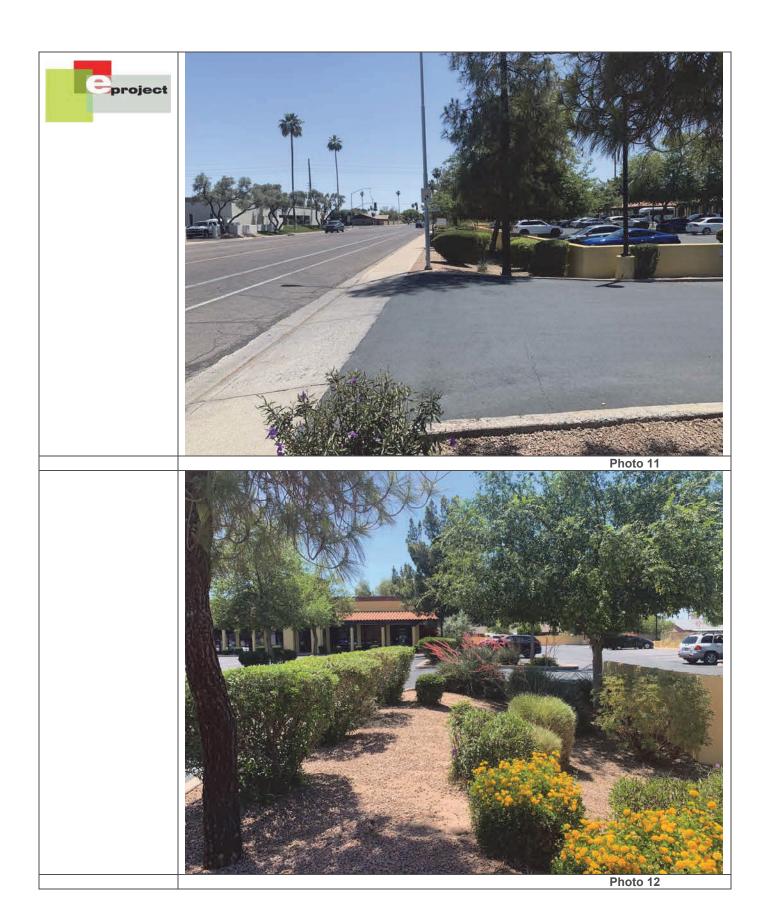
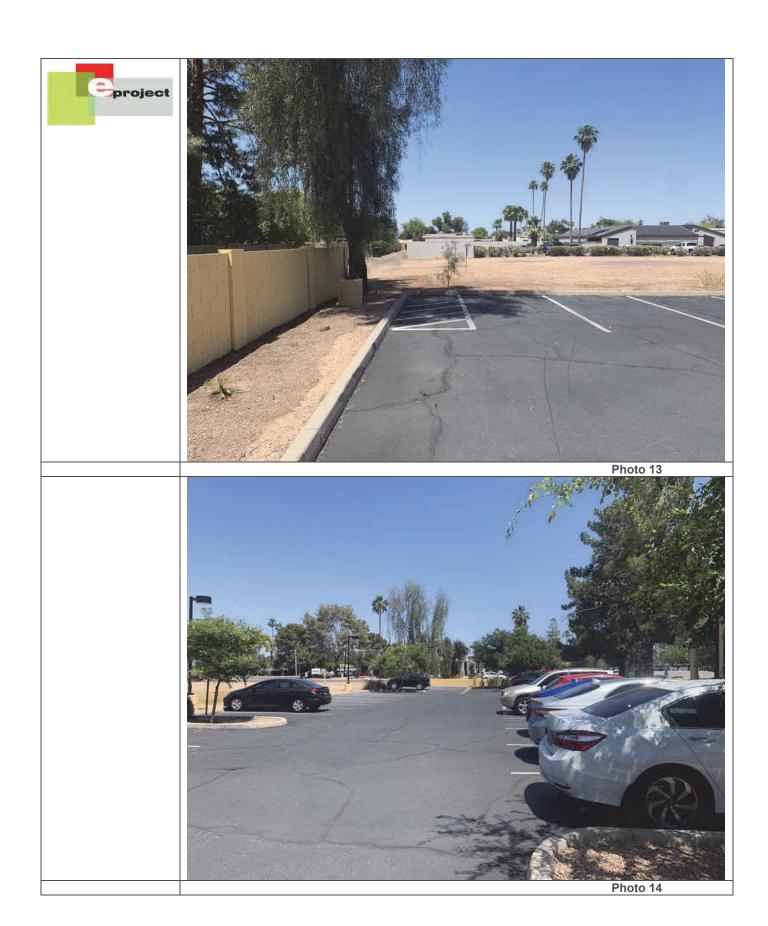


