

**Correspondence Between
Staff and Applicant**

January 3, 2012

Mr. Dan Symer, AICP
Senior Planner
City of Scottsdale – Community & Economic Development Division
7447 E. Indian School Road
Scottsdale, Arizona

Re: **62-DR-2011 (Blue Sky Scottsdale)**

Dear Mr. Symer:

This letter is in response to your 1st Design Review comments memorandum on the above project dated December 20, 2011. The responses listed below correspond to the item numbers in the review letter.

Significant Ordinance Related Issues

Zoning:

Narrative

1. Under the heading of, "Consistency with the Scottsdale General Plan," please revise the project narrative to address how the development is consistent with Goals 1, 4, 6, and 7 and their related approaches.

Response: Revised project narrative attached to this response.

2. Under the heading of, "Contribution to general health, welfare, safety and convenience," please revise the project narrative to incorporate the following:
 - A verbal description regarding how the public will be able to access the canal through the property, and the assured access (i.e. dedicated easement). In addition, please consider incorporating a description of the pedestrian plaza and experience through the property.
 - A verbal description of the North Scottsdale Road and frontage improvements (i.e. sidewalks, pedestrian seats, landscaping, cover walk and shaded walk ways, and the pedestrian experience inter-action of with the sidewalk and tenant/building ground floor uses.

Response: Revised project narrative attached to this response.

3. Under the heading of, "Downtown District – building forms," please revise the project narrative to incorporate a description of how the building mass has been "broken up" in to smaller forms that step the building architecture, incorporate building reliefs for patios and plazas, and incorporate modern approach to southwest architecture.

Response: Revised project narrative attached to this response.

4. Under the heading of, "Downtown District – urban character & pedestrian orientation," please revise the project narrative to include a description of the roof tops and breezeways that have design and incorporated in to roof deck plazas and pedestrian spaces that enhance urban living experience.

Response: Revised project narrative attached to this response.

5. Under the heading of, "Downtown District – urban design & architectural design," please revise the project narrative to include a description of material utilized at the pedestrian level of the building, in pedestrian areas (materials utilized in the design sidewalks, fountain, bench, landscaping, etc.), and pedestrian lighting as these pertain to the materials and design that contribute to the "fine grain" urban experience. In general, the fine grain urban is broadly defined.

The intention of the requested is to have the applicant describe the types of natural material and elevated design that have been incorporate into the building, sidewalks and pedestrian that the average persons notices that this area is different, but typically take for granted. E.g. Your using real stone instead of fake or/modeled stone, pedestrian sidewalk hardscape materials, desert plants, and other materials of elevated design.

Response: Revised project narrative attached to this response.

6. Under the heading of, "Architectural Design Guidelines," please revise the project narrative to include an expanded discussion of the architectural building design as it pertain to, and address the Sensitive Design Principles.

Response: A full description of the project's compliance with the "Scottsdale Sensitive Design Principles is attached to this response."

7. Please revise the project narrative to include additional information pertaining to how the building design will accomplish U.S. Green Building Council's Leadership in Energy & Environmental Design (LEED) certification standards.

Response: A preliminary LEED checklist is included with the resubmittal to document the intended approach to achieving LEED certification.

8. Please provide information in project narrative as it pertains to the Zoning Stipulation 26.a.18. that is regarding the North Scottsdale Road improvements.

Response: Streetscape improvements on Scottsdale Road frontage include enhanced paving, pedestrian amenities such as seating and shaded walkways, and landscaping with trees that generally mirror the landscaping across the street along the Fashion Square Mall frontage. The Scottsdale Road frontage will provide an outstanding public amenity. As discussed above, the frontage will consist of enhanced paving materials, intensive landscaping, a retail shade portico, and public seating areas. The paving material along Scottsdale Road will be an enhanced material consisting of poured-in-place integral colored concrete with hand seeded aggregate and a medium sand blasted finish. This is identical to the paving materials used at the Mall. Trees will consist of a double row of signature mature date palms interspersed with shade trees (palo brea or Texas ebony) in the landscape buffer between the sidewalk and Scottsdale Road. Generous shrubbery plantings will occur in between the trees within the landscape buffer. Additionally, public seating will be provided on concrete benches placed at the edge of the buffer facing the sidewalk and retail portico. The retail portico will consist of a canopy covering a 20-foot wide area conducive to outdoor dining and seating opportunities along the entire frontage. Finally, there are opportunities for public art along the Scottsdale Road frontage, particularly at the southwest corner of the site and potentially at other select locations along the frontage.

Site Plan

9. Please revise the site plan to include dimensions, notes, and project, indicated on Attachment B.

Response: Requested notes and dimensions have been added to the drawing.

10. Please dimension the nearest separation between north and south buildings of Phase 1, and the south buildings of Phase 1 and the east building of Phase 2.

Response: Requested dimensions have been added to the drawing.

11. Please revise the site plan to include dimension for the parking lot landscape islands. In accordance with the Zoning Ordinance, Article X, the minimum interior width of the landscape islands shall be seven (7) feet.

