

# ALTERNATIVE #1: WITH EMERGENCY CLAUSE

## ORDINANCE NO. 3527

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FINDING THE EXISTENCE OF STATUTORY CRITERIA SUPPORTING THE CREATION OF AN INFILL INCENTIVE DISTRICT IN THAT AREA OF THE CITY OF SCOTTSDALE GENERALLY LOCATED BETWEEN INDIAN SCHOOL, CAMELBACK, SCOTTSDALE ROADS, 68<sup>TH</sup> STREET AND GOLDWATER BOULEVARD, DESIGNATING A SPECIFIC PORTION OF THAT AREA TO BE AN INFILL INCENTIVE DISTRICT AND ADOPTING AN INFILL INCENTIVE PLAN, AND APPROVING CASE NO. 1-II-2003, WITH AMENDED DEVELOPMENT STANDARDS AND STIPULATIONS, APPROVING THE DESIGN REVIEW OF THAT PORTION OF THE DISTRICT EAST OF MARSHALL WAY, AND DECLARING AN EMERGENCY.

WHEREAS, Section 9-499.10 of the Arizona Revised Statutes authorizes the City to designate an infill incentive district in an area within the City; and

WHEREAS, that statute authorizes the City to grant incentives for the development of property within an infill incentive district; and

WHEREAS, that statute requires that the City Council make certain findings prior to making such a designation and prior to the exercise of the powers granted by that statute; and

WHEREAS, the City Council has heard and seen evidence that within that area of the City hereafter described as the "Economic Focus Area" that there are a large number of vacant older buildings within the area, that there is an absence of development and investment activity in the area as evidenced by the retail vacancy rate which is approximately double that in the remainder of Downtown Scottsdale and that the office vacancy rate in the Area is approximately one and one-half times greater than that in the remainder of Downtown Scottsdale; that there is a large number of vacant or underused parcels of property in the area, and that there has been a continuing decline in population as evidenced by comparing the 1990 and 2000 census figures; and

WHEREAS, the City Council finds that granting a protected development right for a phased development to undertake and complete the development shown in the Scottsdale Waterfront Development Plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and secure the reasonable investment backed expectations of the landowner; and

WHEREAS, Case No. 1-II-2003 has been properly noticed for City Council consideration and the necessary hearings have been completed; and

WHEREAS, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, and safety an EMERGENCY is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council as required by the City Charter;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the City Council finds that the area of the City the boundaries of which are described and depicted as the "Economic Focus Area" on the map and description attached hereto as Exhibit 1 (the "Economic Focus Area") meets the following criteria:

1. There are a large number of vacant older buildings or structures in the Economic Focus Area.

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2. There are a large number of vacant or underused parcels of property in the Economic Focus Area.
3. There is an absence of development and investment activity in the Economic Focus Area compared to the surrounding Downtown Scottsdale area.
4. There is a continuing decline in population in the Economic Focus Area.

Section 2. That the certain property within the Economic Focus Area, legally described on the legal description and map attached as Exhibit 2, incorporated by this reference, and depicted as the “Waterfront Infill Incentive District” on the map attached hereto as Exhibit 1 is hereby designated to be an infill incentive district pursuant to Section 9-499.10, Arizona Revised Statutes (“Scottsdale Waterfront Infill Incentive District” or “District”).

Section 3. That the City Council hereby adopts the Infill Incentive Plan attached as Exhibit 3 and incorporated by this reference as the infill incentive plan for the Scottsdale Waterfront Infill Incentive District.

Section 4. That the City Council hereby approves Case No. 1-II-2003 and adopts that certain document entitled the “Scottsdale Waterfront Development Plan”, three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 6376 of the City of Scottsdale, Arizona and is hereby referred to, adopted and made part hereof as if fully set out in this ordinance, as a protected development right plan for a phased development for the District, subject to all the requirements and limitations on a protected development right plan currently contained in sections 9-1201 through 9-1205 of the Arizona Revised Statutes and conditioned upon compliance with all stipulations included as Exhibit 5 to Resolution 6376.

Section 5. That the City Council hereby repeals only as to the property in the District those stipulations previously applicable to the property in the District that were adopted in Rezoning Case No. 43-ZN-95, and replaces them with the stipulations included within the Scottsdale Waterfront Development Plan as Exhibit 5 to Resolution 6376.

Section 6. That the City Council, sitting as the Development Review Board, hereby approves, as to the portion of the property in the District east of Marshall Way, the Scottsdale Waterfront Development Plan.

Section 7. That the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, and safety. Time is of the essence in that: (i) that certain Tolling Agreement between the City of Scottsdale and Scottsdale Waterfront, L.L.C., recorded as Document Number 2002-694136 in the Official Records of the Maricopa County Recorder’s Office, and the related Tolling Period expires no later than October 25, 2003; (ii) the City and Scottsdale Waterfront, L.L.C., have worked diligently and continuously since execution of the Tolling Agreement to reach agreement on the New Transaction required to satisfy the Tolling Agreement; (iii) approval of the Infill Incentive District and Infill Incentive Plan to allow amended development standards will permit the City and Scottsdale Waterfront, L.L.C., to execute that required New Transaction before October 25, 2003 and avoid litigation related to the Tolling Agreement; (iv) approval of the Infill Incentive District and Infill Plan will terminate the Waterfront Redevelopment Area and eliminate any pending or threatened litigation

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related to the Redevelopment Area; and (v) development of the property, its return to productivity, and the related positive impacts on downtown Scottsdale will be greatly accelerated through execution of the New Transaction. Therefore, the City Council hereby declares an emergency and this ordinance shall be in full force and effect from and after its passage by the Council as required by the City Charter.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_ day of October, 2003.

ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

By: \_\_\_\_\_  
Mary Manross, Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
C. Brad Woodford, City Attorney

ATTACHMENT #

## ALTERNATIVE #2: WITHOUT EMERGENCY CLAUSE

### ORDINANCE NO. 3527

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FINDING THE EXISTENCE OF STATUTORY CRITERIA SUPPORTING THE CREATION OF AN INFILL INCENTIVE DISTRICT IN THAT AREA OF THE CITY OF SCOTTSDALE GENERALLY LOCATED BETWEEN INDIAN SCHOOL, CAMELBACK, SCOTTSDALE ROADS, 68<sup>TH</sup> STREET AND GOLDWATER BOULEVARD, DESIGNATING A SPECIFIC PORTION OF THAT AREA TO BE AN INFILL INCENTIVE DISTRICT AND ADOPTING AN INFILL INCENTIVE PLAN, AND APPROVING CASE NO. 1-II-2003, WITH AMENDED DEVELOPMENT STANDARDS AND STIPULATIONS, APPROVING THE DESIGN REVIEW OF THAT PORTION OF THE DISTRICT EAST OF MARSHALL WAY.

WHEREAS, Section 9-499.10 of the Arizona Revised Statutes authorizes the City to designate an infill incentive district in an area within the City; and

WHEREAS, that statute authorizes the City to grant incentives for the development of property within an infill incentive district; and

WHEREAS, that statute requires that the City Council make certain findings prior to making such a designation and prior to the exercise of the powers granted by that statute; and

WHEREAS, the City Council has heard and seen evidence that within that area of the City hereafter described as the "Economic Focus Area" that there are a large number of vacant older buildings within the area, that there is an absence of development and investment activity in the area as evidenced by the retail vacancy rate which is approximately double that in the remainder of Downtown Scottsdale and that the office vacancy rate in the Area is approximately one and one-half times greater than that in the remainder of Downtown Scottsdale; that there is a large number of vacant or underused parcels of property in the area, and that there has been a continuing decline in population as evidenced by comparing the 1990 and 2000 census figures; and

WHEREAS, the City Council finds that granting a protected development right for a phased development to undertake and complete the development shown in the Scottsdale Waterfront Development Plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and secure the reasonable investment backed expectations of the landowner; and

WHEREAS, Case No. 1-II-2003 has been properly noticed for City Council consideration and the necessary hearings have been completed;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the City Council finds that the area of the City the boundaries of which are described and depicted as the "Economic Focus Area" on the map and description attached hereto as Exhibit 1 (the "Economic Focus Area") meets the following criteria:

1. There are a large number of vacant older buildings or structures in the Economic Focus Area.
2. There are a large number of vacant or underused parcels of property in the Economic Focus Area.

**ALTERNATIVE #2: WITHOUT EMERGENCY CLAUSE**

- 3. There is an absence of development and investment activity in the Economic Focus Area compared to the surrounding Downtown Scottsdale area.
- 4. There is a continuing decline in population in the Economic Focus Area.

Section 2. That the certain property within the Economic Focus Area, legally described on the legal description and map attached as Exhibit 2, incorporated by this reference, and depicted as the "Waterfront Infill Incentive District" on the map attached hereto as Exhibit 1 is hereby designated to be an infill incentive district pursuant to Section 9-499.10, Arizona Revised Statutes ("Scottsdale Waterfront Infill Incentive District" or "District").

Section 3. That the City Council hereby adopts the Infill Incentive Plan attached as Exhibit 3 and incorporated by this reference as the infill incentive plan for the Scottsdale Waterfront Infill Incentive District.

Section 4. That the City Council hereby approves Case No. 1-II-2003 and adopts that certain document entitled the "Scottsdale Waterfront Development Plan", three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 6376 of the City of Scottsdale, Arizona and is hereby referred to, adopted and made part hereof as if fully set out in this ordinance, as a protected development right plan for a phased development for the District, subject to all the requirements and limitations on a protected development right plan currently contained in sections 9-1201 through 9-1205 of the Arizona Revised Statutes and conditioned upon compliance with all stipulations included as Exhibit 5 to Resolution 6376.

Section 5. That the City Council hereby repeals only as to the property in the District those stipulations previously applicable to the property in the District that were adopted in Rezoning Case No. 43-ZN-95, and replaces them with the stipulations included within the Scottsdale Waterfront Development Plan as Exhibit 5 to Resolution 6376.

Section 6. That the City Council, sitting as the Development Review Board, hereby approves, as to the portion of the property in the District east of Marshall Way, the Scottsdale Waterfront Development Plan.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_ day of October, 2003.

ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

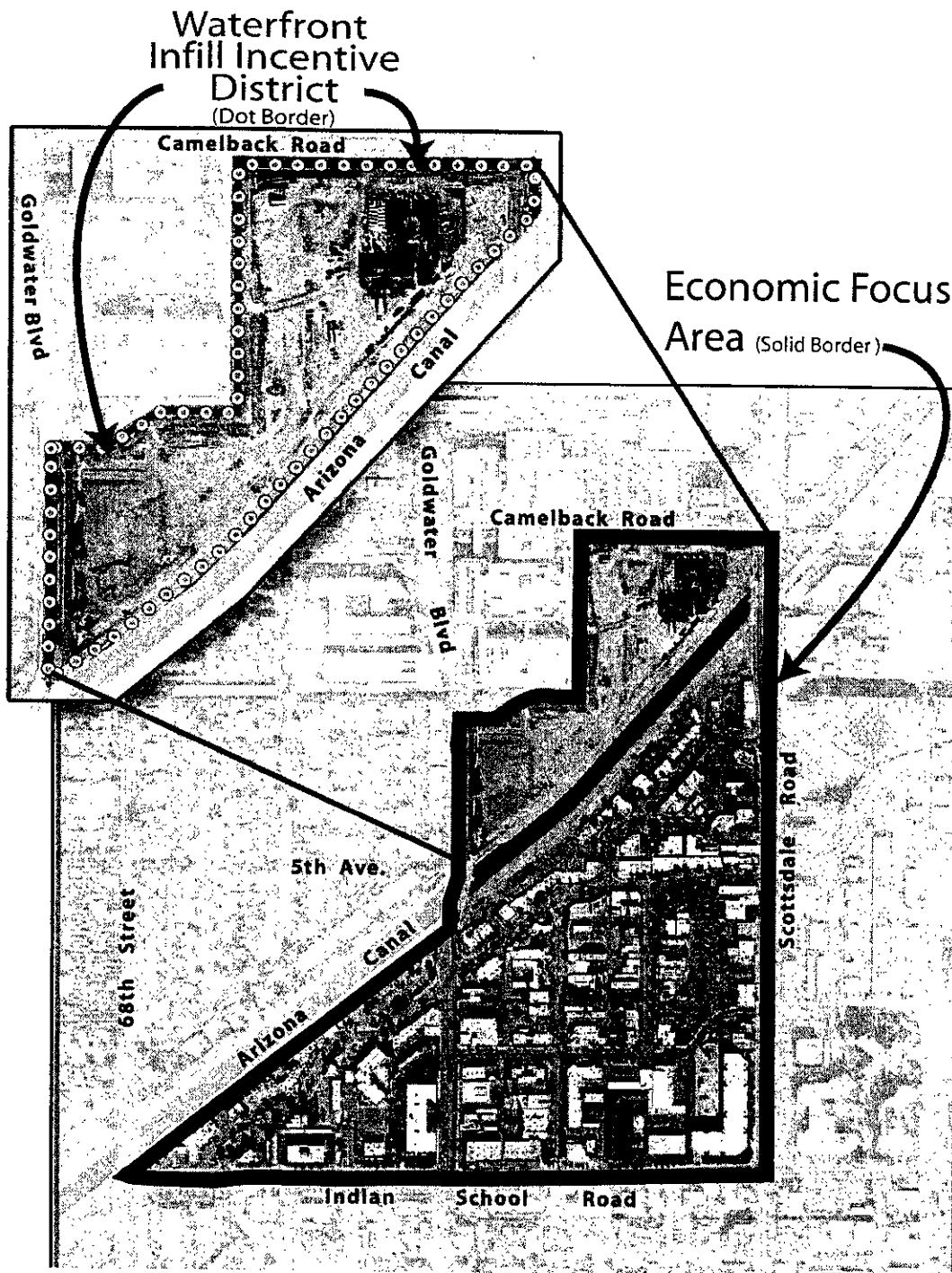
By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

By: \_\_\_\_\_  
Mary Manross, Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
C. Brad Woodford, City Attorney

ATTACHMENT #



**Economic Focus Area Boundary Description:**

Beginning at the intersection of Scottsdale Road and Camelback Road, thence southerly along the centerline of Scottsdale Road to the intersection of Scottsdale Road and Indian School Road, thence westerly along the centerline of Indian School Road to the intersection of Indian School Road and the south bank of the Arizona Canal, thence northeasterly along the south bank of the Arizona Canal to its intersection with the centerline of Goldwater Boulevard, thence northerly along the centerline of Goldwater Boulevard to the intersection of Goldwater Boulevard and Montecito Avenue, thence easterly along the centerline of Montecito Avenue to the intersection of Montecito Avenue and Marshall Way, thence northerly along the centerline of Marshall Way to the intersection of Marshall Way and Camelback Road, thence easterly along the centerline of Camelback Road to the Point of Beginning.



**BROOKS, HERSEY & ASSOCIATES, INC.**

ENGINEERS/SURVEYORS  
CONSTRUCTION ADMINISTRATORS

**LEGAL DESCRIPTION  
SCOTTSDALE WATERFRONT  
TIED PARCELS**

A portion of the Northeast Quarter of the Southeast Quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Northeast corner of said Northeast Quarter of the Southeast Quarter of Section 22;

Thence South  $88^{\circ}54'09''$  West, along the North line of said Northeast Quarter of the Southeast Quarter, 93.04 feet;

Thence South  $01^{\circ}05'51''$  East, 55.00 feet to a point on the Southerly right-of-way line of Camelback Road, said point also being on the Westerly right-of-way line of Scottsdale Road marking the Point of Beginning;

Thence South  $00^{\circ}01'51''$  East, along said Westerly right-of-way line of Scottsdale Road, 98.83 feet to a point on the Northerly right-of-way line of the Arizona Canal;

Thence South  $41^{\circ}07'13''$  West, along said Northerly right-of-way line, 788.90 feet to the Southwest corner of Paradise Palms, a subdivision recorded in Book 54 of Maps, Page 13, Maricopa County Records;

Thence continuing along said Northerly right-of-way line South  $01^{\circ}07'51''$  East, 42.31 feet to a point on the Northerly right-of-way line of the Arizona Canal;

Thence continuing along said Northerly right-of-way line South  $40^{\circ}32'09''$  West, 125.75 feet to the beginning of a curve concave Northwesterly and having a radius of 1941.86 feet;

Thence Southwesterly along said curve through a central angle of  $10^{\circ}14'30''$ , an arc distance of 347.11 feet;

Thence continuing along said Northerly right-of-way line South  $50^{\circ}46'40''$  West, 320.68 feet, to the beginning of a non-tangent curve concave Westerly and having a radius of 626.00 feet, a radial to said beginning bears North  $83^{\circ}32'29''$  West;

Thence Northerly along said curve through a central angle of  $03^{\circ}01'04''$ , an arc distance of 32.97 feet;

Thence South  $45^{\circ}03'11''$  East, 7.89 feet;

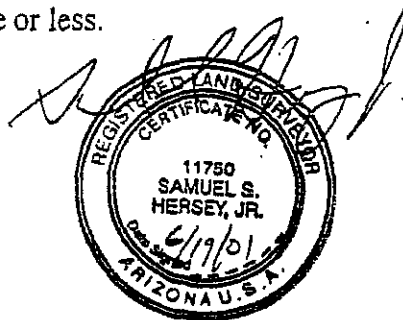
Thence North  $44^{\circ}56'49''$  East, 10.00 feet;

Thence North  $45^{\circ}03'11''$  West, 16.93 feet to the beginning of a non-tangent curve concave Westerly and having a radius of 626.00 feet, a radial to said beginning bears North  $87^{\circ}49'25''$  West;

**Exhibit 2  
Page 1 of 3**

Thence Northerly along said curve through a central angle of  $02^{\circ}13'41''$ , an arc distance of 24.34 feet;  
Thence North  $00^{\circ}03'30''$  West, 265.18 feet;  
Thence North  $20^{\circ}03'30''$  West, 29.24 feet;  
Thence North  $00^{\circ}03'30''$  West, 94.68 feet;  
Thence North  $72^{\circ}53'45''$  East, 14.24 feet;  
Thence North  $00^{\circ}03'30''$  West, 48.98 feet;  
Thence North  $41^{\circ}23'02''$  East, 11.86 feet to the beginning of a non-tangent curve concave Northerly and having a radius of 210.00 feet, a radial to said beginning bears North  $05^{\circ}54'59''$  West;  
Thence Easterly along said curve through a central angle of  $24^{\circ}17'27''$ , an arc distance of 89.03 feet;  
Thence North  $59^{\circ}47'34''$  East, 112.30 feet, to the beginning of a curve concave Southerly and having a radius of 150.00 feet;  
Thence Easterly along said curve through a central angle of  $29^{\circ}09'31''$ , an arc distance of 76.34 feet;  
Thence North  $88^{\circ}57'04''$  East, 175.30 feet;  
Thence North  $01^{\circ}05'51''$  West, 603.97 feet;  
Thence North  $43^{\circ}54'09''$  East, 31.11 feet to the Southerly right-of-way line of Camelback Road;  
Thence North  $88^{\circ}54'09''$  East, along said Southerly right-of-way line, 49.50 feet;  
Thence North  $01^{\circ}05'51''$  West, along said Southerly right-of-way line, 5.50 feet;  
Thence North  $88^{\circ}54'09''$  East, along said Southerly right-of-way line, 18.53 feet;  
Thence North  $72^{\circ}05'59''$  East, along said Southerly right-of-way line, 12.21 feet;  
Thence North  $01^{\circ}23'06''$  West, along said Southerly right-of-way line, 0.97 feet;  
Thence North  $88^{\circ}54'09''$ , East, along said Southerly right-of-way line, 562.56 feet to THE TRUE POINT OF BEGINNING.

