

Target Date: Resubmittal to City – December 2023

Summary of Changes from previous submittal: Removal of pickle ball court on COS parcels, new project name and collaboration with the Cosanti Foundation, addition of Cosanti Foundation dedicated exhibit space and flex space, minor site and building modifications per the review letter comments as addressed below.

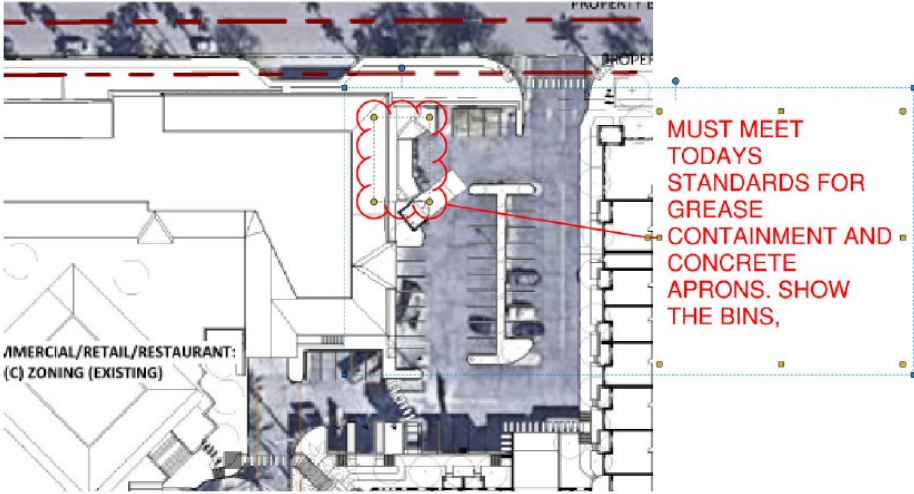
| Item | Response |
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| Significant Zoning Ordinance or Scottsdale Revised Issues | |
| Long Range Planning | |
| <p>1. While the proposed height does not exceed the PUD Zoning maximum permitted development standard of 48', please note Planning Commission and City Council have had recent dialogue concerning precedent setting four story buildings along Shea Blvd. and have expressed concern with any proposal that might seek additional height in the general area of the proposed development (SEE 10/26/2022 Planning Commission meeting). The General Plan (Goal GA 1.5) encourages the incorporation of context-appropriate transitions between higher-intensity development and adjacent neighborhoods in order to minimize impacts. With a resubmittal, please consider integrating upper-level building setbacks to reduce building height, massing, and to further transition away from East Shea Blvd. and to match existing development patterns.</p> <p>Staff sees this has been partially addressed per the resubmittal, but keep in mind PC and CC have voiced concerns in the past. It may be helpful to prepare a height exhibit of neighboring buildings as it may come up through the public hearing process.</p> | <p>Team Response: Acknowledged. The applicant has significantly reduced the amount of 4th story present on the project. The 4th story has been eliminated along the Shea frontage on all 3 sides of the southern courtyard. The project also features a two-tier setback on the north side (Sahuaro), reducing height from 4 stories to 2 stories. The surrounding commercial uses provide a natural buffer to the adjacent neighborhoods, making a smooth transition from adjacent neighborhoods to the project.</p> |
| Current Planning | |
| <p>2. Please remove the two southeast parcels from the project scope and improvements as those parcels are owned by the City. The applicant will need to purchase these properties (and include them in the General Plan and Zoning case boundaries) or remove from the scope of the applications.</p> <p>If the applicant wishes to pursue purchasing the properties, please work with the Real Estate department and update all submittal documents to list the true scope of the cases – boundaries, net lot area, gross lot area, APNs, addresses, vicinity maps, parking, etc.</p> | <p>Team Response: The southeast parcels have been removed from the project scope. Per discussion with Katie Posler, the applicant removed the pickleball courts and dog run from the city parcels.</p> <p>Per City meeting 12/19, the applicant will submit the zoning package with the original parking and alley layout on the City parcels.</p> <p>While applicant revised submittal to show parking in the alley as-is, applicant will continue to count parking stalls on city owned parcels toward the rezoning parking requirement pursuant to the Grant of</p> |

| Item | Response |
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| <p>If the subject parcels are purchased, strongly consider revising the site plan to relocate the pickleball courts to be in a more internal location to the site, as opposed to abutting E. Shea Boulevard, a major arterial street (or swap the pickleball and dog run locations). The pickleball courts are surrounded by hardscape and there may be a more appropriate landscaped setting elsewhere on site.</p> <p>Per direction from Zoning Administrator, Erin Perrault, the pickleball court and dog park need to be removed from this area. This area (the two city parcels) should only be used for excess parking and passive open space (no fencing permitted). Please update the plans accordingly and work with the Real Estate Department on updating/revising current lease agreements (1994/741748) to account for the revisions. The Real Estate reviewer is Wendy Hardy for this case.</p> | <p>Easements and Declaration of Restrictions, which benefits applicant with right to park on the city owned parcel --- as discussed with Katie Posler on 12/19/2023.</p> <p>Question - Do they HAVE to amend it? Who decides this? Real estate? The agreement is for parking and this applicant is using it as parking with some site changes.</p> |