Response: *Requested dimensions have been added to the drawing.*

12. Please address stipulation 4, et seq. of case no. 65-ZN-1992#7 and 2-II-2010.

Response:

4.a.i: *The configuration of the North 72nd Place alignment generally conforms to the conceptual site plans approved in the rezoning case 65-ZN-1992#4 and 65-ZN-1992#5. The applicant will not be seeking to amend or replace the existing Interruptible, Reciprocal, Non-exclusive Easements Agreement (MCR. 2005-0185400).*

4.a.ii: *The applicant requests approval of the proposed underground entrances by the Development Review Board. The final design of the ramp/roadway and associated garage entrances is consistent with the plans approved in case 65-ZN-1992#7.*

Open Space Plan

13. The area denoted on the open space as Parking Lot Landscaping includes hard space areas. In accordance with the Zoning Ordinance, Parking lot landscaping area shall only include areas that contain landscape plant material and the associated planter. Please revise the open plan to only include the planting area in the provided calculations and the hatched designation. In addition, please ensure the landscape plan, site plan, and open space plan are coordinated. There are areas on the open space plan that may not be counted as open space, such as the location of the generator ventilation grates.

Response: *The drawing has been revised in response to this comment*

14. Please indicate on the open space plan the location of the parking lot area utilized to calculate the required parking lot landscaping. This area shall include the parking spaces and drive aisle identified as Blue Sky Drive from the intersection of Fashion Square Drive to the east-west cross walk located just before the parking garage ramps. The area also includes the parking stalls and half of the Coolidge Street driveway abutting the parking spaces.

Response: *The drawing has been revised in response to this comment*

15. Please provide the required parking lot landscape calculations on the open space plan and site plan. In addition, please include the total parking lot landscape area provide on both plans.

Response: *The calculations have been added to the drawing in response to this comment*

Floor Plans

16. Please provide the square footage of each balcony on the floor plans. These appear on the 11"x17" plans, but not on the 24"x36" plans.

Response: *The drawing has been revised in response to this comment*

17. Please provide the average balcony size for each building on the floor plans. In accordance with the amended development standards, the average balcony size shall be sixty (60) square feet.

Response: *The calculations have been added to the drawing in response to this comment*

18. The canal building (Phase 2) apparently does not comply with the amended development standard for Maximum Building Length. The amended development standard is:

Maximum Building Length shall not exceed a maximum building length of 230 feet in any horizontal dimension, and 475 feet in any two adjacent building enclosure Dimensions.

The canal building (Phase 2) has a building length of two hundred forty eight feet (248). Please revise the building design accordingly to comply with this standard.

Response: *The tower portion of the Canal Building, which is the majority of the building elevation measures 237' overall (223' in length with balconies subtracted). In the amended development standards, there is a provision allowing the Maximum Building Length to be increased by up to 10%, which would allow up to 253'. The proposed 237' length falls well within this 10% factor. Moreover, in the middle of the building face, there is a full height notch 68' wide, which angles back at 45 degree angles to a maximum recess of 12', thereby breaking up the building's length.*

19. The north elevation of the north building (Phase 1) and the north elevation of the canal building does not appear to comply with the development standards for the Large walls, Horizontal dimension maximum requirement. The standard is:

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).

Please revise the floor plans and site plan to demonstrate compliance with this standard.

Response: *At the north elevation of the North Building, the tower portion of the building is 190' in length. The tower portion of the wall comprises the vast majority of this elevation. At the northeast elevation of the Canal Building, we are also in compliance. We have provided a break in the building equivalent to 29% of the length of wall of the tower portion of the building. The depth of the break varies from 6' to 12'. This configuration is clearly reflected in the site plan approved by the City Council.*

20. Please dimension accessible spaces in accordance with the requirements of set forth in Sec. 9.106 of the Zoning Ordinance.

Response: *Requested dimensions have been added to the drawing.*

Landscape Plans

21. Please revise the landscape plans to include the associated symbols, and the individual locations of the plant materials, and planting size in accordance with the requirements of the Zoning Ordinance, Section 10.200.A. and Attachment B.

Response: *The landscape plans have been revised to show individual landscape zones based on design character and program with a more refined plant palette as requested.*

22. Please separately identify which plants that not on the Arizona Department of Water Resources Low Water Use / Drought Tolerant Plan List and Supplemental plant list for the Phoenix Active Management Area.

Response: *The plans have been revised to indicate plants that are not on the ADWR list as requested.*

23. Please revise the landscape plans to include the maximum allowable and provided water intensive landscape calculations in accordance with Section 49-242 of the Scottsdale Revised Code. A water intensive plant is considered any plant that is not on the Arizona Department of Water Resources Low Water Use / Drought Tolerant Plan List and Supplemental plant list for the Phoenix Active Management Area.

Response: *The landscape plans have been revised to include water intensive landscape calculations as requested*

24. Please revise the landscape plan to include the calculations for the minimum number of in accordance with the Downtown District (1 mature tree for each 400 square feet of landscape

area) and Article X of the Zoning Ordinance. Please specify the minimum number of tree that comply with the following:

- Palm trees: trunk twelve (12) feet tall;
- Single trunk trees: three (3) inch caliper; and
- Multiple trunk trees: one and one-half (1½) inch caliper average trunk.

Response: *Plant density and size requirements notes have been added to the plans as requested.*

25. Please be advised that no trees shall have a planting size less than 15 gallons.

Response: *Plant size requirements notes have been added to the plans as requested.*

26. Please revise the landscape plan to demonstrate compliance with the Zoning Ordinance, Article X. The minimum separation of landscape plant material shall not exceed seven (7) feet between trees, shrubs, and ground cover limits.

Response: *Plant spacing requirement notes have been added to the plans as requested.*

27. Please revise the landscape plans so that the entire width of the canal bank from the property to East Camelback Road is landscaped to address stipulation 13, et seq. of case no. 65-ZN-1992#7 and 2-II-2010.

