

40 EAST

LOFT * LIVE * WORK



4040 E. McDowell Road (Northwest corner of 41st Place and McDowell Road)

A PLANNED UNIT DEVELOPMENT

Case Z-19-18-8

Land Use and Development Standards

Submitted to the City of Phoenix

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Planned Unit Development Disclaimer

A Planned Unit Development (“PUD”) is intended to be a stand-alone set of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the City of Phoenix Zoning Ordinance. A PUD includes substantial background information to illustrate the intent of the development. However, these purpose and intent statements are not necessarily requirements to be enforced by the City. The PUD only modifies Zoning Ordinance regulations to fit the unique character of the project, site characteristics and location. It does not modify other City Codes or requirements. Additional public hearings may be necessary, such as, but not limited to, right-of-way abandonments.

Zoning Ordinance Applicability

This PUD will provide the set of regulatory zoning provisions designed to guide the implementation of the overall development plan through the City of Phoenix development review and permit process. The provisions provided within this PUD shall apply to all property within the PUD project boundary. Unless a use or standard for development is specifically re-stated herein, the Zoning Ordinance of the City of Phoenix, Arizona as adopted and periodically amended, shall apply. It is the intent of this PUD to establish the permitted uses, development standards and amend various provisions that will govern this development. In the event of a conflict between a use, a development standard, or a described development procedure between the City of Phoenix Zoning Ordinance and the PUD, the PUD shall prevail. Similarly, where the PUD narrative is silent on a requirement, the applicable Zoning Ordinance provision shall control.

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A. PURPOSE & INTENT

The purpose of this Planned Unit Development (“PUD”) is to create specific standards to guide the redevelopment of the existing site and buildings. The vision behind this PUD is to allow for an adaptive reuse conversion for a mixed use multifamily, commercial and/or office project. The resulting project will be called **40 East** PUD.

40 East is an approximate +/- 1.93-acre site located at the northwest corner of 41st Place and McDowell Road. The property is generally bounded by an unpaved dead-end alley on the north, an existing multifamily residential project on the west, 41st Place on the east and McDowell Road on the south. The uniquely situated property enjoys direct access to McDowell Road, a major arterial street, and nearby access to Hohokam Express parkway (“SR 143”) and the Loop 202 Freeway. The entire +/-1.93 gross acre property is currently designated on the Phoenix General Plan as “Commercial.” The existing “Commercial” land use designation supports commercial zoning. The rezoning request will rezone the property from the current R1-6, C-2 and C-2 SP zoning district to PUD to allow for an adaptive reuse/mixed-use conversion of an older underutilized existing office development into a unique, creatively designed mixed-use urban re-use development which implements the greater vision of the City of Phoenix for development along the McDowell Road corridor.



Exhibit 1 – VICINITY MAP

Currently, the subject site consists of a 5-story office building with parking wrapping around the north, east and west side of the building and a vacant one-story office building near the northeast corner of the property which has no on-site parking or landscaping. Records show that the 5-story office building was built in 1980 and the smaller building was built in 1970. The property has been in an underutilized condition for some time and has outlived its usefulness. If approved, the smaller single-story building near the northeast corner of the property will be demolished to accommodate this proposal's site amenities.



Existing Building Façade Facing McDowell Road

The owner seeks to redevelop/reuse/convert this property by converting the existing office condominium units to a mixed-use project, including neighborhood retail/office and/or residential units on the first floor and residential units on the 2nd-5th floors. The project will also include a new underground parking area and substantial exterior facade and site changes to enhance the subject site creating not only a change of use, but a significant enhancement of the streetscape.

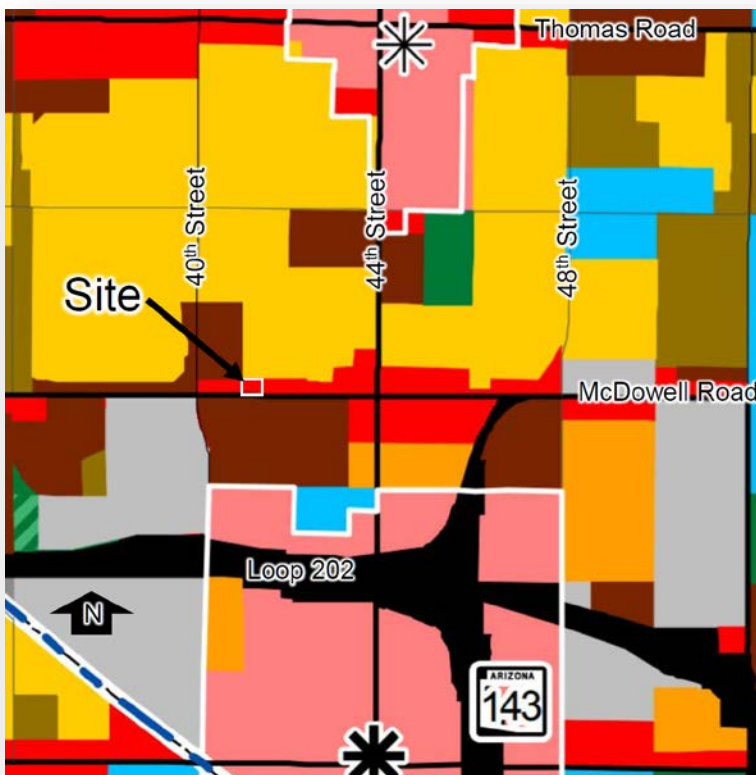
The City has a longstanding goal to revitalize and re-purpose old, infill properties; this project is consistent with that objective. The proposed architecture and open space areas will provide a distinct, up-scale living environment for the residents of this community. The use of various materials and both horizontal and vertical plane movement will emphasize the building's unique urban design both for the residents of the new community and for area residents who are walking or driving past the development. All of the architectural elements will tie together to provide a strong identity for the site that complements the surrounding properties as well as creating an inviting atmosphere for residents and guests. The project provides a design that uses view corridors and architectural focal points to emphasize the interior residential amenities. This well-conceived infill concept offers to add to the diverse housing types in this growing area of the community.

This new mixed-use condominium redevelopment will be far more compatible with the adjoining neighborhood than either of the existing outdated office buildings. The subject proposal does not create new 5-story building or heights; rather, it enhances and converts the existing office building into a revamped mixed-use project that will be compatible with the existing multifamily and single-family uses to the west and north. The site's primary access will continue to be the existing driveways on McDowell Road and 41st Place. The new underground parking area for the project will be accessed from 41st Place.

The overall project concept is to create an urban-style mixed use development revolving around a high quality multifamily residential community with office and/or retail on the first floor. The plan proposes a residential living community that will complement the mixed-use character of the surrounding area.

B. GENERAL PLAN CONFORMANCE

The current General Plan Land Use designation for the subject property is commercial which allows retail, office and multifamily housing. The requested PUD conforms to the General Plan and the General Plan Land Use map designation of commercial. No amendment is necessary or sought.



**Exhibit 2 –
EXISTING GENERAL
PLAN LAND USE
MAP**

The following outlines the relationship between the requested zoning change to Planned Unit Development (“PUD”) and the City of Phoenix General Plan. The General Plan seeks to promote comprehensive direction for the growth, conservation and development of all physical aspects of the City. The proposed rezone meets or exceeds the following goals outlined in the General Plan:

Core Value: Connecting People & Places

Infill

Land Use and Design Principles: Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.

This request assembles two parcels that are zoned a combination of R1-6 (Single-Family Residence District), C-2 (Intermediate Commercial), and C-2 SP (Intermediate Commercial) and combines them into one cohesive project with PUD (Planned Unit Development) zoning that promotes compatibility with the surrounding area. Records show that the 5-story office building was built in 1980 and the smaller building was built in 1970. While multifamily residential uses are permitted under the C-2 and C-2 SP zoning districts, the intent of the proposed PUD is to allow the adaptive reuse of an existing 5-story building into a mixed-use development by converting 82 office condominium units into 71 apartment-style multifamily residential units and 10 office/retail units. Over the last few decades, development patterns have changed along the McDowell Road corridor in the surrounding area. The subject site is now situated between multi-story apartments and commercial retail uses. McDowell Road itself is seeing significant redevelopment with numerous new restaurant venues. This change in development pattern has been a catalyst to seek the adaptive reuse redevelopment of this subject site for apartments and 10 office/retail units to support and take advantage of the vibrant new uses dominating the nearby area.

Most all of these existing apartments are several decades old so the area is ripe for new multifamily living. The revitalization/reuse of the subject property, comprised now of underutilized office rental units, will have a positive domino effect on all aspects of the local economy, including making the area more attractive for new businesses and employers and long-term viability for living in this area. The added population will help the City’s goals of having a balance between population and employment over the long-term.