Parcel contains 492,3278 square feet, 11.30 acres, more or less.





NE COR. OF NE 1/4 SE 1/4 SEC. 22

S88°54'09"W  
93.04'  
S00°01'51"E  
55.00'  
P.O.B.

CAMELBACK ROAD

SCOTTSDALE ROAD

N43°54'09"E  
31.11'

L9 L10

N 88°54'09" E 562.56'

N88°54'09"E  
49.50'

S00°01'51"E  
98.83'

LINE TABLE		
LINE	LENGTH	BEARING
L8	5.50	N01°05'51"W
L9	18.53	N88°54'09"E
L10	12.21	N72°05'59"E
L11	0.97	N01°23'06"W

MARSHALL WAY

603.97'  
N01°05'51"W

S41°07'13"W 788.90'

ARIZONA CANAL

MONTECITO DRIVE

N88°57'04"E  
175.30'

C3 N59°47'34"E C4  
112.30'

N00°03'30"W  
48.98'

S01°07'51"E  
42.31'

S40°32'09"W  
125.75'

R1941.86'  
L347.11'  
Δ10°14'30"



N.T.S.

GOLDWATER BLVD.

N00°03'30"W  
94.68'

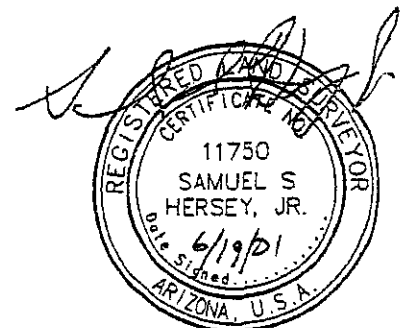
N00°03'30"W 265.18'

S55°46'40"W 320.68'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	32.97	626.00	03°01'04"
C2	NOT USED		
C3	89.03	210.00	24°17'27"
C4	76.34	150.00	29°09'31"
C5	24.34	626.00	02°13'41"

LINE TABLE		
LINE	LENGTH	BEARING
L1	NOT USED	
L2	7.89	S45°03'11"E
L3	10.00	N44°56'49"E
L4	16.93	N45°03'11"W
L5	29.24	N20°07'30"W
L6	14.24	N72°53'45"E
L7	11.86	N41°23'02"E



NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT FOR THE RESULT OF A FIELD SURVEY.

**BROOKS, HERSEY & ASSOCIATES, INC.**  
ENGINEERS/SURVEYORS

4802 E. ELWOOD STREET, 16  
Phoenix, Arizona 85040

Phone (602) 437-3733  
Fax (480) 858-0204

**Infill Incentive Plan  
Scottsdale Waterfront Infill Incentive District  
Case No. 1-II-2003**

Arizona statutes require that the City Council adopt an infill incentive plan for any infill incentive district it designates. A.R.S. § 9-499.10. In Ordinance 3527 the Scottsdale City Council has designated an infill incentive district, known as the Scottsdale Waterfront Infill Incentive District ("District") within an economic focus area of the City, and also adopts the following plan to promote development within the District:

**1. Expedited processing of plans and proposals**

To promote development within the District, the City will expedite the processing of plans within the District in at least the following ways:

- Development review of Phase One of the Project will go directly to the City Council for approval, instead of to the Development Review Board.
- Any required subdivision plat may, at the developer's request, be submitted to the City Council for approval as a combined preliminary and final plat, without the necessity of preparing a separate preliminary plat or review by the Development Review Board or the Planning Commission.

**2. Waiver of fees and participation in the provision of public benefits**

To promote development within the District, the City will waive the City's usual building permit plan check fees and financially participate in the construction of both on-site and off-site public infrastructure and other public benefits that benefit both the public and the Project as specified in a mutually agreed upon Development Agreement.

**3. Relief from development standards.**

To promote economically feasible development within the District, the City, concurrently with the creation of the District, has amended the development standards for the District, as shown on the Site Plan dated August 7, 2003 and as specified in the Amended Development Standards and Stipulations, attached to Resolution 6376 as Exhibits 4 and 5, and adopted by reference in Ordinance 3527.

RESOLUTION NO. 6376

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS COLLECTIVELY ENTITLED "SCOTTSDALE WATERFRONT DEVELOPMENT PLAN" FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE.

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Section 1. Those certain documents collectively entitled "Scottsdale Waterfront Development Plan," three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk. The documents comprising the "Scottsdale Waterfront Development Plan" are as follows:

Exhibit 1	Economic Focus Area Map and Boundary Description
Exhibit 2	Scottsdale Waterfront Infill Incentive District Legal Description and Map
Exhibit 3	Infill Incentive Plan
Exhibit 4	Amended Development Standards
Exhibit 5	Stipulations
Exhibit A	Site Plan dated 9/22/2003
Exhibit B	Landscape Concept Plan dated 9/22/2003
Exhibit C	Elevations dated 9/22/2003
Exhibit D	Parking Plan dated 9/22/2003
Exhibit E	Circulation Plan dated 9/22/2003
Exhibit F	Building Height Exhibit dated 10/01/2003

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_ day of October, 2003.

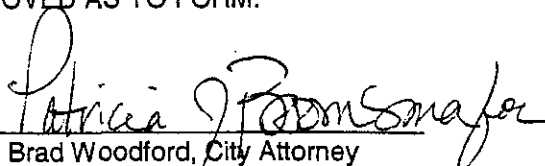
ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

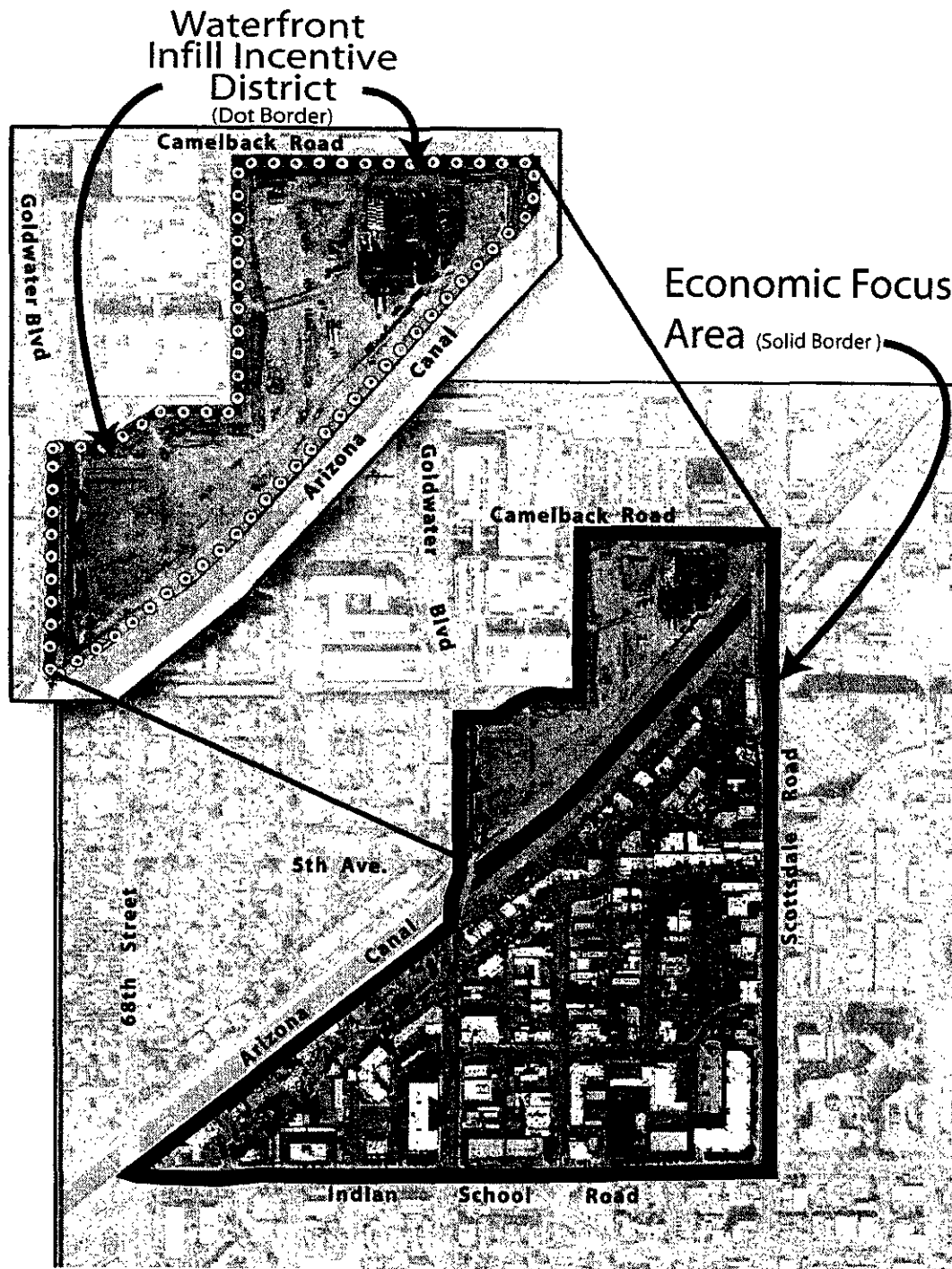
By: \_\_\_\_\_  
Mary Manross, Mayor

APPROVED AS TO FORM:

By:   
C. Brad Woodford, City Attorney

ATTACHMENT #

**SCOTTSDALE  
WATERFRONT  
DEVELOPMENT  
PLAN**



**Economic Focus Area Boundary Description:**

Beginning at the intersection of Scottsdale Road and Camelback Road, thence southerly along the centerline of Scottsdale Road to the intersection of Scottsdale Road and Indian School Road, thence westerly along the centerline of Indian School Road to the intersection of Indian School Road and the south bank of the Arizona Canal, thence northeasterly along the south bank of the Arizona Canal to its intersection with the centerline of Goldwater Boulevard, thence northerly along the centerline of Goldwater Boulevard to the intersection of Goldwater Boulevard and Montecito Avenue, thence easterly along the centerline of Montecito Avenue to the intersection of Montecito Avenue and Marshall Way, thence northerly along the centerline of Marshall Way to the intersection of Marshall Way and Camelback Road, thence easterly along the centerline of Camelback Road to the Point of Beginning.



**BROOKS, HERSEY & ASSOCIATES, INC.**

ENGINEERS/SURVEYORS  
CONSTRUCTION ADMINISTRATORS

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TIED PARCELS**

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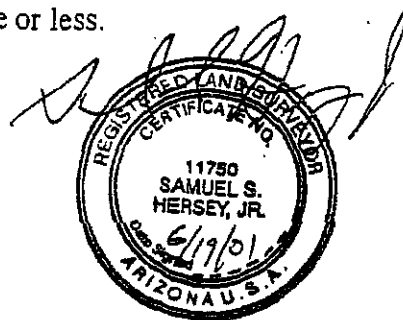
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**Exhibit 2  
Page 1 of 3**

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Thence North  $41^{\circ}23'02''$  East, 11.86 feet to the beginning of a non-tangent curve concave Northerly and having a radius of 210.00 feet, a radial to said beginning bears North  $05^{\circ}54'59''$  West;  
Thence Easterly along said curve through a central angle of  $24^{\circ}17'27''$ , an arc distance of 89.03 feet;  
Thence North  $59^{\circ}47'34''$  East, 112.30 feet, to the beginning of a curve concave Southerly and having a radius of 150.00 feet;  
Thence Easterly along said curve through a central angle of  $29^{\circ}09'31''$ , an arc distance of 76.34 feet;  
Thence North  $88^{\circ}57'04''$  East, 175.30 feet;  
Thence North  $01^{\circ}05'51''$  West, 603.97 feet;  
Thence North  $43^{\circ}54'09''$  East, 31.11 feet to the Southerly right-of-way line of Camelback Road;  
Thence North  $88^{\circ}54'09''$  East, along said Southerly right-of-way line, 49.50 feet;  
Thence North  $01^{\circ}05'51''$  West, along said Southerly right-of-way line, 5.50 feet;  
Thence North  $88^{\circ}54'09''$  East, along said Southerly right-of-way line, 18.53 feet;  
Thence North  $72^{\circ}05'59''$  East, along said Southerly right-of-way line, 12.21 feet;  
Thence North  $01^{\circ}23'06''$  West, along said Southerly right-of-way line, 0.97 feet;  
Thence North  $88^{\circ}54'09''$ , East, along said Southerly right-of-way line, 562.56 feet to THE TRUE POINT OF BEGINNING.

Parcel contains 492,3278 square feet, 11.30 acres, more or less.



NE COR. OF NE 1/4 SE 1/4 SEC. 22

S88°54'09"W  
93.04'  
S00°01'51"E  
55.00'  
P.O.B.

CAMELBACK ROAD

N43°54'09"E  
31.11'

L9L10

N 88°54'09" E 562.56'

N88°54'09"E  
49.50'

S00°01'51"E  
98.83'

LINE TABLE		
LINE	LENGTH	BEARING
L8	5.50	N01°05'51"W
L9	18.53	N88°54'09"E
L10	12.21	N72°05'59"E
L11	0.97	N01°23'06"W

603.97' MARSHALL WAY

N01°05'51"W

S41°07'13"W 788.90'

ARIZONA CANAL

MONTECITO DRIVE

N88°57'04"E  
175.30'

C4 N59°47'34"E  
112.30'

N00°03'30"W  
48.98'

S01°07'51"E  
42.31'

S40°32'09"W  
125.75'

R1941.86'  
L347.11'  
Δ 10°14'30"



N.T.S.

GOLDWATER BLVD.

N00°03'30"W  
94.68'

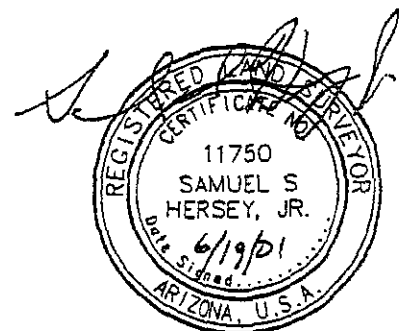
N00°03'30"W 265.18'

C5 S50°46'40"W 320.68'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	32.97	626.00	03°01'04"
C2	NOT USED		
C3	89.03	210.00	24°17'27"
C4	76.34	150.00	29°09'31"
C5	24.34	626.00	02°13'41"

LINE TABLE		
LINE	LENGTH	BEARING
L1	NOT USED	
L2	7.89	S45°09'11"E
L3	10.00	N44°56'49"E
L4	16.93	N45°03'11"W
L5	29.24	N80°03'30"W
L6	14.24	N72°53'45"E
L7	11.86	N41°23'02"E



NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT FOR THE RESULT OF A FIELD SURVEY.

**BRIDGES, HERSEY & ASSOCIATES, INC.**  
ENGINEERS & SURVEYORS

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**Infill Incentive Plan  
Scottsdale Waterfront Infill Incentive District  
Case No. 1-II-2003**

Arizona statutes require that the City Council adopt an infill incentive plan for any infill incentive district it designates. A.R.S. § 9-499.10. In Ordinance 3527 the Scottsdale City Council has designated an infill incentive district, known as the Scottsdale Waterfront Infill Incentive District (“District”) within an economic focus area of the City, and also adopts the following plan to promote development within the District:

**1. Expedited processing of plans and proposals**

To promote development within the District, the City will expedite the processing of plans within the District in at least the following ways:

- Development review of Phase One of the Project will go directly to the City Council for approval, instead of to the Development Review Board.
- Any required subdivision plat may, at the developer’s request, be submitted to the City Council for approval as a combined preliminary and final plat, without the necessity of preparing a separate preliminary plat or review by the Development Review Board or the Planning Commission.

**2. Waiver of fees and participation in the provision of public benefits**

To promote development within the District, the City will waive the City’s usual building permit plan check fees and financially participate in the construction of both on-site and off-site public infrastructure and other public benefits that benefit both the public and the Project as specified in a mutually agreed upon Development Agreement.

**3. Relief from development standards.**

To promote economically feasible development within the District, the City, concurrently with the creation of the District, has amended the development standards for the District, as shown on the Site Plan dated August 7, 2003 and as specified in the Amended Development Standards and Stipulations, attached to Resolution 6376 as Exhibits 4 and 5, and adopted by reference in Ordinance 3527.

**INFILL INCENTIVE DISTRICT – SCOTTSDALE WATERFRONT**

The Infill Incentive District for the Scottsdale Waterfront Property provides modified development standards for the property bounded by the Arizona Canal, Scottsdale Road, Camelback Road, Marshall Way, and Goldwater Boulevard (the “Property”), as specified below.