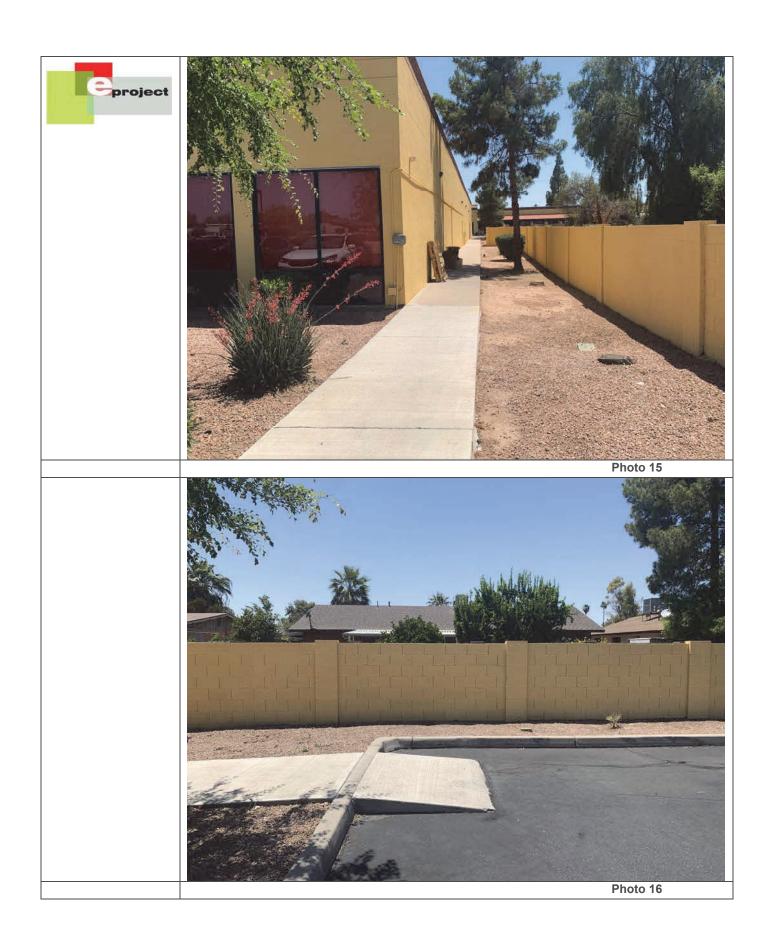
Photo 02

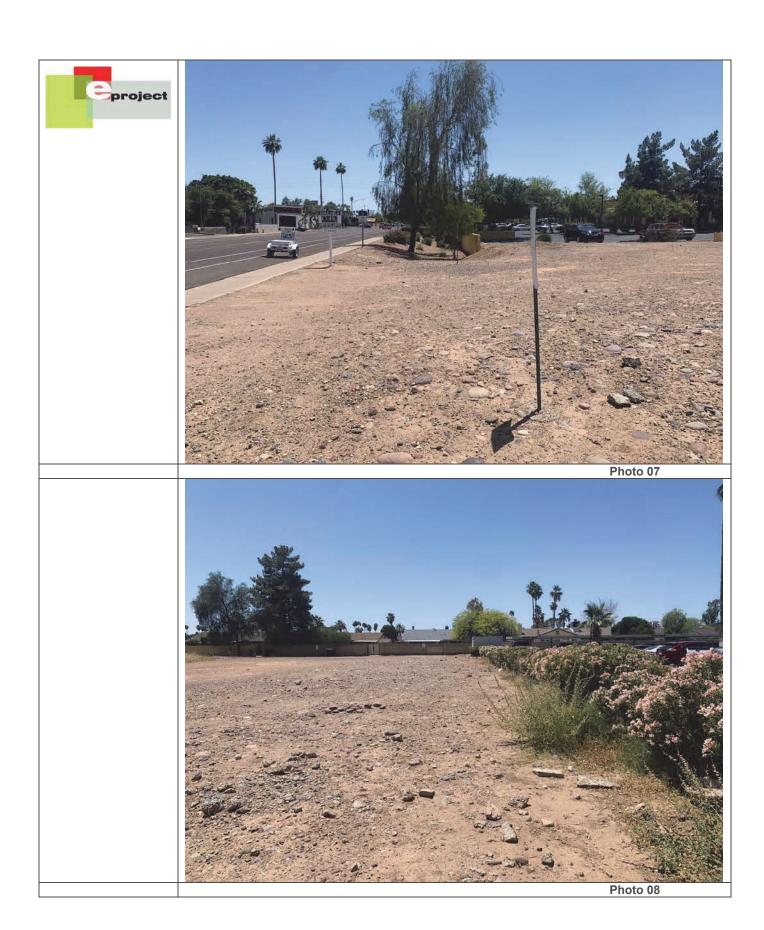


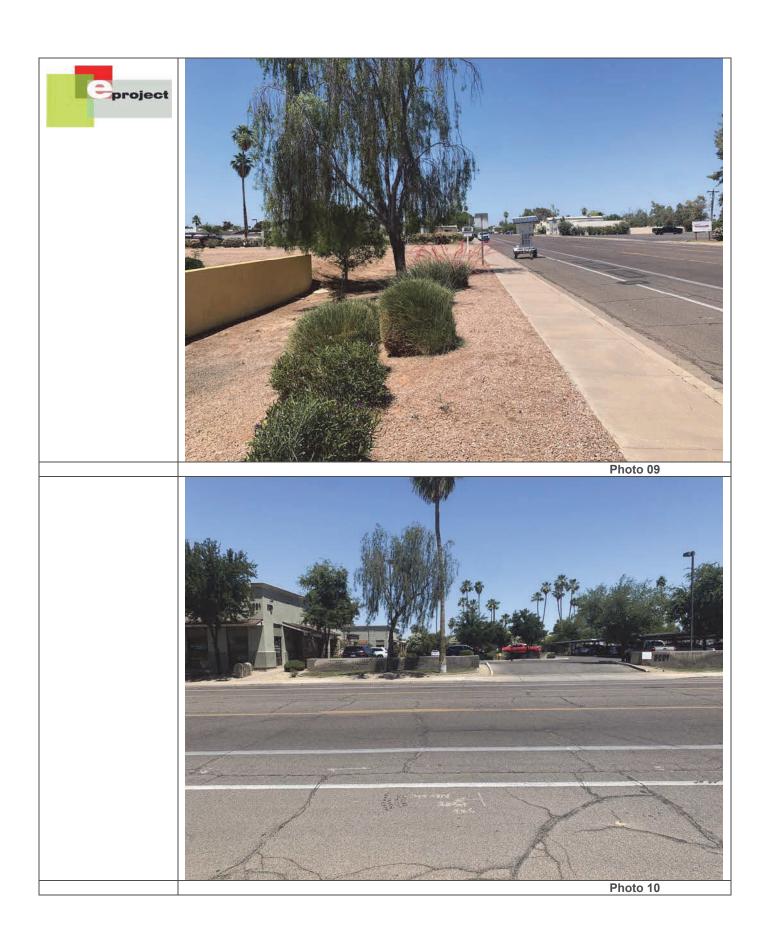














Letter of Explanation

E Project, LLC

Architecture - Planning DATE: APRIL 17, 2023

Phone 602.910.7728 Fax 480.359.4407 E-mail: edmir@e-projectinternational.com

Country Club Townhomes 133-34-827B Tempe, AZ

Proposal:

A proposed multi-family townhome project consisting of seven units on 0.76 gross acres at a density of 9.21 du/ac.

APN(s): 133-334-827B

Proposed Development

The Developer "Caam House LLC" brings principals with over 50 years of the development experience with superb structures in Arizona.

They are bringing an urban new development to the City of Tempe as a part of their philosophy of creating Urban Core development which incorporates the wonderful character and lifestyle of communities in City of Tempe.

Country Club Multi-Family offers a desirable location close to Southern Ave and Country Club Way. The parcel is about 0.76 acre. We are proposing seven townhome units in subdivision plat. Units will be two stories with two car garages. On the ground floor will be the kitchen, living room, dining area, and powder. The second floor will have three bedrooms and three bathrooms.

The building is accessed through the existing parking area at the south. Pedestrian entrances and garages are facing south, while living areas and two bedrooms on second level are facing north. Units are staggered to provide more interest in building façade. Each townhome has a private yard to the North, that is connected to a walkway that connects each yard to the alley to the west and to the sidewalk along Country Club Way. Walkways layout is contributing to the project overall connectivity to public sidewalks and bike lanes. There are private drives in front of each two-car garage, paved with accent concrete pavers. Drives are separated with landscape islands, and trees to provide shade over pedestrian walkway in front of garages. Additional guest parking is provided at the south side of the parcel, and it is also shared with property to the south. Alley to the west is used for solid waste collection while recyclables are collected using roll out bins to Country Club. The building sign will be placed at southeast corner with simple design to match building finishes. Each garage door, front entry door and rear patio doors will be illuminated with code complaint light fixtures to provide sufficient level of security. The existing sidewalk at Country Club Way will be removed and a new six feet wide sidewalk will be provided. The building street elevation is articulated with recessed and stone veneered walls.

The exterior walls are finished in smooth stucco finish. Dark paint together with stone veneer accent walls will provide visual interest and bring human scale to the project. South, east and west windows will have metal canopies for additional shade over glass doors and windows.

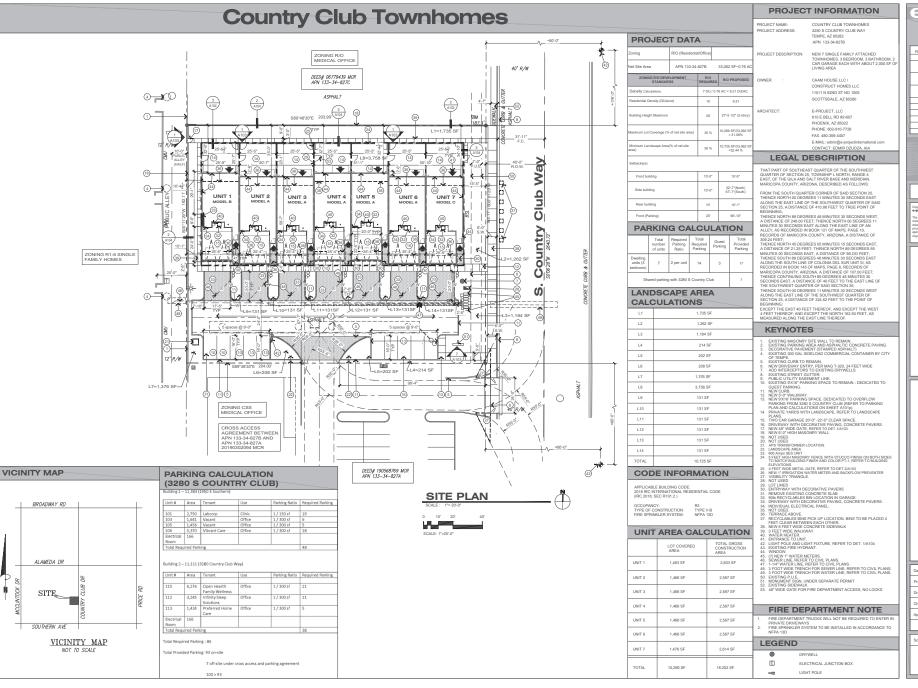
In addition, our small infill project supports Alameda Character Area Plan in many principles. Our walkways connect our project to public sidewalks and bike lanes to promote mobility. We also have two bike stalls for homeowners' use. Walkways are shaded for better walkability. Townhomes are designed with larger rooms to allow homeowners to work from home. There are also large private yards for a better quality of life. Our project is two story structure with a stepped back second level to provide pedestrian and human scale feel to the development. The landscape palette with drought-tolerant plants contributes to water conservation principles.