Core Value: Connecting People & Places

Opportunity Sites

The Goal: To promote development of vacant parcels or redevelopment of underutilized parcels within the developed area of the city that are consistent with the character of the area or within the area’s transitional objectives.

As mentioned, this request merely seeks to convert the existing 82 office units within the existing 5-story office building with 71 newly remodeled residential units and 10 office/retail units within the same foot print of the existing building. A new community/recreation building and leasing office and a pool area with amenities will also be added. The exterior façade will be substantially enhanced to create a high-quality residential character. The proposed PUD is compatible with the adjacent zoning pattern and the surrounding uses. The General Plan supports increased intensity, respectful of local conditions and surrounding neighborhoods. The City’s General Plan Land Use Map shows the surrounding area to the west and east as commercial and to the south as all being designated as “15+ du/acre – Higher density attached townhouses, condos, or apartments” and therefore this request is consistent with the City’s desires for multifamily in this area.

The proposed request is consistent with the adjacent zoning pattern for higher density residential units and the evolving character of this area and will help promote the long-term success of the local community and viability of the area. As noted, this request essentially seeks to convert the existing 81 office units into 71 residential units and 10 office/retail units and substantially enhance the exterior elevation and site. This request proposes reuse of an underutilized parcel that fits the area’s transitional objectives and complements the scale and character of this urban area.

C. ZONING & LAND USE COMPATIBILITY

1. Surrounding Land Uses and Zoning

Surrounding Land Uses and Zoning		
	Land Use	Zoning
On site	Office building	R1-6, C-2, and C-2 SP
North	Single-family residential	R1-6
South	Commercial and office	C-2
East	Inline commercial retail	C-2
West	Multifamily Residential	C-2

2. Compatibility

The property is situated in an area of the City which includes single story restaurant buildings, 1 and 2-story office buildings, commercial uses, two-story multifamily buildings and a mobile home park.

The irregular shaped property has an existing 5-story building which will remain in its current location. The building is located adjacent to McDowell Road and is adjacent to a 2-story multifamily residential project to the west. To the north is single-family residential. Immediately across McDowell Road are commercial and office businesses. There are also 2-story apartments and a mobile home park along the south side of McDowell Road. To the east, beyond 41st Place, is an inline retail development.

While the property is geographically next to single-family residential to the north, the existing 5-story building is not being moved or getting closer to the residential. The conversion from office units to multifamily residential units is not out of character with the area as multifamily already exists in the area.

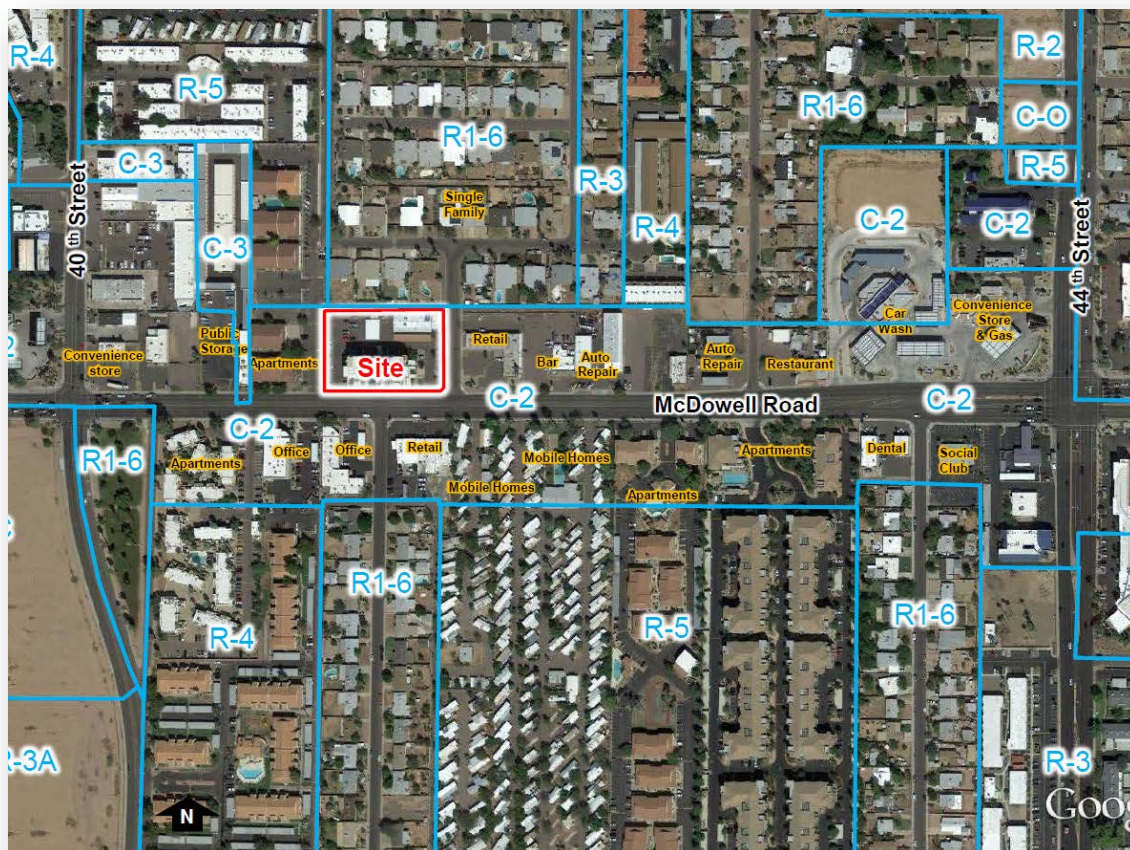


Exhibit 3 – ZONING MAP

D. SITE LOCATION and CONDITIONS

1. Site, Location, Acreage and Surrounding Context

The approximate +/- 1.93-acre site is located at the northwest corner of McDowell Road and 41st Place. The property is generally bounded by a dead-end alley on the north, an existing multifamily residential project on the west, 41st Place on the east and McDowell Road on the south. The uniquely situated property enjoys direct access to McDowell Road, a major arterial street, and nearby access to Hohokam Express parkway (“SR 143”) and the Loop 202 Freeway. The site is approximately ¼ mile west of 44th Street on McDowell Road.

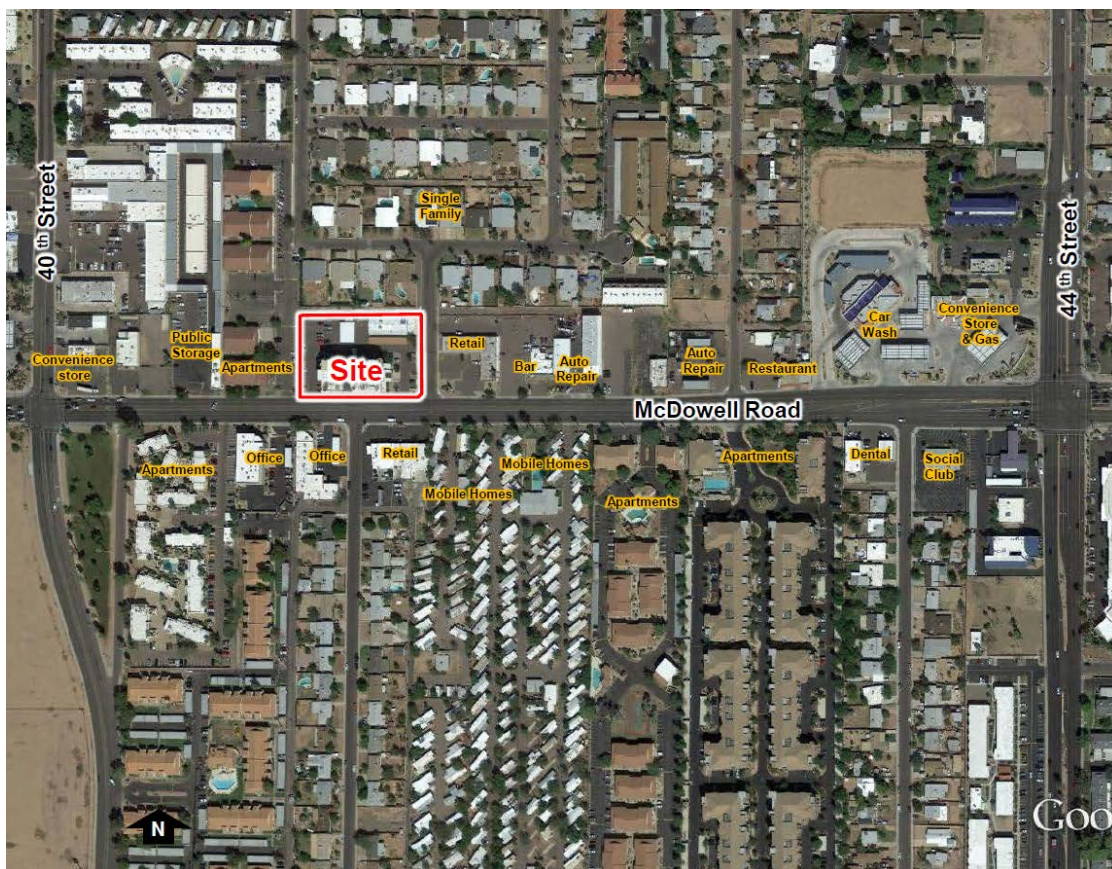


Exhibit 4 - Surrounding Land Uses

2. Topography and Natural Features

Currently the subject site consists of a 5-story office building with parking wrapping around the north, east and west side of the building and a vacant one-story office building which has no on-site parking or landscaping. The existing property topography is relatively flat with a slight slope from the northeast to southwest and with no natural features.