**A. The zoning for the Property is Downtown RCO-PBD Type 2. The modifications revise the Scottsdale Zoning Ordinance standards for Downtown RCO-PBD Type 2 as follows:**

1. Revise the standards in Section 5.3060, Schedule B, *Site Development Standards*, as follows:

**SCHEDULE B**  
**SITE DEVELOPMENT STANDARDS**

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
<b><i>I. Development Requirements</i></b>					
1.	Basic Floor Area Ratio (FAR)	0.8	0.8	0.8	Section 5.3090
	a. Underground parking FAR bonus maximum	0.3	0.3	0.3	Section 5.3090 C1, 9.108.C.3
	b. Historic site FAR bonus maximum	0.2	0.2	0.2	Section 5.3090 C2
	c. Special improvements FAR bonus maximum	0.3	0.3	0.3	Section 5.3090 C4
	d. Planned block development FAR bonus maximum	0.1	0.1	0.1	Sections 5.3061 A, 5.3082
2.	Total maximum FAR (excluding residential bonus and right-of-way credit)	1.5	1.4	1.4	Sections 5.3061 B, 5.3065
	a. Residential/hotel FAR bonus maximum	0.5	0.4	0.4	Section 5.3090 C3
3.	Total maximum FAR (including residential but excluding right of way credit)	2.0	1.8	2.0-8	Section 5.3061 L
<b><i>II. Site Requirements</i></b>					
1.	Minimum Site Area	None required	None required	None required	
2.	Minimum Front Building Setback	12 feet from planned curb	20 feet from planned curb except designated street frontages	20 feet from planned curb except designated street frontages	Sections 5.3066, 5.3061 G, 5.3061 H, 5.3081 C
3.	Minimum Interior Side Building Setback	None	None	None	Sections 5.3066, 5.3061 I
4.	Minimum Corner Side Building Setback	12 feet from planned curb	20 feet from planned curb	20 feet from planned curb	Section 5.3066
5.	Minimum Rear Building Setback	No minimum except as required for off-street loading and trash storage	No minimum except as required for off-street loading and trash storage	No minimum except as required for off-street loading and trash storage	Sections 5.3066, 5.3061 I

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
6.	Landscaping	No minimum	No minimum	No minimum	Section 5.3062
7.	Parking	Pursuant to Article IX	Pursuant to Article IX	Pursuant to Article IX	Pursuant to Article IX
8.	Signs				Section 5.3061 K
<b>III. Building Design Requirements</b>					
1.	Basic Height Maximum (all uses)	26 feet (not more than 2 levels)	26 feet	38 feet (not more than 3 levels)	Section 5.3061 C
2.	Bonus Height Maximums				Section 5.3090
	a. Planned block development (all uses)				Section 5.3082
	100,000 sq. ft. minimum parcel	None	None	50 feet (not more than 4 levels)	
	200,000 sq. ft. minimum parcel	None	30 feet (not more than 4 levels)	65 feet (not more than 5 levels)	
	b. Residential use	36 feet (not more than 3 levels)	38 feet (not more than 3 levels)	<del>135</del> 50-feet (not more than 13 <del>5</del> -levels)	Section 5.3061 M
	c. Hotel use	36 feet (not more than 3 levels)	38 feet (not more than 3 levels)	72 feet (not more than 8 levels)	
3.	Building Size Maximum	None	350 feet any side, 550 feet two adj. sides. Above 38-foot elevation, 200 feet maximum	<del>350 feet any side, 550 feet two adj. sides. Above 38-foot elevation, 200 feet maximum</del>	Section 5.3061 D

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations	
4.	Spacing Between Buildings Minimum	None	10% of two longest sides	<b>EXCEPT FOR AREAS WHERE CONNECTIONS FOR BRIDGES, LOADING DOCKS, MECHANICAL ROOMS, ETC., ARE REQUIRED (WHICH WILL RESULT IN NO MINIMUM SPACING BETWEEN BUILDINGS) PROVIDE A MINIMUM SPACING OF THIRTY (30) FEET BETWEEN BUILDINGS 10% of two longest sides</b>	Section 5.3061 E	
5.	Large Walls					
	a.	Vertical dimension maximum	26 feet	26 feet	<del>38 feet without additional setback</del>	Section 5.3061 F
	b.	Horizontal dimension maximum	None	200 feet without "break"	200 feet without "break"	Section 5.3061 F

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
6.	Building Envelope, starting at a point 26 feet above the building setback line, the inclined setbacks plane slopes at:	2:1 on the front, and 1:1 on the other sides of a property	1:1 up to a height of 38 feet, 2:1 thereafter on all sides of a property	1:1 up to a height of 38 feet, 2:1 thereafter on all sides of a property. <b>THIS REQUIREMENT IS WAIVED FOR ALL LOCATIONS ON THE SITE WHERE ENCROACHMENTS BEYOND THE INCLINED STEPBACK PLANE OCCUR.</b>	Section 5.3061 J, 5.3061 N
7.	Encroachments Beyond Inclined Stepback Plane	Not permitted	A max. vertical encroachment of 15 ft. is permitted on a maximum of 25% of the length of an elevation	A max. vertical encroachment of 15 ft. is permitted on <del>maximum of</del> <b>100%</b> of the length of an elevation. <b>ENCROACHMENT SHALL NOT EXCEED 50% OF THE TOTAL STREET FRONTAGE.</b>	Section 5.3063, 5.3066

		Type 1 Area (Compact Development)	Type 1.5 Area (Low-Scale Development)	Type 2 Area (Intermediate Development)	Additional Regulations
8.	Building Lines	At the first level minimum 50% of front building face shall be at front building setback	Minimum 25% of area of front bldg. face below 26 ft. shall be at front building setback. At first level, min. 25% of width of projected street elevation must be at least 10 ft. behind front building setback	Minimum 25% of area of front bldg. face below 26 ft. shall be at front building setback; <b>THIS REQUIREMENT SHALL NOT APPLY TO BUILDINGS FRONTING ON MARSHALL WAY, CAMELBACK ROAD, OR GOLDWATER BOULEVARD</b> . At first level, min. 25% of width of projected street elevation must be at least 10 ft. behind front building setback	
9.	Private Outdoor Living Space	Minimum area of 60 sq. ft. per dwelling unit required with minimum dimensions of 6 ft.	Minimum area of 60 sq. ft. per dwelling unit required with minimum dimensions of 6 ft.	Ground-floor dwelling unit; min. dimension 5-10-ft. Upper floor unit; min. dimensions 6 ft. with min. area of 60 ft.	

(Ord. No. 1796, 11/05/85; Ord. No. 1932, § 1, 04/07/87; Ord. No. 1996, § 1, 02/01/88; Ord. No. 2736, § 1, 03/07/95; Ord. No. 3225, § 1, 05/04/99)

2. Revise the standards in Section 5.3061, *Additional Regulations*, as follows:

- A. Within a planned block development (PBD) transfer of floor area between abutting parcels in the same ownership shall be permitted. Transfer of floor area between parcels under different ownerships in the same planned block development shall be permitted, subject to special conditions of approval for the planned block development (section 5.3082).
- B. An additional square foot of allowable floor area will be permitted for each square foot of required right-of-way dedicated to the city before December 31, 1987.
- C. Maximum building height shall not **INCLUDE MECHANICAL AND ELEVATOR MACHINERY ENCLOSURES AND ARCHITECTURAL ELEMENTS. BUILDING HEIGHT SHALL BE MEASURED FROM LOWEST FINISHED FLOOR ELEVATION MEASURED FROM A 1,283 FOOT ELEVATION.** ~~exceed thirty-eight (38) feet in the following areas:~~
  - 1. ~~Within three hundred (300) feet of an R-1 district.~~
  - 2. ~~Within one hundred (100) feet of a type 1 area, except that planned block development projects may be approved with a bonused height maximum of up to fifty (50) feet.~~
- D. ~~Maximum building length shall not exceed:~~
  - 1. ~~Three hundred fifty (350) feet in any horizontal dimension.~~
  - 2. ~~Five hundred fifty (550) feet total for any two (2) adjacent building enclosure dimensions (e.g. front and side).~~
  - 3. ~~Two hundred (200) feet for the upper portion of a building above the thirty-eight foot elevation.~~
- E. ~~Spacing between two (2) buildings on the same site shall not be less than ten (10) percent of the larger building's two (2) longest adjacent sides at the space (e.g. front and side).~~
- F. Large wall surfaces shall be controlled in ~~vertical dimension and horizontal dimension~~ by the following:
  - 1. ~~Horizontal dimension~~ No wall surface shall be more than two hundred (200) feet long without a "break" (a break shall be an interruption of the building wall plane with either a recess or an offset measuring at least twenty (20) feet in depth, and one-quarter of the building in length. The offset angle constituting the "break" recess shall be between ninety (90) degrees and forty-five (45) degrees to the wall). **THIS STANDARD**

**SHALL NOT APPLY TO INTERNAL BUILDING FACADES,  
BUILDINGS FACADES FACING MARSHALL WAY, AND  
BUILDING FACADES FACING THE ARIZONA CANAL.**

- ~~2. *Vertical dimension:* A tall wall shall be set back an additional two (2) feet for every foot it measures in excess of thirty-eight (38) feet in vertical dimension. Such a wall shall constitute less than fifty (50) percent of the building's length as projected to any street or alley frontage. (Parallel vertical wall planes offset less than ten (10) feet shall be considered to be in the same plane).~~
- ~~3. Interior side walls farther than sixteen (16) feet from a side property line and within one hundred (100) feet of the front setback line shall not have a vertical dimension greater than thirty-eight (38) feet without an offset of at least ten (10) feet. Offset angles shall be between ninety (90) degrees and forty-five (45) degrees to the wall. Exempt from this requirement are multifamily dwellings, hotels, and buildings containing less than 50,000 square feet in gross floor area.~~
- E.G. Where existing setbacks on forty (40) percent or more of a blockface are less than the specified setback, the required setback on a site to be developed shall be the average setback of the developed portion of the blockface. Section 7.201 (adjustment of front yard requirements) shall not apply.
- F.H. Buildings fronting on Camelback Road, Indian School Road, and on Scottsdale Road north from Camelback Road and south from Osborn Road to the D district boundary, shall be set back **TWENTY-FIVE (25)** ~~forty (40)~~ feet from the planned curblines. **THE FRONT SETBACK MAY BE REDUCED TO ZERO (0) FEET FOR TWENTY-FIVE (25) PERCENT OF THE CAMELBACK ROAD FRONTAGE. BUILDINGS FRONTING ON MONTECITO AND MARSHALL WAY MAY BE SETBACK ZERO (0) FEET FROM THE PLANNED CURBLINE.** ~~Buildings fronting on the couplet road and located in a type 2 area shall be setback thirty (30) feet from the planned curblines.~~
- G.I. No building wall shall be placed so as to create a yard measuring less than three (3) feet at a property line between two (2) private properties.
- H.J. Adjoining an R-1 district, the inclined stepback plane shall be 1:1 from a ten-foot high stepback line.
- I.K. RHD subdistrict signs shall comply with article VIII R-5 regulations. Signs in all other subdistricts shall conform with C-2 district regulations.
- J.L. For residential development and timeshare facilities (as defined in Section 3.100), density shall not exceed fifty (50) dwelling units per gross acre.
- M. ~~In order to qualify for the fifty foot bonused height maximum a residential use shall be on a site larger than twenty thousand (20,000) square feet.~~



K.N. The inclined stepback plane shall not apply to interior property lines within a planned block development.

(Ord. No. 1796, 11/05/85; Ord. No. 1899, §1, 07/15/80; Ord. No. 1932, §1, 01/04/87; Ord. No. 1996, §1, 02/01/88)

3. Revise the standards in Section 5.3062, *Screening and Landscaping*, as follows:

**Sec. 5.3062. Screening and landscaping.**

- A. *Screening.* Fences, walls, hedges, or berms shall not exceed three (3) feet in height between a building setback line and a street property line or eight (8) feet in height between a building setback line and an interior side or rear property line.

A nonresidential use shall be screened from adjoining ground floor residential use or an adjacent residential district by masonry walls of the maximum heights permitted by this section unless the Development Review Board finds that such walls are unnecessary or inappropriate at the specific location.

All operations and storage shall be conducted within a completely enclosed building or within an area screened by a wall or fence approved by the Development Review Board or prescribed by the use permit if such is required for a principal use on the site.

- B. *Landscaping.* All setback areas visible from the street shall be improved with landscaping, paving, walks, or other appropriate materials. Landscaping shall include mature trees: In a type 1 area in accordance with requirements of the Development Review Board; and in a type 2 area, **IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER.** ~~one (1) mature tree per four hundred~~ (400) square feet of landscape area.

- C. *Maintenance of required planting areas.* Required planting areas shall be permanently maintained. This includes watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of the plant materials.

- D. *Preservation of mature trees.* The removal or alteration of one (1) or more mature trees shall be by permit, issued by the project review director. The project review director's decisions shall be in accord with guidelines for tree planting, alteration, and removal established by the Development Review Board. The project review director may require that a tree removed to remedy adverse effects on views, privacy and amenity, be replaced by a mature tree at the same or another location.

(Ord. No. 1796, 11-5-85)

4. Revise the standards in Section 5.3063, *Exceptions to Height Limits*, as follows:

Use Classifications	Retail Specialty Subdistrict	Office / Commercial Subdistrict	Office / Residential Subdistrict	Regional Commercial Office Subdistrict	Residential / Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
Single-family residential	—	—	P	—	P	—	—	—
<i>Visitor accommodations</i>								
Hotels, motels, and resorts	CU	P	P	P	P	—	—	CU
<i>Commercial</i>								
Adult businesses	—	CU	—	CU	—	—	—	—
Ambulance services	—	—	—	—	—	P	—	—
<i>Animal sales and services</i>								
Animal hospitals	—	P	—	P	—	—	—	—
Pet stores	L(8)	P	—	P	—	—	—	—
Banks and savings & loans	L(3)	P	P	P	—	P	—	—
With drive-up service	—	P	CU	P	—	P	—	—
Catering services	L(8)	P	—	P	—	—	—	—
<i>Commercial recreation and entertainment</i>								
Game center, pool halls, billiard parlors	—	CU	—	CU	—	—	—	—
Other	L(3)	P	—	P	—	—	CU	—
Communications facilities	—	CU	—	CU	—	—	—	—
Small-scale	—	P	P	P	—	—	—	—
Eating and drinking establishments	P	P	P	P	CU	L(2)	—	—
Live entertainment establishment	CU(10)	CU(10)	—	CU(10)	CU(10)	—	—	—
With take-out service	L(3), (8)	L(3)	L(3)	L(3)	—	—	—	—
Drive-through	—	P	—	P	—	—	—	—
Bar / Microbrewery	L	L	—	L	L	—	—	—
Bar / Microbrewery with limited retail and wholesale sales	CU	CU	—	CU	—	—	—	—
Food sales	L(3)	P	P	P	—	—	—	—
Laboratories	—	P	—	P	—	P	—	—
Maintenance and repair services	—	P	—	P	—	—	—	—
Mortuaries	—	CU	—	—	—	—	—	—
Nurseries, plant	—	CU	—	CU	—	—	—	—
Offices, business and professional	L(5)	P	P	P	—	P	—	—
Offices, medical and dental	L(5)	P	P	P	—	P	—	—
Pawnshops	—	P	—	—	—	—	—	—

Use Classifications	Retail Specialty Subdistrict	Office / Commercial Subdistrict	Office / Residential Subdistrict	Regional Commercial Office Subdistrict	Residential / Hotel Subdistrict	Medical Subdistrict	Civic Center Subdistrict	Residential High Density
Transportation facilities	CU	CU	—	CU	—	—	—	—
Limited	CU	CU	CU	CU	—	CU	—	—
Utilities	—	CU	CU	CU	—	—	—	—
<i>Accessory</i>								
Accessory parking, separate	L(8)	P	P	P	—	P	CU	—
Accessory uses and structures	P	P	P	P	P	P	CU	P

**ADDITIONAL REGULATIONS PERTAINING TO LAND USE SUBDISTRICTS:**

- (1) Not permitted on first-floor and cannot occupy more than twenty-five (25) percent of floor area.
- (2) Permitted only in mixed-use development as an accessory use.
- (3) Only “limited” or “small-scale” uses allowed, as defined by use classifications.
- (4) Permitted as accessory use on the site of a hotel or resort only if there is no separate entrance or sign for the limited use.
- (5) Not permitted on ground-floor within twenty-five (25) feet of a street property line.
- (6) Total ground level frontage occupied by this use classification shall not exceed fifteen (15) percent of the street frontage on a blockface plus the street property lines forming the sides of corner lots.
- (7) On-site storage limited to two (2) rental cars.
- (8) Not permitted in (P) pedestrian overlay district; see § 5.3081.
- (9) Type two (2) districts only.
- (10) See § 1.403 for criteria.
- (11) Only “medium-scale” uses allowed, as defined by use classification.
- (12) Permitted when building or roof mounted; see §§ 1.400, 1.906 and 3.100.

(Ord. No. 1796, 11/05/85; Ord. No. 1932, §1, 04/07/87; Ord. No. 2232, §1, 06/06/90; Ord. No. 2311, §1, 08/21/90; Ord. No. 2430, §1, 01/21/92; Ord. No. 2620, §1, 08/02/94; Ord. No. 3020, §1(a), 06/03/97; Ord. No. 3048, §2, 10/07/97; Ord. No. 3103, §1, 01/06/98; Ord. No. 3225, §1, 05/04/99; Ord. No. 3394, 06/19/01; Ord. No. 3493, §1, 03/04/03)

6. Revise Section 8.302, *Community Sign District*, as follows:

**Sec. 8.302 Community sign district.**

The comprehensive sign program is intended to encourage flexible signage opportunities which are greater than that of the underlying zoning district, but are appropriate to the character of the development, provide adequate identification and information, provide a good visual environment, promote traffic safety and are regulated to the extent necessary to be consistent with the purpose and intent of this sign ordinance as specified in Section 8.101.

- I. **BY PETITION OF AT LEAST SEVENTY-FIVE (75) PERCENT OF THE AFFECTED PROPERTY OWNERS, THE** Property owners **IN AN INFILL INCENTIVE DISTRICT** may form a community sign district, **WITH PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER APPROVAL**, to propose and maintain a comprehensive sign program for additional signage as provided in this section. The comprehensive sign program established under this Section 8.302.I may allow signage which in size and total sign budget exceeds the maximum otherwise allowed by no more than ten (10) percent. In no event may the comprehensive sign program propose signage of a type that is otherwise prohibited by this ordinance.
- A. ~~A community sign district may be formed by petition of at least seventy-five (75) percent or more of the affected property owners in the district.~~
- B. ~~The Development Review Board may approve a comprehensive sign program in commercial centers, industrial centers, resorts, and hospitals with gross leasable areas in excess of three hundred thousand (300,000) square feet or planned districts fifteen (15) acres or greater.~~
- C. The comprehensive sign program shall include a complete set of standards, including, but not limited to, letter size, style, colors, type(s) of sign, placement of signs, number of signs, and sign material.
- B.D. ~~THE~~ A community sign district shall coordinate the preparation and submission of the comprehensive sign program and shall be responsible for the installation and maintenance of signage and landscaping approved in the comprehensive sign program.
- II. The city may establish a comprehensive sign program for redevelopment areas and redevelopment sub-areas. The program shall consist of a complete set of standards, including but not limited to, letter size, style, colors, type(s) of sign, placement of signs, number of signs and sign material. In no event may the comprehensive sign program propose signage of a type that is otherwise prohibited by this ordinance.
- A. The comprehensive sign program may include architectural signs in accordance with the following:
1. Such signs shall be installed at major entrances to the redevelopment district, or the redevelopment sub-area.
  2. The text shall be limited to the overall identification of the redevelopment area or the redevelopment sub-area.
  3. The maximum sign area for such sign shall be sixty (60) square feet.
  4. The maximum height shall be twenty (20) feet.