| <p>3. Within the development plan, please explain the PSD zoning request. Was this to cover the standards shared over the city parcels? Are there plans to split the larger subject parcel further?</p> <p>Please submit the required PSD materials (Development Agreement, Plat, etc) and explain the request. Staff can provide the appropriate checklists if not provided already.</p> <p>Applicant still needs to submit PSD zoning request, Proposed Plat, and Development Agreement if there is a proposal to split the parcel and share development standards.</p> | <p>Team Response: The PSD zoning is part of this request. The applicant will submit the Development Agreement to the City concurrently with the rezoning request. Applicant will submit a replat (or MLD) request to City upon Design Review.</p> <p>Question - Submitted. Can this go to PC if we are still reviewing the DA? What is the protocol?</p> |
| <p>4. Please revise the building elevations to reduce the height of the mansard roof element to comply with the 48' height limit per code (this will mean reducing the overall building height and potentially unit count). This roof element wraps the entire building façade and encloses 100% of the roof area behind it, exceeding the maximum 30% roof coverage allowed by the PUD zoning district.</p> <p>On the revised color elevations, due to the above comment, please identify projections beyond the allowed building height with labels and code sections.</p> <p>Building height has been revised. The math on the roof plan is a little confusing. The total roof area is listed as 66,516 SF. The two roof categories</p> | <p>Team Response: ESG has clarified the math on the roof plan, and the total area of the roof above 48' still does not exceed 30%. Refer to updated sheet A.21.z.aa.</p> <p><u>Calculation</u> The total area of the roof is (48,898 SF + 19,972 SF) = 68,870 SF, and the area of roof above 48'-0" is 19,972 SF, or 29% of the total roof area.</p> <p>addressed.</p> |

| Item | Response | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>added together (57,546 SF + 19,515 SF) equal 77,061 SF. Please clarify the math on this sheet.</p> <p><u>SUMMARY</u></p> <table><tr><td colspan="3">TOTAL ROOF SF AREA - 4 STORY (MAX HEIGHT 48'-0" AND BELOW 48'-0")</td></tr><tr><td>• MAIN ROOF (LEVEL 3)</td><td>23,443 SF</td><td>35.24%</td></tr><tr><td>• MAIN ROOF (LEVEL 4)</td><td>34,103 SF</td><td>51.27%</td></tr><tr><td>TOTAL</td><td>57,546 SF</td><td>86.51%</td></tr></table> <table><tr><td colspan="3">ROOF SF AREA ABOVE 48'-0" AND BELOW 58'-0"</td></tr><tr><td>• ELEVATOR PENTHOUSE 1</td><td>203 SF</td><td>0.30%</td></tr><tr><td>• ELEVATOR PENTHOUSE 2</td><td>98 SF</td><td>0.15%</td></tr><tr><td>• TRASH CHUTE VENTS</td><td>45 SF</td><td>0.07%</td></tr><tr><td>• MECHANICAL EQUIPMENT SCREENING</td><td>19,169 SF</td><td>28.82%</td></tr><tr><td>TOTAL</td><td>19,515 SF</td><td>29.34%</td></tr></table> <table><tr><td>TOTAL AREA OF ROOF:</td><td>66,516 SF</td></tr><tr><td>TOTAL AREA OF ROOF ABOVE 48'-0":</td><td>19,515 SF (29.34%)</td></tr></table> | TOTAL ROOF SF AREA - 4 STORY (MAX HEIGHT 48'-0" AND BELOW 48'-0") | | | • MAIN ROOF (LEVEL 3) | 23,443 SF | 35.24% | • MAIN ROOF (LEVEL 4) | 34,103 SF | 51.27% | TOTAL | 57,546 SF | 86.51% | ROOF SF AREA ABOVE 48'-0" AND BELOW 58'-0" | | | • ELEVATOR PENTHOUSE 1 | 203 SF | 0.30% | • ELEVATOR PENTHOUSE 2 | 98 SF | 0.15% | • TRASH CHUTE VENTS | 45 SF | 0.07% | • MECHANICAL EQUIPMENT SCREENING | 19,169 SF | 28.82% | TOTAL | 19,515 SF | 29.34% | TOTAL AREA OF ROOF: | 66,516 SF | TOTAL AREA OF ROOF ABOVE 48'-0": | 19,515 SF (29.34%) | |
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| <p>5. Please revise the project narrative to address each of the 4 Development Review Board considerations separately (as opposed to one large paragraph response):</p> <p><i>(1) The design contained in the DP is compatible with development in the area that it may directly affect and the DP provides a benefit to the city and adjacent neighborhoods.</i></p> <p>Staff acknowledges that in the response letter the applicant is electing to not underground existing adjacent adpowerlines or upgrade the existing sidewalks along N. 70th Street and E. Sahuaro Drive based on site constraints. These type of improvements are typically completed with zoning cases to provide a public benefit. Please explain how the application is still meeting consideration #1 and if another other public benefits to the city or adjacent neighborhoods can be accomplished via this case. Newer staff reports now also include a public benefit portion that further elobrates on the topic.