E. LAND USE PLAN

The rezoning request involves approximately 1.93 acres and will rezone the property from the current R1-6, C-2 and C-2 SP zoning districts to Planned Unit Development (PUD) to allow for an adaptive reuse development of a unique and thoughtfully designed urban residential/office/retail development.

The owner seeks to adaptively reuse this property by converting the existing 5-story office condominium units to a mixed-use residential community, including retail/office and/or residential units on the first floor and residential units on the 2nd-5th floors. The existing 5-story building height is not changing. The project will also include a new underground parking area and substantial exterior facade and site changes to enhance the subject site-creating not only a change of use, but a significant enhancement of the streetscape.

The existing 5-story office building use will be converted to an urban “building forward” design concept. The 5-story building, setbacks along the south, east and west will remain as will the parking area and circulation. The existing one-story building at the northeast corner of the property will be torn down and replaced with a pool, amenities, club/community building and leasing office. Surface parking and a new underground parking area will be provided for residential units, with additional perimeter surface parking provided for visitors.

The simple fact is that this is an adaptive reuse of an existing building and large suburban setbacks along arterial streets would require a complete rebuild of the site which is not consistent with the City’s vision for urban style development. New apartment projects in the downtown are now mandated to bring buildings forward to “activate the streets.” In many ways this adaptive reuse complies with the City’s desires for reduction in street building setbacks which creates a strong connection at the pedestrian level for the adjacent street(s) and with the adjacent restaurants and nearby retail stores. It also helps to encourage pedestrian interaction and provide shade along street frontages. As shown in the conceptual building elevations, the building design includes manipulation of massing through forms, building articulation, textures, materials and colors. The use of off-sets, reveals and varied forms and material will create an attractive design for residents as well as those driving by the site.

The proposed building architecture and new project amenities will provide a distinct living environment for renters willing to pay higher rents to live in a high end, amenitized and secure setting. Building architecture will provide a distinct living environment and will vary the massing of the building and pedestrian-scale elements. All of the units themselves will include patio space. All of the architectural elements will tie together to provide a strong identity for the site that enhances the surrounding properties and creates an inviting atmosphere for both residents and guests.

The pool area provides a private ambiance for the residential community. Tenants of the property will have use of a state-of-the-art fitness center, spa, outdoor barbecues, outdoor pool area, and club house reserved for apartment residents. All of these amenities will be for the exclusive use of those renting at the property. The amenity area will be located at the northeast corner of the property. The pool area is centrally located between the community center and the leasing office buildings, thus providing a private, unique, discreet space for apartment dwellers.

The project will attract residents looking for an affordable alternative to single-family housing and who prefer to live/work/recreate close to home. This property benefits from having excellent local and regional access that will be convenient for young professionals, business representatives/employees, and other individuals who prefer community shared amenities without the maintenance burdens of typical single-family residential uses. The new multifamily residential residents and their guests offer existing local businesses long-term sustainability and patronage. These urban living units are for people who want to live in an environment with nearby employment opportunities, retail services, open space elements, restaurant venues and with excellent arterial and freeway access.

This document will guide the development of this adaptive reuse property that will create the backbone framework for this multifamily residential/office/retail development.

F. LIST OF USES

The PUD is intended to allow the adaptive reuse of the subject property by converting existing office condominium units to a mixed-use community which may include retail, office, and multifamily residential units on the first floor and residential units on the 2nd-5th floors. The Master Developer or any property owner within the **40 East** PUD may request an interpretation of analogous use to the defined list below from the City of Phoenix Zoning Administrator. The Zoning Administrator may administratively approve a use analogous to those listed below.

1. Permitted Primary Land Uses – 1st Floor Level.

- a. All permitted uses as outlined in the Commercial C-2 District-Intermediate Commercial (Section 623) zoning district, except those uses outlined in Section F.5 for this PUD are prohibited.
- b. Live-work Units. Live-work units are units which are used as primary residence and for either a professional office or retail business owned and operated by one of the residential occupants. The professional office or retail business must be located on the first floor with windows and direct access to the adjacent street/sidewalk or parking area.

2. Permitted Primary Land Uses – 2nd – 5th Floor Level.

- a. Multifamily Residential.
- b. Nursing Home, Assisted Living or Congregate Care Facility.

3. Accessory Uses.

- a. All permitted Accessory Uses as outlined in accordance with Section 608 of the Phoenix Zoning Ordinance.
- b. Leasing, manager's or project office.
- c. Project's community clubhouse building, exercise and/or amenity room.

4. Temporary Uses.

- a. Temporary Uses shall be permitted in accordance with Section 708 of the Phoenix Zoning Ordinance.

5. Prohibited Uses within the PUD.

- a. All Special Permit Uses as outlined in Section 647 (Special Permit Uses) of the Zoning Ordinance of the City of Phoenix.
- b. Additional Prohibited Uses within the PUD:
 1. Adult bookstore, adult novelty store, adult theatre, adult live entertainment establishment, erotic dance or performance studio.
 2. Agricultural Implements, Distributions and Display, Retail Sales.
 3. Assembly Halls, Auditoriums and Banquet Halls.
 4. Automated Collection Center.
 5. Automobile Parts and Supplies, New Retail and Wholesale.
 6. Auto Seat Covers and Trim Shop.
 7. Bakers and Baked Goods, Manufacturing Wholesale and Storage.
 8. Beer, Ale and Wine Distributor, Wholesale and Storage (no bottling).
 9. Birthing center.
 10. Blood Banks and Blood Plasma Centers as accessory to a hospital.
 11. Boarding house.
 12. Building Materials, Retail Sales Only.
 13. Bus Terminal.
 14. Butcher Shops.
 15. Candy, Wholesale Distribution.
 16. Carpet, Rug and Furniture Cleaners.
 17. Car Wash.
 18. Cigarette Service.
 19. Cleaning and Dyeing Outlets.
 20. Community Garden.
 21. Community Residence Center.
 22. Compressed Natural Gas (CNG) Retail Sales.

23. Confectioners, Wholesale.
24. Contractors Equipment and Supplies, Retail Sales.
25. Department Stores.
26. Draperies, Manufacturing.
27. Dry Cleaning Outlet.
28. Egg, Storage and Processing.
29. Environmental Remediation Facility.
30. Exhibition Hall.
31. Family Game Center.
32. Farm Implements and Machinery, Retail Sales.
33. Frozen Foods, Wholesale Storage and Distribution.
34. Furniture, Repairing and Refinishing.
35. Furs, Custom Cleaning, Storage.
36. Garage, Repair, Not Body and Fender Shops.
37. Garages, Public.
38. Gas Regulating Equipment, Sales and Service.
39. Gas Station.
40. Glass Shops, Custom.
41. Guns, Retail Sales and/or Repairs.
42. Gymnasiums, Private or Commercial.
43. Hospital.
44. Hotel Equipment, Supplies and Retail Sales.
45. Motel.
46. Janitors' Supplies, Storage and Warehouse.
47. Kiddieland.
48. Lawn Furniture, New, Sales.
49. Lawn Mower Repair Shops.
50. Linoleum Sales.
51. Lockers, Food Storage.
52. Machinery Rental.
53. Milliners, Wholesale and Manufacturing.
54. Mineral Water Distillation and Bottling.
55. Miniature Golf.
56. Mirrors, Resilvering; Custom Work.
57. Mortuary.
58. Motion Picture Equipment, Retail Sales and Display.
59. Motion Picture Theatres.
60. Motorcycles, Repairing and Sales.
61. Newspaper Printing.
62. Nonprofit medical marijuana dispensary facility.
63. Nursery School.
64. Oil Burners, Retail Sales and Repairs.
65. Parking Lot, Commercial, Subject to Provisions of Section 702.
66. Pawn Shop.
67. Pet Day Care Facility.

