

# HUELLMANTEL AFFILIATES

## MEMORANDUM

To: City of Scottsdale, Planning & Development Services  
From: Lauren Proper Potter, Huellmantel & Affiliates  
Re: 9-ZN-2021 – Palo on 75<sup>th</sup> 1<sup>st</sup> Review  
Date: September 29, 2021

We have been working through the comments provided by the City from the initial plan submittal and have addressed each with this response letter. This letter provides detailed answers (in blue) to each of the comments (in grey), which are listed below.

### COMMENTS FROM 1ST SUBMITTAL 06/10/2021

#### **General Plan/Old Town Scottsdale Character Area Plan (OTSCAP) Analysis:**

- Please note: The narrative correctly responds to the 2001 General Plan, however; City Council recently adopted the 2035 General Plan and has called for a Special Election in November of this year for voter ratification. If this zoning application has not been approved by City Council prior to anticipated adoption of the 2035 general Plan in November, the narrative will need to be revised to respond to the new Plan.*  
We will revise the narrative to respond to the 2035 General Plan if this zoning application has not been approved by City Council prior to anticipated adoption of the 2035 general Plan in November (plus any applicable waiting period before the General Plan is effective).
- The OTSCAP (Character & Design Policies CD 6.4 and 6.1) encourage the use of development standards to enhance context rhythm, unified public realm and streetscape with regard to building location and setbacks. The narrative proposes a minimum setback of 13 feet from back of curb however, the site plan indicates a setback of 13 feet 6 inches from 75<sup>th</sup> Street and 14 feet from the curb on McKnight Avenue. By comparison, the existing building to the south is setback a minimum of 16 feet from back of curb. The proposed project should be setback 16 feet from curb as well to create a more unified public realm, maintain adequate sidewalk width and provide additional room for a more meaningful landscape area. With the next submittal, please revise applicable plans and narrative accordingly to reflect a setback more contextually compatible with surrounding development.*  
We have updated our site plan to provide a 16' setback from back of curb along both 75<sup>th</sup> Street and McKnight Avenue consistent with the development directly to the south.
- Land Use Goal 3, bullet 5 (page 8) of the narrative indicates the proposed building is 15 feet shorter than the building directly north of this site however, it would appear the referenced building should be the one directly south of the project site. Please clarify and amend narrative accordingly.*

The narrative has been revised to reflect that the proposed building is 15 feet shorter than the building directly south. An updated narrative is included with this resubmittal.

## **Zoning Ordinance and Scottsdale Revise Code Significant Issues:**

### Zoning:

- *The proposed development standards include an amendment to the required private outdoor living space. This is not included as one of the development standards eligible for amendment. Per Section 5.3007 of the Zoning Ordinance, the City Council can approve amendments to setbacks and stepbacks only. Please revise the legislative draft to eliminate the amendment to private outdoor living space and revise plans to show private outdoor living space for each unit, including the studio; or amend the proposal to eliminate the studio unit. Note that, private outdoor living spaces provide mental health benefits, most recently demonstrated by the pandemic lockdowns.*

We have revised our request to remove the request for an amendment to the development standards. The studio unit has been eliminated and the plans have been revised to show private outdoor living space for each unit. We agree that outdoor living space is important and have provided private outdoor space at each level for future residents.

- *Per Table 9.106.A of the Zoning Ordinance, a minimum drive aisle width of 18 feet is required for parking spaces at a 60-degree angle. Drive aisle width proposed is only 12 feet. Please reconfigure the parking accordingly or provide an alternative design for on-site parking. This may require significant changes to the overall site design.*  
The drive aisle width has been increased to the required 18 feet.

### Building Elevation Design:

- *Please revise the building elevation worksheet to confirm the proposed encroachment into the required building setback is no greater than 15 vertical feet. If an amendment is desired, please revise the legislative draft to include the amendment and provide justification in the project narrative. Refer to Section 5.3006.I of the Zoning Ordinance.*  
We have provided more detailed building elevation worksheets with this resubmittal to show that the proposed encroachment into the setback is permissible and less than 15 vertical feet.