5. The maximum number of signs per architectural element shall be one (1) sign.
  6. The maximum letter height for each architectural sign shall be two (2) feet.
- B. The comprehensive sign program may include banners in accordance with the following:
1. The banners shall identify the redevelopment area or redevelopment sub-area.
  2. The banners shall be of new material and may be permanent, subject to Development Review Board approval of a maintenance program.
- C. The comprehensive sign district may include freestanding directory signs designed as architectural elements identifying businesses and points of interest in accordance with the following:
1. The maximum sign area shall be fifteen (15) square feet.
  2. The maximum height shall be seven (7) feet.
- D. The comprehensive sign program shall be approved by the City Council and the Development Review Board. The city shall coordinate the preparation and submission of the comprehensive sign program. The application shall detail the responsibility for the installation and maintenance of signage and landscaping approved in the comprehensive sign program.
- III. No sign identified in this section shall be placed upon real property without the consent of the real property owner, nor shall such sign be placed in any public right-of-way without first securing any required encroachment permit(s).

(Ord. No. 2260, §2, 07/18/89; Ord. No. 2401, §1, 10/01/91; Ord. No. 2905, §1, 08/05/96)

7. Revise Section 9.108, *Special Parking Requirements in Districts*, as follows:

**Sec. 9.108 Special parking requirements in districts.**

- A. *Planned regional center.* The provision of article IX shall apply with the following exceptions:
1. There shall be no parking required for courtyards or other open spaces, except that those portions thereof used for sales or service activities shall provide parking as specified elsewhere by this ordinance.

2. Parking for dwellings shall be covered.

B. *Western theme park district.* The provisions of article IX shall apply with the following exceptions:

1. The number of spaces required in table 9.2 may be proportionately reduced by the provision of bus parking. Bus parking provided in lieu of automobile parking spaces may account for a maximum reduction of fifty (50) percent of the spaces required in table 9.2.
2. If any bus parking is provided in lieu of automobile parking spaces, one (1) overflow automobile parking space shall be provided for each twenty-five (25) persons for whom seating is provided as indicated on the approved development plan.

C. *Downtown (d) districts.*

1. *Parking Requirements.* Parking capacity shall satisfy the requirements of the land uses served, **SUBJECT TO A TWENTY (20) PERCENT REDUCTION IN TOTAL REQUIRED PARKING**, and can be provided by any of the following options: on-site parking, remote parking, parking in-lieu payments, or evening-use parking credits. These standards shall not be subject to variances.
2. *Parking in-lieu payments.* A parking requirement for nonresidential uses may be met by a parking in-lieu payment to the downtown parking fund and shall be used for the operation of a downtown parking program which may include, but is not linked to, the provision and maintenance of public parking spaces, the operation of tram shuttle services linking public parking facilities and downtown activity centers, and services related to the management and regulations of public parking. The city shall not be obligated to provide more than twenty (20) such spaces without the express approval of the City Council. Fractional parking requirements may be paid on a pro rata basis. The amount of the in-lieu fee shall be established by the City Council, and may include penalties for late payment. Parking in-lieu credits may be purchased either as permanent parking credits, or as impermanent parking credits in accordance with the following:
  - a. *Permanent parking in-lieu credits:* Parking space credits purchased under this permanent in-lieu option shall be permanently credited to the property. These parking credits may be purchased either by installment payments to the city over a fixed period of time, or by payment of a lump sum fee.

Under the lump sum purchase option, purchase shall be made by payment **OF** the total fee in the manner described herein. The installment purchase option shall require an initial cash deposit and

a written agreement binding the applicant to make subsequent monthly installment payments. The installment purchase agreement shall not create a payment term longer than fifteen (15) years, and shall include payment procedures adopted by the Planning and Community Development Department. Payment of the lump sum in-lieu fee or payment of the installment purchase deposit and execution by both parties of the installment purchase agreement, shall be completed prior to the issuance of a building permit ~~IF~~ one is required, or to the issuance of a certificate of occupancy.

- b. *Monthly parking in-lieu credits:* Parking credits obtained by payment of a monthly in-lieu fee under this option are only for the term of the activity requiring the parking and are not permanently credited to the property. Properties must first possess a minimum of four and one-half (4 ½) parking spaces per one thousand (1,000) square feet of net floor area of building, and may thereafter subscribe for additional required parking spaces by paying the monthly in-lieu fee. Payments shall be made in accordance with a written agreement and procedures adopted by the Planning and Community Development Department. The first monthly payment shall be made prior to issuance of a certificate of occupancy for the business for whose benefit the monthly payments are made.
3. *FAR bonus for underground and on-site structure parking.* A maximum FAR bonus of three-tenths (0.3) is available subject to the following:
    - a. In a type 1 area, eighty (80) percent of the required parking is in a shared structure parking.
    - b. In a type 2 area, ninety (90) percent of the required parking is underground.

Where shared structure parking is underground parking provided by a project is less than stipulated above, the FAR bonus shall be adjusted downward on a pro rata basis. (sic)

Parking in-lieu payments may be utilized to satisfy shared structure parking or underground parking incentives on a space per space basis.

4. *Evening-use parking.* Establishments conducting business between the hours of 5:00 p.m. and 3:00 a.m. qualify for evening-use parking credits for parking spaces identified to be vacant during those hours, subject to the following requirements:
  - a. Application for evening-use parking credits shall be through the use permit process and shall be made by the property owner on behalf of the establishment requiring parking credits.

- b. Before qualifying for evening-use parking credits, a property must possess a minimum of four and one-half (4 ½) parking spaces per one thousand (1,000) square feet of net building area, on site or by one (1) of the means provided for in paragraph c(3) below.
- c. Evening-use parking credits may be granted for spaces provided from one (1) or more of the following sources:
  - (1) Same-site: Parking spaces on the same property which are unutilized during the designated evening hours.
  - (2) Adjacent or nearby site: Unutilized parking spaces on adjacent or near-by properties which meet the requirements of this section and 9.107.C and D.
  - (3) Public on-street and on-site spaces: After exhausting available “same-site” evening-use parking credits, additional credits may be sought using unutilized public on-street and on-site parking spaces, subject to the following requirements:
    - (a) The use permit application shall be accompanied by an analysis acceptable to the City Manager or his designee, establishing the availability and location of the unutilized public parking spaces for which evening-use parking credits are being sought.
    - (b) The maximum number of evening-use parking credits is limited to twenty (20) parking spaces or to fifty (50) percent of the “base minimum” parking requirement ascribed to the property, whichever is less, for which a monthly fee established by City Council will be charged and deposited in a downtown parking fund.
- d. The application shall provide a plan acceptable to the City Manager or his designee for the security and maintenance of the parking areas and their environs in a neat and orderly condition, and shall demonstrate that the areas meet the lighting requirements of section 7.600.

(Ord. No. 2736, §1, 03/07/95; Ord. No. 3225, §1, 05/04/99)

- 8. Provide the General Manager of Planning and Development Services the authority to approve additional modifications to the property development standards, except as the standards address building height but including the approved number of residential dwelling units and non-residential square footages, up to twenty-five (25) percent of the approved standards.



**B. The Scottsdale Waterfront Property must comply with the *Downtown Scottsdale Urban Design and Architectural Guidelines* as they apply to Type 2 (Intermediate) Development Areas. The modifications revise *Guidelines* as follows:**

1. Modify Section II.A8, *The Continuity of Street Spaces*, to allow:

- Siting of buildings at oblique angles along Camelback Road and Scottsdale to avoid the “canyon effect” buildings could have on these street frontages.
- Building front elevations located behind the front setback line, providing a generous pedestrian walkway and landscape buffer along adjoining streets.
- On Camelback Road: Siting of buildings at oblique angles and behind the front setback line to create a desirable pedestrian environment and streetscape and to allow views toward interior plazas and the Arizona Canal.
- On Scottsdale Road: Siting of buildings at oblique angles and/or behind the front setback line to open up visually the corner, creating a new public open space area with views to the Arizona Canal.
- On Marshall Way: Placing a minimum of twenty-five (25) percent of the building front elevations no more than twenty (20) feet behind the front setback line when provided with covered pedestrian walkways at the building façade and twenty-five (25) feet in locations without covered walkways, to recognize the planned pedestrian-oriented character of Marshall Way.
- On Goldwater Boulevard: Locating buildings behind the front setback line to create a buffer for neighborhoods to the west.

2. Modify Section II.A9, *The Building Setback Zone*, to allow:

- A buffer between the pedestrian and the street on major arterial streets.

3. Modify Section II.B1, *Reduction of Apparent Size and Bulk*, to allow:

- A building base to incorporate an element using a covered walkway, architectural details, building articulation, landscaping, or other means to establish a strong connection to the ground and the site.

4. Modify Section II.B2, *Covered Walkways*, to allow:

- Placing a covered walkway, landscaping, awning, trellis, or other form of shading on street-facing elevations to provide shade and to reduce apparent building mass. This guideline may be waived **SUBJECT TO APPROVAL BY PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER** on north and east-facing elevations or other locations where sun protection is not required.

5. Modify Section II.D1.1, *Downtown Street Trees*, to allow:

- Creative flexibility in design of landscaping, plazas, and open space areas by not restricting street tree and planter types, except as mandated by the Arizona Department of Water Resources.
6. Modify Section II.D1.2, *Setback Area Paving*, to allow:
    - Creative flexibility in design of landscaping, plazas, and open space areas by not restricting setback area paving materials.
  7. Modify Section II.D2, *Site Spaces*, to allow:
    - Use of turf at areas intended for outdoor use and activities, including but not limited to the proposed performance space/amphitheater, residential open space areas, and other parts of the Waterfront site. All use of turf is to be subject to Development Review Board approval.
  8. Waiver of Section III.E, *The Couplet* **EXCEPT FOR III. E, COUPLET, DESIGN GUIDELINES: 2, 3, 4, 6 AND 7.**
  9. Modify Appendix A, *Plant Selection Guide*, to allow:
    - Creative flexibility in design of landscaping, plazas, and open space areas by not restricting street tree and landscape materials, except as mandated by the Arizona Department of Water Resources.
  10. Provide the General Manager of Planning and Development Services the authority to approve additional modifications to the *Downtown Scottsdale Urban Design and Architectural Guidelines* as they apply to Type 2 (Intermediate) Development Areas so long as the modifications are consistent with the stated goals for Type 2 areas.

# **STIPULATIONS FOR CASE 1-II-2003**

## **Outline**

### **Section 1.0 Applicability**

This application is to establish an Infill Incentive Plan for the Scottsdale Waterfront project area. SCOTTSDALE WATERFRONT (THE "OWNER") has a development plan that proposes both residential and non-residential uses onsite.

- 1.1 Infill District
- 1.2 Amendments
- 1.3 City Code References

### **Section 2.0 Development and Design Standards**

These stipulations apply only to development within the Infill Incentive District as defined in Ordinance 3527.

- 2.1 Conformance to Character
- 2.2 Conformance to Amended Development Standards
- 2.3 Sequence of Stipulation Performance
- 2.4 Master Plans
- 2.5 Development Site Stipulations

### **SECTION 3.0 DEVELOPMENT REVIEW BOARD STIPULATIONS**

- 3.1 ARCHITECTURE
- 3.2 SITE DESIGN
- 3.3 SIGNAGE
- 3.4 LANDSCAPE DESIGN
- 3.5 LIGHTING DESIGN



### STIPULATIONS FOR CASE 1-II-2003

NOTE: CHANGES MADE BY STAFF AFTER THE PLANNING COMMISSION HEARING ARE NOTED IN STRIKETHROUGHS AND CAPS.

#### 1.0 APPLICABILITY

~~In the event of a conflict between the stipulations for case 1-II-2003 and the Development Agreement (Agreement 2003-164-COS) as approved by City Council, the language in the Development Agreement shall take precedence.~~

#### 1.1 INFILL DISTRICT

Ordinance 3527 approves Case No. 1-II-2003 and establishes the Scottsdale Waterfront Infill Incentive District (the "Waterfront District") subject to these stipulations and the Amended Development Standards ~~described in the project narrative dated 8/6/2003~~ APPROVED IN THAT ORDINANCE. The stipulations previously applicable to the property within the Waterfront District, adopted as part of zoning case 43-ZN-1995, are hereby superceded and replaced by the above. The Waterfront District is subject to the Infill Incentive Plan approved by City Council in Ordinance 3527. The following documents, ~~on file in the Planning and Development Services Department, make up the Infill Incentive Plan~~ EXHIBITS CONTROL for the development of property within the Waterfront District (the "Scottsdale Waterfront DEVELOPMENT PLAN Project"):

##### EXHIBITS:

- ~~A. Project narrative dated 8/6/2003~~
- A. Site plan dated ~~8/7/2003~~ 9/22/2003
- B. Preliminary Landscape CONCEPT Plan dated ~~9/5/2003~~ 9/22/2003
- ~~B. Open Space Plan dated 8/8/2003~~
- C. Elevations dated ~~8/20/2003~~ 9/22/2003
- D. Parking Plan dated ~~9/5/2003~~ 9/22/2003
- E. Circulation Plan dated ~~9/5/2003~~ 9/22/2003
- F. BUILDING HEIGHT EXHIBIT DATED 10/1/2003

#### 1.2 AMENDMENTS & ADDITIONAL MODIFICATIONS

- a. As an incentive for development of the Waterfront District, development approval procedures are hereby expedited and modified as provided in these stipulations. The authority for determining design and construction improvements shall be as follows:
  - 1. The City Council shall act as the governing authority on the design and construction of improvements that serve the Camelback Parcel (approximately 7 acres, located east of Marshall Way). Except as allowed by Section 1.2.b, any significant modifications, as determined by the Planning and Development Services General Manager or designee, to the character, elevations, site plan, and improvements submitted by the ~~Master Developer~~ OWNER for the Camelback Parcel shall return to subsequent public hearings before the City Council.
  - 2. The Development Review Board shall act as the governing authority for the design and improvements of the Goldwater Parcel (approximately 4 acres, located west of Marshall Way) of the Scottsdale Waterfront Project.

- b. The Planning & Development Services General Manager shall have the authority to approve additional modifications to the Property Development Standards, Downtown Design Guidelines, and Distribution and Types of Uses as long as the requested modifications meet the criteria set forth in the following sections:
  1. Amended Development Standards: The amended development standards, approved by the City Council and ~~described in the project narrative dated 8/6/2003~~ may only be modified as described below:
    - a) Modifications shall not exceed a ten (10) percent and shall be limited to the following amended development standards:
      - (i) Front Yard Setbacks for both Camelback Rd and Marshall Way,
      - (ii) Building Lines,
      - (iii) Spacing Between Buildings.
    - b) Modifications shall not exceed A twenty-five (25) percent increase and shall be limited to the following amended development standards:
      - (i) Number of Dwelling Units: Total number of dwelling units proposed is 366 dwelling units. The maximum number of dwelling units allowed under this provision would be 457 dwelling units. The minimum number of dwelling units allowed is 225, UNLESS BUILDINGS A AND B ON THE GOLDWATER PARCEL ARE DEVELOPED AS OFFICE USES.
    - c) Modifications may not be made to increase the following amended development standards:
      - (i) Floor Area Ratio
      - (ii) Gross Floor Area
      - (iii) Large Walls –Vertical Dimension
      - (iv) Large Walls –Horizontal Dimension
      - (v) Encroachments Beyond Inclined Stepback PlanE
      - (vi) Building Height
      - (vii) Exception to Height Limits
      - (viii) Private Outdoor Living Space
  2. Distribution and Types of Uses: The proposed distribution of residential units and non-residential uses are specified in the ~~Infill Incentive~~ DEVELOPMENT Plan. Any redistribution of the total number of residential units, and amount of non-residential uses shall be allowed within the Waterfront Infill Incentive District, as necessary. Additional modifications to the approved number of units and amount of non-residential square footage shall not exceed the total gross floor area proposed (932,500 sq ft). If the ~~developer~~ OWNER desires to increase the gross floor area from the proposed amount (932,500 sq ft) to the maximum allowed gross floor area in the amended development standards (or 1,100,000 sq ft), additional information such as revised traffic studies may be required by the Planning and Development Services AND TRANSPORTATION General ManagerS or designeeS.

3. Downtown Design Guidelines: Modifications to the Downtown Design Guidelines shall be consistent with the stated Goals for Type 2 uses.

Any proposed significant changes to the amended development standards, downtown guidelines, and distribution and types of uses, as determined by the Planning and Development Services General Manager, or designee, shall be subject to subsequent public hearings before the Planning Commission and City Council.

### **1.3 CITY CODE REFERENCES**

References made in these stipulations to specific sections of the Zoning Ordinance of the City of Scottsdale and City Code shall be deemed to mean the City Zoning Ordinance or City Code in effect on the date of approval of the Infill Incentive Plan and to any subsequent renumbering or reordering of those provisions.

## **2.0 DEVELOPMENT AND DESIGN STANDARDS**

### **2.1 CONFORMANCE TO CHARACTER**

The overall character of the development shall generally conform to the ~~project narrative~~ ELEVATIONS AND CHARACTER RENDERINGS, dated 9/22/2003 ~~8/6/2003~~. Development of the Property shall be generally consistent with the site plan as set forth in ~~Schedule~~ EXHIBIT A "Site Plan", dated 9/22/2003 ~~8/7/2003~~, which achieves the following objectives:

- A. Activate the Arizona Canal east-west as a regionally linked public amenity,
- B. Activate Marshall Way through land use and design, as a pedestrian retail experience and connection to other downtown Scottsdale districts,
- C. Urban design and architecture should embody upscale, southwestern character,
- D. Site development SHOULD contribute to building a positive sense of place downtown with the inclusion of art and cultural components; unique and pedestrian-oriented urban design and architecture; and public gathering or special event spaces that promote tourism and social gatherings,
- E. Enhance mobility downtown by supporting alternate modes of transportation focusing on pedestrian-oriented urban design and advancing the downtown trolley,
- F. Development should stand the test of time through the use of upscale, quality materials.