68. Plant Nurseries.
69. Pool and Billiard Halls.
70. Private clubs and lodges.
71. Propane Retail Sales.
72. Propane Retail Sales as an outside accessory use to a retail facility.
73. Public Storage Garages.
74. Public Utility Service.
75. Pumps, Retail Sales and Display.
76. Restaurant Equipment, Supplies and Retail Sales.
77. Road Building Equipment, Retail Sales.
78. Rug Cleaning.
79. Saw Sharpening Shop.
80. School Equipment and Supplies Wholesale.
81. Service Stations.
82. Service Station Equipment, Wholesale.
83. Sign Painters' Shops.
84. Sign Fabrication.
85. Skating Rinks, Indoor.
86. Slip Covers, Custom Manufacturing.
87. Sound Systems, Rentals and Repairs.
88. Sporting Goods, Wholesale.
89. Steam Baths.
90. Swimming Pool, Commercial, Outdoor.
91. Tattoo Shops, subject to securing a use permit pursuant to Section 307.
92. Taxicab Garages.
93. Taxidermists.
94. Theaters.
95. Tire Repairing Equipment and Supplies.
96. Tobacco, Wholesale and Storage.
97. Tombstones, Sales and Display.
98. Tools, Wholesale and Distribution.
99. Tortillas, Manufacturing Wholesale.
100. Towels, Supply Service.
101. Tractors, Retail Sales, Display.
102. Upholsterers, Custom, Retail Sales and Supplies.
103. Veterinary offices.
104. Veterinary Hospitals.
105. Washing Machines, Retail Sales and Display, Custom Repairing.
106. Water or Mineral, Drinking or Curative, Bottling and Distribution.
107. Water Softening Equipment, Service and Repairs.
108. Window Glass Installation Shops.

G. DEVELOPMENT STANDARDS

The purpose and intent of the development standards in the **40 East** PUD is to allow the adaptive reuse of the subject site to develop a unique, urban-style mixed-use project that contains high quality residential units and commercial uses that enhances the surrounding area through quality development and design requirements. The **40 East** PUD will fully comply with the URBAN DESIGN PRINCIPLES set forth in Section 507 Tab A of the Phoenix Zoning Ordinance or as amended herein. This PUD also provides additional supplement design principles which are included in the development.

DEVELOPMENT STANDARDS		
Density:	Maximum 45 units/gross acre	
Building Setbacks:	South Property Line (McDowell Road):	4' to primary building. (projections up to 3'-6" are permitted for architectural projections, balconies and/or sign face)
	East Property Line (41 st Place):	25'
	West Property Line:	25'
	North Property Line:	20' for 2-story (up to 30') 60' for 3-story (up to 42') 100' for 4-story and above (up to 56')
Maximum Building Height:	56'.	
Lot Coverage:	50%	

ACCESSORY STRUCTURE STANDARDS		
Maximum Building Height:	30'	
Building Setbacks:	South Property Line (McDowell Road):	20'
	East Property Line (41 st Place):	5'
	West Property Line:	5'
	North Property Line:	20'

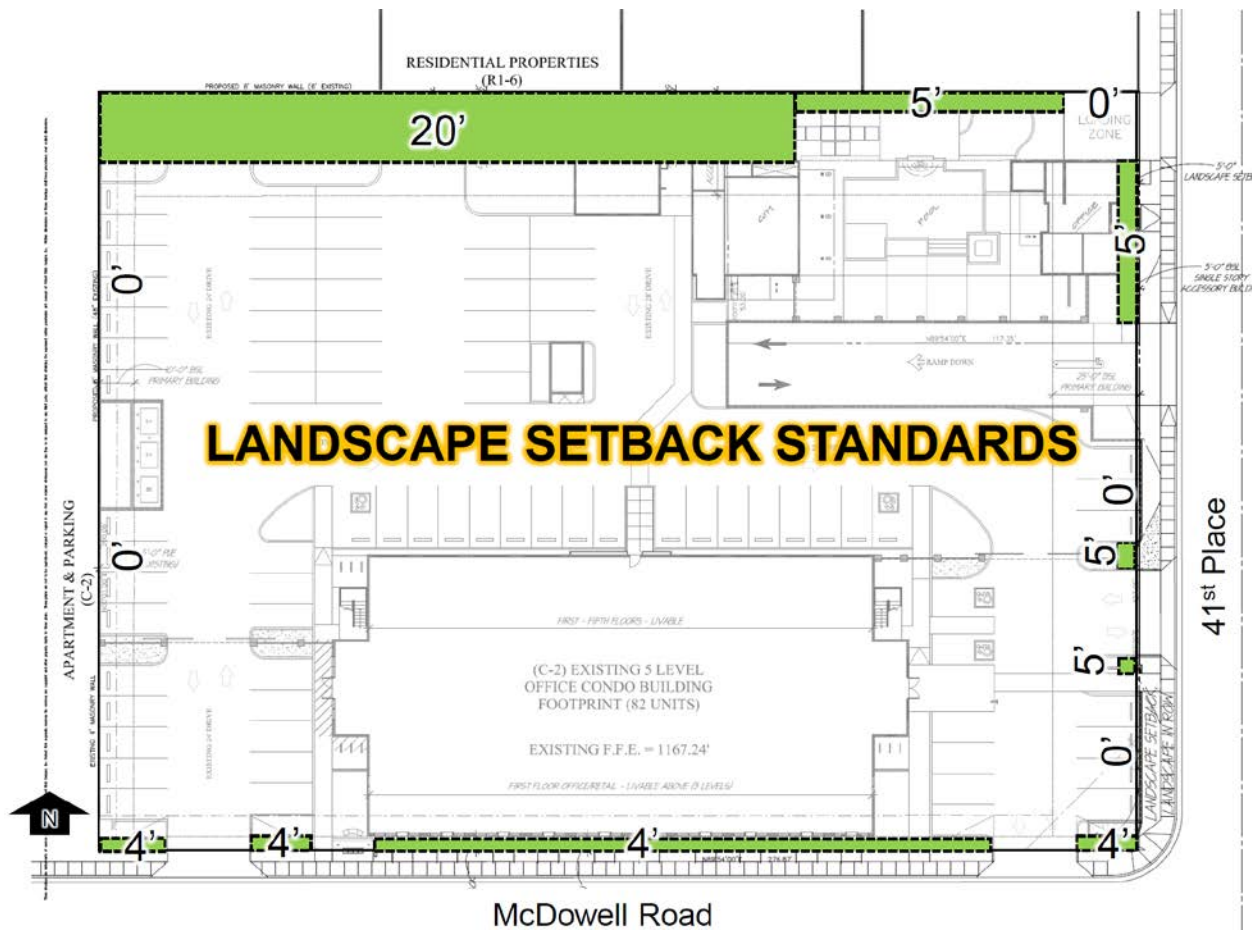
Landscape Standards:

Landscaping within the **40 East** PUD will enable the architecture to fit appropriately to the land. The intent is to promote a landscape plan that is ecologically sensitive to the Southwest environment through the use of regionally appropriate materials, low water plants and thoughtful water harvesting strategies all while still being attractive. Given the project is an adaptive reuse development with an existing building and parking in place it is difficult to comply with the City's current landscape standards. The proposed landscape

standards are intended to provide new landscaping in existing landscaped areas and new landscaping areas where possible. The purpose of the Landscape Standards section is to provide a baseline requirement for landscape improvements and establish a common landscape theme for the development as a whole. Landscaping will soften edges between adjacent public streets and urban architecture. The landscaping will strive to provide a pleasant pedestrian experience by utilizing a combination of drought tolerant shade trees that work in an urban setting. Trees combined with architectural shading features in some locations will attempt to manage the intense heat of a Phoenix summer.

The following standards shall apply:

For perimeter setbacks/buffers see Landscape Setback Standards exhibit.



Landscape Standards – South Property Line (McDowell Road)	
Raised Planters	Shall be allowed in front the existing building. Planting shall consist of minimum 5-gallon shrubs and 3 per planter
Trees	Minimum 2-inch caliper trees (100% of required trees) or as approved by the Planning & Development Department

Shrubs	Minimum five 5-gallon shrubs per tree
Spacing	Trees shall be placed 20 feet on center or in equivalent groupings, except no trees shall be required in front of the building along McDowell Road

Landscape Standards – East Property Line (41st Place)

Trees	Minimum 2-inch caliper trees (75% of required trees) Minimum 3-inch caliper trees (25% of required trees)
Shrubs	Minimum five 5-gallon shrubs per tree
Spacing	Trees shall be placed 20 feet on center or as approved by the Planning & Development Department

Landscape Standards – West Property Line.