### Site Design:

- *Please clarify the intended use for this project. The narrative indicates the proposal is for a “multi-family development” while the site plan indicates “work/live” units. If true “work/live” is proposed, parking requirements will change and the narrative should be revised to highlight the intended “work/live”, as it is encouraged by the Old Town Character Area Plan and the General Plan respectively. Refer to Table 9.103.B of the Zoning Ordinance for “work/live” parking requirements.*

While we have designed all five units to accommodate ground floor office space, we will be dedicating two units as work/live. To accommodate those future office/commercial uses, we are proposing to dedicate two parking spaces within the garage for commercial uses from 9:00 a.m. – 5:00 p.m. and then allocate those spaces to residential uses at all other hours. The narrative and site plan have been amended to reflect this distinction.

- *The narrative indicates the proposal is for six units however, the site plan only appears to indicate five units. Please clarify on the site plan.*  
We are proposing five units. The original plan included a studio unit, however that unit has been eliminated.
- *A recent text amendment to the Zoning Ordinance (5-TA-2020) changed the parking requirement for multi-family developments. The revised requirement is now based on the following ratios:*
  - *1.25 spaces per studio*
  - *1.3 spaces per one-bedroom unit*
  - *1.7 spaces per two-bedroom unit*

*Please revise site plan accordingly and demonstrate compliance with these new requirements.*

The site plan has been revised to reflect compliance with the new parking requirement for multi-family developments. We are proposing 5 two-bedroom dwelling units, 2 of which are work/live and whose parking requirements are detailed in Table 9.103.B – which requires parking of the commercial area and dwelling area with an exception for the first unit.

We are not requesting a parking waiver despite providing bicycle parking on site that would allow us to remove two parking spaces from the development nor are we requesting relief under the allowed Downtown district parking waiver.

Our parking is calculated as follows:

- 4 two-bedroom dwelling units x 1.7 parking spaces/unit = 6.8
- 2 work/live units with a combined 624 sq. ft. of office space at 1 space/300 sq. ft. = 2.08
- 1 two-bedroom dwelling unit is not required to provide parking for the residential component per the Zoning Ordinance.

Total parking required is 8.88 parking spaces rounded up to 9, only 7 of which are required to be for residential purposes. To ensure that the work/live can be properly utilized while providing flexibility for residents, we plan to reserve 2 parking spaces for commercial uses from 9 a.m. – 5 p.m. and allowing them to act as surplus parking for the dwelling units during non-commercial hours. It is worth noting that the requirement for 5 purely residential two-bedroom dwelling units would be 8.5, so in either scenario parking is provided as required.

#### Drainage:

- *The preliminary Drainage Report has not been accepted. Please refer to the redlined report and G&D plan in the internet folder.*  
The Drainage Report and G&D plan have both been revised to reflect the comments from the City.

#### Engineering:

- *The ALTA Survey indicates a 10-foot Alley & Public Utility Easement along the southern property line. This easement must be dedicated to the City as fee-title alley right-of-way. Please revise the site plan to show dedication. Confirm no project improvements will encroach into the alley after dedication and that a minimum 2-foot setback is being maintained from the property line after dedication. Refer to Section 48 of the Scottsdale Revised Code.*

We have updated the site plan to indicate the 10' alley right-of-way to be dedicated. We maintain the proposed setback from the alley and were not able to locate a 2' setback requirement in the Ordinance. If this is something we have missed, please let us know where to find it. Our plan proposes a 0' alley setback consistent with the project directly south of our project that also fronts the alley.

- *As proposed, this project may only be subdivided for sale purposes through a condo plat and horizontal regime; otherwise, it must remain one parcel with units for lease. Please acknowledge in the 2<sup>nd</sup> submittal response letter. Refer to Section 48 of the Scottsdale Revised Code.*

While it is still too early to know whether these units will be for sale or for rent, we understand that in order for the units to be offered for sale individually that a Condo plat is required.

