

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 04/28/2020
Agenda Item: 7**

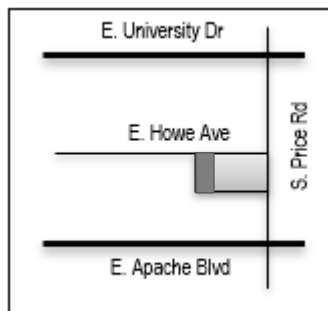
ACTION: Request a Use Permit Standard to reduce the rear yard setback from 15' to 12' and a Development Plan Review consisting of a new twelve-unit addition to an existing 18-unit multifamily residential development on 1.66 acres for HOWE AVENUE APARTMENTS, located at 2173 East Howe Avenue. The applicant is Perlman Architects of Arizona, Inc.

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

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: HOWE AVENUE APARTMENTS (PL200047) is a requested 12-unit addition at the west end of a recently constructed 18-unit apartment community at the south west corner of Howe Avenue and Price Road. The buildings are two-story, and the development is in conformance with the existing R-3 multi-family TOD Corridor zoning. This request includes the following:

- ZUP200014 Use Permit Standard to reduce the rear yard setback from 15' to 12' in the R-3 Multi-family Residential Limited zoning district.
- DPR200037 Development Plan Review including site plan, building elevations, and landscape plan



<p>Existing Property Owner Applicant Zoning District Density Building Height Building Setbacks</p>	<p>Cholla Susini, Adams Craig Acquisitions Nathanael Maki, Perlman Architects of Arizona, Inc. R-3 Multi-Family Residential Limited, TOD 18 du/ac (20 du/ac allowed in R-3) 29.5' (30' maximum allowed) 20' front (east on Price), 10' south side, 10' north street side, 20' parking, 12' west rear with Use Permit Standard to reduce by 3' (20', 10', 10', 15' min.)</p>																						
<p>Gross / Net site Number of Units Unit Types Building Area Lot Coverage (50% Max.) Landscape Area (25% Min.) Vehicle Parking (62 Min. Req.) Bicycle Parking</p>	<table border="0"> <thead> <tr> <th style="text-align: left;"><u>Existing East Development</u></th> <th style="text-align: left;"><u>Proposed West Addition</u></th> </tr> </thead> <tbody> <tr> <td>.988 acres (43,063 s.f.)</td> <td>.67 acres (29,432 s.f.)</td> </tr> <tr> <td>18 units</td> <td>12 units</td> </tr> <tr> <td>9 two-bedroom</td> <td>6 two-bedroom</td> </tr> <tr> <td>9 three-bedroom</td> <td>6 three-bedroom</td> </tr> <tr> <td>12,461.64 s.f.</td> <td>9,346.23 s.f.</td> </tr> <tr> <td>36.22%</td> <td>41.64%</td> </tr> <tr> <td>39.7%</td> <td>34.5%</td> </tr> <tr> <td>35 spaces (including tandem)</td> <td>21 spaces</td> </tr> <tr> <td>3 on-street</td> <td>4 on-street</td> </tr> <tr> <td>28</td> <td>14</td> </tr> </tbody> </table>	<u>Existing East Development</u>	<u>Proposed West Addition</u>	.988 acres (43,063 s.f.)	.67 acres (29,432 s.f.)	18 units	12 units	9 two-bedroom	6 two-bedroom	9 three-bedroom	6 three-bedroom	12,461.64 s.f.	9,346.23 s.f.	36.22%	41.64%	39.7%	34.5%	35 spaces (including tandem)	21 spaces	3 on-street	4 on-street	28	14
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ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Chad Weaver, Community Development Director
 Legal review by: N/A
 Prepared by: Diana Kaminski, Senior Planner
 Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS

This site is located on the south west corner of East Howe Avenue and South Price Road within the Transportation Overlay District Corridor in the Lola Vista Subdivision. The site is in the Escalante Neighborhood Association and Apache Character Area Plan. There is a vacant lot to the south of the property and a 25' wide access drive to another multi-family site to the west. The site consists of three existing parcels at the east that have been developed with 18 apartments, and an additional one parcel to the west being added to this development that is currently vacant. To the west of the property are lots zoned R-3. To the south is a combination of R-3, R-4 and CSS zoned properties. To the east of the property are South Price Road and AZ Loop 101 Freeway. To the north of the site are East Howe Avenue and a single-family residential area zoned R1-6. The proposed apartment use of the R-3 Multi-family District and the required zoning development standards for the site are being met by this request.