</p> <p><i>(2) The DP is environmentally responsive, incorporates green building principles, contributes to the city's design guidelines and design objectives, and that any deviations from the design guidelines must be justified by compensating benefits of the DP.</i></p> <p><i>(3) The DP will not significantly increase solar shading of adjacent land in comparison with a development that could be developed under the existing zoning district.</i></p> | <p>Team Response: Please see a list of community benefits attached.</p> <p><u>Re: other amenity upgrades</u> – In addition to adding pedestrian connections and ramadas to bolster connectivity between the residential and commercial, the applicant will activate the alley, upgrade trash enclosures near commercial buildings to code, add crosswalks (as noted on plans), add trees to the perimeter of the residential building (as noted on plans), and reduce the overall heat island effect.</p> <p>Applicant did not break it out but provided response.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| <p><i>(4) The DP promotes connectivity between adjacent and abutting parcels, and provides open spaces that are visible at the public right-of-way and useful to the development.</i></p> <p>Staff acknowledges and appreciates that additional pedestrian connections and associated ramadas were added to the project to help with connectivity. Tying the new residential component and existing commercial shops together will be a key piece of this development plan to meet the intention of PUD zoning. Please consider if other amenity upgrades are feasible.</p> | |
| <p>6. The two city owned parcels should not be used to help the proposed project meet any zoning requirements since it is not a part of the zoning case or being rezoned. Please remove the contributing parking lot open space from the open space plan on the city parcels. Please revise the project plans so that the total count of provided parking stalls is from the subject lot only and not from the city parcels. Parking on the city parcels should be excess parking beyond the requirement and the current drainage and parking agreement may need to be updated to reflect the new drainage and parking improvements. Additionally, please remove the required/provided bicycle parking spaces from the City parcels and relocate them on the subject site. The project site (the parcel being rezoned) must be able to meet zoning requirements on its own.</p> | <p>Team Response: Per the recorded Grant of Easements and Declaration of Restrictions (recorded 1-/14/94, 4/25/2001), the owner of the subject parcel has exclusive easement for parking and pedestrian access on the city parcel. Per discussion with Katie Posler on 12/19/23, parking stalls located on the city parcel may count toward applicant's zoning requirements (pending City confirmation of such exclusive access after its review of the parking agreement).</p> <p>Question - Do they HAVE to amend it? Who decides this? Real estate? The agreement is for parking and this applicant is using it as parking with some site changes.</p> |
| <p>Transportation</p> | |
| <p>7. Please dedicate 45 feet of fee title right-of-way along 70th Street. ALTA shows a portion of this as easement. Scottsdale Revised Code Sec. 47-10. Not addressed, please address.</p> | <p>Team Response: Noted. 45' dedicated ROW is shown on plans. Final Plat will be amended during construction document phase. ROW shown on plans were dedicated on plat recorded in book 1701 page 37 recorded 10-17-2022.</p> |
| <p>8. Please dedicate existing roadway easement over the right-turn deceleration lane along 70th Street as fee title right-of-way. Scottsdale Revised Code Sec. 47-10 Not addressed, please address.</p> | <p>Team Response: Noted. Dedicated roadway easement over right-turn lane is shown on plans. Final Plat will be amended during construction document phase. ROW shown on plans were dedicated on plat recorded in book 1701 page 37 recorded 10-17-2022.</p> |
| <p>Real Estate</p> | |
| <p>9. Proposed site plan appears to show improvements, including a sports court, parking and landscaping, being made off site. Applicant shall request their title company to provide a chain of title and document title history for parcels 175-42-136F and 175-42-136R. Chain of title search should go back a minimum of 50 years. Not addressed, please address.</p> | <p>Team Response: The applicant has removed the sport court and dog park from the city owned land. For sake of this application, the city parcel improvements will remain as-is with the exception of the removal of some of the parking stalls that encroach onto the owner/subject parcel and addition of a sidewalk for better connectivity. The applicant has exclusive rights to park there per the parking agreement with the city. Per the City meeting 12/19, the applicant understands the ask of the City to</p> |