Trees	N/A
Shrubs	N/A
Spacing	N/A

Landscape Standards – North Property Line.

Trees	Minimum 2-inch caliper trees (100% of required trees) or as approved by the Planning & Development Department. Given a 20' wide easement exists along the entire north property line approval must be granted by the Utility Companies and the Planning and Development Department to allow trees to be located within this area. If trees are not allowed by the Utility Companies then continuous evergreen hedges, oleanders, green screens, etc., or as approved by the Planning & Development Department and/or utility companies shall be used as an alternative
Shrubs	Minimum five 5-gallon shrubs per tree
Spacing	Trees shall be placed 20 feet on center or as approved by the Planning & Development Department

Parking Standards:

Parking Space Dimensions and Calculations. All design elements for the entire project regarding parking space, design and materials shall meet or exceed ADA requirements, when required.

<p>Parking:</p>	<p>RESIDENTIAL PARKING SHALL BE PROVIDED AS FOLLOWS:</p> <p>1 space per Studio and 1 Bedroom residential unit; 2 spaces per 2 Bedroom, 3 Bedroom or penthouse unit.</p> <p>COMMERCIAL/OFFICE PARKING SHALL BE PROVIDED AS FOLLOWS:</p> <p>Per Stipulation #1.c. (Ordinance #G-6609), All references to commercial parking requirements shall be revised to be in compliance with Section 702 of the Phoenix Zoning Ordinance.</p> <p>1 space per 300 square feet for office uses.</p> <p>A request for commercial uses shall submit a parking analysis to the City prior to tenant improvement plan review for review and approval in order to analyze and evaluate the parking ratio for commercial uses.</p> <p>Parking spaces (surface or below grade) to be a minimum dimension of eight and one-half (8-1/2) feet by eighteen (18) feet, unless otherwise approved by the Planning & Development Department.</p> <p>A minimum of 30% of the overall parking spaces shall be enclosed in the subterranean garage.</p>
<p>Loading:</p>	<p>One 10' x 20' space.</p>
<p>Bicycle Parking:</p>	<p>1 bicycle parking space per 4.5 units, unless otherwise approved by the Planning & Development Department. Per Stipulation #5 (Ordinance #G-6609), a minimum of 20 bicycle parking spaces shall be provided and more if the owner can accommodate, as approved by the Planning and Development Department.</p>

H. DESIGN GUIDELINES

40 East shall be designed with 4-sided architecture so that it will offer pleasing views and vistas not only for tenants and owners within the project but for potential owners and

customers on the adjacent streets. Street level of all buildings will be developed to consider the pedestrian experience and vitality of the project. The Design functions have been created to develop this relationship between the project’s urban environment and the internal pedestrian environment.

This PUD shall conform to the conceptual elevation and rendering provided within this PUD and Section 507 Tab A of the Phoenix Zoning Ordinance with additional standards as indicated below.

<p>Building Design</p>	<p>A. Primary Building Finishes.</p> <ul style="list-style-type: none"> a. Roof materials: Built-Up roofing, Standing Seam Metal (roof & eaves), and/or stucco parapets. b. Walls, Floors 1-2: Brick Veneer (Minimum 60% of area of the first two floors). c. Walls, Floors 3-4: Metal Siding (+/- 8” pop-out)(Minimum 60% of area of floors 3-4). d. Walls, Floor 5: Stucco, Painted (Minimum 60% of area of the fifth floor). e. Vertical Articulation Walls (+/- 12” pop-out): Stucco, Contrast Color Paint. f. Vertical Fin (South Side): Contrasting color to match Steel. g. Steel Elements such as architectural features, door and window frames, railings etc. will consist of steel or aluminum materials: Dark paint, light accents. h. All metal siding shall have a non-reflective appearance. i. Exterior Stair Fencing: Metal Open Fence w/ Steel Frame.
	<p>B. Clubhouse Building Finishes.</p> <ul style="list-style-type: none"> a. Roof materials: Built-Up Roofing or Standing Seam Metal (roof & eaves). b. Walls @ Clubhouse, Floor 1: Brick Veneer (Minimum 60% of area of the first floor). c. Walls @ Maintenance, Floor 1: Stucco (Minimum 60% of area of the first floor), light color to match vertical. d. Walls, Floor 2: Metal Siding (+/- 4” pop-out)(Minimum 60% of area of the second floor). e. Vertical Articulation Walls: Stucco, Contrast Color Paint. f. Deck: Stucco, light color to match.

	<p>g. Steel Elements, railing & Door/Window Frames: Dark paint, light accents.</p> <p>h. Railing – Dark accent with brushed aluminum (or sim) handrail.</p>
	<p><i>C. Leasing Office Building Finishes.</i></p> <p>a. Roof materials: Built-Up Roofing or Standing Seam Metal (roof & eaves).</p> <p>b. Walls @ South End: Brick Veneer (Minimum 25% of main level).</p> <p>c. Walls @ Center & North: Stucco (Minimum 50% of main level), light color to match Clubhouse & Main.</p> <p>d. Steel Elements, Door/Window Frames: Dark paint.</p>
	<p><i>D. Covered Parking Finishes.</i></p> <p>a. Roof, Sloped: Standing Seam Metal (roof & eaves).</p> <p>b. Steel Elements (columns): Dark paint.</p>

Balconies	Balconies shall be provided for all residential units 2 nd floor and higher.
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Pathway/Walkway	The pathway/walkway that connects the primary building with the clubhouse/leasing office area shall be enhance. Such materials may include but limited to stamped concrete, colored concrete, pavers or other material as approved by the Planning & Development Department.
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Site Lighting:	<ul style="list-style-type: none"> • Lighting will comply with all regulations in the Zoning Ordinance and Phoenix City Code, except as modified below. • All on-site lighting is to be shielded to prevent direct visibility of the light source from adjacent property. • Lighting should be shielded with cut-off fixtures and deflectors to direct light downward and limit on-site lighting levels to a maximum of one (1) foot candle at the property line. • On-site lighting shall be a maximum of 15-feet, within 20 feet of residential zoning district. • Parking lot and security lighting should not exceed a maximum of twenty (20) feet in height. • Service areas and other screened areas should have proper security lighting.
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	<ul style="list-style-type: none"> • Lighting fixtures and illumination should be of similar design and character as the project’s building components. • Site lighting should be provided to ensure personal safety at building entrance/exits, and in public assembly and parking areas. • Recommended lighting levels and uniformity ratios established by the Illumination Engineering Society of North America (IESNA), as may be modified by the City of Phoenix, should be incorporated in lighting design for on-site non-residential and multifamily development. <ul style="list-style-type: none"> - minimum standards for adequate lighting and safety. - maximum standard to minimize glare and lighting trespass on adjacent uses. • Illuminative gases, LED lights and fiber optics should not be placed on structures which are adjacent to residential property to the north.
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Walls/Fences	<p>Thematic walls and fences shall be utilized to provide a cohesive project. The walls and fences for the project shall comply with walls locations and materials within this PUD (see Exhibit 15-19) or as approved by the Planning & Development Department.</p> <p>Approved wall materials include the following list, unless otherwise approved by the Planning & Development Department:</p> <ul style="list-style-type: none"> • Common clay brick veneer. • Granite, Marble, or other natural stone. • Tile cladding. • Concrete masonry unit (provided that surfaces are integrally colored, painted, stained or have attractive exposed aggregate which must be approved as to color and texture). • Architectural metal panels. • Stucco or plaster (synthetic systems simulating stucco or plaster are permitted). • Concrete, pre-cast or poured in place. • Metal panels and/or trim. • Metal and composite panels. • Metals, wrought iron, view fencing, steel tube (polished and rusted). • Perforated metals and meshes. • Poured in place, tilt-up or pre-cast concrete, provided that surfaces must be painted or have exposed aggregate finish
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	<p>(color and texture of exposed aggregate must be approved through the Design Review process).</p> <ul style="list-style-type: none"> • Masonry. • Green-Screen or Green walls including trellises to reduce excessive radiant heat in pedestrian areas and to screen the project from the adjacent properties.
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I. SIGNS

All signage shall comply with Section 705 of the Phoenix Zoning Ordinance, except the following shall be allowed as described below:

- A. Signage
 - a. Dark contrasting back-lit metal pan on light/brick walls.
 - b. Light contrasting back-lit metal pan on dark walls.
 - c. Logo: back-lit metal pan, light & dark combination.
 - d. Areas (max) – Primary Building:
 - i. East Fin: 95 s.f. “BUILDING NAME” vertical.
 - ii. East Major: 50 s.f. “BUILDING NAME”
 - iii. East Minor: 20 s.f. “ADDRESS” vertical
 - iv. East Minor: 20 s.f. “LOGO”
 - v. South Suite Names: 10 s.f. (x10 suites = 100 s.f.)
 - vi. West Fin: 95 s.f. “BUILDING NAME” vertical
 - vii. West Major: 50 s.f. “BUILDING NAME”
 - viii. West Minor: 20 s.f. “ADDRESS” vertical
 - ix. West Minor: 20 s.f. “LOGO”
 - x. North Entry: 10 s.f. General Signage
 - e. Area (max) – Community Building
 - i. General Signage: 100 s.f. max
 - f. Area (max) – Leasing
 - i. General Signage: 50 s.f. max
 - ii. Logo: 20 s.f.
 - g. Area (max) – Ramp Entrance
 - i. “RESIDENT PARKING”: 20 s.f.