Prepared by:

Edmir Dzudza

Registered Architect

Alu Dek



610 E Sun Red 2-607 Processis AZ 85022 phone: 620165782 gas -400194-8472 phone: 620165782 gas -400194-8472 phone: 620165782 gas -400194-8472 phone: 62016578 gas -400194-8472 phone: 6201658 g

EXPIRATION DATE: 09/30/20 SIGNED AND SEALED

yright reserved. project 2021-2022

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Country Club
Townhomes
3280 S COUNTRY CLUB W
TEMPE, AZ 85282

Site Plan

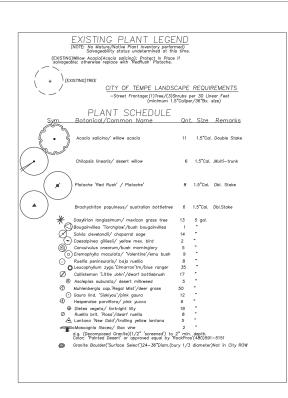
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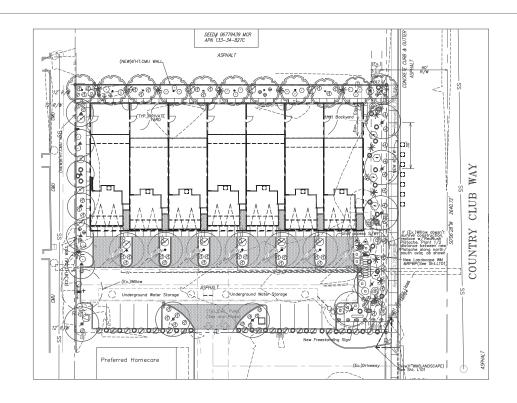
 Project No.
 5121

 Drawn By:
 ED

 Checked By:
 ED

 Approved By:
 ED





City of Tempe General Planting Notes:

-Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness(depth). Provide pre-emergent weed or accomposed granue or 2 union't microress(appin). Provide pre-emergent wear control application and do not underlay rock or decomposed granite application with plastic. 'Surflan or equal as pre-emergent as per Mfg. specs, prior to and after the spreading of decomposed granite.

-De-compact soil in planting areas and public right of way and remove construction debris from planting areas prior to landscape installation.

-Trees shall be planted a minimum of 16-07 from any existing or proposed gubic util--Trees shall be planted a minimum of 16-07 from any existing or proposed gubic util-8-07 from utility lines upon installation of a linear root barrier. Per Dtl. T-460-12 when the root barrier must 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

General Planting Notes:

- GENERAL PIANTING NOTES:

 1. Varify, site conditaraboundairse. Prior to trenching or digging, call Blue Stake
 Comer(92)263-1100 for me-marking utilities. Any discrepancies, contact the
 Owner's authorized representairse; all planting areas on plans to be top-dressed with decomposed granted (a) 1/2°clia. Invairus to minimum? depth. Grante to extend under
 trees, shrubs, groundcovers. Color-Madison Golf or approved equal.

 3. Kill any unwanted vegetation with Round-up or equal as per Mig, aspecs. Apply
 ing of grantie.

 4. General granding to within 1.01 of a foot by General Contractor, with the grading
 by Landscape Contractor. Firsts grade to be min, 1.5° Below top of walks.

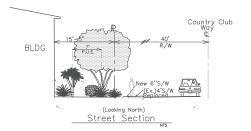
 5. Add Agrofron tablets(2)-15-50 all new plant materials in quantities as noted:
 (1) 1gal. (2) 5 gal. (4) 15 gal. (6) Box Trees as per Mig, specifications.

 (6/dia), 24° Box container or later.

 6. Water wells: min. 4°depth x (12°dia), groundcovers.(2′dia), shrubs/(6′dia), threes

 7. Plant counts are for contractor convenience only. Contractor is responsible for

- Plant counts are for contractor convenience only. Contractor is responsible for verifying plant counts with plans.
- 8. For Grading/Drainage information; See Civil Engineering Plans 9. Contact Landscape Architect or Owner Rep. to approve tree locations before planting.
- 10.Minimum Planting distance from Buildings; (Trees- 6ft., Shrub- 4ft.), 4' Minimum from walks, walls, enclosures





Sheet Index
L100 Landscape Plan
L101 Irrigation Plan
L102 L & Details
L103 L & I Specifications

ARIZONA STI









Club **COMNHOMES** ountry Ŏ

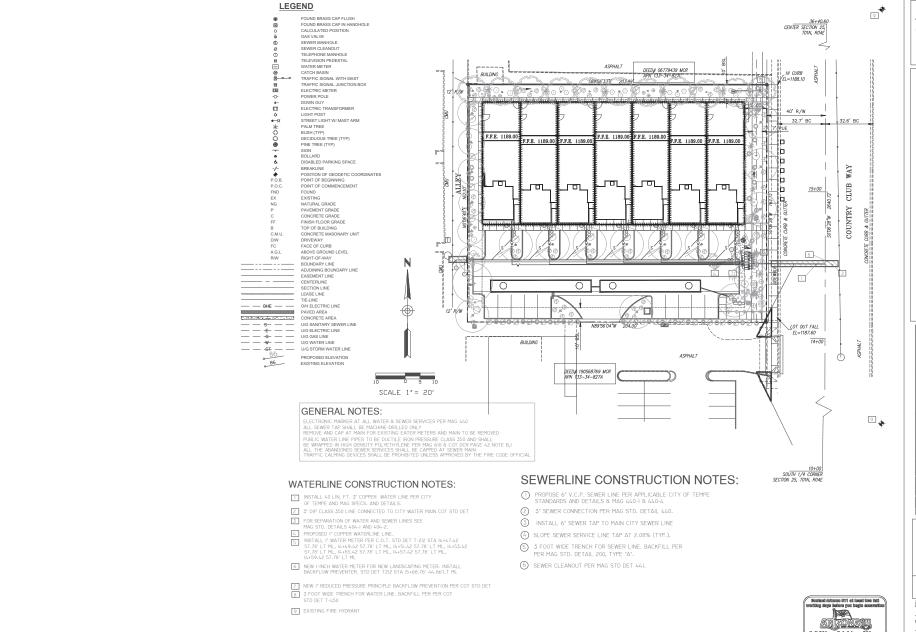


Email: tomkillip@cax.net www.killiplandplanning.com Copyright 2023 Killip Land Planning,LLC



	Date:	10-15-2021
ı	Project No.	4321
	Drawn By:	
	Checked By:	MM
	Approved By:	ED

L100





COUNTRY CLUB WAY PE, ARIZONA 85282 UTILITY PLAN S

TEMPE 50

N N

#

DS

25

SW

SS:

ENGINEERING

85255 ΑZ RA CIVIL P.O. BOX 28515 SCOTTSDALE, (480)367-8442

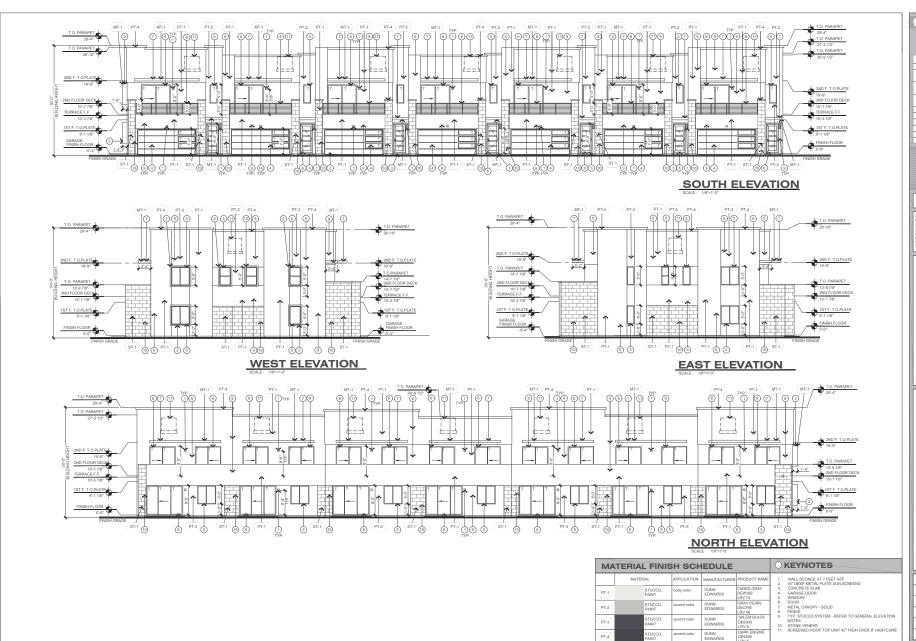
DATE job number:

22-26

date: 2-17-2023

SHEET NO. C-6

CLUB COUNTRY S 3250



MT-1

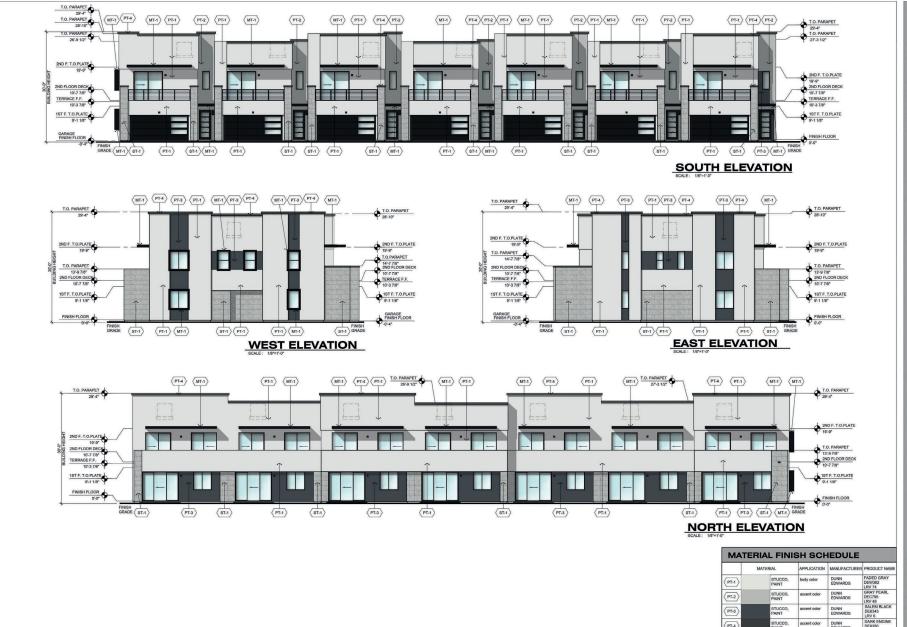
ST-1

DARK BRONZ



Building Elevations

	A300	
	Scale:	1/8"=1'-0"
П	Approved By:	ED
	Checked By:	ED
- 1	Drawn By:	
-1	Project No.	5121
	Date:	04-13-2023
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STUCCO,

STUCCO, PAINT

STONE VENEER

accent color

coent walls

MILGARD ST

DE6350 LRV 5

12"x 24" FRENCH LIMESTONE -SILVER ASH DARK BRONZE

PT-2

PT-3

PT-4

(MT-1)

ST-1

(VN-1)

project

 Rev.
 Date
 Submittal

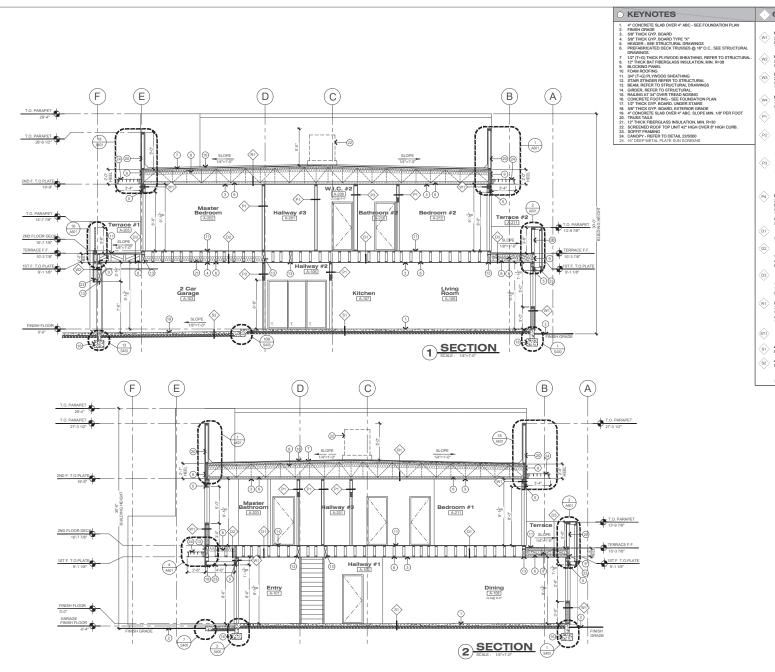
 12-19-2022
 PRE-APPLICATION

 01-12-2023
 Major Development Plan Review

02-17-2023 Major Development Plan 2nd Plan Revier

04-13-2023 Major Development Plan 3rd Plan Revie

610 E Bell Rd #2-607 Phoenix AZ 8502 phone: 602/910-7728 fax: 480/359-440 e-mail: info@e-moint



CONSTRUCTION SYSTEMS

R E A RE ER EE A600

- E ER R A / E R-1471
 2x 6 STUDS @ 16" O.C. AND 516" THICK GYPSUM BOARD ON INTERIOR SIDE. 6" THICK R-19 FIBERGLASS BATT INSULATION THICKNESS PER PLAN
- W2 E R R A / E R-1471
 2 x 6 STUDS @ 16" O.C. AND 5/8" THICK GYPSUM BOARD ON INTERIOR SIDE. THICKNESS PER PLAN
- E ER R A / E E EER 2 x 6 STUDS @ 16" O.C. AND 56" THICK GYPSUM BOARD ON INTERIOR SIDE. 6" THICK R-19 FIBERGLASS BATT INSULATION THICKNESS PER PLAN
- W4 E ER R A / E E EER 2 x 6 STUDS @ 16" O.C. AND 5/6" THICK GYPSUM BOARD ON INTERIOR SIDE. THICKNESS PER PLAN

ER R PAR 2 X STUDS @ 24" O.C. WITH 5/8" GYPSUM BOARD EACH SIDE, U.N.O.

ER R PAR
2 X 4 STUDS @ 24" O.C.
WITH 1/2" THICK GYP. BOARD ON INTERIOR SIDE AND 5/8"
GYPSUM BOARD TYPE "X" ON GARAGE SIDE, U.N.O.
FIBERGLASS BATT INSULATION R=19 MIN.

ER R.P. MB PAR
2.X.6 STUDS: § 24" D.C. WITH 1/2" GYPSUM BOARD EACH SIDE,
U.N.O. USE WR GYPSUM BOARD ON WET SIDE, MIN. 3" THICK
BATT FIBERGLASS INSULATION IN PLUMBING WALLS.
WITH FULL HEIGHT 66" THICK FIBER CEMENT GLASS MATT
BOARD AND CERAMIC TILE AT 6" O"A.F". MIN.

PAR A
2x 6 STIDS @ 16" O.C.
DOUBLE 14R PRIER RATED WALL WITH 58" TYPE "X" DENS
GLASS BOARD ON THE INSIDE AND 96" GYPSUM BOARD ON
THE OUTDISE OF THICK PREERS, LASS INSLLATION,
ILL DESIGN USTO CONFIGURATION A REFER TO DETAILS ON
SHEET 7800.

D1 E
18" HIGH PREMANUFACTURED DECK TRUSSES @ 16" O.C.
WITH 3/4" T+G CDX PLYWOOD, 5/8" GYPSUM BOARD CEILING.

PHIGH PREMANUFACTURED DECK TRUSSES @ 16" O.C.
WITH SMCTHICK THE COX PLYWOOD SHEATHING, 5/8"THICK
GVP, BOARD TYPE "Y. CELINIG,
FIBERGLASS INSULATION MIN. R-30

D3 ERRA E ERRA E

14" HIGH PREMANUFACTURED DECK TRUSSES @ 16" O.C.
WITH 344" THICK T+G CDX PLYWOOD SHEATHING AND 5/8"
THICK GYPSUM BOARD CEILING. THERMAL INSULATION MIN
R-38

R AM R -E R 2532 24" HIGH PREMANUFACTURED ROOF TRUSSES @ 24" O.C. WITH 1/2" THICK (T+G) PLYWOOD SHEATHING AND 5/8" GYPSUM BOARD CEILING. 12" THICK BATT FIBERGLIAS INSULATION, MIN. R=58.

DENOTES WALL CONSTRUCTION TYPE AT WET LOCATIONS REFER TO DETAILS ON SHEET A600

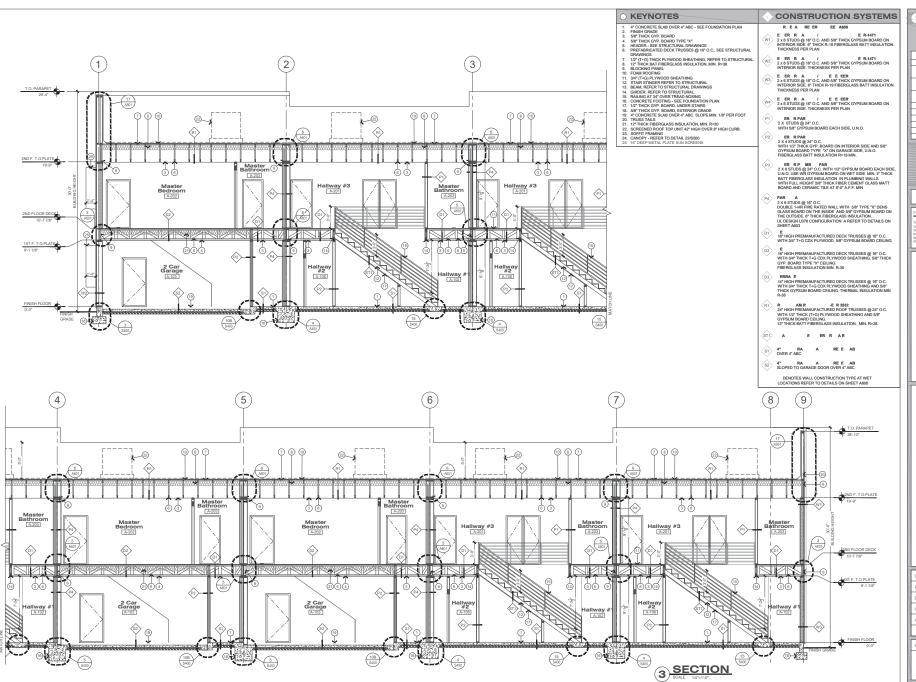


project

Club Townhomes Country 3250

Building Sections ections

Date: 04	1-13-2023
Project No.	5121
Drawn By:	KV
Checked By:	ED
Approved By:	ED





Townhomes

3250

Country

Club



Date:	04-13-2023
Project No.	5121
Drawn By:	KV
Checked By:	ED
Approved By:	ED
Scale:	1/4"=1'-0"
A31	1