This request is for the lot to the west, adjacent to the recently completed development, as an addition to the development. The site shares the existing drives on Howe and Price with no additional curb cuts. The development shares refuse and has sufficient parking on site with guest parking available on street. Amenities are shared and the site will function as one 30-unit apartment community. As a result of the addition, a Subdivision Plat will be required to combine all the lots, which changes the orientation of the lot for the purpose of determining the setbacks. Although this lot on the west would front Howe Avenue if developed independently, as a part of the larger development the street front is on Price Road. Existing water utilities encumber the south and east portions of the new lot, which determined the specific location of the buildings on site and triggered a requirement to request a west rear yard setback reduction through the Use Permit Standard process in the code. This request includes the following:

ZUP200014 Use Permit Standard to reduce the west rear yard setback from 15 feet to 12 feet.
DPR200037 Development Plan Review which includes: three two-story buildings, each with two apartment units, and covered surface parking on .67 acres as an addition to the existing .988 acres.

The applicant is requesting the Development Review Commission act on the listed above. For further processing, the applicant will need approval and recordation of a Subdivision Plat, to combine the individual lots into one.

PRIOR ENTITLEMENTS ON EAST SIDE

The existing development addressed as 2185 E. Howe Avenue has the following entitlements which remain in effect:

1. Use Permit to allow four tandem parking spaces (total of 8 spaces)
2. Development Plan Review which included: Development Plan Review for site plan, floor plans, building elevations, landscape plan, and building colors and materials for a one-acre multi-family apartment community consisting of 18 units.

The prior owner commenced construction in May of 2016. Ownership changed and acquired the property to the west with the intention of an expansion of the same development. On February 25, 2020, a new Minor Development Plan Review was submitted for the site while it was under construction. The site was modified during construction and was proposing further changes to accommodate the addition to the west and sequencing of construction. On-site changes included enlarging patios with pavers to make a more livable outdoor space (reducing landscape area) and different locations of lights and utility boxes from the original plans. Proposed changes included a request to defer the shade canopies until construction of the additional units to the west, relocate the pool amenity area to the future addition to the west and modifications to the landscape plan with a new plant palette. A shade study was submitted and reviewed for conformance with the Zoning Code Section 4-704A.2. Option 2. The buildings remained the same and were planned to be replicated in form, color and material on the west side addition. Staff approved the site plan modifications to the east lot in order to facilitate completion of the project under construction. The Minor DPR approval was contingent upon approval of the west side addition with conditions.

SITE PLAN REVIEW

September 25, 2019 First Site Plan Review for the west side addition was reviewed. The proposed elevations were to match the original approved plans. Most comments were related to formatting and technical corrections. Water and sewer easements along the south and east sides of the lot impacted the location of buildings and landscape proposed. The floorplans had changed from the original design approval to the construction documents for the east side development; staff required that the floor plans and elevations match what was being built to the east, including the orientation of the north building to face the

street front. A shade study was required due to inadequate room for landscape islands at the ends of the parking rows, which were proposed to have shade canopies. The proposed landscape plan made improvements to the east lot and changes to the amenity areas that would require a minor DPR for site plan and landscape plan.

January 22, 2020 A second Preliminary Site Plan Review was made that included clarifications on a few items but still required formatting changes.

February 24, 2020 A formal application was submitted for review. The requirement for a Subdivision Plat was previously identified and impacted the defined setbacks for the site. The water utility easements triggered a need to shift the buildings and apply for a Use Permit Standard to reduce the rear yard setback to accommodate the west perimeter building envelope. Changes were needed to the letter of explanation were needed for the additional entitlement request. The building facing Howe was reoriented to match the existing building configuration to the east, modifications were made to the landscape per staff recommendations. The applicant submitted the shade study for review. No major design issues remained. Plans did not provide all required data and had formatting issues affecting legibility of the plans. Staff requested revisions.

March 16, 2020 A resubmittal was made to address all comments from the formal application.