Response: *The applicant presumes that this comment actually refers to the length of the canal bank. The canal landscape plans have been revised as requested.*

Building Elevations

28. Please identify the above sea level elevation that is one foot above the base flood elevation 1280.50 on the elevation. Dimension the finished floor elevation of all of the buildings from this elevation. The elevations shall demonstrate compliance with the building heights approved in cases no. 65-ZN-1992#7 and 2-II-2010.

Response: *The drawing has been revised in response to this comment. The heights are dimensioned from one foot above the base flood elevation of 1279.50*

29. In accordance with the Zoning Stipulation 16 of cases no.s 65-ZN-1992#7 and 2-II-2010, please revised the elevation plans to include information pertaining to the western solar exposure and percentage of the amount of the building façade's transparent material.

Response: *Notes have been added to the building elevations of all buildings indicating the percentage of transparent (window) surface.*

30. In accordance with the Zoning Stipulation 17 of cases no.s 65-ZN-1992#7 and 2-II-2010, please provide a solar reflectivity analysis of the west elevation of buildings fronting on to North Scottsdale Road.

Response: *A reflectivity study is being prepared and will be submitted under separate cover.*

Legal

31. Please provide the property authorization from the property owners to the east and south as it pertains to the improvement on their property.

Response: *As discussed with staff, to the extent required, authorization to install improvements on the adjacent properties to the east and south will be obtained prior to obtaining a building permit. With respect to the property to the south, while the applicant strongly desires to incorporate proposed driveway and associated landscape/hardscape improvements located on this property into the Blue Sky development, that decision must be made by the owner of said property. If approval cannot be obtained, staff has*

concluded that an alternative driveway configuration that does not impact the adjoining property would be acceptable and, in that case, permission is not required from the adjoining property owner. The alternative driveway configuration is attached to this response. With respect to the property to the east, staff has concluded that since we are not changing the existing easement, nor the function of 72nd Place as a roadway, permission from the adjoining property owner is not required for DRB approval. Approval will be required prior to pulling a building permit.

32. Please submit a revised copy of the Neighborhood Notification Report summary that includes details of the public outreach efforts.

Response: An update to the Neighborhood Notification Report will be provided following an open house that will be scheduled in January, prior to the DRB hearing.

Fire

33. Please identify how the Fire Department will access and the associated staging area in order to obtain access for fire protection on the east side and the northeast corner of roof of the Phase 2 canal building. The method of access shall be approved by the Fire Department prior to the resubmittal of this application.

Response: Notes indicating the proposed solution have been added to the drawing, pending approval by the Fire Department.

34. A minimum of thirteen (13) feet six (6) inch clearance shall be provided to accommodate emergency and service vehicular access where garage ramp and overhead pedestrian bridge intersect in the North 72nd Place alignment. Fourteen (14) foot clearance is preferred. Please add a note on the site plan identifying the clearance at garage ramp and overhead pedestrian bridge intersection in the North 72nd Place alignment.

Response: Notes indicating this requirement have been added to the drawing.

Drainage

35. Plan Check # 5016-11-1. Please submit two (2) copies of the revised Drainage Report with the original red-lined copy of the report to the One-Stop Shop.

Response: Drainage report has been revised and will be resubmitted by the project's civil engineer.

36. Plan Check # 4994-11. Please submit the revised improvement plans with the original red-lined copy(ies) to the One-Stop Shop in accordance with the associated resubmittal checklist.

Response: Improvement plans have been revised and will be resubmitted by the project's civil engineer.

Water and Waste Water

37. Plan Check # 5016-11. Please submit three (3) copies of the revised Water and Waste Water Design Report(s) with the original red-lined copy of the report to the One-Stop Shop

Response: Water and Waste Water Reports have been revised and will be resubmitted by the project's civil engineer.

Other

38. Please submit a revised copy of the Neighborhood Notification Report summary that include details of the public outreach efforts, and addresses the criteria of the Neighborhood Notification Checklist.

Response: An update will be provided following the open house that will be scheduled in January, prior to the DRB hearing.

39. In accordance with the Zoning Stipulation 13.b. of cases no.s 65-ZN-1992#7 and 2-II-2010, please be advised that the owner shall obtain a preliminary approval from Salt River Project and

the Maricopa County Flood Control District for the Arizona Canal Bank improvements. The form of the approval is subject to the satisfaction of the Zoning Administrator or designee.

Response: Preliminary approvals from the Flood Control District and Salt River Project will be obtained prior to the DRB hearing.

40. Please provide information as it pertains to Zoning Stipulations 25 and 25.A. of cases no.s 65-ZN-1992#7 and 2-11-2010. It is advised that staff has an understanding of the enhanced pedestrian crossing improvements prior to the development review hearing before the City Council.

Response: The applicant will initiate the study prior to the DRB hearing and provide an update to staff as soon as possible.

41. Please be advised that staff will need to have an understanding of the methodology regarding how the stipulated public art requirement will be addressed prior to building permit issuance.

Response: The applicant has had several meetings with Scottsdale Public Art staff regarding potential art installations for Blue Sky. We will be able to address this in detail prior to building permit issuance.

Significant Policy Related Issues

Circulation

42. Please revise the site plan and landscape plan to show the location of the sight distance triangles in accordance with Figures 5.3-26 and 5.3-27 of the Design Standards and Policies Manual.

Response: The sight distance triangles have been added to the drawings in response to this comment

43. Please indicate the locations of street lights that are adjacent to North Scottsdale Road frontage on site plan and landscape plan.