SIGNED AND SEALED ELECTRONICALLY 02-17-2023

project 2021-2022

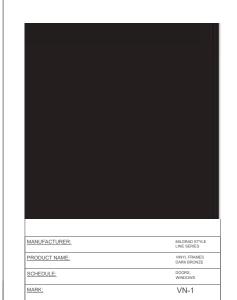
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Country Club
Townhomes

2250 R B B EMPE AZ 86282

Renderings

Date:	02-17-2023
Project No.	5121
Drawn By:	
Checked By:	EC
Approved By:	EC

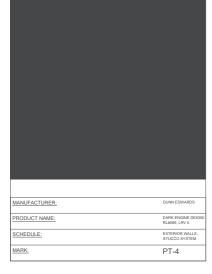


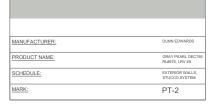












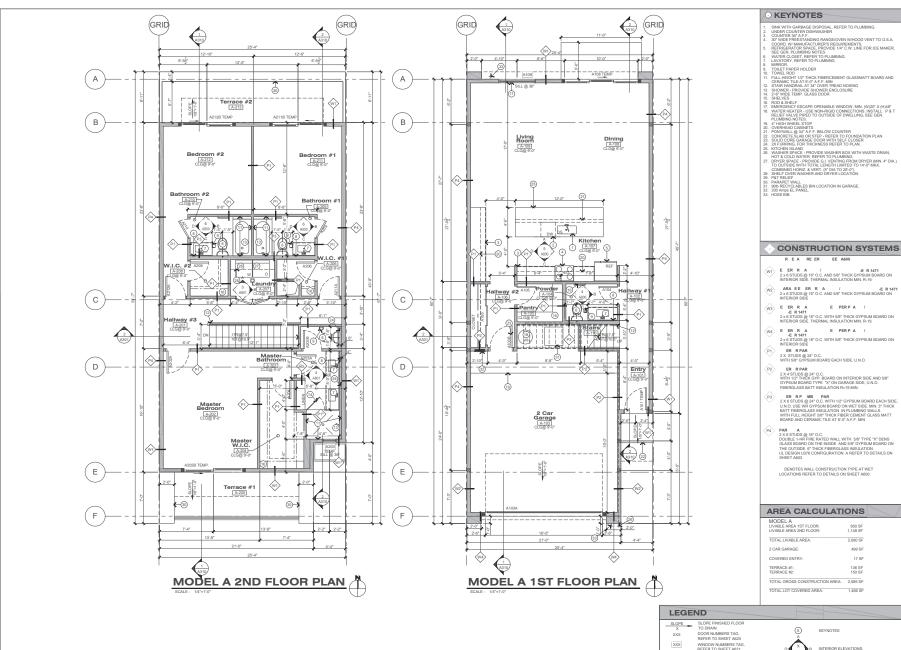


Country Club
Townhomes

3260 R B B EMPE AZ 86282

Material Boards

		i
Date:	04-13-2023	ı
Project No.	5121	ı
Drawn By:		
Checked By:	ED	
Approved By:	ED	
		r
Scale:		ы



KEYNOTES

- 29. PAT RELIEF
 30. PARAPET WALL
 31. 90b RECYCLABLES BIN LOCATION IN GARAGE.
 32. 200 Amps EL PANEL.
 33. HOSE BIB.

CONSTRUCTION SYSTEMS

R E A RE ER EE A600

W1 E ER R A / -E R 1471 2 x 6 STUDS @ 16" O.C. AND 5/8" THICK GYPSUM BOARD ON INTERIOR SIDE. THERMAL INSULATION MIN. R-19.

ARA EE ER R A / -E R 1471
2 x 6 STUDS @ 16" O.C. AND 5/6" THICK GYPSUM BOARD ON INTERIOR SIDE

\(\begin{align*} \be

W4 E ER R A E PER P A /
-E R 1471
2 x 6 STUDS @ 16" O.C. WITH 5/6" THICK GYPSUM BOARD ON INTERIOR SIDE

ER RPAR 2 X STUDS @ 24" O.C. WITH 5/8" GYPSUM BOARD EACH SIDE, U.N.O.

ER RPAR
2.X 4 STUDS @ 24" O.C.
WITH 1/2" THICK GYP. BOARD ON INTERIOR SIDE AND 5/8"
GYPSUM BOARD TYPE "X" ON GARAGE SIDE, U.N.O.
FIBERGLASS BATT INSULATION R=19 MIN.

ER RP MB PAR
2 X 6 STUDS @ 24° O.C. WITH 12° GYPSUM BOARD EACH SIDE
U.N.O. USE WR GYPSUM BOARD ON WET SIDE. MIN. 3° THICK
BATT FIBERGLASS INSULATION IN PLUMBING WALLS.
WITH FULL HEIGHT 166° THICK FIBER CEMENT GLASS MATT
BOARD AND CERAMIC TILE AT 6° OF AFF. MIN.

PAR A
2X 6 STUDS @ 16" O.C.
DOUBLE 144R PIRE RATED WALL WITH 58" TYPE "X" DENS
GLASS BOARD ON THE INSIDE AND 56" OFPSUM BOARD ON
THE OUTDISE OF "THE OF PEREAL SAS INGLALATION
UL DECIDING TO CONFIGURATION A REFER TO DETAILS ON
SHEET AND

DENOTES WALL CONSTRUCTION TYPE AT WET LOCATIONS REFER TO DETAILS ON SHEET A600

AREA CALCUL ATIONS

AREA CALGULATI	ONS
MODEL A	950 SE
LIVABLE AREA 2ND FLOOR:	950 SF 1,148 SF
TOTAL LIVABLE AREA:	2,090 SF
2 CAR GARAGE:	499 SF
COVERED ENTRY:	17 SF
TERRACE #1:	136 SF
TERRACE #2:	150 SF
TOTAL GROSS CONSTRUCTION AREA:	2,589 SF
TOTAL LOT COVERED AREA:	1.466 SE

SLOPE	SLOPE FINISHED FLOOR TO DRAIN
XXX	DOOR NUMBERS TAG, REFER TO SHEET A620
XXX	WINDOW NUMBERS TAG, REFER TO SHEET A621
ROOM NAME XXX	ROOM TAG, FOR FINISH SCHEDUL REFER TO SHEET A700 THRU A70

CONSTRUCTION SYSTEM TYPES TAG, REFER TO SHEET A002, A600 AND A60



INTERIOR ELEVATIONS, REFER TO SHEET A800 THRU A802

TEMPERED GLASS

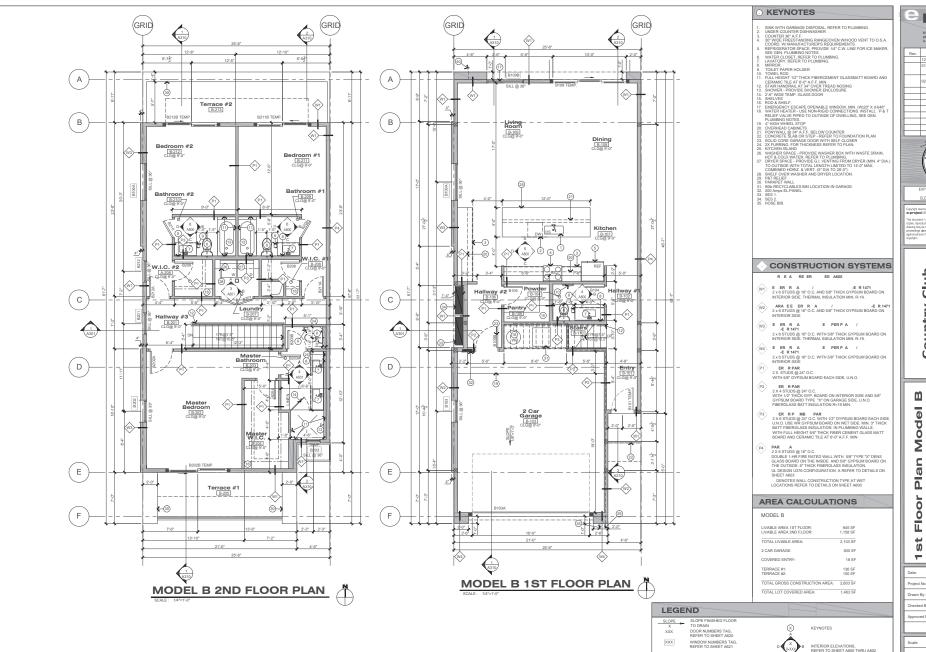
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Rev. Date Submittal Major Develop Plan Review Major Developmen Plan 2nd Plan Rev