### **2.2 CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS**

Development shall conform to the amended development standards approved in Ordinance No. 3527, unless modified through Section 1.2.b.

### **2.3 SEQUENCE OF STIPULATION PERFORMANCE**

Stipulations included in the Infill DEVELOPMENT Plan concern the planning required for the design and construction of the infrastructure necessary to serve the site as it is developed. The sequence and content of this required planning is more fully described herein, but the general hierarchy of planning is as follows:

#### **A. MASTER PLANS**

The elevations, site plan, CIRCULATION PLAN, LANDSCAPE CONCEPT PLAN, CHARACTER RENDERINGS, ELEVATIONS and improvements submitted by the Master Developer OWNER for the Camelback Parcel (approximately 7 acres, located east of Marshall Way) shall act as the ENTITLED master CONCEPT plans for the entire Waterfront Property, ~~subject to City Council approval. Notwithstanding, the Master Developer OWNER may, but shall not be required to, submit Master Plans to the Development Review Board for additional phases~~ ALL GOLDWATER PARCEL DESIGN AND IMPROVEMENTS.

**B. DEVELOPMENT SITE PLANNING**

The developer OWNER shall complete a detailed site plan and elevation development application to the Development Review Board for ALL future phases of this project ~~LOCATED ON THE GOLDWATER PARCEL IMPROVEMENTS. Exception: The CAMELBACK PARCEL first and second phases of buildings and improvements (including site plan, landscape, civil, and similar improvements) shall only require approval of the City Council.~~

**C. SUBDIVISION PLAT**

The developer OWNER shall file a subdivision plat for City Council approval as required by state law, that includes the dedications for ANY public rights-of-way, EASEMENTS FOR WATER, WASTEWATER, DRAINAGE IMPROVEMENTS AND PUBLIC utilities INFRASTRUCTURE, AND THE CONSTRUCTION OF PUBLIC IMPROVEMENTS and infrastructure improvements BY JANUARY 15, 2004. ~~DECEMBER 1, 2003 prior to sale of any lot or parcel, or prior to issuance of a building permit for any Phase.~~ As an incentive for development in the Waterfront District, the developer OWNER may file such plat as a COMBINED PRELIMINARY AND final plat, subject only to City Council approval.

**D. TIMING OF DEDICATION AND INFRASTRUCTURE IMPROVEMENTS**

~~—Dedication of any public rights-of-way, easements for water, wastewater, drainage improvements and public utilities infrastructure, and the construction of public improvements and infrastructure will occur as specified within this document.~~

**2.4 MASTER PLANS**

The Master Developer OWNER shall prepare and receive approval for the following master plans before any additional Development Review Board application or improvement plans are submitted, except where specifically addressed in Sections 2.4.A through 2.4.E:

- A. Master Design Concept Plan
- B. Master Circulation Plan
- C. Master Drainage Plan
- D. Master Water Plan
- E. Master Wastewater Plan

**A. MASTER DESIGN CONCEPT PLAN**

1. MASTER DESIGN CONCEPT PLAN. The Master Design Concept Plan ~~approved as part of this application to the City Council~~ shall apply to the entire site in regards to the following:

- a. Open space design concepts for open space areas, including location, size and dimensions, plant and landscape character, open space corridors, and integration of drainage plans.
  - b. Overall streetscape concepts, which incorporates right-of-way ~~destinations~~ DESIGNATIONS, easements, street side design concepts, plant and landscape materials.
  - c. Typical outdoor lighting plan for streetlights and concepts and general specifications for exterior lighting.
  - d. General design and architectural themes assuring overall design compatibility of all buildings and structures within the site.
  - e. General signage/graphic concepts for development signs, including locations and typical design concepts.
  - f. PUBLIC ART MASTER PLAN
2. MASTER DESIGN CONCEPT PLAN APPROVAL. Any proposed significant changes to the Master Design Concept Plan, as determined by the Planning and Development Services General Manager or designee, shall be subject to subsequent public hearings before the City Council.

**B. MASTER CIRCULATION PLAN**

A Master Circulation Plan shall be prepared in accordance with the City's design procedures and criteria by a registered engineer who is licensed in the State of Arizona.

1. The Master Circulation Plan shall include at a minimum the following components:
  - a) Access considerations including driveway locations, proposed median break locations, vehicle storage lengths, any required auxiliary lanes to accommodate site generated trips. Appropriate signing and striping for safe egress and ingress movements shall be included for major intersections.
  - b) Conceptual intersection lane configurations based on total PM and AM peak hour volumes with the proposed development.
  - c) Plans for phasing the improvements or plans for interim improvements necessary to accommodate the site development and tie into other planned construction improvements within the study area.
  - d) Required right-of-way dedications for all arterial, collector, or local streets within or abutting each parcel.
  - e) On-site circulation that identifies emergency and service vehicle access, internal street cross sections, and parking structure access points.
  - f) Location of transit facilities to include bus stop locations on the surrounding arterial streets and trolley stop locations on the internal streets.



2. MASTER CIRCULATION PLAN APPROVAL: The Master Circulation Plan must be accepted by the Transportation Planning Department GENERAL MANAGER before any improvement plan submittal will be processed.

**C. MASTER DRAINAGE PLAN**

A Master Drainage Plan shall be prepared in accordance with the City's design procedures and criteria by a registered engineer who is licensed in the State of Arizona. ~~The Master Drainage Plan shall include:~~

1. The Master Drainage Plan shall include:
  - a. Maps showing watersheds draining onto and through the Scottsdale Waterfront Project and area included along the north side of the Arizona Canal and proposed Marshall Way, with estimates of peak flows for 10, 50, and 100-year flood events at concentration points entering the Scottsdale Waterfront Project
  - b. Estimated peak flows and volumes of on-site runoff at concentration points exiting the Scottsdale Waterfront Project and area included along the north side of the Arizona Canal and proposed Marshall Way for both developed and existing conditions for the 10, 50, and 100-year flood events
  - c. Location and estimated size of all proposed drainage facilities for both Waterfront and area included along the north side of the Arizona Canal and proposed Marshall Way, including channels, storm drains, etc.
  - d. Include a complete description of requirements relating to project phasing.
  - e. Identify the timing and parties responsible for construction of all stormwater management facilities.
2. MASTER DRAINAGE REPORT APPROVAL. Before the improvement plan submittal to the Plan Review and Permit Services Division, the ~~Master Developer~~ OWNER shall have obtained approval of the Master Drainage Plan by the Stormwater Management Division and Planning and Development Services GENERAL MANAGER staff. Portions of this plan will also require the approval of the County Flood Control District which will be administered by the Stormwater Management Division.

**D. MASTER WATER PLAN**

A Master Water Plan shall be prepared in accordance with the City's design procedures and criteria by a registered engineer who is licensed in the State of Arizona. The report and plan shall conform to the draft Water and Wastewater Report Guidelines available through the City Water Resources Department.

1. The Master Water Plan shall include:

- a. A description of water system requirements for the Scottsdale Waterfront Project and the phasing of such requirements.
  - b. A discussion of the timing of and parties responsible for construction of all water facilities.
  - c. The conceptual location and size of all necessary water system components, including both on and off-site lines needed to serve the development, and an analysis of the impact of the proposed development on the existing system with water demand generation factors based upon land use.
  - d. Compliance with the adopted City's Integrated Water Master Plan.
  - e. A preliminary plan of the Scottsdale Waterfront Project showing development sites and right-of-ways, contours and benchmarks, existing utilities and fire hydrants within 400 feet of the proposed development, any features such as watercourses and drainage facilities that may influence the location of underground utilities, a general layout of the proposed water mains, and any required water facilities.
  - f. Water lines located within rights-of-ways will ~~by~~ BE owned and maintained by the City. Onsite water lines shall be master metered and privately owned and maintained with backflow prevention in accordance with the City Code.
2. MASTER WATER PLAN APPROVAL. Before the submittal of any basis of design reports (see the Development Site stipulations) to the Plan Review and Permit Services Division, the ~~Master Developer~~ OWNER shall have obtained approval from the PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER AND City Water Resources Department of the Master Water Plan.

**E. MASTER WASTEWATER PLAN**

1. MASTER WASTEWATER PLAN. The Master Wastewater Plan shall conform to the draft Water and Wastewater Report Guidelines available through the City Water Resources Department and shall include:
  - a. A description of the wastewater system requirements for the Scottsdale Waterfront Project and the phasing of such requirements.
  - b. A discussion of the timing of and parties responsible for construction of all wastewater facilities.
  - c. The conceptual location, size, type and capacity of the necessary wastewater collection components needed to serve the Scottsdale Waterfront Project, and a preliminary analysis of the impact of the proposed development on the existing system with wastewater demand generation factors based upon land use.

- d. The wastewater collection system for the Scottsdale Waterfront Project will tie directly to the existing 15-inch trunk sewer in Goldwater Boulevard.
  - e. The calculations necessary to substantiate the selection of the size, type, and capacity of the wastewater system.
  - f. Compliance with the adopted City's Wastewater System Master Plan for the respective area.
  - g. Estimated peak flow from all contributions upstream of the proposed development that may flow through the on-site system shall be assessed for impacts to the entire system.
  - h. Wastewater lines located in rights-of-ways, or tracts/easements acceptable to the City, will be owned and maintained by the City. Onsite wastewater lines shall be privately owned and maintained in accordance with the City Code.
2. MASTER WASTEWATER PLAN APPROVAL. Before the submittal of any basis of design reports (see the Development Site stipulations) to the Plan Review and Permit Services Division, the ~~Master Developer~~ OWNER shall have obtained approval from the PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER AND City Water Resources Department of the Master Wastewater Plan.

## **2.5 DEVELOPMENT SITE STIPULATIONS**

The construction plan submittal shall be in conformance with the development site stipulations within Section 2.5. Any necessary clarification, interpretation, or minor modifications of the stipulations shall require approval by the Planning and Development Services General Manager and the respective Department General Manager.

### **A. PLANNING / DEVELOPMENT**

1. PHASING. The phasing of the buildingS and improvements for the Waterfront Project shall be in conformance ~~to~~ WITH the improvement schedule listed in the Development Agreement (Agreement number 2003-164-COS), as approved by City Council.
2. BUILDING HEIGHT. THE Building Height shall NOT EXCEED AN ELEVATION OF 1430.71 AS REFERENCED IN EXHIBIT F. ~~be measured from the established elevation of 1283.0.~~

### **B. CIRCULATION**

1. STREET CONSTRUCTION. Before any certificate of occupancy is issued for the site, the ~~developer~~ OWNER, at its expense, shall dedicate the following right-of-way BY ~~DECEMBER 1, 2003~~ JANUARY 15, 2004 and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

<b>Street Name/Type</b>	<b>Dedications</b>	<b>Improvements</b>	<b>Notes</b>
Camelback Road Major Arterial	55' half (existing varies)	Construction of third eastbound lane	A
Marshall Way	5' additional (30' existing)	Change to on-street parking	B, C
Montecito Avenue	5' additional (30' existing)	Change to on-street parking	B C
Scottsdale Road Major Arterial	Existing	Existing	D
Internal Streets	Private	20' min. width	E

- A. The developer shall be responsible for constructing the third eastbound lane on Camelback Road from Marshall Way to Scottsdale Road. The design shall be consistent with the existing cross section west of Marshall Way and shall provide the necessary transitions to the existing cross section east of Scottsdale Road. THE OWNER SHALL DEDICATE ALL RIGHT-OF-WAY NECESSARY TO BRING THE SOUTH SIDE OF CAMELBACK ROAD TO A CONSISTENT HALF STREET STANDARD OF 55 FEET (CURRENTLY HALF STREET OF CAMELBACK ROAD VARIES AND IS NOT A CONSISTENT 55 FEET).The developerOWNER shall construct a minimum 10-foot wide sidewalk along the site frontage. The developer OWNER shall dedicate any additional easements required for auxiliary lanes, public utilities, and transit facilities as determined by City staff.
- B. The developer shall be responsible for modifying the existing street improvements to provide on-street parking as shown on the submitted site plan dated August 7, 2003. The Transportation Department staff shall approve the dimensions of the revised cross section. The developerOWNER shall dedicate an additional five feet of right-of-way ALONG THE EAST SIDE OF MARSHALL WAY AND ADDITIONAL RIGHT-OF-WAY AS DETERMINED BY CITY STAFF FOR THE PLANNED CUL-DE-SAC/PEDESTRIAN PLAZA IN CONFORMANCE WITH THE CITY'S MARSHALL WAY IMPROVEMENT PLANS if necessary to contain the proposed cross-section. The developerOWNER shall construct a minimum 10-foot wide sidewalk along the site frontage.
- C. The Marshall Way cross section at the intersection with Camelback Road shall be designed to align with the existing lanes on the north side of the intersection, as determined by City staff. THE DEVELOPEROWNER SHALL BE RESPONSIBLE FOR MODIFYING THE EXISTING STREET IMPROVEMENTS TO PROVIDE ON-STREET PARKING AS SHOWN ON THE SUBMITTED SITE PLAN DATED SEPTEMBER 22 AUGUST 7, 2003. THE TRANSPORTATIONS DEPARTMENT GENERAL MANAGER STAFF SHALL APPROVE THE DIMENSIONS OF THE REVISED CROSS SECTION.
- D. The developer OWNER shall construct a minimum 10-foot wide sidewalk or separate pedestrian facility on Scottsdale Road along the

site frontage ~~and across~~ TO the Arizona Canal as approved by City Staff.

- E. Internal Streets (on-site) shall be private. The minimum width shall be 20 feet measured to edge of pavement or face of curb.
2. ACCESS RESTRICTIONS. Before any certificate of occupancy is issued for the site, the ~~developer~~ OWNER, at its expense, shall dedicate the necessary right-of-way ~~BY DECEMBER 1 2003~~ JANUARY 15, 2004, as determined by City staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
    - A. Camelback Road - There shall be a maximum of one site driveway from Camelback Road (or separate ingress and egress), located a minimum distance of 200 feet from Marshall Way and Scottsdale Road. The driveway shall be restricted to right-in, right-out access only (no median opening). The ~~developer~~ OWNER shall dedicate a one-foot wide vehicular non-access easement along the site frontage on this street except at the approved driveway entrance.
    - B. Scottsdale Road – There shall be no direct site access to Scottsdale Road. The ~~developer~~ OWNER shall dedicate a one-foot wide vehicular non-access easement along the site frontage on this street.
    - C. Marshall Way – Site driveways shall be permitted at minimum 120-foot intervals. There shall be no driveways located within 150 feet of Camelback Road (measured to the street curb line).
    - D. Montecito Avenue – Site driveways shall be permitted at minimum 100-foot intervals. The western site driveway shall align with the existing driveway to the north. There shall be no driveways located within 150 feet of Goldwater Boulevard (measured to the street curb line).
  - ~~3. MEDIAN RECONSTRUCTION. Before any certificate of occupancy is issued for the site, the developer, at its expense, shall reconstruct the existing median on Camelback Road to remove the existing median opening between Marshall Way and Scottsdale Road. Before any certificate of occupancy is issued for the site, the developer, at its expense, shall reconstruct the existing median on Camelback Road to provide two eastbound to northbound left turn lanes at the intersection with Scottsdale Road. These improvements shall be done to the satisfaction of City staff and in conformance with City design standards and policies.~~
  - ~~4. 3. AUXILIARY LANE CONSTRUCTION. Before any certificate of occupancy, the developer, at its expense, shall construct or extend the auxiliary lanes at the following locations in conformance with the Design Standards and Policies Manual:~~

- ~~a. Camelback Road—The developer shall extend the left turn lane for westbound traffic at the Marshall Way intersection as determined by the approved traffic impact study for the development.~~
  - ~~b. Goldwater Boulevard—The developer shall extend the left turn lane for southbound traffic at the Montecito Avenue intersection as determined by the approved traffic impact study for the development. The Transportation General Manager may waive this requirement if determined to be unfeasible or unnecessary.~~
  - ~~c. Marshall Way—The developer shall provide a minimum 110 foot left turn lane for northbound traffic approaching the Camelback Road intersection.~~
- 5 4. 3. EASEMENT REQUIREMENTS. Before any final plan approval, the developerOWNER shall dedicate public access easements over any sidewalk along public streets that extend outside of the public right-of-way or that connect these sidewalks to public facilities on the site. The dedications shall be in a form acceptable to City staff.
- 6 5.4. PEDESTRIAN-MASTER CIRCULATION PLAN. Prior to any improvement plan submittal, the developerOWNER shall submit a Pedestrian-MASTER Circulation Plan for the site, which shall be subject to City staff approval. This plan shall indicate the location and width of all sidewalks, and pedestrian AND EQUESTRIAN pathways. The plan shall provide pedestrian connections from the PUBLIC RIGHTS-OF-WAYadjacent streets to the site buildings.
- 7 6.5. PARKING MASTER PLAN. A parking master plan shall be submitted as part of this case, 1-II-2003, and approved by the City Council. As part of the approval, the City Council authorizes a twenty (20) percent reduction for non-residential LAND uses parking requirements. TOTAL AMOUNT OF PARKING REQUIRED FOR RETAIL, RESTAURANT, AND OFFICE PER THE ORDINANCE IS 657, AND THE TOTAL AMOUNT OF PARKING PROPOSED FOR THESE USES IS 748 SPACES.
8. TRANSIT FACILITIES. Before any certificate of occupancy is issued for the site, the developer shall construct a bus pullout on Camelback Road between Marshall Way and Scottsdale Road. Before any certificate of occupancy is issued for the site, the developer shall provide a bus bay and pad for future stop facilities on Scottsdale Road just south of Camelback Road. The design and location of these facilities shall be subject to City staff approval before any final plan approval.
- 9 7. TRAFFIC SIGNAL PARTICIPATION. Before any certificate of occupancy is issued for the site, the developer shall be responsible for 100 percent of the design and construction costs, as determined by City staff, for the following traffic signal improvements:
- ~~a. Installation of a left turn arrow for southbound traffic at the intersection of Goldwater Boulevard and Montecito Avenue.~~
  - ~~b. Any traffic signal modification associated with the installation of dual left turns for eastbound traffic at the intersection of~~

~~Camelback Road and Scottsdale Road.~~

- ~~c. Any traffic signal modifications required by the street modifications proposed for Marshall Way at the its intersection with Camelback Road.~~
- ~~d. Any traffic signal modifications required by the street improvements for Camelback Road at the intersections of Marshall Way and Scottsdale Road.~~

~~10~~ 8.6. CONFORMANCE TO DEVELOPMENT SUBMITTAL. The primary street system within the property shall be in conformance with the submitted site plan unless modified by the approved Master Circulation Plan. If the Planning and Development Services General Manager and Transportation General Manager determine that the plans are not in conformance, approval shall be required through a subsequent public hearing.