April 8, 2020 Planning staff visited the site to confirm the status of construction on the east side after questions about the fencing heights came up during the review. The plans showed 6' fence around the perimeter of the property and 6' around the patios. The site visit identified several items that were changed from the original entitlements, plans showed two patios on the south side but three were built on site. Patios on the plans were 6' deep inclusive of the recess into the enclosed building area, with a 6' landscape strip south of the patio. Patios on site looked to be twice as deep, leaving 1' of landscape strip between the pavers and the 8' cmu wall. The patio fences were built within 1' of other perimeter walls and fencing, creating 6' cages around the patios with no gates and no way to exit in an emergency. Staff worked with inspection staff and the owner to address the site conditions with revisions required to what has been built. The east side patio fences facing Price Road and adjacent to the 6' perimeter fence will be cut down to 4' high to reduce the visual impact of two fences in close proximity to each other. The interior patios facing the amenity spaces and parking will be cut down to 5' high to provide security and privacy with vines. The south side patios will have the south fence panels removed entirely, and the side panels cut down to 4' to provide a more open area facing the adjacent 8' cmu wall. As a result of the existing construction on the east, staff requested a new set of plans to match what was built and agreed upon on the east side, and has added conditions to the west side plans.

PUBLIC INPUT

- A Neighborhood meeting was not required for this request.

PROJECT ANALYSIS

GENERAL PLAN

The proposed project complies with the General Plan Land Use and Density designation and helps implement the goals and objectives for infill, redevelopment and neighborhood revitalization with additional housing meeting current energy and building code standards.

CHARACTER AREA PLAN

The Apache Character Area Plan was adopted by City Council January 14, 2016, a month after the Howe Avenue Apartments project was originally approved for the eastern lot. The design did not necessarily reflect the character of the immediate residential area, however the site lies as a transition between residential and commercial and is adjacent to the freeway, so unique in location to the remaining area within this plan. There were no historic structures on the sites to preserve and the condition of the properties warranted redevelopment as an infill site. The proposed landscape plan was updated with the addition of the western lot, to provide more biodiversity and shade along the street front while maintaining a low-water use palette in keeping with the Character Area Plan Principle 2. The development will provide covered parking to almost all spaces on site and sidewalks will benefit from shade trees south of the sidewalk along Howe Avenue and west of the sidewalk on Price Road, implementing Principle 3. The site provides sidewalk access to transit as well as bike and vehicle parking; by proximity to the freeway and street infrastructure helps to attain Principle 4 as a 20-minute commute to all parts of the City. Principles 5, 6, 7, 9 and 10 are not applicable. Principle 8 applies as a transitional site; it is proposed to be within the allowed building height

and is broken into smaller buildings with views into the site to provide smaller massing and more visual open space between structures. The site is human scaled and provides on-site amenities and building massing that is comfortable meeting the intent of Principle 11. The proposed project does not implement green infrastructure concepts. Principles 13 through 18 are not applicable to this site, and are more geared to other specific areas within the plan, although the site does create small pockets of amenities for residents similar to a pocket park concept. As an addition to the existing development, the architecture matches the entitlement made prior to implementation of the Apache Character Area Plan. However, there are portions of the overall site which help implement these principles, as described.

ZONING

The Zoning is R-3 Multi-Family Residential Limited, and the site is located in the Transportation Overlay District Corridor. The proposed addition to the existing development complies with the standards of the existing zoning standards.