Club Townhomes Country

4 ⋖ Model odel Š Plan Plan Floor Floor

1st F 2nd



project Rev. Date Submittal Major Developmen Plan 2nd Plan Rev

Club

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Model

Plan

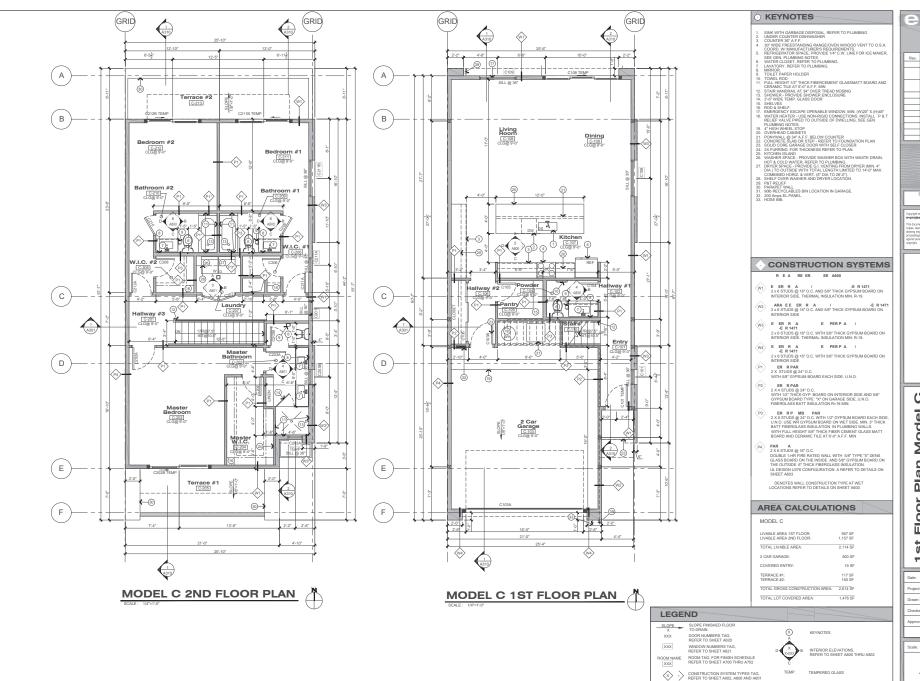
Floor

Townhomes

ROOM TAG, FOR FINISH SCHEDULE REFER TO SHEET A700 THRU A702

CONSTRUCTION SYSTEM TYPES TAG, REFER TO SHEET A002, A600 AND A601

2nd -

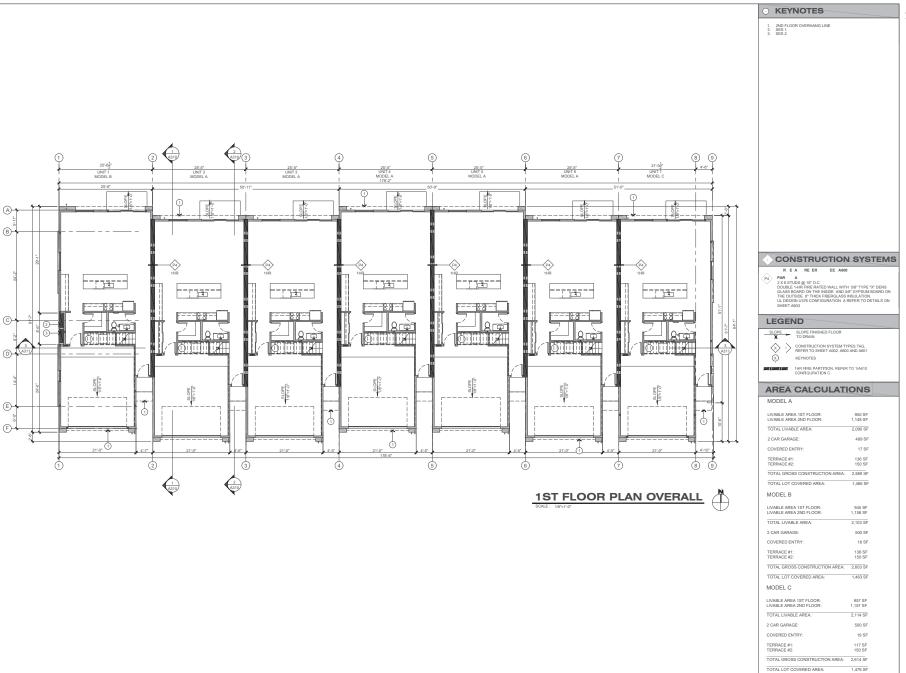


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Club Townhomes Country

R E AZ 85282

Model Model Plan an ₫ Floor oor Ĭ 2nd st $\overline{}$





Country Club

Overall

Plan

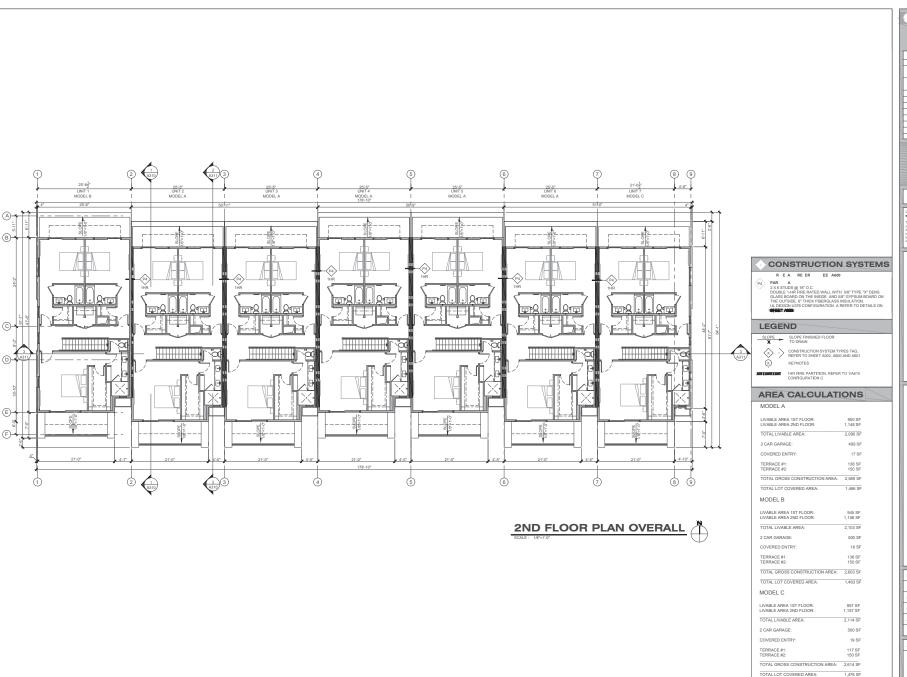
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Townhomes