J. SUSTAINABILITY

The development is planned as a sustainable development within the community. Energy efficiency and environmentally responsive environments create a better home atmosphere for residents.

This PUD will utilize the following standards that are enforceable by the city:

- Water efficient landscaping (drought tolerant plants).
- Utilize a drip irrigation system to minimize water waste.
- Reduce heat island with light colored roof and subterranean parking.

This PUD will utilize the following standards that are not enforceable by the city:

- Utilize low water plumbing fixtures.
- Utilize low “e” double pane windows.
- Encourage recycling program.
- Encourage design of buildings HVAC systems to eliminate the usage of CFC’s and CFC based refrigerants.
- Encourage the use of water based adhesives on all VCT and vinyl flooring to minimize VOC off gassing.
- Solar, E.V. Charging Stations.

K. INFRASTRUCTURE

Transportation:

A traffic statement will be submitted for review as part of the Planning and Development Department Site Plan submittal.

Grading and Drainage:

Will be submitted as part of the Planning and Development Department Site Plan submittal.

Water and Waste Water:

Water and wastewater infrastructure requirements will be determined, designed and constructed in accordance with City Code requirements and Water Service Department Design Standards, and Policies.

M. PHASING PLAN

The project will be phased. The removal and rebuilding of the wall on the northern property line shall be structurally complete prior to any demolition of any portion of the existing office building.

O:\INDEX\Real Estate and More\4040 E. McDowell Road\Docs\PUD Narrative_4040 E. McDowell (FINAL)(4th-Hearing Submittal)_4.17.2019.docx

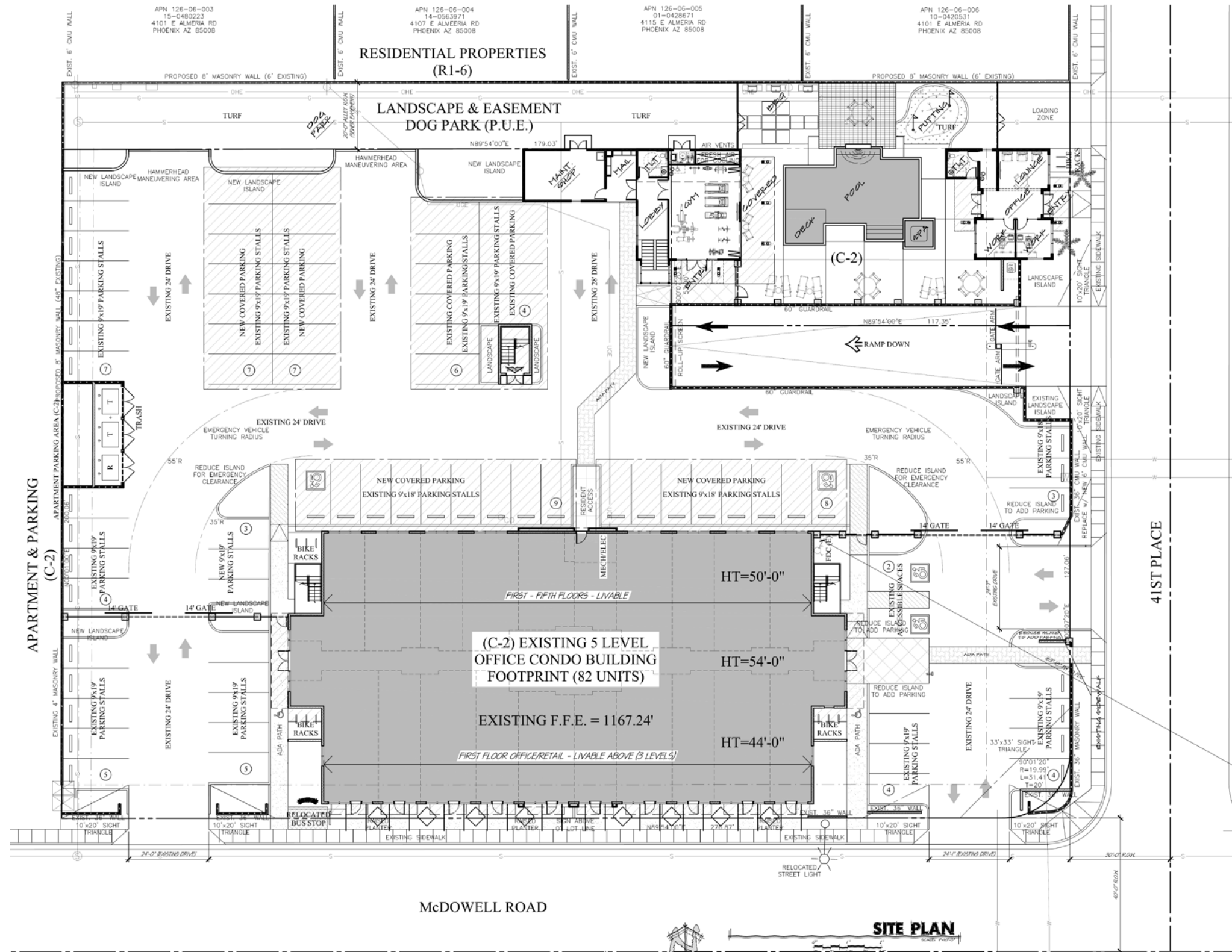
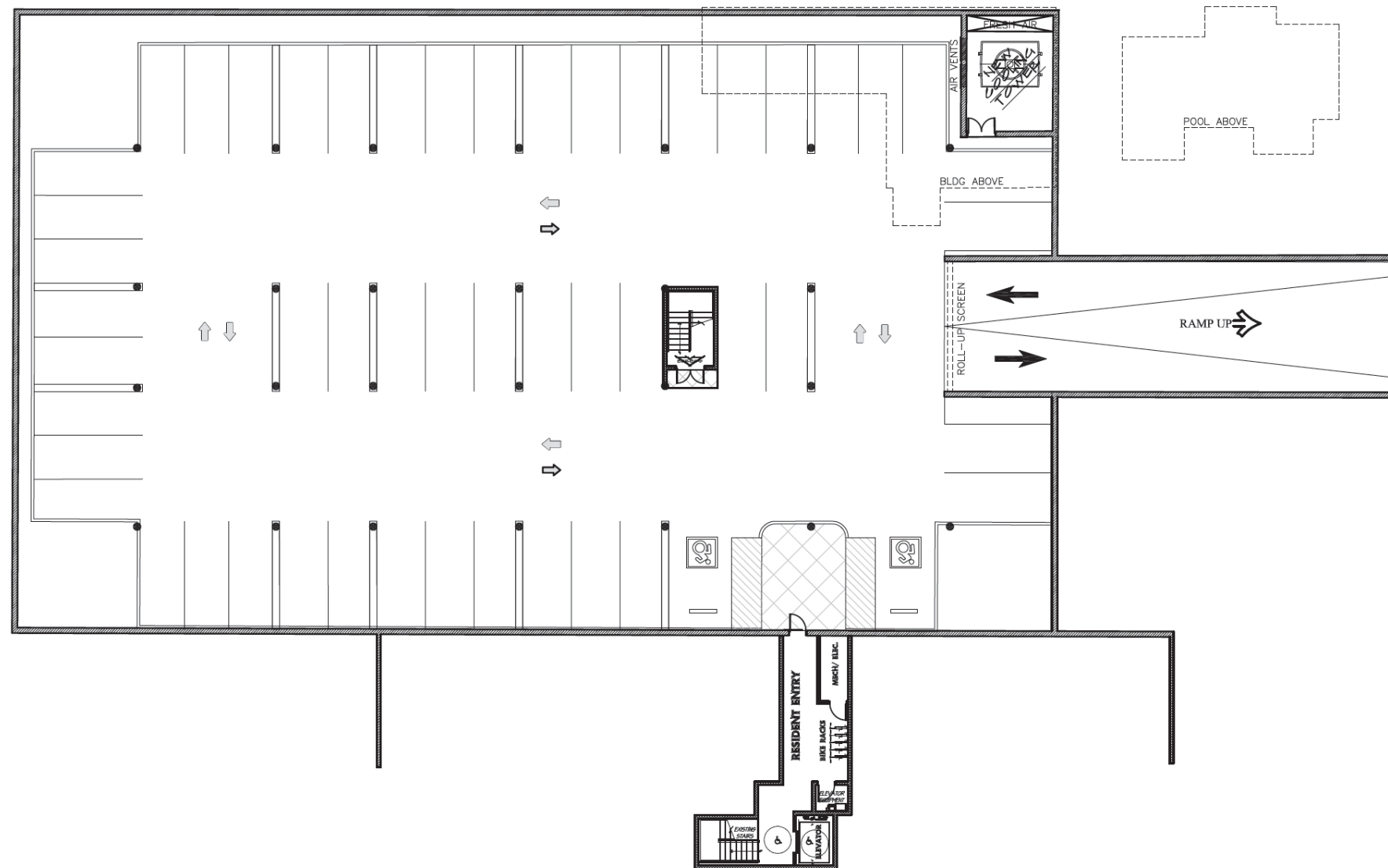