Response: The existing street light at the corner of Scottsdale Road and Fashion Square Drive has been added to the drawings in response to this comment

44. Please revise the right turn lane at the intersection of North Scottsdale Road and the East Coolidge alignment to comply with the Transportation Services email dated Friday, December 09, 2011 from Phillip Kercher to Brian Kearney. This will also require the relocation of the exhaust vent at this location.

Response: The applicant would like to continue to propose the elimination of the entire deceleration lane along Scottsdale Road, approaching East Coolidge. We would appreciate the opportunity to discuss this issue further.

Site Design

45. Please provide additional information and samples/pictures of the proposed hardscape material utilized at the grade level.

Response: SWA has provided a photo board with street level planting which was included in the resubmittal package.

46. Please revise the landscape plan so that the proposed canal sidewalk finish is smooth/standard finish concrete instead of exposed aggregate.

Response: Plans have been revised as requested

47. Please indicate in the site plan and the garage floor plan the parking locations for the moving and delivery trucks.

Response: The P1 level garage plan drawing has been revised in response to this comment – there is now a centrally located Loading Space for delivery and moving vans.

48. Please revise the site plan to include the locations of any proposed above grade transformers/equipments. This equipment shall not be permitted adjacent to North Scottsdale Road.

Response: The drawing has been revised in response to this comment

49. Please provide additional bicycle parking areas; at the northeast corner of Scottsdale Road and Fashion Square Drive, and at the Scottsdale Road entry into the Paseo area of the site plan.

Response: The drawing has been revised in response to this comment

50. Please consider realigning the pedestrian crossing of Blue Sky Drive, which is between the south building (Phase 1) and the canal building (Phase 2), so that it is aligned with the apartment entry of the canal building (Phase 2). A pedestrian crossing that has a shorter distance of travel, and that is perpendicular to the vehicular traffic flow, will be a safer pedestrian crossing.

Response: We have designed the pedestrian crossing primarily to connect to provide access to the sidewalk to the canal, not to the East Building – residents and most guests will park under the building in the garage. The pedestrian crossing alignment also corresponds to a grade break, which will prevent water from ponding at the walkway.

51. Please provide documentation of the Water Resources Department's approval of the proposed fountain location. The proposed fountain shall comply with Section 49-242 of the Scottsdale Revised City Code.

Response: A meeting with Water Resources Department to obtain approval has been requested.

52. Please revise the air vent locations adjacent to North Scottsdale Road to be 4 feet from the back of the curb. Please dimension vent locations from the curb and the height of the vents above the curb.

Response: The drawing has been revised in response to this comment

53. Please provide typical cross sections that are dimensioned and indicate the improvements. Historically, the Salt River Project has required area width measured from the canal bank edge that is twenty (20) feet wide and clear of landscaping and non-crushable plant material.

Response: Several cross sections at the canal have been added in response to this comment. SRP has already verbally indicated their support of 15-foot wide clear area but we will confirm this in writing with their preliminary approval.

54. There are numerous native plant species and cultivars that are suitable for use within this proposed development. Please consider modifying the plant species that are listed on the landscape sheets L1.01 – L1.05 so that plant species which are proposed are native to the Sonoran Desert.

Response: Landscape palette has been revised in response to this comment.

Elevation Design

55. Consider providing a perspective drawing from the northwest, looking southeast down North Scottsdale Road.

Response: The applicant will be providing an additional rendering to better illustrate the East Building in lieu of another rendering illustrating the North and Main buildings.

56. Several windows on the East, South, and West sides of the building appear to be unprotected from solar heat gain. The Downtown Urban Design & Architectural Guidelines provides guidance that the, "Wall detailing should recess glass surfaces in shadow as deeply as possible..." (C2, Building Materials) and the Sensitive Design Principles Features provide guidance that shade structures, deep roof overhangs and recessed windows should be incorporated (Sensitive Design

Principle, 9). Consider incorporating shade devices and/or provide illustrations that demonstrate how the proposed roof overhangs, and other design elements provide shade for the windows.

Response: Numerous shading elements have been incorporated into the building design, including the retail portico, extended roof overhangs, recessed balconies and shade trees located at all podium roof decks. In addition, skin materials use the latest technology to resist heat gain. The fenestration has been designed to take advantage of prime views available, while balancing the need to provide shade.

57. The Downtown Urban Design & Architectural Guidelines provides guidance that, "Highly reflective, shiny or mirror-like materials that reflect glare into the surrounding environment should be used only in small areas for architectural details near the ground level." (C2 Building Materials). Consider replacing the spandrel glass material that is proposed on the upper levels of the buildings with the exterior insulation and finishing system (EIFS) and exterior stone cladding STN-2. A balanced approach to utilizing these materials could assist in addressing Development Review Boards comments pertaining to incorporating additional stone cladding to eliminate the appearance of two separate buildings that are set on top of each other.

Response: In response to this comment most of the spandrel glass at the upper levels of the building has been removed and replaced with EIFS. However, glass is one of the primary skin materials on this project, and as is noted above, fenestration is desirable for residents to take advantage of the views in this prime neighborhood. Glazing at ground level is used most extensively at the commercial areas to attract customers, elsewhere on the project it is placed to correspond to the residential layout inside. Also in response to this comment, more stone has been added to the north elevation of the North Building, and the elevation has been substantially redesigned.