Date:	02-17-2023
Project No.	5121
Drawn By:	
Checked By:	ED
Approved By:	ED

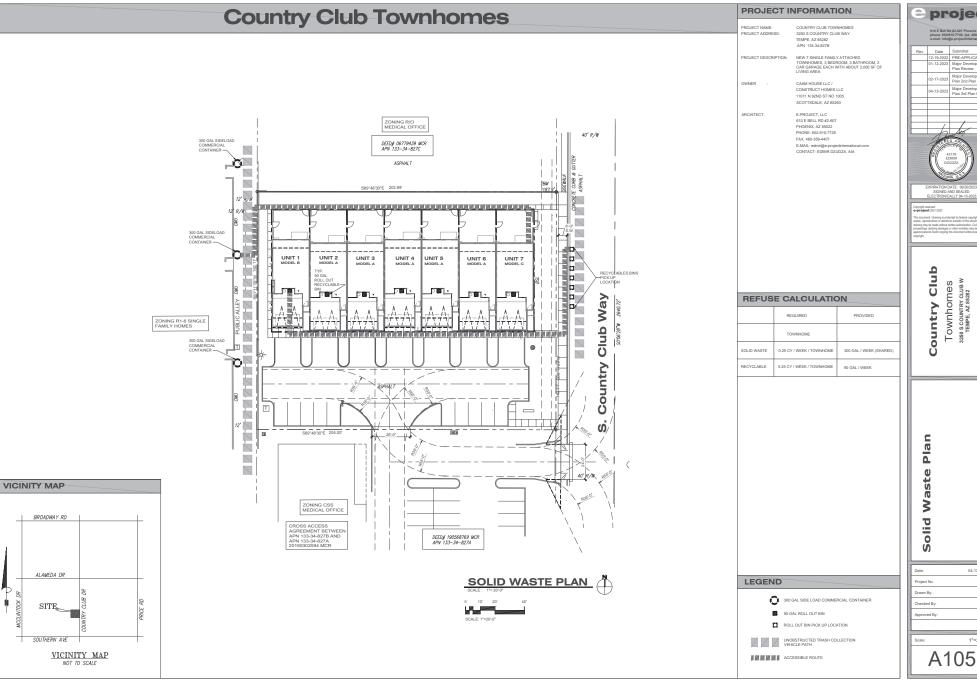




Country Club Townhomes

Overall Plan Floor 2nd

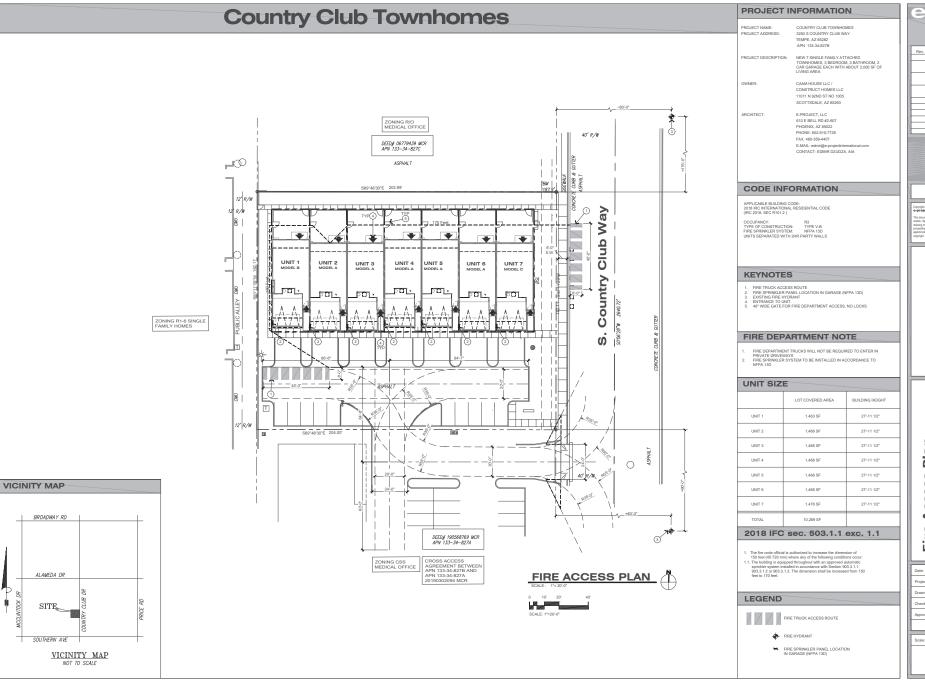
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Checked By:	ED
pproved By:	ED
icale:	1/8"= 1'-0"



project

Townhomes

04-13-2023



project

Rev. Date Submittal

02-17-2023

Country Club Townhomes
3250 S COUNTRY CLUB W
TEMPE, AZ 85282

Access Fire

> 04-13-2023 Drawn By: hecked By:

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
ADRIAN FONTES
20190302094 04/29/2019 10:55
PAPER RECORDING

When recorded, return to:

0446320-8-1-1 Esquivela

Tierra Firme One LLC 4135 South Power Road, Suite 122 Mesa, Arizona 85212-3626

DECLARATION OF RECIPROCAL COVENANTS AND EASEMENTS

This DECLARATION OF RECIPROCAL COVENANTS AND EASEMENTS (this "Declaration") is entered into effective this 18th day of April, 2019 (the "Effective Date") by TIERRA FIRME ONE LLC, an Arizona limited liability company ("Declarant").

RECITALS:

- A. Declarant is the owner of certain real property and improvements located generally at the northwest corner of Southern Avenue and Country Club Way in Mesa, Arizona, as more fully described on <a href="Exhibit "A-1" attached hereto and incorporated herein by this reference ("Parcel I")." \
- B. Declarant is the owner of certain real property and improvements located generally north of the northwest corner of Southern Avenue and Country Club Way in Mesa, Arizona, as more fully described on <a href="Exhibit "A-2" attached hereto and incorporated herein by this reference ("Parcel 2")." \
 \[
 \]
 - C. Parcel 2 is immediately adjacent to the north of Parcel 1.
- D. Declarant desires to provide for reciprocal covenants and easement rights over and across the Parcel I Easement Area and Parcel 2 Easement Area (as such terms are used and defined herein), to benefit the Parcel I Property and the Parcel 2 Property, respectively, all on the terms and conditions set forth herein.

DECLARATION:

NOW, THEREFORE, for Declarant hereby declares as follows:

- 1. <u>Defined Terms</u>. Each capitalized term used herein shall have the meaning assigned to such term when first used herein.
 - 2. Parcel I Easement Area.
- 2.1. Access, Ingress and Egress. Declarant hereby creates a perpetual and non-exclusive easement over and upon those portions of Parcel 1 which are paved and designated for

13

MARICOPA,AZ
Document: RES 2019.302094

use as access drives, drive aisles, walkways and parking areas from time to time (the "Parcel 1 Easement Area") for the benefit of Parcel 2, the owner of Parcel 2 and its tenants, employees, customers, contractors, agents, invitees, occupants, successors and assigns (collectively, the "Parcel 2 Parties") for the purposes of vehicular and pedestrian access, ingress and egress to and from Parcel 2 and South Country Club Way.

- 2.2. <u>Utilities</u>. Declarant hereby creates a perpetual and non-exclusive casement upon, across, over and under the Parcel 1 Easement Area for the purpose of installation, operation, maintenance and repair of underground utilities, and reasonable rights of ingress and egress with respect thereto, all for the benefit of Parcel 2 and the Parcel 2 Parties.
- 2.3. Parking. Declarant hereby creates a perpetual and non-exclusive easement upon, across, over and under those portions of the Parcel 1 Easement Area designated as parking spaces from time to time for the purpose vehicular parking, all for the benefit of Parcel 2 and the Parcel 2 Parties.

3. Parcel 2 Easement Area.

- 3.1. Access, Ingress and Egress. Declarant hereby creates a perpetual and non-exclusive easement over and upon those portions of Parcel 2 which are paved and designated for use as access drives, drive aisles, walkways and parking areas from time to time (the "Parcel 2 Easement Area") for the benefit of Parcel 1, the owner of Parcel 1 and its tenants, employees, customers, contractors, agents, invitees, occupants, successors and assigns (collectively, the "Parcel 1 Parties") for the purposes of vehicular and pedestrian access, ingress and egress to and from Parcel 1 and South Country Club Way.
- 3.2. <u>Utilities</u>. Declarant hereby creates a perpetual and non-exclusive easement upon, across, over and under the Parcel 2 Easement Area for the purpose of installation, operation, maintenance and repair of underground utilities, and reasonable rights of ingress and egress with respect thereto, all for the benefit of Parcel I and the Parcel 1 Parties.
- 3.3. <u>Parking.</u> Declarant hereby creates a perpetual and non-exclusive easement upon, across, over and under those portions of the Parcel 2 Easement Area designated as parking spaces from time to time for the purpose vehicular parking, all for the benefit of Parcel 1 and the Parcel 1 Parties.
- 4. <u>Modification to Easement Areas</u>. The owner of each Parcel may elect to modify, change or relocate the Easement Area upon such owner's Parcel from time to time, so long as at no time during any construction activities related to such modification shall access to and from the benefitted Parcel be restricted, except as reasonably necessary in connection with such construction activities.