### **Significant Policy Related Issues:**

The following policy related issues have been identified in the first review. Though some of these issues may not be critical to scheduling the application for public hearing, they may affect the staff's recommendation and should be addressed with the resubmittal. Please address the following:

#### Circulation:

- *Please revise the applicable plans to indicate a new minimum 8-foot wide sidewalk on 75<sup>th</sup> Street attached to the street curb, not adjacent to the building as proposed. If direct access to the sidewalk from the units is desired, a wider sidewalk (greater than 8 feet in width) can be proposed. The concern is that the sidewalk as proposed will be utilized by the unit owners as an ad-hoc patio space, which will disrupt the flow of pedestrian traffic. Additionally, the sidewalk needs to accommodate bikes, scooters, etc. As proposed, the sidewalk is designed with sharp corners that are not conducive these modes of transportation. Refer to Section 5-3.110 of the DSPM.*

We have modified the plans to address these various concerns. First, we have kept the sidewalk detached from 75<sup>th</sup> Street as we believe it creates a safer environment for pedestrians. However, we have expanded the right-of-way provided to maintain a detached sidewalk that is still covered by the building to provide shade and separates the residential units with private patio space.

To address staff's comment regarding private use of public patio space, we have used the design guidelines set forth in the Old Town Scottsdale Urban Design & Architectural Guidelines and provided private patio space with low "pony" walls utilizing decorative mid-century style block. These private spaces are outside of the 8' sidewalk for public use, ensuring that private space does not take over the designated public realm.

Lastly, we have made sure that the sidewalk does not include any sharp corners that would impact the use of the sidewalk for alternative modes of transportation; however,

we find it important to note that motorized vehicles (scooters, etc.) and bicycles should be ridden on sidewalks in accordance with City Ordinance 4372 to ensure pedestrian safety.

- *Please revise the applicable plans to indicate a new minimum 6-foot wide sidewalk on McKnight Avenue along the entire frontage.*

We have revised the site plan to accommodate a 6' sidewalk along McKnight Avenue.

- *Please revise the site plan to include a minimum 5-foot fee title right-of-way dedication for 75<sup>th</sup> Street. Refer to Section 5-3.100 of the DSPM.*

The site plan has been revised to show the 5-foot dedicated right-of-way on 75<sup>th</sup> Street.

### Landscape Design:

- *Please select an alternative tree species to the Cascalotes proposed along 75th Street. Cascalotes have very wide canopies at maturity that will overhang into the travel lane on 75th Street, and conflict with the proposed shade canopy over the sidewalk; necessitating regular trimming that will result in an unnatural tree canopy. Refer to Section 2-1.501.K of the DSPM. If a tree species with a narrower canopy cannot be found, consider removing trees altogether from the 75th Street frontage and replace with shrubs or groundcover.*

We have revised the landscape plan and are proposing Brake Light Red Yucca along 75<sup>th</sup> Street as an alternative to Cascalotes. We have maintained the separated sidewalk and street as we believe the separation provides a safer environment for pedestrians.

### **Considerations:**

The following considerations have been identified in the first review of this application. While these considerations are not critical to scheduling the application for public hearing, they may improve the quality and may reduce the delays in obtaining a decision regarding the proposed development. Please consider addressing the following:

### Parking:

- *Though the Zoning Ordinance does include an option to reduce vehicular parking for projects that provide secured bike parking, it may be a challenge convincing the community that this is appropriate; given the recent parking text amendment (5-TA-2020) and the contention that there is a parking shortage in the downtown area. Please consider providing vehicular parking consistent with the parking ordinance without a reduction for bike parking.*

We have modified the number of units and are no longer utilizing the various options that would allow us to reduce the number of parking spaces required by right. The project now proposes parking as required by the Zoning Ordinance out of sensitivity for the parking challenges present in the Downtown area.

### Site Design:

- *The proposed location for the transformer is not ideal. Please coordinate with the utility company to see if they would be willing to relocate it either off the McKnight frontage or deeper into the site away from 75<sup>th</sup> Street.*

We are proposing to move the transformer adjacent to the refuse enclosure along the alley further from the street frontage per staff request. Please refer to the revised site plan for the location of the new relocated transformer.

### Streetlight:

- *Please note: The existing streetlight at the intersection of 75<sup>th</sup> Street & McKnight is currently located within the pedestrian path, and the color has not been updated to meet City standards. Depending on how other comments in this letter are addressed, please plan on relocating the streetlight out of the sidewalk or relocate sidewalk so the streetlight is not in the sidewalk. Additionally, the pole should be painted Sherwin Williams “Enduring Bronze” (SW7055), per City policy. Please acknowledge in the response letter and revise the site plan accordingly. The streetlight in its current configuration is located within the sidewalk, and we plan for it to remain. Given the increase in the sidewalk width along both McKnight and 75<sup>th</sup> Street in this location, we believe the impact of keeping the streetlight in its current configuration will be de minimis. However, we have added a note that the pole is to be painted Enduring Bronze (SW7055).*

### **Technical Corrections:**

The following technical ordinance or policy related corrections have been identified in the first review. While these items are not as critical to scheduling the case for public hearing, they may affect a decision on the construction plans and should be addressed as soon as possible.

Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

#### Site Design:

- *Please revise the site plan to address/respond to the following:*
  - *Call out the proposed density (based on a ratio of du/ac), not just the number of units. (Section 5.3006.B of the Zoning ordinance)*
  - *Call out street sidewalk widths (Section 5-3.110 of the DSPM)*
  - *Call out parking space lengths (Section 6.106.A of the Zoning Ordinance)*

We have updated the site plan to show density as a calculation of dwelling units per acre (16.67 du/ac). We have also called out the sidewalk widths along both 75<sup>th</sup> Street (8’) and McKnight Avenue (6’) as well as the parking space lengths (18’-6” without overhang, with a 1’-6” overhang provided).

#### Fire:

- *Please revise the site plan to indicate the following:*
  - *Location of existing and/or proposed fire hydrants (Fire Ord. 4283, Section 503.3)*
  - *Length of proposed drive aisle (Section 2-1.303 of the DSPM)*

We have revised the Fire Access Plan to reflect the location of the existing fire hydrants and the length of the drive aisle.

#### Circulation:

- *Please revise the site plan to indicate the following:*
  - *A Non-Motorized Public Access Easement over any portion of street sidewalk that extends onto the project site*
  - *Required sight distance triangle where the site driveway intersects with McKnight Avenue. Refer to Section 5-3.123 and Figure 5-3.25 of the DSPM.*
  - *A turning radius at the drive entrance from the alley. It does not appear that a successful turn movement can be executed for larger vehicles trying to enter the gated drive.*

A Non-Motorized Public Access Easement will be provided for the portion of the public sidewalk that is located on the private property and is shown with cross hatching on the site plan as well as indicated with Note #32. A site distance triangle is provided where the driveway

entrance intersects with McKnight Avenue. Turning radii have been added for ingress and egress into the parking area on site, and it should be noted that we have reversed the flow of traffic so ingress occurs from McKnight Avenue and egress occurs through the alley.

**Other:**

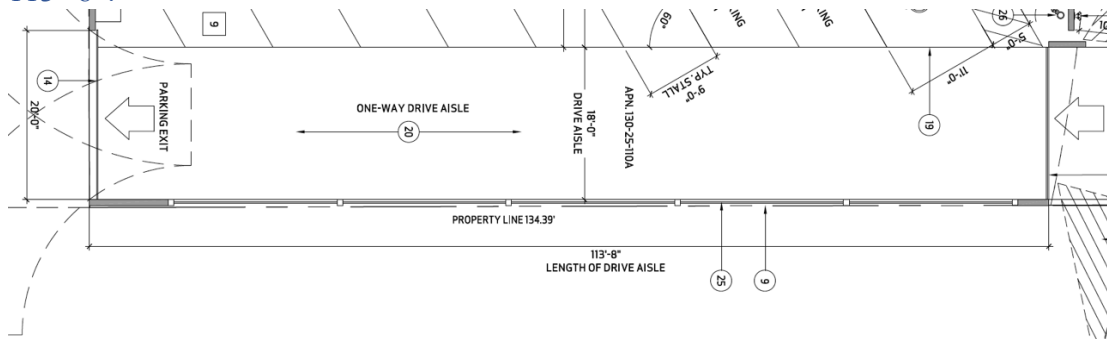
- *The preliminary water and sewer Basis of Design (BOD) reports have been conditionally accepted by the Water Resources Division. The following will be stipulations to any future approval:*
  - *A new 6-inch sewer service line will be required.*
  - *The on-site sewer shall be private and located within the proposed drive aisle.*
  - *Final water and sewer BOD's will be required with the Development Review Board submittal. With the final sewer BOD, please provide a utility plan showing private sewer, unit connections and connection to 6-inch primary private service line and public sewer. Refer to Section 7-1.201 of the DSPM.*

Thank you. Final reports will be submitted with a permit submittal following successful entitlement of the site.