| Item | Response |
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| | perform title work on the City parcels, but the applicant requests that runs concurrently with a zoning resubmittal since the applicant is showing the existing configuration of city parcels with minor improvements (omitting the angled stalls along the western portion that do not fit and adding a sidewalk for better connectivity).The applicant will continue to maintain the improvements located on the city owned parcels per the agreement. |
| Land Division | |
| 10. Revise plans to remove the sport court and dog park from City parcels. Verify with COS Real Estate Department whether proposed uses of City owned property is allowed with existing agreement or if a new agreement needs to be completed. | Team Response: The applicant has removed the sport court and dog park from the city owned land. Per the City meeting 12/19, the applicant understands the ask of the City to perform title work on the City parcels, but the applicant requests that runs concurrently with a zoning resubmittal since the applicant is showing the existing configuration of city parcels with minor improvements (omitting the angled stalls along the western portion that do not fit and adding a sidewalk for better connectivity). |
| 11. SRC 48-3 + 4 Easements in conflict with proposed development or easements no longer required will need to be abandoned via MOR. Applicant to acknowledge accordingly. | Team Response: Acknowledged. Easements will be abandoned via MOR during construction document phase. |
| Significant Policy Issues | |
| Engineering | |
| 12. Please see the attached correction sets from Engineering and address corrections accordingly, thank you. | Team Response: Comments and corrections are addressed in civil plans. |
| <p>13. Per DSPM Chapter 2: Provide a refuse plan for the entire site. Provide square footages for all existing and proposed buildings, show the location and size of all refuse enclosures, existing and proposed. Show the buildings remaining have adequate refuse capacity on site. Include all buildings except the Black Rock Coffee site. The original site included Shea Blvd., 70th Street, Saguaro Drive and the alleyway to the east. Black Rock Coffee has been removed because it is now a standalone site.</p> <p>The existing refuse north east of the building to remain must be brought up to today's standards. The refuse enclosure must show the required number of bins and grease containment areas, must show the 30 concrete aprons, and must meet the truck turning movements.</p> | <p>Team Response: To clarify, the loading comment: the site plan meets loading requirements (2 for the proposed project) and loading zones as proposed is acceptable, confirmed by David Gue in an email dated 12/1/23.</p> <p>Refuse comments: Per additional comments emailed by David Gue 12/6, refuse plan has been updated for today's standards.</p> <p>Truck maneuvering comments: Refuse plan has been updated to accommodate truck maneuvering path for the overall site.</p> |

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|  <p>MUST MEET TODAY'S STANDARDS FOR GREASE CONTAINMENT AND CONCRETE APRONS. SHOW THE BINS,</p> <p>COMMERCIAL/RETAIL/RESTAURANT: (C) ZONING (EXISTING)</p> <table border="1" data-bbox="100 662 1008 1013"> <thead> <tr> <th colspan="2">MULTI-FAMILY OFF-STREET LOADING & UNLOADING AREAS</th></tr> <tr> <th>NO. OF DWELLING UNITS</th><th>NO. OF LOADING & UNLOADING AREAS</th></tr> </thead> <tbody> <tr> <td>0 - 50</td><td>1*</td></tr> <tr> <td>51 - 150</td><td>1</td></tr> <tr> <td>151 - 450</td><td>2</td></tr> <tr> <td>OVER 450</td><td>3**</td></tr> </tbody> </table> <p>* The DRB may approve designating one on-lot parking space for loading and unloading that is 10 feet wide by 18 feet long. Designated spaces shall be signed and striped as loading and unloading areas.</p> <p>** Plus, any additional loading areas required by the DRB.</p> | MULTI-FAMILY OFF-STREET LOADING & UNLOADING AREAS | | NO. OF DWELLING UNITS | NO. OF LOADING & UNLOADING AREAS | 0 - 50 | 1* | 51 - 150 | 1 | 151 - 450 | 2 | OVER 450 | 3** | |
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| OVER 450 | 3** | | | | | | | | | | | | |
| Land Division | | | | | | | | | | | | | |