2

- 5. <u>Non-Limitation</u>. The easements grated above shall not limit use of the respective Easement Areas by the respective Owner(s) thereof for purposes not in conflict with such easements, including but not limited to installation, operation, maintenance and repair of underground utilities.
- 6. <u>Maintenance</u>. The owner of each Parcel shall be responsible for and shall, at their separate sole expense, maintain the Easement Area located on their respective Parcels, and all improvements thereon, in a clean, safe and attractive manner and in compliance with all applicable laws. In the event the owner of either Parcel (a "*Defaulting Owner*") shall fail to so perform its respective maintenance obligations within thirty (30) days following written notice from the other owner, such other owner shall have the right, but not the obligation, to perform those maintenance obligations, and collect the reasonable costs thereof from the Defaulting Owner.
- 7. Remedies. If the Defaulting Owner shall fail to pay or reimburse the other owner (the "Paying Owner") for any sums due and owing by the Defaulting Owner to the Paying Owner pursuant to this Declaration, then:
- 7.1. The sums not timely paid shall bear interest from the date payment is requested by the Paying Owner until paid by the Defaulting Owner, at a per-annum rate of interest equal to the lesser of eighteen percent (18%) or the maximum rate allowed by applicable law.
- 7.2. If and to the extent any sums due and owing by a Defaulting Owner are not paid within thirty (30) days following written request by a Paying Owner, the Paying Owner shall have the right, but not the obligation, to enforce payment thereof under any of the following options:
- 7.2.1. The Paying Owner may bring appropriate legal action to enforce payment in a court of competent jurisdiction.
- 7.2.2. The obligation of the Defaulting Owner shall be deemed to be a lien on the Property of the Defaulting Owner (the "Collection Lien"), entitling the Paying Owner to execute and record a Notice and Claim of Lien against the Property of the Defaulting Owner (referencing the amount claimed due and owing pursuant to this Declaration, and such other matters as shall be deemed appropriate by the Paying Owner or required by applicable law), and thereafter enforce and foreclose that lien in the same manner as provided by applicable law for the foreclosure of realty mortgages; provided, however, that any such lien (and foreclosure thereof) shall be subordinate to the lien of any first deed of trust, mortgage or similar security instrument given for value and recorded against the Property of the Defaulting Owner prior to recordation of the Notice and Claim of Lien by the Paying Owner.

- 7.2.3. The Paying Owner may pursue any and all other remedies available under applicable law.
- 7.3. Remedy Limitation. Upon transfer of record by an owner of its Parcel (a "Transfer"), the transferring owner shall cease to be liable for any obligations accruing under this Declaration accruing after the date of recordation of the deed or other evidence of Transfer (the "Transfer Date"); provided the foregoing shall not affect or limit the personal liability of any owner for any such obligation accruing prior to the Transfer Date for a Transfer by such owner of its Parcel.
- 8. <u>Estoppel Certificate</u>. Each owner will, fifteen (15) days following written request of the other, provide such written confirmation as is reasonably requested by the requesting owner as to the status of this Declaration, including any defaults under or sums claimed due and owing under this Declaration. Failure of an owner to provide such reasonably requested information shall be deemed an admission that this Declaration is in full force and effect and that there are no defaults hereunder.
- 9. <u>Attorney's Fees.</u> In the event of any litigation arising out of this Declaration, all reasonable attorney's fees, costs and related expenses shall be awarded to the prevailing party therein, and such attorney's fees, costs and expenses shall be included in any judgment obtained by the prevailing party.
- Notices. All notices, requests, demands or other communications (collectively, "Notice") required or permitted under this Declaration shall be in writing and may be personally delivered or sent by fax or transmitted by nationally recognized overnight carrier (e.g., Federal Express, UPS) or by certified mail, return-receipt requested, postage prepaid, addressed to the other owner at the last known address, or, if not known, the address located in the records of the Maricopa County Assessor. Notice given in accordance with the terms hereof shall be deemed received on the date of receipt if personally delivered or sent by fax, upon the date three business days after posting if transmitted by mail or one business day after depositing such Notice with an overnight carrier. Any party hereto may change the address for receiving Notice by notice sent in accordance with the terms of this Section 10. The inability to deliver a Notice because of rejection or other refusal to accept any Notice, shall be deemed to be the receipt of the Notice as of the date of such inability to deliver, rejection or refusal to accept.
- 11. Recordation. All recordation references in this Declaration shall mean and refer to recordation in the Office of the Maricopa County Recorder, State of Arizona.

Miscellaneous.

12.1. This Declaration shall be: (a) deemed to benefit and burden both Parcel 2 and Parcel I; (b) deemed to run with the land; (c) construed under Arizona law; and (d) binding

upon and inure to the benefit of the successors-in-interest of the parties hereto. The headings in this Declaration are for reference only and shall not limit or define the meaning of any provision of this Declaration.

- 12.2. If any term or provision of this Declaration shall, to any extent, be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby, but such term or provision shall be reduced or otherwise modified by such court or authority only to the minimum extent necessary to make it valid and enforceable, and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law. If any term or provision cannot be reduced or modified to make it reasonable and permit its enforcement, it shall be severed from this Declaration and the remaining terms shall be interpreted in such a way as to give maximum validity and enforceability to this Declaration.
- 12.3. If any provision of this Declaration is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.
- 12.4. Declarant, as the owner of Parcel 1 and Parcel 2, and each subsequent owner thereof, hereby waives the application of any rule of law which otherwise might be applicable to the construction of this Declaration that ambiguous or conflicting terms or provisions should be construed against the party who (or whose attorney) prepared the executed Declaration or any earlier draft of the same.
- 12.5. The waiver by any party hereto of any right granted to it hercunder shall not be deemed to be a waiver of any other right granted hereunder. Nor shall the same be deemed to be a waiver of a subsequent right obtained by reason of the continuation of any matter previously waived.
- 12.6. This Declaration constitutes the entire agreement with respect to the subject matter hereof and shall not be modified or amended except in a written document signed by the owners of the Parcels. Any prior agreements or understandings concerning the subject matter hereof are superseded and replaced by this Declaration and are hereby rendered null and void. Except as otherwise specifically provided in this Declaration or in the additional documents to be executed or delivered under this Declaration, Declarant has not made any representations, warranties or agreements as to any matters concerning either Parcel.

[Remainder of page intentionally left blank]

City of Tempe

Community Development Department

31 E. 5th Street, Garden Level, Tempe, AZ 85281 Ph. (480) 350-4311, Fax: (480) 350-8677 Fax: (480) 350-8872, www.tempe.gov



AFFORDABLE HOUSING II	MPACT STATEMENT (AHIS): PROJECT REVIEW	Date:
Project Name, Address and Brief Description		
Project Contact Name: Phone: E-mail:		

Table 1: Housing Supply Reduction - Existing Units to be Removed or Demolished by the Project

Please fill out the following information for each housing unit taken out of use by the Project. **This includes any housing unit that may have already been demolished in advance of this Project filing.** Include as many rows as needed.

None , it is vacant lot	Number of Units	Number of Bedrooms per Unit	Current Rental Price (\$/mo.) or Sale Price (\$)/Unit	No. of Existing Voucher Holder Tenants?	Number of Income- Restricted Units	Income Level for Income Restricted Units (d)	Term of Deed Restriction (through mm/yy)
Single-Family Detached (a)							
Single-Family Attached (b)							
Multifamily (c)		Studio					
Multifamily (c)		One					
Multifamily (c)		Two					
Multifamily (c)		Three					
Multifamily (c)		Four+					

- (a) Includes mobile homes
- (b) Includes townhomes and duplexes
- (c) Includes condominiums and apartments (d) To be filled out only if any units are income-restricted.

Table 2: Housing Supply Addition - New Units in Proposed Projects

Please fill out the following information for new housing units that will result from the Project.

	Number of Units	Number of Bedrooms per Unit	Proposed Rental Price (\$/mo.) or Sale Price (\$)/Unit	No. of Existing Voucher Holder Tenants?	Number of Income- Restricted Units	Income Level for Income Restricted Units (d)	Term of Deed Restriction (through mm/yy)
Single-Family Detached (a)							
Single-Family Attached (b)							
Multifamily (c)		Studio					
Multifamily (c)		One					
Multifamily (c)		Two					
Multifamily (c)		Three					
Multifamily (c)		Four+					

(a) Includes mobile homes

(b) Includes townhomes and duplexes

(c) Includes condominiums and apartments

(d) To be filled out only if any units are income-restricted.

Note: List numbers of housing units intended to be removed or added at this time as asked in the table above. If none are listed, or if this form is not completed, the City will make the reasonable assumption that none are intended at the time of application. This information is for data collection purposes only.

Staff Contacts for Questions:

On Completing the Form: **Jacob Payne**. Ph. 480-350-8652, E-mail: Jacob_Payne@tempe.gov Affordable Housing-Related Questions: **Irma Hollamby Cain**. Ph. 480-858-2264, E-mail: <u>Irma Hollambycain@tempe.gov</u>

Updated on 03-24-2023