58. Consider revising the color proposed for the EIFS-2 that relates/complements to the exterior stone cladding STN-2. Downtown Urban Design & Architectural Guidelines suggests that light and muted desert tones that are complementary and supportive to the base colors should be utilized (C3. Color and Texture). Staff is concerned that the proposed color's accent is not sufficient enough to overcome this intensity of the sun and will appear white, which is the guidelines suggest should only be utilized in small areas. In addition, the proposed color does not complement the exterior stone cladding STN-2 as secondary base color.

Response: EIFS-2 color has been revised slightly to address staff's concern, and we believe it does effectively complement STN-2. Our design intent is not to duplicate the color of the stone in EIFS.

59. The Downtown Urban Design & Architectural Guidelines provides direction that buildings should have a base, middle, and top. The continuous EIFS down to the grade that is utilized on certain sections of the buildings, although a darker color, is inconsistent with the guidelines and is inconsistent with the other sections of the building that have a definitive building base of a exterior stone cladding. Consider eliminating the EIFS-1 as the base material and replacing it with the exterior stone cladding STN-1, which will address, complement/extend the building bases on all sides of the buildings bases. This will also assist in addressing the Development Review Boards comments pertaining to four sided architecture and incorporating additional stone cladding to eliminate the appearance of two separate buildings.

Response: The building design does have a visible base, middle and top – at most of the prominent facades, stone is used at the base floors of the building, with EIFS above at the middle and the top of the towers is defined by a projecting overhang. At less prominent elevations, there is a base defined by a contrasting color EIFS wainscot.

60. Consider reducing the amount of EIFS-2 on the walls and replacing it with the exterior stone cladding STN-2, which will address, complement/extend the front of the building. This will also assist in addressing the Development Review Boards comments pertaining to four sided

architecture and incorporating additional stone cladding to eliminate the appearance of two separate buildings.

Response: As requested, we have redesigned many of the elevations to provide a balance of EIFS, stone and glazing.

61. Consider providing a three-dimension model, either a computer generate or solid form. The intent of this request is allow the Development Review Board and staff will be able to understand the building forms.

Response: The applicant is currently considering this request.

62. Please clarify the treatment connection between the exterior stone cladding STN-1 and STN-2 at the base of the building. Please consider sill made of exterior stone cladding STN-1.

Response: A detail showing the transition at the wainscot is provided with this letter

Exterior Lighting

63. Please indicate the locations of street lights that are at the Scottsdale Road frontage of the development.

Response: The drawing has been revised in response to this comment – note that there is only one existing street light on the Scottsdale Road frontage, at the corner of Scottsdale Road and Fashion Square Drive

64. Please be advised that all fixtures and associated hardware, including poles, shall be flat black or dark bronze.

Response: As agreed with the DR coordinator, finishes of exterior lighting fixtures will match those of the fixtures across Scottsdale Road at the Fashion Square Mall frontage. Notes indicating the finish and color of light fixtures have been added to the light fixture cut sheet drawings in response to this comment

65. Please provide the light design and associate photometrics for all exterior locations. e.g., the above ground common areas. The patios may be excluded.

Response: Lighting design plans for public podium levels have been added in response to this comment. Photometric plans will be submitted separately

66. Please consider revising so that the bollard selection utilize opaque the louvers is stead of visible metallic reflector.

Response: After further discussion of the fixture in question with staff, it was agreed that the reflector on this fixture is not an issue as it is approximately 24" above grade.

67. Please provide the light fixtures for all patios. All patio fixtures shall be full cut off fixtures.

Response: The patio light fixture cut sheet has been added to the light fixture cut sheet drawing in response to this comment

68. Please revise font size on the lighting plans staff will be able to understand location and design concepts of the proposed site lighting.

Response: The drawing has been revised in response to this comment

69. Please revise the photometrics plans to include a table of the maximum, minimum, and average illuminance.

Response: The drawing has been revised in response to this comment

70. Please revise the lighting design and the associated photometrics plans to so that the maintained maximum and average maintained horizontal illuminance at grade shall not exceed 2.5 and 10.0, respectively. These requirements include the ramp going into the garage.

Response: A note indicating this requirement has been added to the drawing in response to this comment

71. Please revise the lighting design and the associated photometrics plans so that the initial vertical illuminance at 6-foot above grade, along the entire property line (or 1-foot outside of any block wall exceeding 5-foot in height) shall not exceed 1.5 foot-candles. All exterior luminaires shall be included in this calculation.

Response: The lighting design has been modified, photometric analysis re-run and a note indicating this requirement has been added to the drawing in response to this comment

72. Utilizing the mature size of the proposed plants, please be revise the proposed plants locations so that there will be no need to trim or shear the plants excessively at the edge of any adjacent pedestrian area, parking space, and other paved surfaces

Response: This issue will be addressed with the plant sizing and spacing

73. Please modify the plant species that are listed under the headings 'Scottsdale Road Tree' and 'Scottsdale Road Shrubs' so that they match the Tree Selections and the 'Shrub/Groundcover/Accent Selections' that are specified in the Scottsdale Road Streetscape Design Guidelines, which can be found on the Scottsdale website at: <http://www.scottsdaleaz.gov/Construction/ScottsdaleRd/SRstreetscape>

Response: The plants selected along Scottsdale Road were chosen to match the planting material across the street at Fashion Square Mall. By continuing the Date Palm theme this will create consistency along Scottsdale Road, and a gateway effect just north of Camelback Road. The understory tree and plant material will differ slightly, due to the unique character of Blue Sky, to provide shade for its western exposure and to offer some visual variety while maintaining the overall character of Scottsdale Road.