USE PERMIT STANDARD

The proposed use requires a use permit standard for a reduction in the rear yard setback on the west perimeter of the site. The lot by itself would have a street front along Howe Avenue to the north, and the western side would have a side setback of 10' in the R-3 Zoning District. The incorporation of the lot into a larger development changed the defined setbacks to front along Price Road and rear lot line to the west. The rear setback in R-3 is 15', but can be reduced by 20% through the Use Permit Standard process. This request from 15' to 12' results in a larger setback than if the site were developed independently and allowed a 10' setback. Section 6-308 E Approval criteria for Use Permit Standard (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.* The site uses two existing drives and will be adding 21 parking spaces to the site. The proposed building layout provides more open space than a large block building that maximizes the density; however, by spreading the units among duplex and fourplex style buildings with the restrictions of the existing utility easements and drives, the west building setback requires a slight reduction. By combining the lots and not adding another driveway on Howe Avenue, the proposed design solution is safer for pedestrian traffic. The 3' setback reduction will have no impact on vehicular traffic and a positive impact on pedestrian movement on Howe Avenue.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* The lot to the west of the site has an access drive adjacent to this setback line. The reduction of the setback from 15' to 12' moves the buildings 3' closer to a 25' wide driveway; the closest residence is approximately 48' west of the new units and should not be impacted by nuisances described in these criteria.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.* The proposed reduction in the setback enables the buildings to fit on the site within the allowed area restricted by existing water utility easements, facilitating redevelopment of an underutilized site and providing housing within biking and walking distance to transit. The plans contribute to reinvestment in the area and provide new development compliant with current building and fire codes with significant shade to the site and street frontages.
4. *Compatibility with existing surrounding structures and uses.* The single-family residences to the north are single-story homes, however the multi-family residences to the west are two-story units. There is commercial to the south, and the setbacks are different for these zoning districts. The reduction in the rear yard setback is allowed in all districts and in this case was the former side setback, prior to the lot being incorporated into this development. As a side setback, it would have been allowed buildings to be located 10' from the western lot line. This setback reduction is compatible with the building envelopes within the various zoning districts and the surrounding structures and uses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* The reduction of the setback from 15' to 12' should not have impact on behavior on site. There are balconies that face west on individual units, but the 25' wide drive to the west provides a larger buffer than most in the area.

The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

DEVELOPMENT PLAN REVIEW

Site Plan

The plan is a multi-family apartment community consisting of five existing buildings on the east and three additional new buildings on the west. The east side has 18 units built and the west addition would have 12 more units; there would be a total of 75 bedrooms within the 30 units. There is a two-way entrance and exit from Howe Avenue, and restricted right-turn only drive on Price Road. The onsite drive will also be used as the fire lane and for refuse collection. Since the property is located within the Transportation Overlay District Corridor, 0.75 space of parking per bedroom is required and the total parking space required is 62. There are 56 parking spaces provided on site, 49 of these have parking shade canopies. There are seven parking spaces provided off-site on Howe Avenue; which is restricted within 100' of the intersection at Price Road. Four tandem parking spaces provide eight of the spaces on site with a prior use permit approval. Building A1 is oriented facing north along Howe Avenue with a small recreational area to the south of the building and parking surrounding the west and south sides. Building A2 and A3 face east toward Price Road, flanking the shared exit drive. Building A4 faces north toward the center of the site, with parking along the front. Building B is a freestanding duplex in the middle of the site adjacent to the tandem spaces and the refuse enclosure. The new building A5 will be oriented towards Howe Avenue at the north west corner, west of the main drive with the same configuration as the others along Howe. The additional buildings A6 and A7 form an L in the lower south west corner of the site. The south and east property lines have water/sewer utility easements which restrict the building foundation, patio fence and tree locations. The site configuration provides a courtyard affect with parking hidden from street view by the units and amenity areas located between buildings and site circulation for easy access to residents. With the addition of another lot to the site, a Subdivision Plat is required to combine all the lots into one; this triggered changes to the orientation of the setbacks for the western lot from frontage on Howe to frontage on Price, with the prior 10' side west side yard setback becoming the new 15' rear yard setback. The use permit standard would allow the reduction from 15' to 12' to allow conformance with the development standards within the R-3 Multi-family zoning. The project has been reviewed by applicable City departments for general conformance of code standards.

Building Elevations

The proposed design includes four-plex apartments. The proposed materials and colors are the same for the three new buildings to match the five recently completed buildings. The two-story structures are contemporary in design and use materials common to the surrounding area, with the introduction of metal and a higher contrasting color palette. The majority of the building is composed of stucco painted in buckskin, a tan color; architectural pop outs on the building are proposed to be metal T-Panel veneer in Berridge medium bronze. The applicant is proposing a Mesastone masonry wainscot in Mojave brown, with an accent cap of pearl Mesastone. Units share a front entryway on the corners of the buildings under a protected recess in the facade. The parapet caps, roof canopies, steel guardrails, steel trims over balcony edge, and balcony brackets will be metal elements painted burgundy. Clerestory windows provide natural light in the upper floors while minimizing heat gain into the space. Larger windows are covered with suspended eyebrow shade canopies. Upper floors have private balconies, however the originally approved walls between adjoining balconies were omitted during construction on the east side; a condition has been added to provide privacy walls on all balconies per the original approved plans. The proposed building height is 29' 5" to top of parapet, the zoning standards allow up to 30' in height.