**Site Plan:**

- 126'-2 1/4"

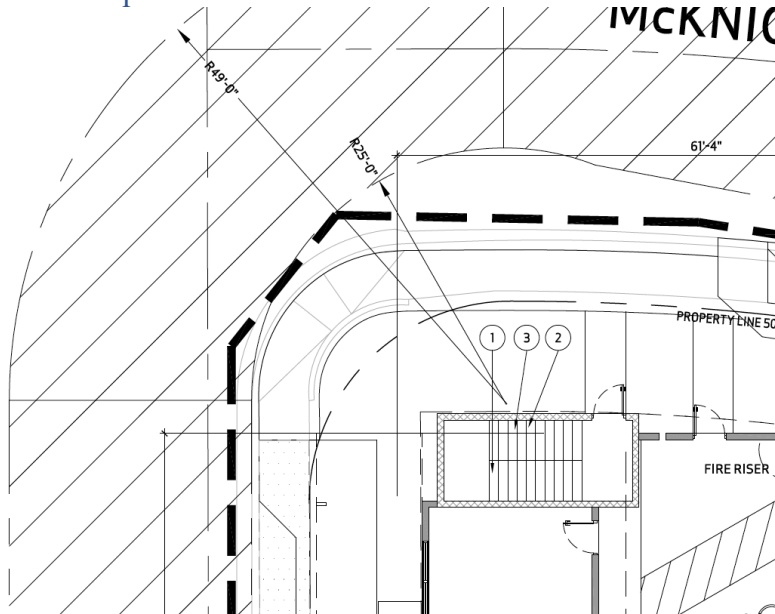
The dimension of the drive aisle has been added to the site plan reflecting a length of 113'-8".



- *Provide dimension of drive aisle on site plan per DS&PM Sec 2-1.303(8)*  
The dimension of the drive aisle has been added to the site plan reflecting a length of 113'-8".
- *Demonstrate a minimum drive width of 24' per Fire Ord. 4283 Sec 503.2.1*  
The revised plans provided with this resubmittal reflect an 18' drive aisle. This drive aisle is an access-controlled entrance and exit to the resident parking area. Fire access does not need to be provided through this portion of the site because adequate distance is provided along the adjacent streets as demonstrated on the Fire Access Plan.
- 10'-0"  
The scale provided is 1" = 10'.
- *Identify and demonstrate the location of all existing and proposed fire hydrants per Fire Ord. 4283 Sec 503.3*  
We have provided a Fire Access Plan that demonstrates the location of existing fire hydrants. No new fire hydrants are proposed.

- Provide and demonstrate turning radii on site plan (25' inside, 49' outside and 55' bucket swing per DS&PM Sec 2-1.303(5))

We have provided a Fire Access Plan that demonstrates the turning radii.



### Preliminary Drainage Report:

- *volume*  
The drainage has been revised in this section to clarify that this statement refers to runoff volume.
- *why negative*  
The calculation has been revised to correctly reflect the required retention.
- *441 cf will require about 30'x30'x0.5' deep basin. Any depth above 0.5 ft would require surface percolation to show the volume can drain within a time not to exceed 36 hours. This volume needs to be provided onsite. Alternatively, and since the site is less than 0.5 acre, a waiver of retention requirements for an in-lieu fee*  
We are requesting a waiver of retention requirements and plan on paying the in-lieu fee.
- *Also note that pre vs post comparison should be based at each concentration points rather than the entire site collectively*  
Please refer to the updated Drainage Report. According to the engineer, due to the size of the site, the difference is negligible in analyzing concentration points versus the entire site.
- *A drainage easement needs to be shown on the plans and ultimately dedicated around any onsite stormwater storage basins.*  
The project does not propose any on-site retention and therefore there are no stormwater storage basins around which an easement needs to be dedicated.

**Conceptual G&D and Utility Plan:**

- *Please address comments on the drainage report and on the grading and drainage plans, as applicable, and update both accordingly*  
The drainage report and drainage plan has been revised to reflect these comments.

Thank you for your review of our plans. Please feel free to reach out with any additional questions. I can be reached at (480) 921-2800 or via e-mail at [lauren@huellmantel.com](mailto:lauren@huellmantel.com).

Best regards,

Lauren Proper Potter