74. Will landscape lighting we incorporated into the site design? If so, please provide a plan that indicates the locations and fixture cut sheets. Please be advised that the landscape lighting shall comply with the following:

- All landscape lighting directed upward shall be black and utilize the extension visor shields to limit the view of the lamp source.
- Landscaping lighting shall only be utilized to accent plant material.
- All landscape lighting directed upward, shall be aimed away from property line.

Response: Low wattage uplights for tree canopies are the only landscape lighting planned. Details showing the typical landscape lighting and podium planter lighting designs have been added to the drawings.

75. Will there be any building accent lighting? If so, please provide a plan that indicates the locations, and fixture cut sheets. Please be advised that "washing" a wall with light is discouraged. Building accent lighting should be limited to building features and generally limited to lower sections of a building.

Response: A detail showing the grade level building accent lighting at the Scottsdale Road canopy is attached.

Other

76. Please revise the site plan, floor plans and garage plans so that the notes and vertical improvements are coordinated. There are notes on Sheets A1.0 and A2.1 pertaining to the stairs and escalator that do not coordinate.

Response: The drawing has been revised in response to this comment

77. Please consider revising the application to address the Development Review Board's comments provided at the December 15, 2011 Development Review Board meeting.

Response: The applicant appreciates the comments that were received at the December 15 DRB meeting and believes that its responses to the comments in this letter address the comments made at the meeting.

Technical Corrections

Site

78. Please eliminate the tree symbols and other landscape information from the Site Plan so that it will be easier to read.

Response: The drawing has been revised in response to this comment

79. Consider providing a separate traffic control plan with the resubmittal that addresses free flow, and stop traffic movements at the intersection of East Fashion Square Drive and North 72nd Place alignments, and at the intersection of North 72nd Place and the Safari driveway entrance/exit. These will be required to be submitted with improvement construction documents.

Response: This plan will be submitted with improvement construction documents as requested.

Landscaping

80. Please be advised that the landscape plant material within the vehicular sight distance triangles at the driveway intersections with North Scottsdale Road, and the internal driveway intersections, will need to be adjusted to eliminate sight distance conflicts.

Response: The landscape plans have been revised to include vehicular sight triangles as requested.

Other

81. Please be advised that the buildings must comply with all high-rise building fire safety requirements including a secondary onsite water supply if seismic category is C,D,E, or F, IFC 903.3.5.2

Response: A note indicating this requirement has been added to the drawing in response to this comment

82. Please be advised that stretcher sized elevator area required for each building (6'x7' nominal interior dimensions), IFC 607.1.1.

Response: A note indicating this requirement has been added to the drawing in response to this comment

83. Please be advised that the first level of the parking garage from the entrance to accessible parking space shall comply with the height requirements for van accessible spaces. In addition, you will need to demonstrate compliance with the number of van accessible spaces in accordance with the amended development standards at the time of the construction document submittal.

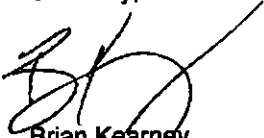
Response: A note indicating this requirement has been added to the drawing in response to this comment. The applicant will demonstrate compliance with the number of required spaces at the time of construction document submittal.

84. Please be advised that Blue Sky Drive is an existing street within the City. You will need to select a different street type, e.g., road, trail, place, etc.

Response: The applicant will select a different street type prior to the DRB hearing.

Please feel free to contact me if you have any questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'BK', written over a horizontal line.

Brian Kearney
Chief Operating Officer

Attachments: Revised Project Narrative
Response to Sensitive Design Principles
LEED Checklist prepared by Green Ideas
Alternate Driveway Plan
Stone Wainscot & Grade Level Building Canopy Accent Lighting Detail

The design of the sidewalk improvements, material, location etc. is unclear as delineated in the plans. The material are only listed. What is the layout, design and how the public area delineated? These are the unknowns at this point.

- Under "Street Improvements" #s 18 and 19 refer to interim and final improvements to Fashion Square Drive. Just need to clarify that if Shawn never agrees to our preferred plan, it is possible that the interim improvements (the alternate plan) will become the final improvements.

I do not think anybody wants that. We will need to address it when we come that that impasse, which is why I have the time frame of the improvement stip incorporated.

- Under "Street Improvements" #20 requires the multiuse path to be constructed in phase 1. I didn't expect this but I presume it is referring to only the 10' sidewalk, correct?

The 10' sidewalk (multiuse path) is to be constructed with phase 1.

- Under "Street Improvements" #24 refers to the potential for handrails or a fence along the canal improvements. Will this only be required if it's determined to be a safety issue? In other words, we're not going to be required to install these for aesthetic reasons, right?

Yes, if there is a safety issue, an only if transportation say it is required.

- Under "Street Improvements" #26 requires a traffic control plan prior to a building permit. I presume this refers to striping, signage, etc. and not to a potential change in the configuration of the "Y" intersection?

You are correct.

- Under "Additional Items" #W refers to requiring a written authorization from the neighbors prior to constructing improvements on their site. Very reasonable and no problem with it. Just need clarification as to when you need this. We will potentially be undertaking the FEMA fill work and will certainly be digging a hole prior to a building permit. Can you confirm when this authorization will be required?

This only refers to the permits for the improvements not on your property, and outside of the right-of-way. Mike may require Safari's approval for the hole.