Landscape Plan

The proposed street tree along East Howe Avenue is Chinese Pistache and South Price Road is Southern Live Oak. The south and west perimeters use Palo Blanco, a small patio tree with thin wispy weeping leaves and distinctive peeling white bark. The west side utilizes citrus as an accent and amenity to residents. The south side uses Ghost Gum for shade and as a buffer to the vacant lot to the south. Palo Blanco is used adjacent to amenities and parking lot canopies where the narrow growth pattern and smaller size fits the space. The parking shade canopies are stepped back from the outer-most stalls to allow natural canopy growth from the landscape islands. The proposed landscape adds approximately 65 trees to the urban tree canopy. The shrubs along the sidewalks and around the buildings include Sage, Petite Pink Oleander and Ruellia. Accents include variegated smooth agave, Aloe, Muhlenbergia, Blue Elf Aloe, Sago Palm, Brakelights Red Yucca and Pigmy Date Palm. Ground covers include Bush Morning Glory, Gold Lantana, Katie Ruellia, Angelita Daisy and Yellow Dot. The steel fencing and other locations with vines have Creeping Fig for a tight dense green plant cover. The plant palette is a xeriscape plan that will enhance the street frontages along Howe Avenue and Price Road with street trees and flowering plants. The site has a dog run area, a pool amenity area and a small canopied seating area to provide gathering places to socialize on site.

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

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape*; The west addition to this development provides the same street front presence along Howe Avenue with the addition of a third building, using the same materials, colors and building design as the east side of the drive. Variety is provided by the use of materials within each of the three structures, which are broken up by the driveway and sidewalk entrances with landscape.
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 orientation was largely dictated by the existing site development and the new lot configuration and utilities. Doorways are sheltered from weather, shade canopies and trees surround the site, and the inclusion of a pool with the landscape will provide a cooling effect on the area between the buildings. The buildings are designed to meet the energy code requirements for energy conservation and human comfort.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; the proposed materials were approved with the east side development, are appropriate for their location and complement the surrounding residential buildings.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings*; the buildings and landscape elements all meet the development standards in R-3 zoning, and are appropriately scaled. There are two-story apartments to the west of the site. By breaking the units into smaller clusters, the structures are less massive and allow more views into and around the site creating a courtyard feel that largely screens the parking from view by the buildings and landscape.
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*; Each building entry is shared between two units, the upper and lower units share a common portico entryway unique to this design. The building wainscot base and entryways are defined by masonry, the primary stucco building material is uniform in color, but broken up by architectural pop outs of ribbed metal siding in a darker contrasting color. Each elevation provides variation in window details, sizes and canopy covers. Balconies provide changes in the façade plane. The consistency between buildings provides uniformity and a rhythm to the project, but by orientation of the structure, is not monotonous.
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 property has a Mesastone masonry wainscot in Mojave brown, with an accent cap of pearl Mesastone along the front of the buildings facing Howe Avenue, and use the same colors and materials to create a stronger sense of entry for the front doors. The windows have recessed frames, adding a level of depth and detail as viewed from the sidewalk.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage*; the property is located within the Transportation Overlay District Corridor, has access to the Orbit neighborhood circulator and provides an eight-foot sidewalk along the streets. Once the landscape along both streets matures, it will provide a comfortable shaded environment for pedestrians using alternative modes of transportation.
8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses*; vehicular circulation is clearly delineated and separated from pedestrian pathways, and in order to meet the one-way design on south Price Road, the driveway on this road is designed as exit-only and right-turn only driveway.

9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;* the property will have an eight-foot high site wall on the west and south sides of the site, and a six-foot high metal wire fence along Price Road, which will comply with CPTED principles. The driveway is not gated, but all parking areas will be illuminated under the canopies by code. Site lighting will provide additional surveillance opportunity in the evening hours. Windows on all four sides of the residences, and the outdoor balconies and patios, along with outdoor amenity areas, provide visual surveillance and activation of the site.
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* landscape along the streets and the buildings will accent the property and delineate pedestrian areas and pathways. Nine Chinese Pistache on Howe Avenue and eight Southern Live Oak on Price create a strong shaded pedestrian corridor along the street frontages. Interior landscape is low-water use and provides open views of the site.
11. *Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located;* Not applicable to this request.
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.* Lighting will conform to code requirements.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a Use Permit Standard and Development Plan Review.