Exhibit 5 - DEVELOPMENT / CONCEPTUAL SITE PLAN



PARKING GARAGE - BELOW GRADE



FRONT ELEVATION



EAST SIDE ELEVATION



REAR ELEVATION



WEST SIDE ELEVATION



FRONT ELEVATION @ BUS STOP



EAST SIDE ENTRY



STOREFRONT ELEVATION



EAST SIDE CONTEXT



EAST SIDE ELEVATION



WEST SIDE ELEVATION



Exhibit 12 – CONCEPTUAL COMMUNITY BUILDING ELEVATION



SOUTH SIDE ELEVATION



NORTH SIDE ELEVATION



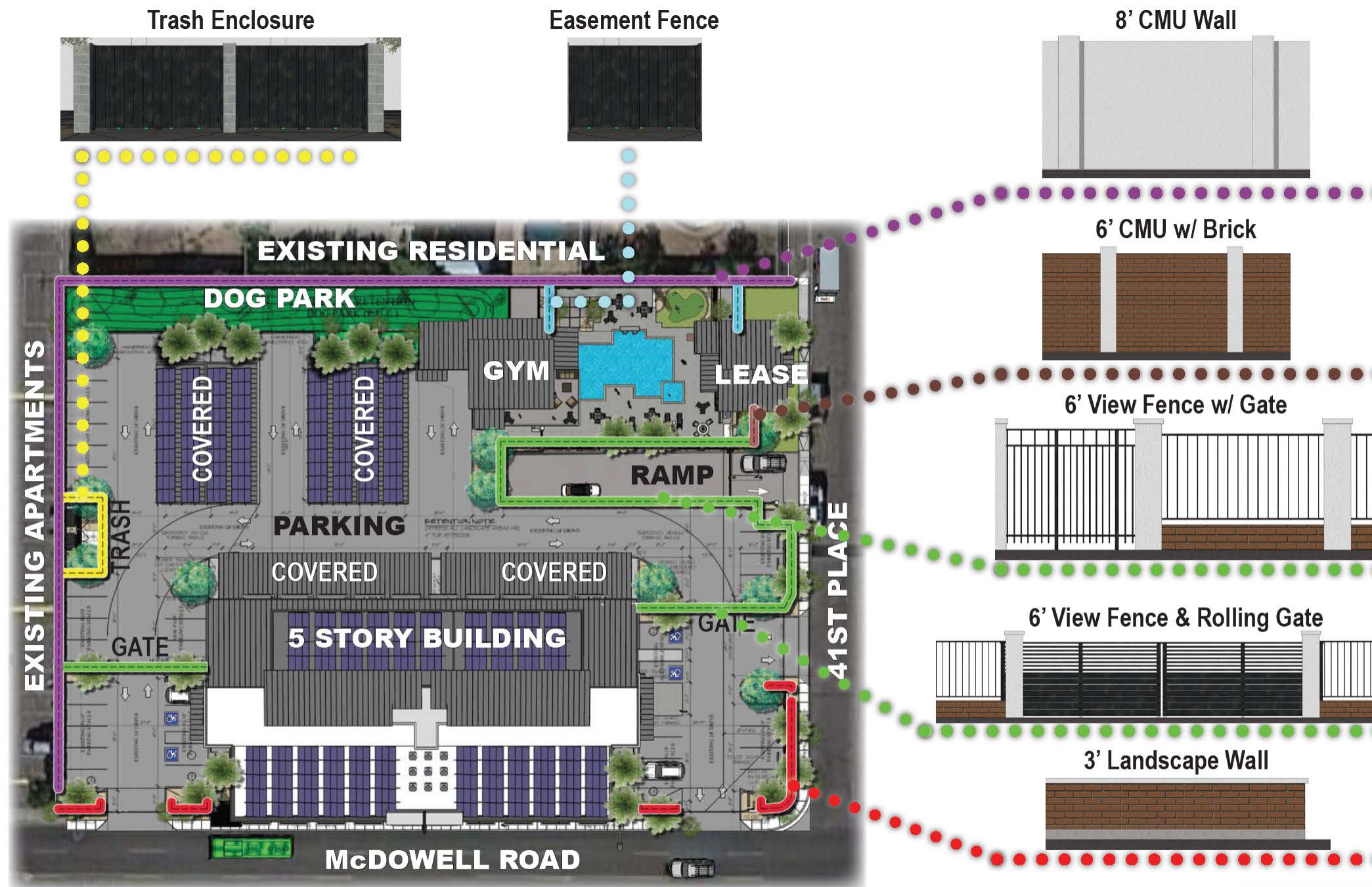
4040 E McDOWELL RD - Community & Leasing

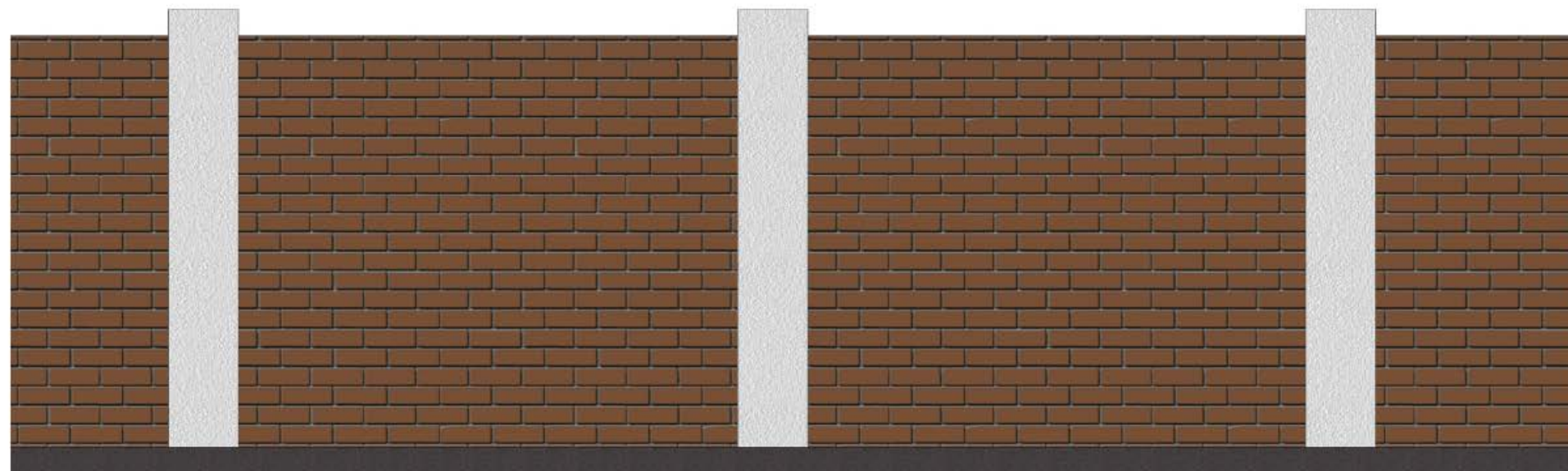


Exhibit 13 – CONCEPTUAL COMMUNITY & LEASING BUILDING ELEVATIONS (SOUTH SIDE and NORTH SIDE)