Thanks

Dan Symer, AICP
Senior Planner
City of Scottsdale
Community & Economic Development Division
Current Planning Services
480-312-4218
dsymer@scottsdaleaz.gov

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<http://www.facebook.com/ScottsdalePZLink>

or on,

Twitter:

<http://twitter.com/ScottsdalePandZ>

 Please consider the environment before printing this e-mail.

From: Brian Kearney [mailto:bkearney@GRAYUS.com]

Sent: Sunday, January 15, 2012 12:06 PM

To: Symer, Daniel

Cc: Derek Cayton; Steve Parady; Joe Worrall; Rudy Erdmann

Subject: Questions re: DRB report

Dan,

Just got through reviewing the DRB report and have just a few questions...

- Under "Architectural Design" item C references the need to demonstrate compliance with the large wall, horizontal dimension maximum standard prior to a building permit. I thought we had already done so through our follow up DRB submittal. Can you clarify?
- Under "Landscape Design" #10 indicates that plant materials within the Arizona Canal property shall be distributed throughout the canal bank and shall be supplemented with additional ground cover and shrub plant material. Is this an indication that staff does not believe the current plan contains sufficient ground cover and shrubs, or just a general statement?
- Under "Street Improvements" #14 requires the use of a separate pavement material that clearly delineates the location of the public sidewalk between the west elevations of the Main and North buildings. We certainly have an upgraded paving material that matches what was used at the mall, but the same material is used in the outdoor dining/seating area immediately adjacent to the buildings. Are we being asked to change the material next to the buildings so that only the sidewalk uses the upgraded material consistent with the mall's sidewalk?
- Under "Street Improvements" #s 18 and 19 refer to interim and final improvements to Fashion Square Drive. Just need to clarify that if Shawn never agrees to our preferred plan, it is possible that the interim improvements (the alternate plan) will become the final improvements.
- Under "Street Improvements" #20 requires the multiuse path to be constructed in phase 1. I didn't expect this but I presume it is referring to only the 10' sidewalk, correct?
- Under "Street Improvements" #24 refers to the potential for handrails or a fence along the canal improvements. Will this only be required if it's determined to be a safety issue? In other words, we're not going to be required to install these for aesthetic reasons, right?
- Under "Street Improvements" #26 requires a traffic control plan prior to a building permit. I presume this refers to striping, signage, etc. and not to a potential change in the configuration of the "Y" intersection?
- Under "Additional Items" #26 refers to requiring a written authorization from the neighbors prior to constructing improvements on their site. Very reasonable and no problem with it. Just need clarification as to when you need this. We will potentially be undertaking the FEMA fill work and will certainly be digging a hole prior to a building permit. Can you confirm when this authorization will be required?

Thanks Dan. Appreciate all of the work on this.

Brian Kearney | Chief Operating Officer

4040 E. Camelback Road, Suite 275, Phoenix, Arizona 85018

bkearney@grayus.com | O 602.508.7141 | C 602.370.3252

www.grayus.com

Symer, Daniel

From: Symer, Daniel
Sent: Tuesday, January 17, 2012 5:27 PM
To: Symer, Daniel; 'Brian Kearney'
Cc: 'Derek Cayton'; 'Steve Parady'; 'Joe Worrall'; 'Rudy Erdmann'
Subject: RE: Questions re: DRB report

Brian,

Regarding below question again:

- Under "Street Improvements" #24 refers to the potential for handrails or a fence along the canal improvements. Will this only be required if it's determined to be a safety issue? In other words, we're not going to be required to install these for aesthetic reasons, right?

Yes, if there is a safety issue, if the transportation department or our civil reviewer require it. More-than-likely, the retaining wall around the box culverts will require a railing.

From: Symer, Daniel
Sent: Tuesday, January 17, 2012 5:18 PM
To: 'Brian Kearney'
Cc: Derek Cayton; Steve Parady; Joe Worrall; Rudy Erdmann
Subject: RE: Questions re: DRB report

Brian,

Regarding your questions:

- Under "Architectural Design" item C references the need to demonstrate compliance with the large wall, horizontal dimension maximum standard prior to a building permit. I thought we had already done so through our follow up DRB submittal. Can you clarify?

I was not able resolve this in the short turn around. This leaves it open to resolution in a number of different way, which we discussed.

- Under "Landscape Design" #10 indicates that plant materials within the Arizona Canal property shall be distributed throughout the canal bank and shall be supplemented with additional ground cover and shrub plant material. Is this an indication that staff does not believe the current plan contains sufficient ground cover and shrubs, or just a general statement?

When reviewing the info, we need to see the final civil plans and landscape plans together. I have been asked to look at an alternative configuration for the groundcover and tree locations. Also, there more likely will be a need for some additional shrub or ground cover.

- Under "Street Improvements" #14 requires the use of a separate pavement material that clearly delineates the location of the public sidewalk between the west elevations of the Main and North buildings. We certainly have an upgraded paving material that matches what was used at the mall, but the same material is used in the outdoor dining/seating area immediately adjacent to the buildings. Are we being asked to change the material next to the buildings so that only the sidewalk uses the upgraded material consistent with the mall's sidewalk?

January 6, 2012

Dear Neighbor:

This letter is to invite you to an open house for the Blue Sky Scottsdale development, planned for the 4.28 acre vacant site located just north of the northeast corner of Scottsdale Road and Fashion Square Drive. Gray Development will host the open house on January 17, 2012 at the Scottsdale Center for the Performing Arts in the Young @ Art Gallery. The open house will begin at 5:30 p.m. and conclude at 7:00 p.m. This will be an opportunity for the community to see the progress that has been made on this signature mixed-use project prior to an upcoming Development Review Board hearing.