~~11~~ 9.7. PRIVATE STREET CONSTRUCTION. Private streets shall conform to the following requirements:

- a. No internal private streets shall be incorporated into the City's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the City's public street standards.

~~12~~ 10.8. MULTI-USE TRAIL. Before any certificate of occupancy is issued for the site, the ~~developer~~ OWNER shall construct a minimum 8-foot wide multi-use trail along the Scottsdale Road frontage. The trail shall be contained within a minimum 15 foot wide public access easement, which the ~~developer~~ OWNER shall dedicate to the City BY ~~DECEMBER 1, 2003~~ JANUARY 15, 2004 ~~within twelve (12) months of City Council approval.~~ The alignment of the trail AND WIDTH shall be subject to approval by the City's COMMUNITY SERVICES GENERAL MANAGER OR DESIGNEE ~~Equestrian Coordinator~~ prior to dedication. The trail shall be designed in conformance with the Design Standards and Policies Manual - Landscaping and Parks.

### **C. DRAINAGE AND FLOOD CONTROL**

1. Site drainage design shall preserve the functionality and capacity of the Indian Bend Wash side drain adjacent to the Arizona Canal which will be approved by the Flood Control District of Maricopa County prior to any connection to the side drain.
2. Site drainage facilities shall, at a minimum, have an inlet and conveyance capacity that is equal to the capacity of the existing side drain inlets.
3. The capacity of existing inlets shall be calculated based on conditions that existed prior to fill placement that resulted in the FIRM conditional revision 10/23/03 effective date. LETTER OF MAP REVISION ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH AN EFFECTIVE DATE OF 12/29/2000.
4. Stormwater storage requirements ~~may~~ SHALL be waived for this site PROVIDED THAT:-

- a. ~~STORM WATER STORAGE REQUIREMENT:~~ The developer/OWNER shall submit to the Current Planning Division a Request for Waiver Review form, which shall:
  - (i) Include a supportive argument that demonstrates historical flow through the site will be maintained, and that storm water runoff exiting this site has a safe place to flow.
  - (ii) Include an estimate for payment in-lieu of on-site storm water storage, subject to City staff approval.
- b. APPROVED WAIVER. Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer/OWNER shall have obtained the waiver approval from the Floodplain Administrator and the Planning and Development Services GENERAL MANAGER staff.

D. **WATER**

1. BASIS OF DESIGN REPORT (WATER). With each phase of development within Scottsdale Waterfront Project, the developer/OWNER shall submit to the Plan Review and Permit Services Division a Water Basis of Design Report. The report shall conform to the Master Water Plan for Scottsdale Waterfront Project, and the draft Water and Wastewater Report Guidelines available from the City Water Resources Department. Generally, the basis of design report and plan shall:
  - a. Identify the location, size, condition, and availability of existing water lines and water related facilities such as valves, service lines, fire hydrants, etc.
  - b. Evaluate the project's water demands and their impact on the existing water system.
  - c. Determine the need for any additional water lines and water related facilities to support the proposed development.
  - d. Conform to the City's Integrated Water Master Plan.
  - e. Identify the timing of and parties responsible for construction of all water facilities.
2. APPROVED BASIS OF DESIGN REPORT. Before improvement plan submittal to the Plan Review and Permit Services Division, the developer/OWNER shall have obtained approval of the Water Basis of Design Report from the City Water Resources Department.
3. NEW WATER FACILITIES. Before the issuance of letters of acceptance by the Inspection Services Division for a development site, the developer/OWNER shall construct all water lines and related facilities necessary to serve such development site.



4. WATERLINE EASEMENTS. Before the issuance of a building permit for any development site within Scottsdale Waterfront Project, the developer/OWNER shall dedicate to the City, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all water easements necessary to serve such development site.

**E. WASTEWATER**

1. BASIS OF DESIGN REPORT (WASTEWATER). With each phase of development within Scottsdale Waterfront Project, the developer/OWNER shall submit to the Plan Review and Permit Services Division a Wastewater Basis of Design Report. The report shall conform to the Master Wastewater Plan for Scottsdale Waterfront Project, and the draft Water and Wastewater Report Guidelines available from the City Water Resources Department. Generally, the basis of design report and plan shall:
  - a. Identify the location of, size, condition, and availability of existing sanitary sewer lines and wastewater-related facilities.
  - b. Evaluate the project's wastewater demands and their impact on the existing wastewater system.
  - c. Determine the need for any additional wastewater lines and related facilities to support the proposed development.
  - d. Conform to the City's Wastewater System Master Plan.
  - e. Identify the timing of and parties responsible for construction of all wastewater facilities.
2. APPROVED BASIS OF DESIGN REPORT. Before improvement plan submittal to the Plan Review and Permit Services Division, the developer/OWNER shall have obtained approval of the Wastewater Basis of Design Report from the City Water Resources Department
3. NEW WASTEWATER FACILITIES. Before the issuance of letters of acceptance by the Inspection Services Division for a development site within Scottsdale Waterfront Project I, the developer/OWNER shall provide all sanitary sewer lines and wastewater-related facilities necessary to serve such development site.
4. SANITARY SEWER EASEMENTS. Before the issuance of any building permit for a development site within Scottsdale Waterfront Project I, the developer/OWNER shall dedicate to the City, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve such development site.

**3.0 ~~DESIGN REVIEW DEVELOPMENT REVIEW BOARD STIPULATIONS~~**

STIPULATIONS WITHIN SECTION 3.0 APPLY ONLY TO THE CAMELBACK PARCEL IMPROVEMENTS. PRIOR TO THE FINAL PLANS SUBMITTAL, THE DEVELOPER/OWNER SHALL PROVIDE STAFF WITH A MASTER DESIGN CONCEPT PLAN (MDCP) AND RELATED DETAILED PLANS. THESE PLANS SHALL INCLUDE, AT A MINIMUM, ALL ITEMS OUTLINED WITHIN

SECTION 3, TO THE SATISFACTION OF THE PLANNING AND DEVELOPMENT SERVICES  
GENERAL MANAGER OR DESIGNEE.

**3.1 ARCHITECTURE**

- A. PROVIDE CONDUIT WITHIN PARKING STRUCTURES FOR EMERGENCY SERVICE COMMUNICATIONS AND MONITORING EQUIPMENT.
- B. ELEVATIONS SHALL BE PROVIDED FOR EACH SIDE OF ALL BUILDINGS.
- C. THE LOCATION AND DESIGN DETAILS OF PRIMARY AND SECONDARY STRUCTURES, SHADE FEATURES, SITE WALLS, RAISED PLANTERS AND MONUMENTS.
- D. PROVIDE TYPICAL BUILDING WALL SECTIONS THAT ILLUSTRATE THE HORIZONTAL RELIEF OF THE WALL SURFACE ASSOCIATED WITH RECESSED OPENING (SILL, LINTEL, AND JAMB DETAILS) INCLUDING ANY ASSOCIATED CHANGES IN WALL MATERIAL, COLOR AND TEXTURE.
- E. SAMPLE BOARDS AND PHOTOGRAPHS TO COMMUNICATE MATERIAL, COLOR AND TEXTURAL TREATMENTS FOR ALL EXTERIOR WALL AND ROOF SURFACES.
- F. DESIGN STANDARDS AND GUIDELINES FOR EXTERIOR STOREFRONT TENANT IMPROVEMENTS.

**3.2. SITE DESIGN**

- A. THE LOCATION, EXTENT, COLOR, MATERIAL AND DESIGN FOR ALL SPECIALLY PAVED AREAS.
- B. LOCATION, QUANTITY AND DESIGN DETAILS ON ALL STREET FURNITURE SUCH AS BENCHES, LAMPS, TRASH RECEPTACLES, POTS (PLANT CONTAINERS), PLANTER BOXES, BOLLARDS, ARCHITECTURAL RAILINGS, GATES, WATER FEATURES, DRINKING FOUNTAINS, KIOSKS, ETC...
- C. THE APPROXIMATE LOCATION AND EXTENT OF ALL ABOVE GROUND UTILITY FACILITIES/CABINETS, ELECTRICAL SERVICE ENTRANCE SECTIONS, WATER AND GAS METERS, AND METHODS OF SCREENING.

**3.3. SIGNAGE**

- A. TYPICAL DESIGNS FOR SITE DIRECTIONAL AND PUBLIC GUIDE SIGNS, INTERPRETIVE SIGNAGE, BANNERS AND ANY ANTICIPATED SEASONAL DECORATIONS AND/OR HOLIDAY/EVENT LIGHTING.
- B. INCLUDE DESIGN STANDARDS AND GUIDELINES FOR PROJECT AND TENANT SIGNAGE AS PART OF A COMPREHENSIVE SIGN PROGRAM SUBMITTAL.

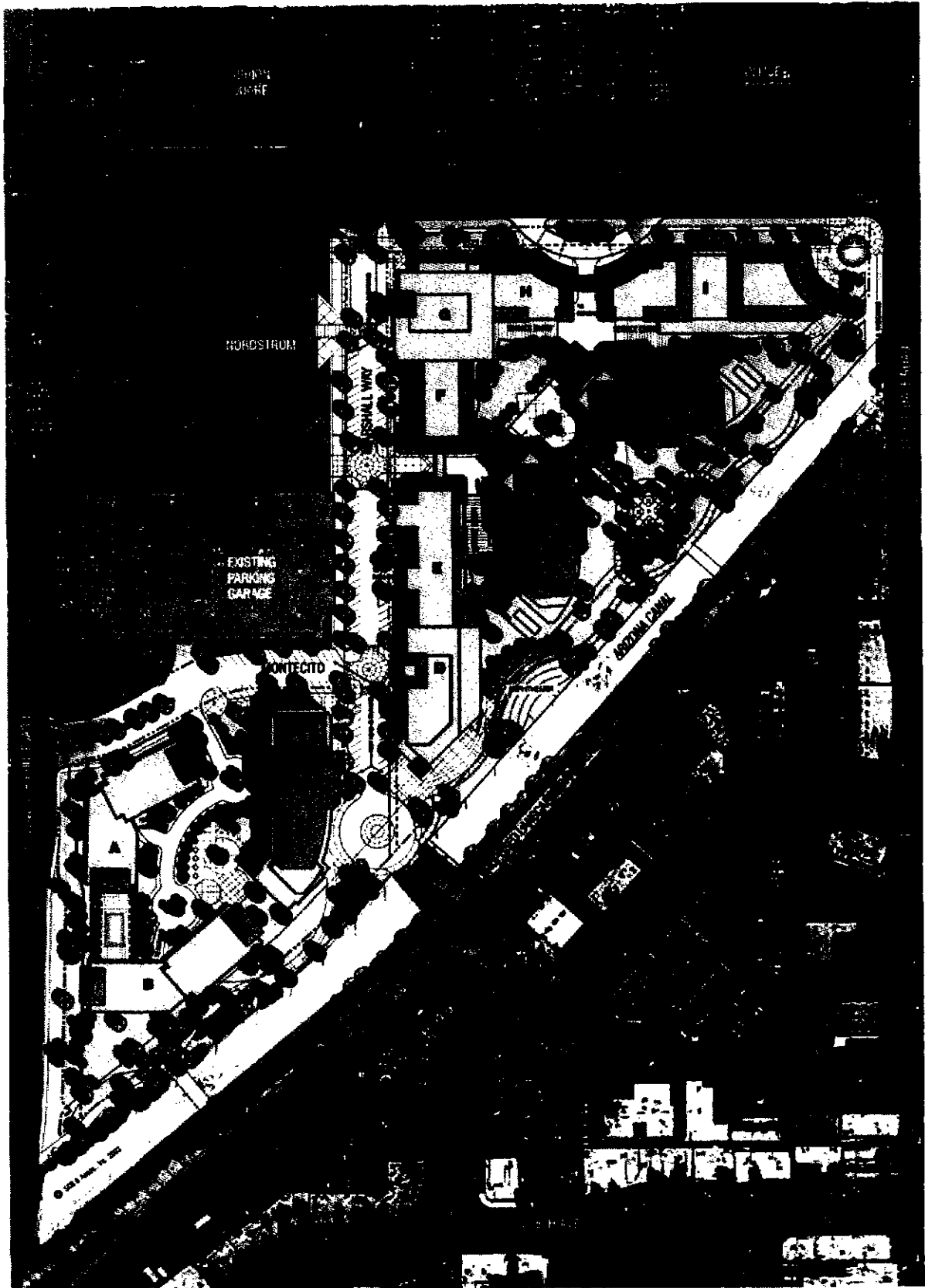
**3.4. LANDSCAPE DESIGN**

- A. LANDSCAPE PLAN WHICH INDICATE TYPE, SIZE AND LOCATIONS OF TREES, SHRUBS, AND GROUNDCOVERS. PROVIDE TYPICAL CONSTRUCTION/PLANTING

DETAILS OF ALL PLANTING AREAS THAT ARE LOCATED ABOVE ANY PARKING STRUCTURES.

**3.5. LIGHTING DESIGN**

- A. EXTERIOR LIGHTING PLAN INCLUDING ARCHITECTURAL AND LANDSCAPE LIGHTING CONCEPTS.
- B. INCLUDE MANUFACTURER'S CUTSHEETS FOR ALL EXTERIOR BUILDING MOUNTED, LANDSCAPE, AND SITE LIGHTING.
- C. PHOTOMETRIC PLANS SHALL BE PROVIDE WHICH INCLUDE THE HORIZONTAL READINGS ACROSS THE ENTIRE SITE AND VERTICAL READINGS AT THE PROPERTY LINE.



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9/22/2003

Exhibit A  
Page 1 of 2

**SITE PLAN**  
**Scottsdale Waterfront**  
 Scottsdale Waterfront, L.L.C.

**MP1**

**PROJECT DATA**

**SCOTTSDALE WATERFRONT**

9/22/2003

**GENERAL DATA**

**GROSS AREAS**

above grade

BLDG.	FUNCTION	FLOORS	HEIGHT	# OF UNITS
<b>A</b>	Residential and/or Office	3	36'	34
<b>B</b>	Residential and/or Office	3	36'	34
<b>C</b>	Residential & Retail	8	85'	66
<b>D</b>	Retail & Office	3	50'	0
<b>E</b>	Retail & Office	2	36' to 45'	0
<b>F</b>	Retail & Office	2	36' to 45'	0
<b>G</b>	Retail	2	45'	0
<b>H</b>	Retail & Office	2	36' to 45'	0
<b>I</b>	Retail & Office	2	36' to 45'	0
<b>J</b>	Residential	13	135'	116
<b>K</b>	Residential	13	135'	116
				366
				UNITS

BLDG.	RETAIL/ RESTAURANT	OFFICE	RESID.
<b>A</b>	0	0	51,000
<b>B</b>	0	0	51,000
<b>C</b>	10,000	0	138,000
<b>D</b>	11,530	32,940 **	0
<b>E</b>	13,065	17,330	0
<b>F</b>	10,520	11,415	0
<b>G</b>	28,000 *	0	0
<b>H</b>	7,225	9,325	0
<b>I</b>	27,030	27,475	0
<b>J</b>	0	0	243,400
<b>K</b>	0	0	243,400
		107,370	98,485
		GSF	GSF

TOTAL GSF 932,655

Buildings A & B resid.: approx. 1,500 gsf average, 1,200 nsf average  
 Buildings C, J, & K resid.: approx. 2,100 gsf average, 1,680 nsf average

\*14,590 sf ground, 17,045 sf 2nd, 3,635 sf atrium; net 28,000 sf  
 \*\*5,000 sf space on ground floor, 14,210 sf 2nd, 13,730 sf 3rd;  
 total 32,940 sf

**PLANT MATERIALS**

**STREETSCAPES**

- Primary Street Trees**
- Palo Verde *cordylia sepiox*
  - Mt. Atlas Platano *platanus atlantica*
  - Shamel Ash *fraxinus uhdei*
- Accent Trees:**
- Texas Mountain Laurel *sophora secundiflora*
  - Yellow Oleander *thevetia peruviana*
  - Palm *palmea variabilis (dubautii, dactyloflora, washingtonia robusta or arcuatum romanzoffianum)*
  - Jacaranda *jacaranda mimosaefolia*

- Other Materials:**
- Annatto
  - Bougainvillea varieties
  - Agave
  - Nandina
  - Lantana montevidensis
  - lila vomberia
  - Hibiscus rose-sinensis
  - Other plant materials

**PLAZAS AND PERFORMANCE SPACE**

- Trees**
- Jacaranda *jacaranda mimosaefolia*
  - Magnolia *magnolia grandiflora*
  - Texas Mountain Laurel *sophora secundiflora*
  - Yellow Oleander *thevetia peruviana*
  - Mexican Bird of Paradise *caesalpinia mexicana*
  - Mt. Atlas Platano *platanus atlantica*
  - Shamel Ash *fraxinus uhdei*
  - Citrus varieties

- Shrubs/Accents:**
- Bougainvillea varieties
  - Yellow Oleander *thevetia peruviana*
  - Pyracantha *pyracantha robbiae*
  - Philosporum *philosporum tobiro*
  - Lantana *lantana montevidensis*
  - Ardisia *ardisia cuneata*
  - Wibauxia *wibauxia*
  - Annatto *annatto*

- Groundcover/Accents:**
- Turf
  - Trailing Indigo Bush *indigofera*
  - Yellow Dot *axillaria trifoliata*
  - Penstemon *penstemon*
  - Cereus *cereus*

**NOTE:** Plant materials are shown to illustrate character and concept. Detailed landscape plans to be approved by staff consistent with this concept plan.