| <p>14. Applicant will need to dedicate additional 4' of right-of-way on west side of alley to bring it to a total of 24'. Please show on site plan.</p> | <p>Team Response: Additional 4' of right-of-way at the alley has been added to show a 24' total alley width – only along the eastern side of the overall subject site (per the City meeting 12/19, the applicant is to leave the alley width to the east of the City parcels as-is). Site plans and area calculations have been updated to reflect latest net site area.</p> | | | | | | | | | | | | |
| <p>15. Applicant will need to dedicate Emergency and Service Vehicle Access (ESA) and Public Motorized Access (PMA) easements over the shared drive aisles coming from the driveways on 70th Street and Shea Blvd. Please show on site plan.</p> | <p>Team Response: Acknowledged. The ESA and PMA are shown on Grading, Drainage, Utility and Offsite Paving plans which match other site plans and technical site plan (A.21.fb). Final Plat will be amended during construction document phase.</p> | | | | | | | | | | | | |
| Technical Issues | | | | | | | | | | | | | |
| Design Review | | | | | | | | | | | | | |

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| <p>16. Site cross-section for east side of site does not appear to show alley, property boundary, building setback, and building stepback requirements accurately. Please revise graphics.</p> <p>Graphic still incorrectly shows the building stepback requirement on the east side. The building stepback should be measured from the setback line, which is the property line on the east side.</p> | <p>Team Response: Per Brad Carr's comments in the 12/1 City meeting, the stepback plane has been removed as it's not technically required at the east, and the property boundary has been moved 4' inward to the site to reflect the 4' dedication at alley requested (comment #14). Refer to updated sheet A.21.ja, section #2/B.</p> |
| <p>Current Planning</p> | |
| <p>17. Please bold the net lot area and gross lot area boundary on plans.</p> <p>Please see the attached redlined boundary plan for the information I am looking for. My measurements indicate that the gross lot area (without city parcels) is 374,942 SF and the gross lot area (with city parcels) is 397,685 SF. These are different numbers than what the technical site plan is showing. Please review and update plans to show accurate information, thank you. It needs to be clear throughout the project set (plan sheets and Development Plan) that the proposed zoning scope does not include the two city parcels. This is somewhat unclear based on the two sets of brown boundary lines shown.</p> | <p>Team Response: Property boundaries have been updated per comment #14 and clarified. The City parcels are not part of the rezoning case and, therefore, have not been part of the site areas. Refer to updated</p> <p>The boundary plan and site plan rendering still appear incorrect for gross boundary. Gross would include half of the existing alley adjacent to the subject site. The gross boundary line on the plans is not in the middle of the existing alley. Please fix. Please make it clear that the gross boundary does not include half of the existing alley adjacent to the city parcels - only the site being rezoned.</p> |
| <p>18. Please accurately identify the net and gross boundary on the color site plan.</p> <p>Please see the attached redlined boundary plan for the information I am looking for, thank you.</p> | <p>Team Response: Property boundaries have been updated per comment #14 and clarified. The City parcels are not part of the rezoning case and, therefore, have not been part of the site areas. Refer to updated rendered site plan, sheet A.21.fa, which matches other site plans and the site plan data table on A.21.fb.</p> |
| <p>19. Please revise all project plans to call out the half street dimensions of ROW along all street and alley frontages.</p> <p>Not addressed on technical requirements site plan, please address.</p> | <p>Team Response: Half street dimensions have been called out. Refer to technical site plan, sheet A.21.fb.</p> <p>addressed</p> |
| <p>20. Please remove the required/provided bicycle parking location from the city parcel and relocate it on the subject site.</p> | <p>Team Response: Per the 12/1 City meeting, bike racks shown on the City parcels have been removed from the parcels. Those bike racks were not part of the overall site's minimum-required bike parking requirements.</p> <p>addressed</p> |
| <p>21. Please clearly label the SES room location on the site plan and floor plan. (East elevation on level 1 per response letter, but isn't labeled.)</p> | <p>Team Response: SES room on east side of Level 1's building plan has been labeled (sheet A.21.ya).</p> <p>addressed</p> |