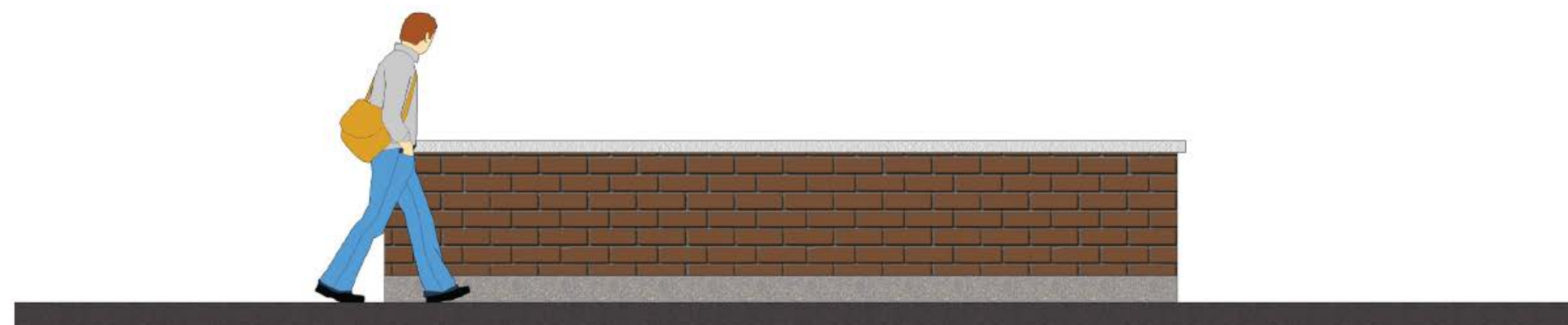


FRONT ELEVATION

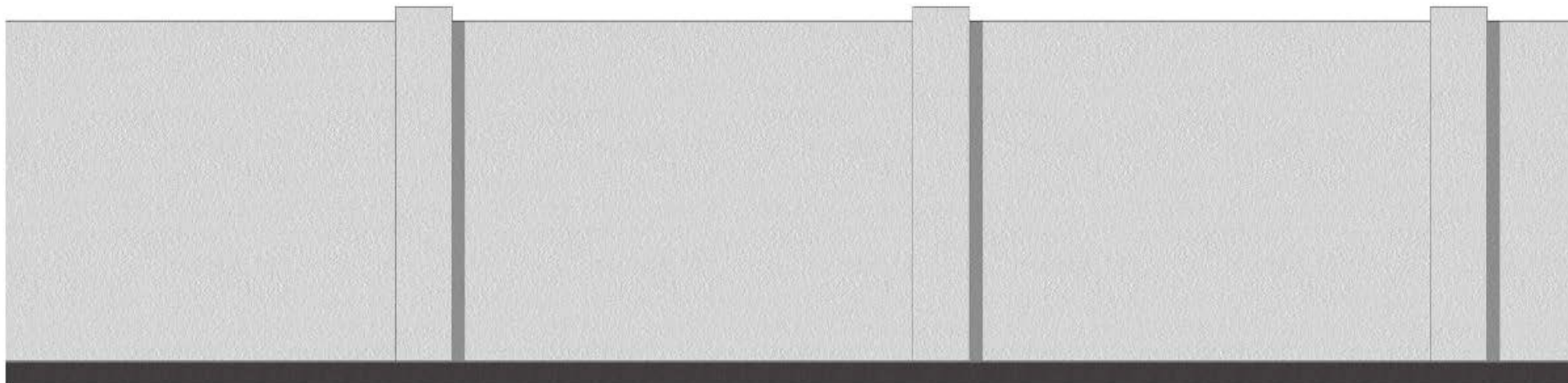




6' PERIMETER WALL



36" SITE WALL



8' SITE WALL



TRASH ENCLOSURE



ROLLING GATE w/ 6' SIGHT WALL



6' SIGHT WALL

MATERIAL LEGEND

SYMBOL DESCRIPTION

	<p>ROOFING: ATAS INTERNATIONAL MONARCH BATTEN SEAM, MRB 160 COLOR: SLATE GREY</p>
	<p>STUCCO: SAND FINISH SYNTHETIC w/ INTEGRAL COLOR COLOR: DUNN EDWARDS DET695 GRANGE HALL, LRV: 19</p>
	<p>STUCCO: SAND FINISH SYNTHETIC w/ INTEGRAL COLOR COLOR: DUNN EDWARDS DET679 FRESH SNOW LRV: 87</p>
	<p>METAL SIDING: ATAS INTERNATIONAL STYLE: VERSA-LOC 16"x26" (VSL169) COLOR: SILVERSMITH</p>
	<p>METAL SIGNAGE: ATAS INTERNATIONAL VERSA-SEAM, VSS 120 w/ 1/4" REVEAL COLOR: DARK BRONZE ANODIZED LETTERS: BRUSHED ALUMINUM, 2 4" T x 2" RAISED, BACKLIT</p>
	<p>BRICK VENEER: CORONADO STONE STYLE: WIRE CUT BRICK COLOR: LA JOLLA BRICK</p>

METAL
 (RAILING, WINDOW FRAMES)
 COLOR: OIL RUBBED BRONZE



Exhibit 20 - LEGAL DESCRIPTION

NORTHEAST PARCEL:

THE EAST 117.35 FEET OF THE NORTH 53 FEET OF TRACT "B", OF TOWN AND COUNTRY MANOR, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 66 OF MAPS, PAGE 47.

CONTAINING 6219.5 SQUARE FEET OR 0.2532 ACRES

SOUTH PARCEL:

TRACT "B", OF TOWN AND COUNTRY MANOR, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 66 OF MAPS, PAGE 47, EXCEPT THE EAST 117.53 FEET OF THE NORTH 53 FEET THEREOF.

CONTAINING 53,021 SQUARE FEET OR 1.2172 ACRES

ALLEY

ALL OF THE ALLEY NORTH OF TRACT "B", OF TOWN AND COUNTRY MANOR, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 66 OF MAPS, PAGE 47.

CONTAINING 5,928 SQUARE FEET OR 0.1360 ACRES

EXHIBIT 21 – COMPARATIVE ZONING TABLE

Standard	Proposed PUD Standards		C-2 Development Standards	
Minimum Lot Width/Depth:	None		None	
Density:	Maximum 45 du/ac.		14.5 du/ac	
Building Setbacks (measured from property line):	South Property Line (McDowell Road):	4' to primary building; 3' to architectural projections; 6" to balcony edge; 0' to sign face.	Average 30' adjacent to street; 4-story (or 56'); 150' when adjacent to R1-6; 4-story (or 56'); 0' when adjacent to C-2;	
	East Property Line (41 st Place):	0-feet		
	West Property Line:	0-feet		
	North Property Line:	1-story (or 20')		20'
		2-story (or 30')		20'
3-story (or 42')		60'		
	4-story and above (or 56')	100'		
Landscape Setbacks:	South Property Line (McDowell Road):	4-feet	Average 25' for structures not exceeding two stories or 30', minimum 20' permitted for up to 50% of the frontage. Average 30' for structures exceeding two stories or 30', minimum 20' for up to 50% of the frontage.	
	East Property Line (41 st Place):	0-feet		
	West Property Line:	0-feet		
	North Property Line:	20-feet		
Maximum Building Height:	56-feet or 5-story.		2 story/30'; 4-story (or 56') with Council Approval.	
Lot Coverage	50%		50%	

EXHIBIT 22 – CONTEXT PLAN AND PHOTOS





1-North



1-East



1-South



1-West





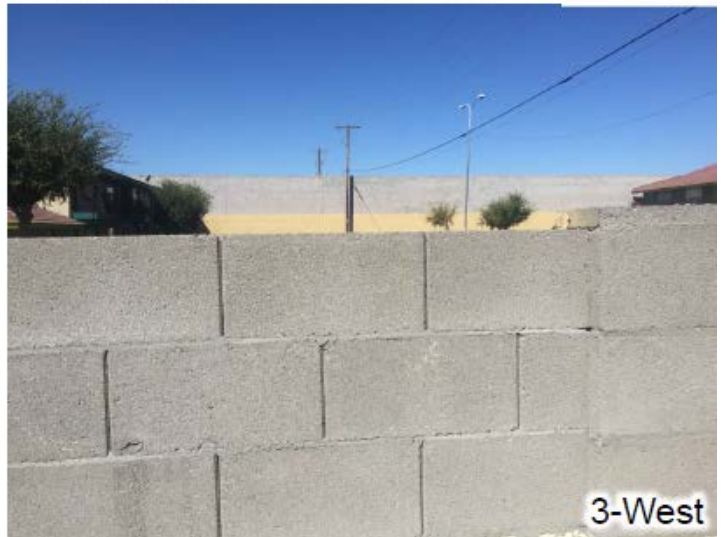
3-North



3-East



3-South



3-West