**GOLDWATER BOULEVARD STREETSCAPE**

- Compatible with existing materials on Goldwater
- Creates buffer between project and neighborhood to the west

**THE GARDEN**

- Themes to be developed, such as:
  - sculpture garden
  - Scottsdale history/plant garden
  - memory garden
  - Scottsdale history/plant garden
- Quiet, a refuge, compatible with residential uses nearby

**CAMELBACK ROAD STREETSCAPE**

- Street trees similar to north side
- Lush and colorful arid region plant materials predominant
- Structured pedestrian walkway
- Grand entry drive with more urban accent landscaping near buildings

**MARSHALL WAY STREETSCAPE**

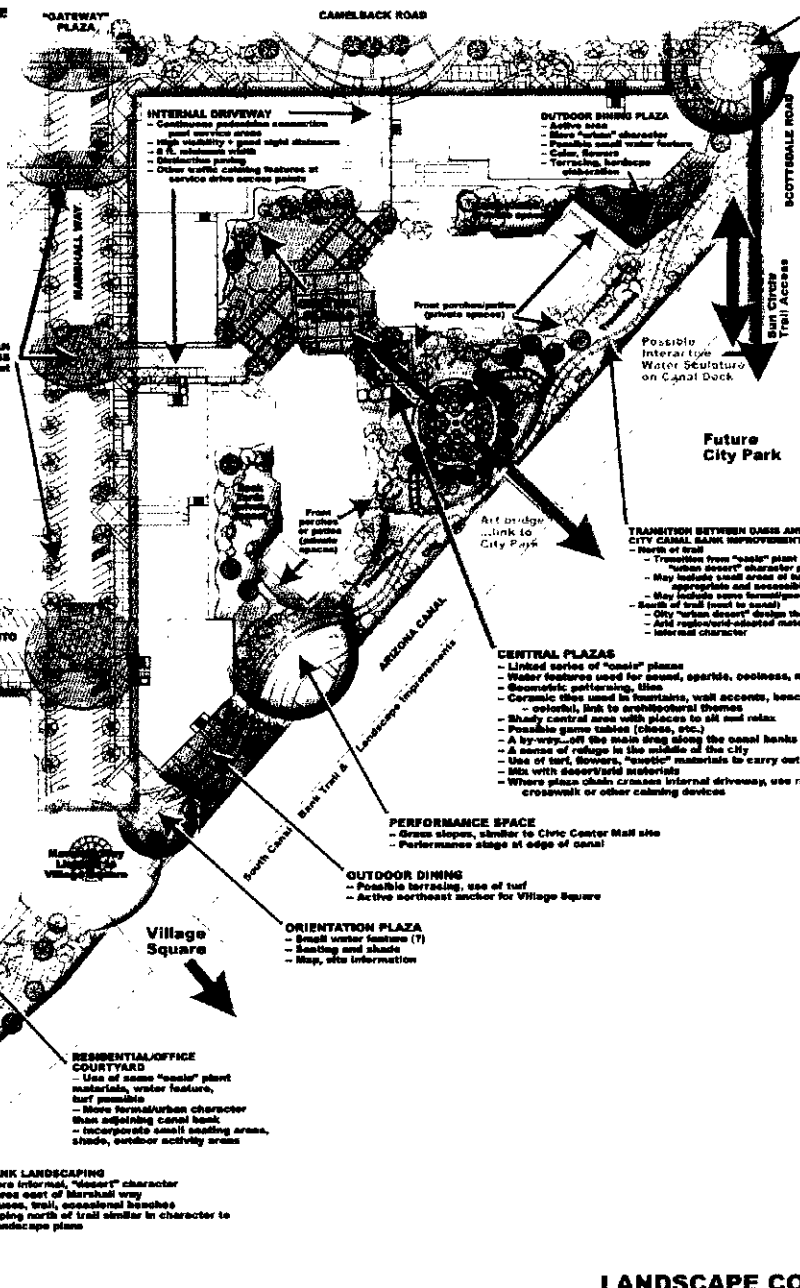
- Two-lane "Main Street"
- Angle parking with trees
- Wide pedestrian walkway (15 ft.) with shade, landscaping, seating, other amenities
- Enhanced pedestrian landscaping
- Varied overhead shade structures to include awnings, landscaping, latticework, awnings, other
- Special pedestrian crossing design treatments such as:
  - curb extensions
  - special paving, coloration
  - accent landscaping
  - distinctive lighting

**MONTECITO STREETSCAPE**

- Angle parking as shown
- Street trees and plant materials similar to Marshall Way
- Sidewalks set back from curb

**CANAL BANK LANDSCAPING**

- Much more informal, "looser" character than west of Marshall way
- Passive uses, trail, occasional benches
- Landscaping north of trail similar in character to City landscape plans



**CORNER PLAZA**

- Monumental sculpture
- Scottsdale history theme
- Dynamic
- Primary view is from cars
- Artistic people toward canal

**TRANSITION BETWEEN DUES AND CITY CANAL BANK IMPROVEMENT DESIGN**

- Mark of trail
- Transition from "loose" plant materials to "urban street" character per City plan
- May include small areas of turf where appropriate and accessible to pedestrians
- South of trail (road to canal)
- City "urban desert" design theme
- Arid region/semi-arid materials internal character

**CENTRAL PLAZAS**

- Limited series of "nodes" plazas
- Water features used for sound, sparkle, coolness, movement
- Geometric patterning, tiles
- Ceramic tiles used in fountains, wall accents, benches, paving
- colorful, link to architectural themes
- Shady central area with places to sit and relax
- Possible game tables (chess, etc.)
- A by-way off the main drag along the canal banks
- A series of refuge in the middle of the city
- Use of turf, flowers, "exotic" materials to carry out theme
- Mix with desert/urban materials
- Where plaza chain crosses internal driveway, use raised crosswalk or other calming devices

**PERFORMANCE SPACE**

- Grass slopes, similar to Civic Center Mall site
- Performance stage at edge of canal

**OUTDOOR DINING**

- Possible terracing, use of turf
- Active northeast anchor for Village Square

**ORIENTATION PLAZA**

- Small water feature (T)
- Seating and shade
- Map, site information

**RESIDENTIAL/OFFICE COURTYARD**

- Use of some "exotic" plant materials, water feature, turf possible
- More formal/urban character than adjoining canal bank
- incorporate small seating areas, shade, outdoor activity areas

**LANDSCAPE CONCEPT PLAN**

Scottsdale Waterfront  
Scottsdale Waterfront, L.L.C



CAMELBACK ROAD ELEVATION



MARSHALL WAY ELEVATION









9/22/2003



RESIDENTIAL NORTH ELEVATION  
Scottsdale Waterfront  
Scottsdale Waterfront, L.L.C.

9/22/2003



Exhibit C  
Page 5 of 13



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RESIDENTIAL SOUTH ELEVATION  
Scottsdale Waterfront  
Scottsdale Waterfront, L.L.C.



EAST ELEVATION

WEST ELEVATION







**INTERIOR ARRIVAL COURTYARD**  
**Scottsdale Waterfront**  
Scottsdale Waterfront, L.L.C.

9/22/2003



9/22/2003



Exhibit C



9/22/2003

HIDWAY CAMELRACK ROAD  
Scottsdale





9/22/2003



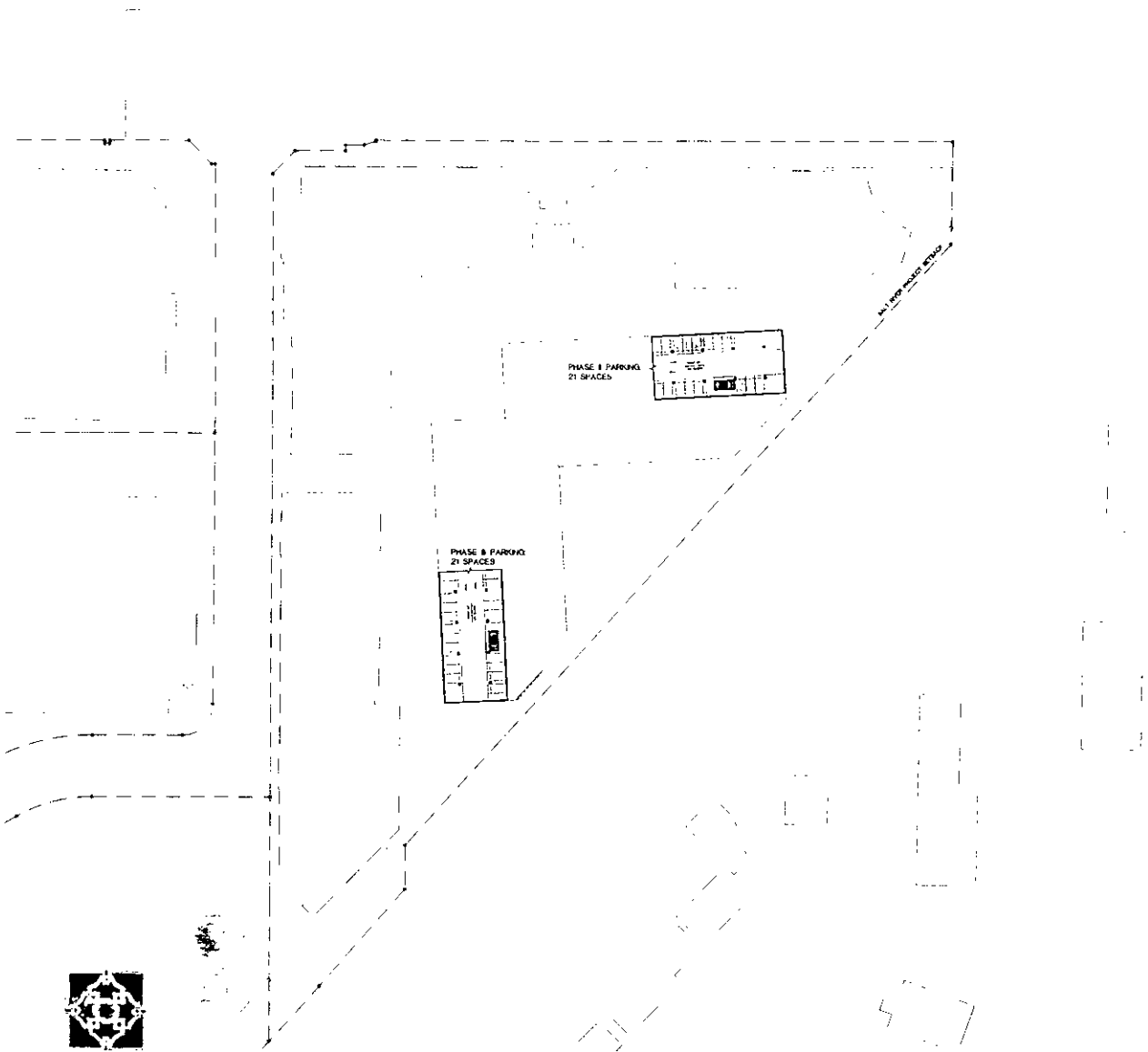
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MARSHALL MAY  
Scottsdale Waterfront  
Scottsdale Waterfront, L.L.C.

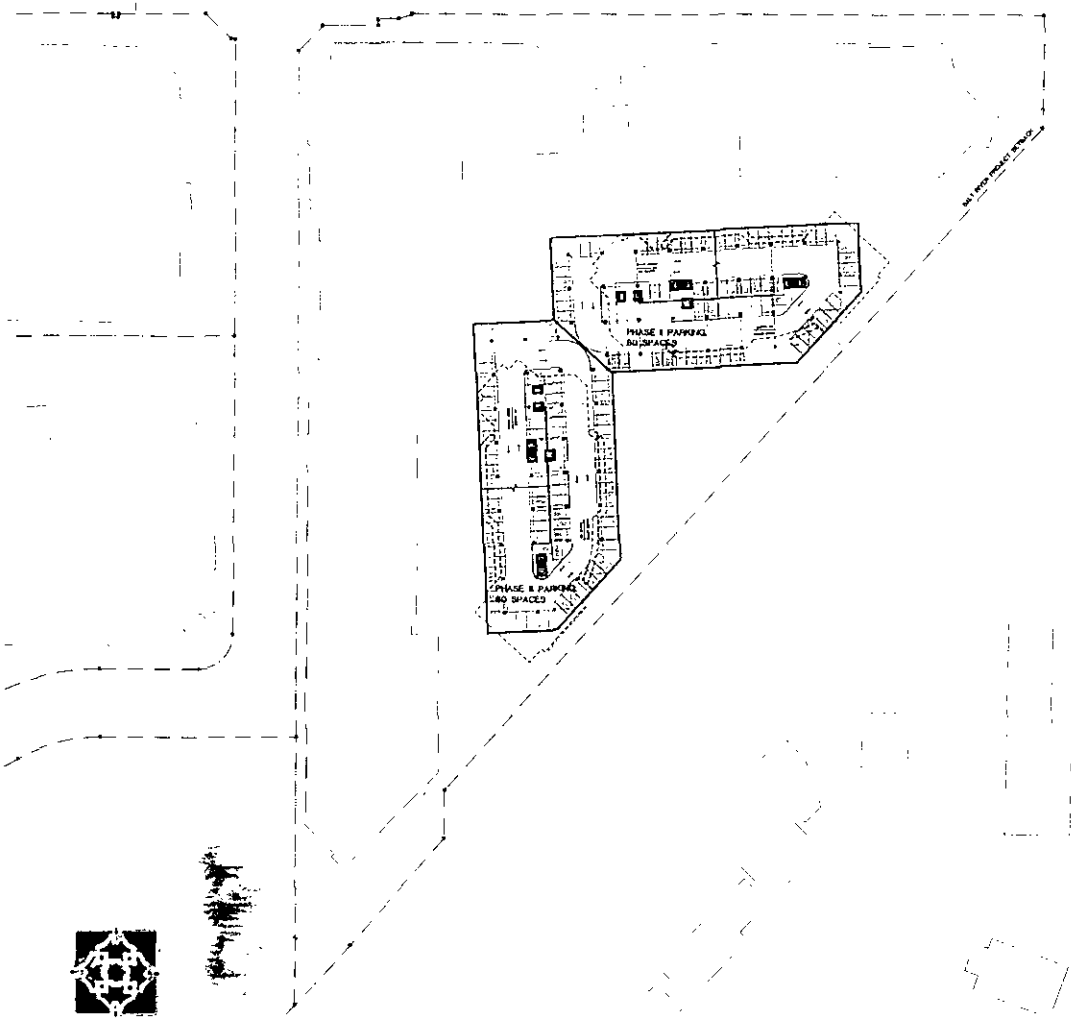
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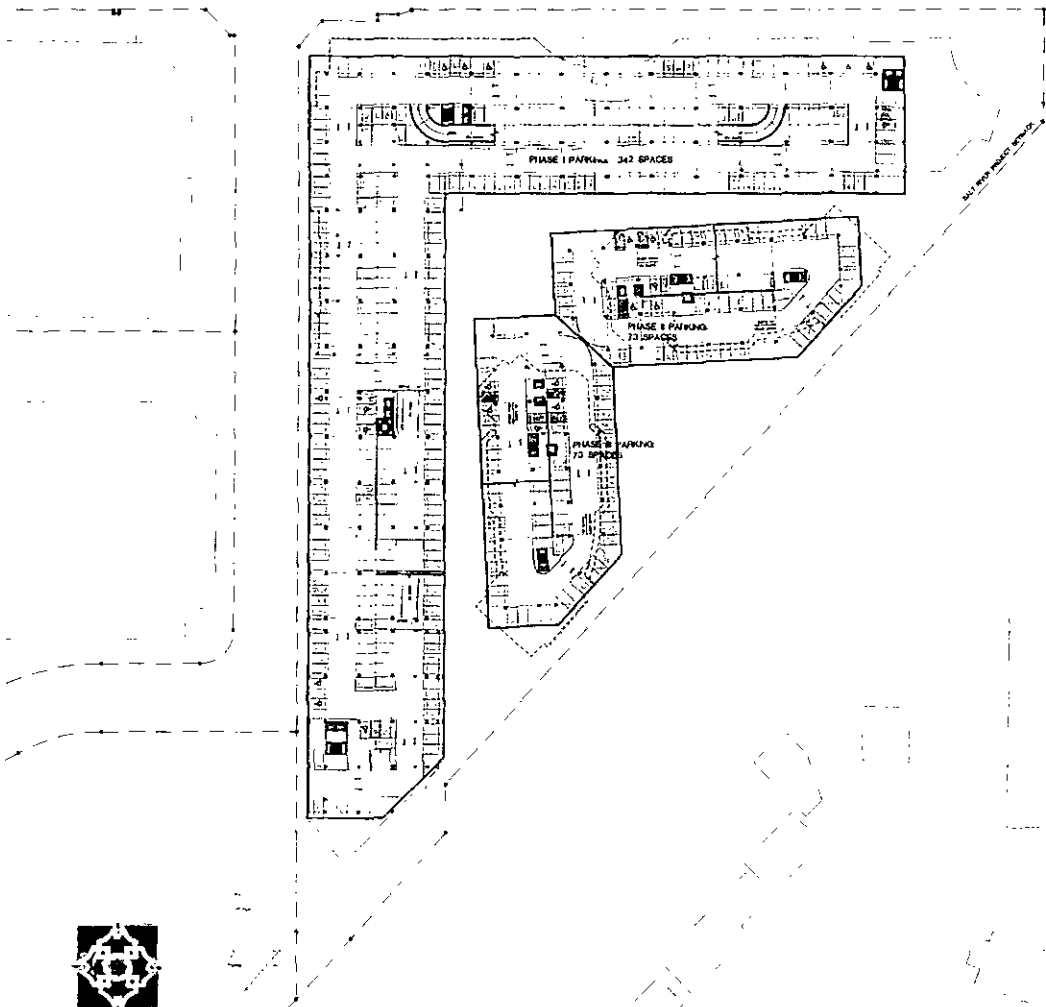