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

USE PERMIT STANDARD CONDITIONS OF APPROVAL:

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

1. The Use Permit Standard is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

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 landscape plans dated April 14, 2020 and elevations dated March 16, 2020. Minor modifications may be review through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.

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.

Site Plan

2. Verify height of equipment and mounting base of mechanical equipment to ensure that wall height is adequate to fully screen the equipment.

3. **Patio fencing requirements:**
 - a. **Fences around individual unit patios interior to the site and adjacent to amenities or parking shall be no taller than 5' and provide vines for privacy.**
 - b. **Fences around individual unit patios at the perimeter of the site shall be no taller than 4', and shall comply with the patio depths indicated on the plans.**
 - c. **Fences on the south side of the site adjacent to the 8' CMU wall shall have 4' side panel fences only, and not be contained by a south panel parallel to the CMU wall.**
 - d. **Fences on the south side adjacent to the water utility easement shall utilize removable panels with no structures within the easement; details shall be coordinated with water utilities prior to construction.**

4. 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.

5. 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.

6. **Shade canopies for parking areas are being deferred subject to approval of the Major Development Plan Review for an addition of units to the west. If the proposed addition is approved by the Development Review Commission, then canopies for the entire parking area shall be installed prior to final Certificate of Occupancy. If the addition is not approved, then canopies for the existing eastern site shall be installed within 90 days of the final action on the western addition. Canopies shall comply with the following design requirements as previously entitled:**
 - a. Provide an 8" fascia for the canopy structure.
 - b. Maximum 75% light reflectance value shall also apply to the top of the canopy.
 - c. Relate canopy in color and architectural detailing to the buildings.
 - d. Conceal lighting conduit in the structure of the canopy structure and finish conduit to match.
 - e. **Shade canopies shall not be deleted from this project unless requisite parking islands with trees can be added and still meet parking and circulation requirements.**

Elevations

7. The materials and colors are approved as presented to match existing east side building materials and colors:
 - Primary building – Painted Stucco – DE6158 Buckskin
 - Secondary Building (Pop Out) – Metal T-Panel Veneer – Berridge Medium Bronze
 - Building Accent – 8"x8"x16" CMU Mesastone – Pearl
 - Building Field - 8"x8"x16" CMU Mesastone – Mojave Brown
 - Parapet Cap – Painted Metal Elements – Burgundy
 - Roof Canopy - Painted Metal Elements – Burgundy
 - Guardrail @ 46" A.F.F – Painted Metal Elements – Burgundy
 - Trim over Edge Balcony - Painted Metal Elements – Burgundy
 - Balcony Bracket - Painted Metal Elements – Burgundy

Provide primary building colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Additions or modifications may be submitted for review during building plan check process.

8. **Privacy walls presented and approved on the original buildings for the east side shall be provided on all balconies between units on all 30 units throughout the development.**

9. If provided, roof access shall be from the interior of the building. Do not expose roof access to public view.

10. 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.
11. Locate the electrical service entrance section (S.E.S.) and conduit inside the building wall or inside a secure yard that is concealed from public view.
12. Security window side lights adjacent to doors must remain in the final design or doors shall be designed with vision panels for resident safety.
13. Conceal roof drainage system within the interior of the building: gutters are not to be located on the exterior face of the structures.

Lighting

14. **The deferral of the shade canopies in the parking lot affects the photometrics for the site. Temporary lighting shall be installed prior to Certificate of Occupancy for the existing eastern site. Temporary lights shall be:**
 - a. **Full cut-off dark sky compliant fixtures.**
 - b. **Ground mounted poles structurally designed and installed on bases as permanent fixtures and removed once shade canopies are installed.**
 - c. **Compliant with code required light levels.**
 - d. **Once canopies are installed, pole lights that are no longer required for illumination shall be removed.**
15. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.
 - a. Lighting levels at main entry doors to be 5-foot candles, patio doors and service doors are not required to have illumination.
 - b. Light fixtures are to be recessed or minimized on buildings.
16. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

Landscape

17. The plant palette is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process.
18. **The pool amenity area is being deferred subject to approval of the Major Development Plan Review for an addition of units to the west. If the proposed addition is approved by the Development Review Commission, then the pool and other amenities presented on plans submitted April 14, 2020 shall be installed prior to final Certificate of Occupancy of the entire development. If the addition to the west is not approved, then the pool amenity area shall be installed on the eastern site within 90 days of the final action on the western addition.**
19. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.
20. 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.