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| 22. Please update the residential building cross sections to show the correct building height of 36'. The plans currently list 35'. | Team Response: That dimension string was labeling the stepback rise (not building height); an additional dimension has been added for clarity (sheet A.21.ya). addressed |
| 23. The set is unclear if there are 239 units vs 240 units, please clarify on all sheets and within the development plan so the project scope matches throughout. Additionally, the 4th floor was reduced in size (by about half), but that isn't reflected in the total unit count. Please explain. | Team Response: There are 240 units, and with the 4 th floor's reduction, certain larger units were divided into two in certain cases plus other unit changes in floor plans to maintain a similar-to-previous, overall unit count. addressed |
| Transportation | |
| 24. The site plan still shows a significant number of parking spaces along the alley. This may become 2 nd or 3 rd car storage for residents and could be a nuisance for the adjacent businesses. | Team Response: The applicant discussed this with Phil K. on 12/1 and he agreed that parking is acceptable as planned. Resident exit/entrance (via both stair and elevator) has been provided on the east side of the building to provide convenient access to the parking stalls that are accessed from the alley. The project improvements will activate the alley resulting in a pedestrian friendly environment that compatible with parking along the alley. On-site management controls will be put in place to ensure vehicles do not remain in the stalls along the alley for an extended period of time. |
| 25. Deemphasize the use of the alley by relocating the proposed parking accessed from the alley or provide an internal connection from the main parking area to this parking field. Not addressed, please address. | Team Response: Resident exit/entrance (via both stair and elevator) has been provided on the east side of the building to provide convenient access to the parking stalls that are accessed from the alley. The project improvements will activate the alley resulting in a pedestrian friendly environment that compatible with parking along the alley. On-site management controls will be put in place to ensure vehicles do not remain in the stalls along the alley for an extended period of time. |
| Traffic Impact & Mitigation Analysis (TIMA) | |
| 26. Bi-directional counts should appear on volume figures throughout report. | Team Response: These have been included. |
| 27. There are some approaches with deteriorated level of service. The study concludes "development will operate at acceptable levels of service and will utilize the existing access points to the commercial center" is not true. Recommend updating it to rather present the facts stating some of the movements currently operate at a deteriorated level of service and development will not have a major impact on the current operational conditions. | Team Response: The text has been updated. |
| 28. Traffic Impact study shall include trips generated for the entire site listed in the application. | Team Response: These have been included. |
| 29. Trip Generation comparison shall be between existing development on-site to proposed development. Traffic Engineering does not review trip generation | Team Response: Acknowledged. |

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| comparison that applicant is not considering as part of current application and shall be removed from TIMA report. | |
| Green Building | |
| 30. Protection of 50% hardscape is satisfied with light gray concrete, shade trees and parking under building (IgCC). | Team Response: The current design meets the IgCC requirement for minimum of 50% of site hardscape that is not covered by solar energy systems through the combination of: Trees shading sidewalks, building shading sidewalks, paving with SRI value of 35 and parking under the building. |
| 31. EV charging capable infrastructure must be provided for 20% of total required parking spaces and EV charging installed for 4% of total required parking spaces (IgCC). | Team Response Acknowledged. The project will meet IGCC requirements. |
| 32. The building must comply with the prescriptive requirements or total performance analysis per 2021 IECC or 90.1-2019. | Team Response Acknowledged. The project will meet IGCC requirements. |
| 33. Design and show on-site renewable energy system (PV) that provides not less than 2 watts per sq. ft. of roof area (IgCC). | Team Response Acknowledged. The project will meet IGCC requirements. |