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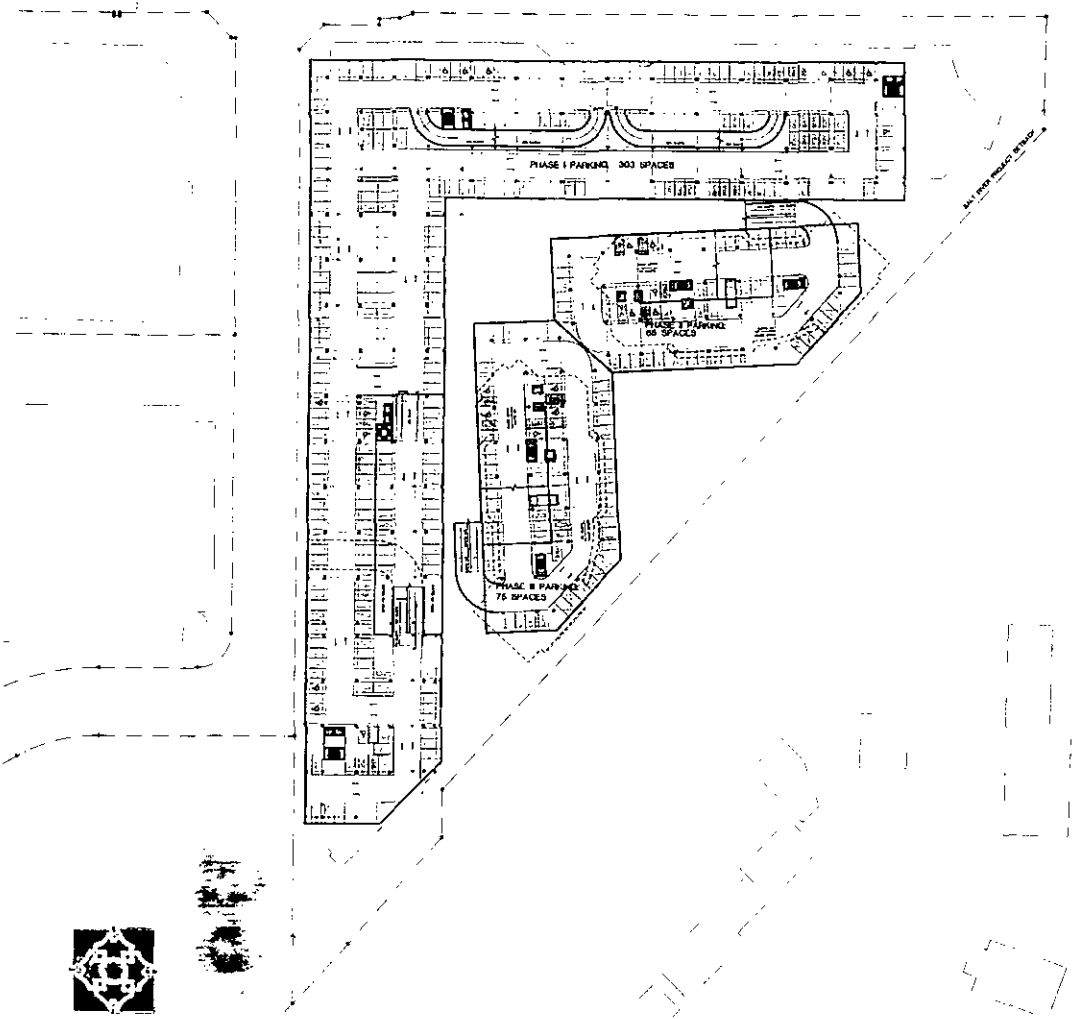


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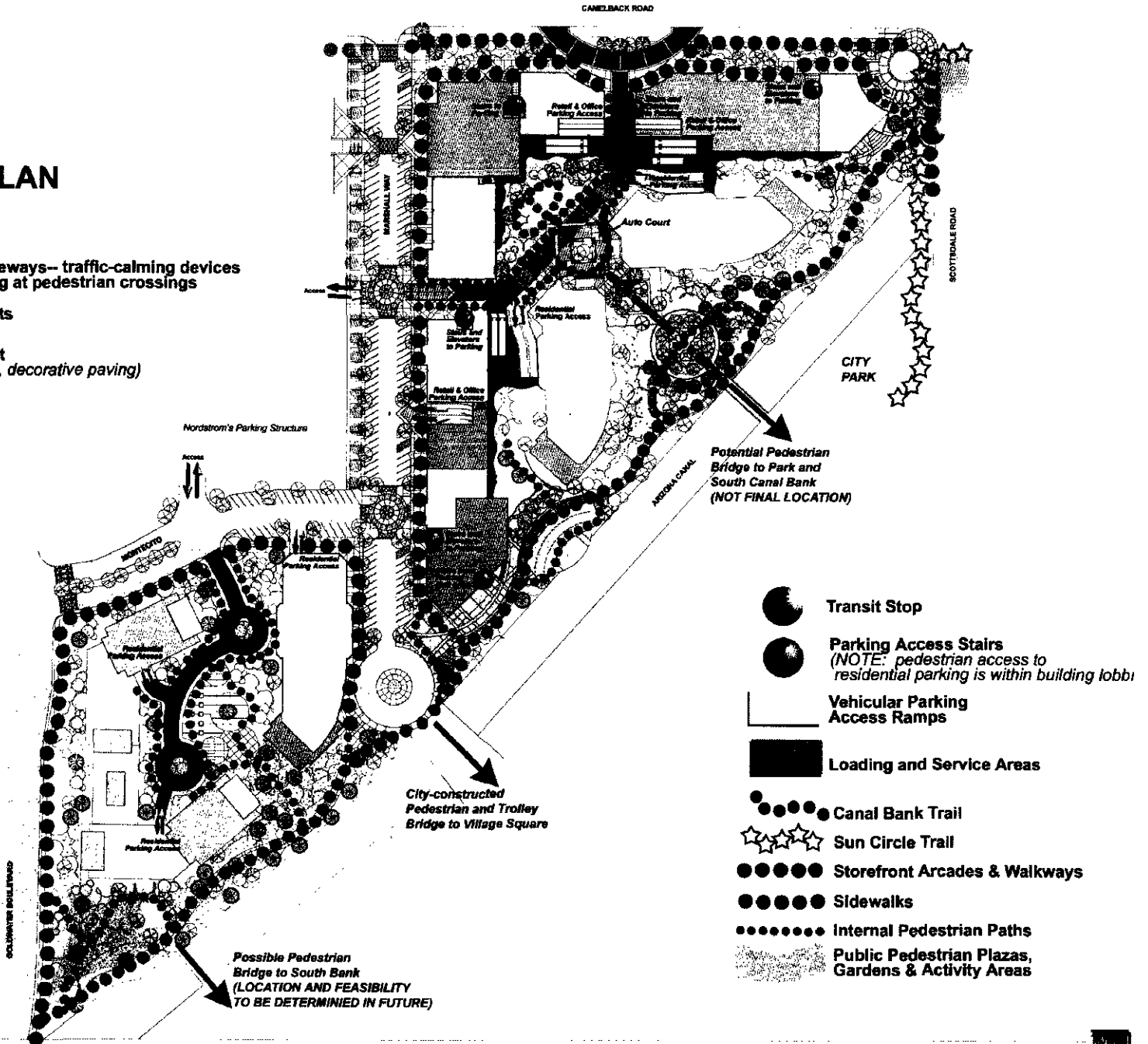
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



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# CIRCULATION PLAN

-  Public Streets
-  Public Streets & Driveways-- traffic-calming devices and decorative paving at pedestrian crossings
-  Private Internal Streets and Drives (*at grade*)
-  Private Internal Street (*extended speed table, decorative paving*)



-  Transit Stop
-  Parking Access Stairs  
*(NOTE: pedestrian access to residential parking is within building lobby)*
-  Vehicular Parking Access Ramps
-  Loading and Service Areas
-  Canal Bank Trail
-  Sun Circle Trail
-  Storefront Arcades & Walkways
-  Sidewalks
-  Internal Pedestrian Paths
-  Public Pedestrian Plazas, Gardens & Activity Areas

9/22/2003

Exhibit E  
Page 1 of 1



# COPPER STATE ENGINEERING, INC.

C I V I L / G E O T E C H N I C A L S E R V I C E S

October 1, 2003

Mr. Paul Smith  
Technical Solutions  
3610 N. 44th Street, Suite 240  
Phoenix, Arizona 85018

Subject: **6900 E. Camelback Office Building and Penthouse  
CSE-993**

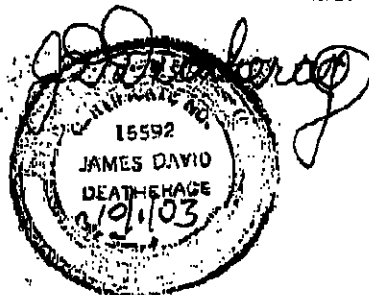
Dear Mr. Smith,

Copper State Engineering, Inc., (CSE), herewith submits a summary of the methods and results obtained during our site work on September 29, 2003 at the 6900 E. Camelback office building. The purpose of the work was to measure the height of the building relative to the finished floor elevation at ground level, with an accuracy of +/- one to two inches. CSE was given the finished floor elevation at ground level (1291.90) to use as a starting point. This elevation came from a Building Height Exhibit prepared by Registered Land Surveyor Mr. Jason Segneri dated 11/1/02, and is based on a bench mark elevation of 1277.619 NAVD '88 for the brass cap in the intersection of Scottsdale and Camelback Roads. CSE assumed this elevation for the starting point on the tiled floor just inside the center of the main entrance on the south east side of the building. Using a 25-foot long graduated fiberglass survey rod, a Nikon automatic level, and a 200-foot steel chain, CSE measured the height difference between the finished floor ground level and the highest piece of air handling equipment within the mechanical enclosure on top of the penthouse. CSE set up the series of automatic level shots from the top of the mechanical enclosure, on the deck of the penthouse, and on the ground outside the building. The steel chain was lowered from the deck of the penthouse to a point on a wool stake in the lawn directly underneath the penthouse. A temperature correction of 0.351 inches to the total height was included to compensate for the 105-degree F temperature of the calibrated steel chain.

The height to the top of the air handler was 138.81 feet above the first floor reference elevation, at an elevation of 1430.71. There were several antennas on top of the building. The highest antenna was 155.33 feet above the first floor reference elevation, at an elevation of 1447.2. Please contact CSE with questions or comments.

Respectfully submitted,  
Copper State Engineering, Inc.

J. David Deatherage, P.E.  
Senior Geotechnical Engineer



Copper State Engineering, Inc.

Scottsdale, Arizona 85260  
(480) 368-1551  
Fax (480) 368-1556

JOB CSE993

SHEET NO. 6900 E. Camelback OF \_\_\_\_\_

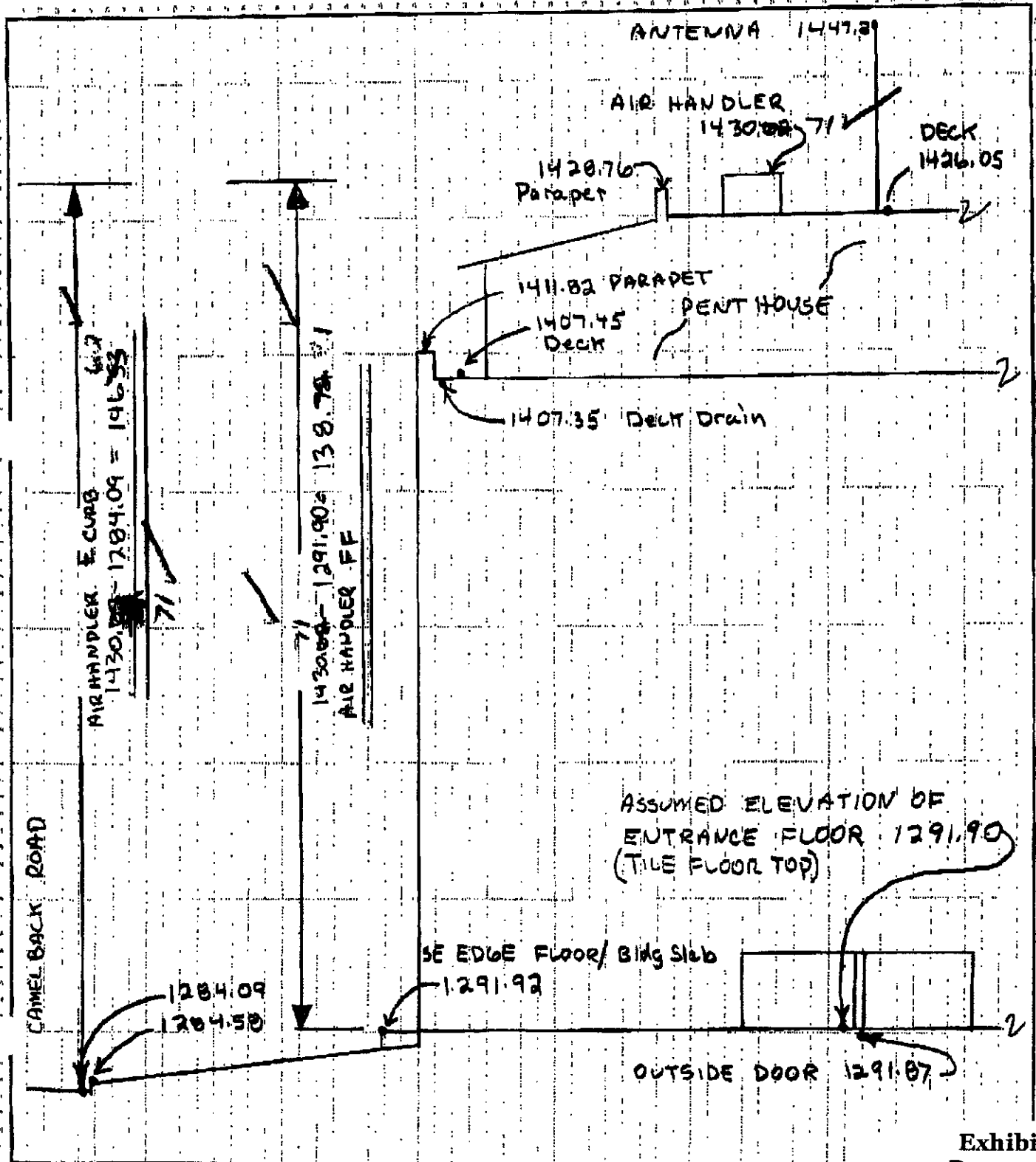
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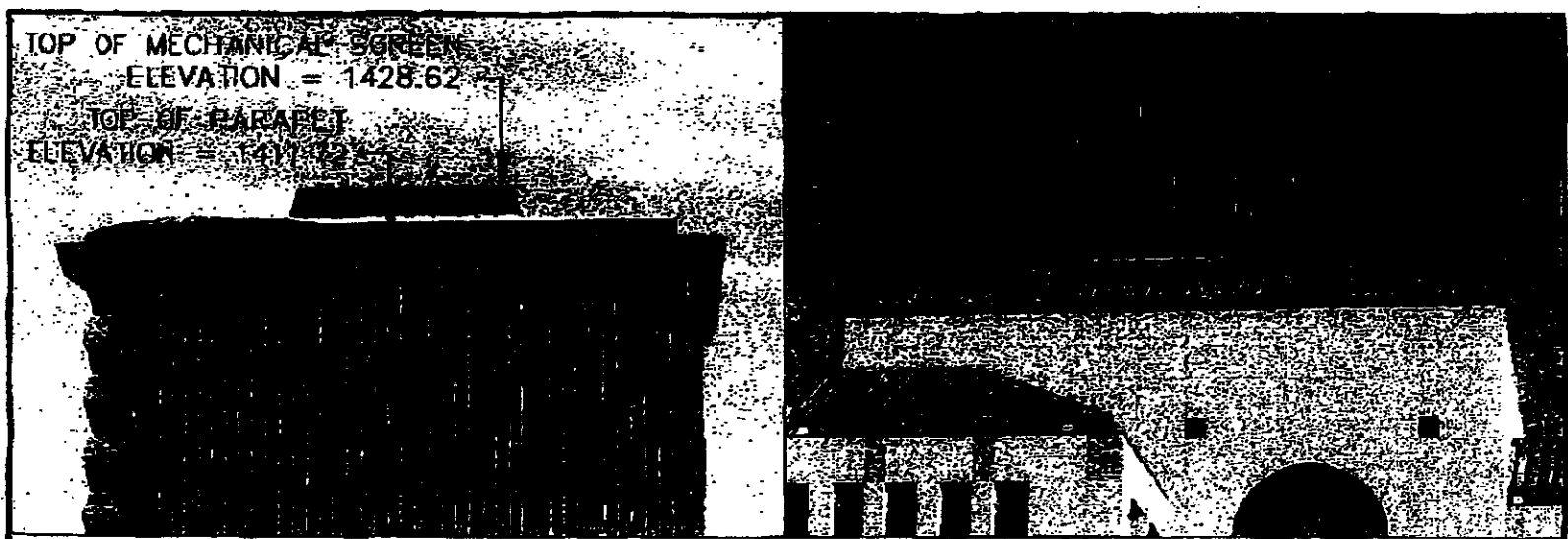
DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_

DATE 10/1/03

SCALE \_\_\_\_\_





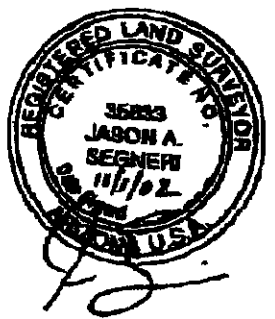
TOP OF MECHANICAL SCREEN  
 ELEVATION = 1428.62  
 TOP OF PARAPET  
 ELEVATION = 1411.72

6900 EAST CAMELBACK ROAD  
 TOP OF MECHANICAL SCREEN ELEVATION = 1428.6  
 TOP OF PARAPET ELEVATION = 1411.7  
 FINISHED FLOOR AT GROUND LEVEL ELEVATION = 1291.90  
 BUILDING HEIGHT (GROUND LEVEL TO THE TOP OF THE  
 MECHANICAL SCREEN) = 136.7

7150 EAST CAMELBACK ROAD  
 TOP OF METAL ROOF ELEVATION = 1378.1  
 TOP OF PARAPET ELEVATION = 1367.7  
 FINISHED FLOOR AT GROUND LEVEL ELEVATION = 1281.98  
 BUILDING HEIGHT (GROUND LEVEL TO THE TOP OF THE  
 METAL ROOF) = 96.1

BENCHMARK:  
 MARICOPA COUNTY BRASS CAP IN A HAND HOLE AT THE INTERSECTION OF SCOTTSDALE ROAD  
 AND CAMELBACK ROAD. ELEVATION = 1277.619 NAVD '88

NOTE:  
 THE ABOVE INFORMATION WAS MEASURED WITHOUT ROOF ACCESS THROUGH THE USE OF AN  
 ELECTRONIC TOTAL STATION. ANGLES WERE RECORDED FROM MULTIPLE LOCATIONS TO THE ROOF.  
 THE RECORDED ANGLES WERE USED TO TRIANGULATE THE ROOF ELEVATIONS AS SHOWN ABOVE.



8340 E. RAINTREE DR.  
 SUITE C-1A  
 SCOTTSDALE, AZ 85260  
 PH (480) 822-0780  
 FX (480) 822-0781



## BUILDING HEIGHT EXHIBIT

JOB NO. 02120	DWG NO. 2120BLD-CONSTRING	DATE 01-01-02
SCALE HTS	ORIGIN JMS	CHECK ELS
		SHEET 1 OF 1