21. 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.
22. 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.
23. Trees shall be planted a minimum of 20'-0" from any existing or proposed public water or sewer lines. The tree planting separation requirements may be reduced from the waterline upon the installation of a linear root barrier, a minimum of 6'-0" parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08" thick, installed 0'-2" above finish grade to a depth of 8'-0" below grade. Final approval subject to determination by the Public Works, Water Utilities Division.

Signage

24. Provide address sign(s) on the building elevation facing the street to which the property is identified.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 10" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Do not affix number or letter to elevation that might be mistaken for the address.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

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.

USE PERMIT:

- The Use Permit Standard is valid for Howe Avenue Apartments and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The Use Permit Standard approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.

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: <http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms>. The enclosure details are under Civil Engineering & Right of Way.

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

HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

- Refer to Tempe City Code Section 26-70 Security Plans.
- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.
- Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
- Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
- Provide method of override access for Police Department (punch pad or similar) to controlled access areas including pool, clubhouse or other gated common areas.
- The Owner is required to prepare a security plan for the residences, live/work and commercial components of 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.
- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed www.tempe.gov/index.aspx?page=801. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

FIRE: Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.

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.
- Underground utilities except high-voltage transmission line unless project inserts a structure under the transmission line.

- Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
- 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. Construct walls, pad and bollards in conformance with standard detail DS-116 with two four-yard bins labeled for recycle only and landfill waste only.
- Refuse staging and collection must be on site; no backing onto or off of streets, alleys or paths of circulation.
- Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.

PARKING SPACES:

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

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

LANDSCAPE:

- 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:

- 1937 According to Flood Control District Historic aerials, the site was undeveloped desert
- 1949 According to Flood Control District Historic aerials, the site and south side of Howe appeared to have structures facing Price Road. The north side of Howe was agricultural use.
- 1959 According to Flood Control District Historic aerials, the subdivision to the north was developed, and houses along Price Road remained in place. The property west of the development site remained vacant.
- 1982-1986 Development to the west of the site completed the block.
- July 21, 1997 A Building Permit was issued for reconstructing a three-unit apartment building on 1264 S Price Rd.
- April 20, 2004 A Building Permit was issued for demolishing existing building at 2179 E Howe Ave
- September 13, 2006 A Building Permit was issued for the demolition of the entire house on property on 2179 E Howe Avenue.
- September 21, 2015 A Building Permit was issued for completing the demolition on 1264 S Price Rd.
- December 08, 2015 Development Review Commission approved for the request for a Development Plan Review and a Use Permit for four tandem parking spaces for HOWE AVENUE APARTMENTS, located at 2185 E Howe Avenue. **HOWE AVE APARTMENTS (PL150427)** on a .989 acre lot zoned R-3 Multi-Family in the Transportation Overlay District. The proposed development was for an eighteen-unit two-story apartment community consisting of four buildings designed as four-plexes and one du-plex building
- March 17, 2020 Community Development Department Planning Division approved a Minor Development Plan Review for site plan and landscape plan modifications to the existing entitlement under construction. This approval allowed the deferral of the parking shade canopies, the relocation of the pool amenity area and modifications to the west side of the driveway to access the lot to the west, with conditions contingent upon approval of the west addition.
- April 9, 2020 Community Development Department Planning Division revised the approval letter for the east site after a site visit confirmation of the as-built conditions in comparison to plans submitted.
- April 28, 2020 The Development Review Commission is scheduled to hear the requested addition of 12 units in three buildings to the west of the existing development. This request includes a Use Permit Standard to reduce the rear yard setback and the Development Plan Review for the site plan, landscape plan and building elevations.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review
Section 6-308, Use Permit Standard