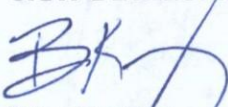
Since receiving City Council approval of our zoning and infill incentive district applications in late April, Gray Development has worked diligently to advance the design of the project in a manner consistent with our commitment to deliver a landmark project. Specifically, Blue Sky will include 749 residential units and approximately 70,000 square feet of retail, restaurant and fitness space. The project will be built in two phases and will feature three 13-story buildings over four levels of underground parking. A site plan is enclosed with this letter for your information. Consistent with our prior commitments, the project includes the following important design elements:

- View corridors;
- Significant public open space, including courtyards and passageways;
- Numerous building step backs and setbacks;
- Landscape and pedestrian improvements along the Arizona Canal;
- Active rooftops; and
- LEED certification

We hope to see you at the open house on January 17. In the meantime, if you have any questions regarding Blue Sky, please do not hesitate to contact me by telephone at 602-508-7141, or by email at bkearney@grayus.com. The City of Scottsdale Project Coordinator for this project is Dan Symer, who can be reached at 480-312-4218 or dsymer@scottsdaleaz.gov.

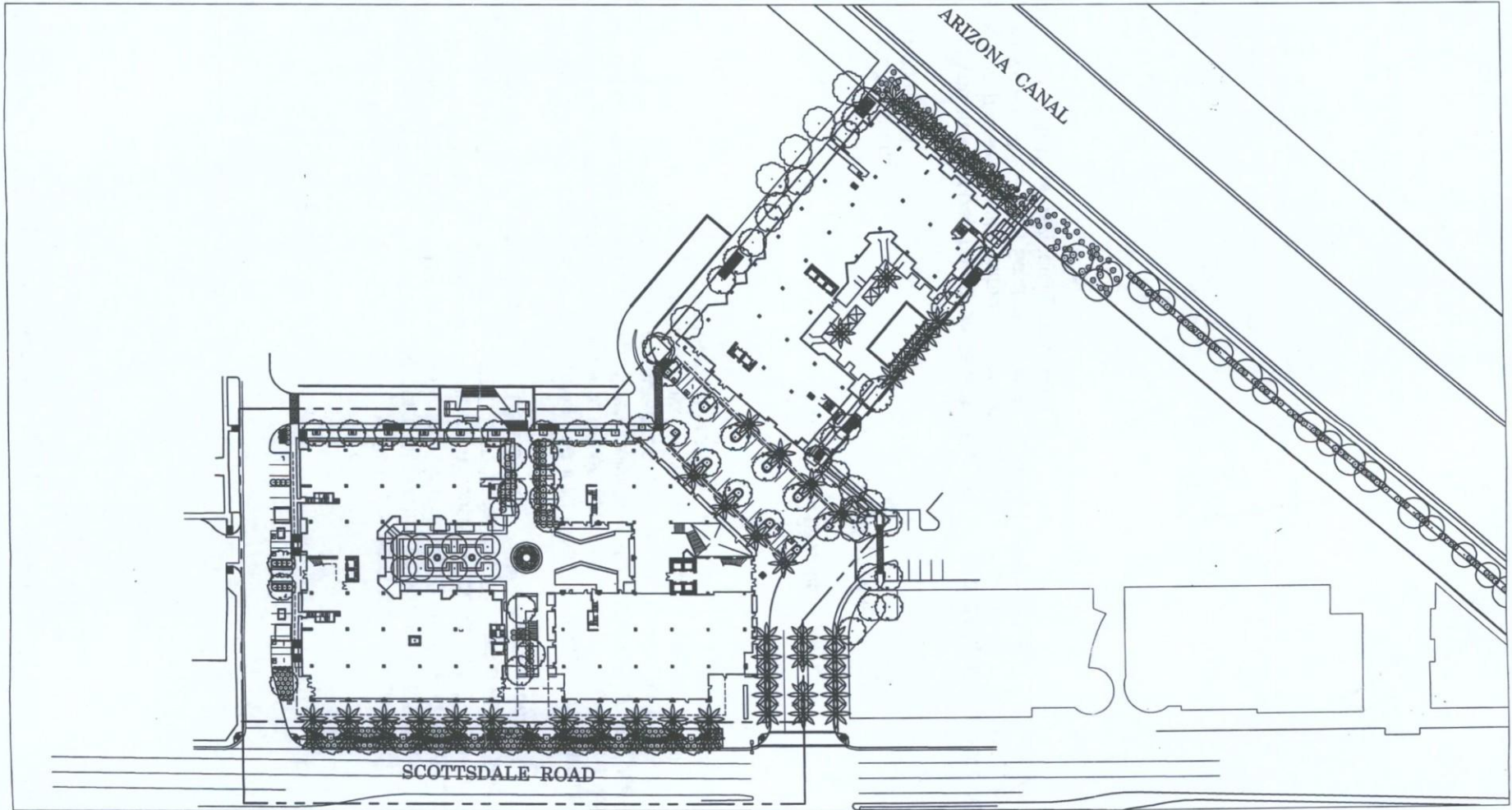
Sincerely,

GRAY DEVELOPMENT



Brian Kearney
Chief Operating Officer

BLUE SKY SCOTTSDALE



Gray Architects, PLLC

4040 East Camelback Road, Suite 275

Phoenix, Arizona 85018

Gray Development

(602) 954-0109





February 9, 2012

Brian Kearney
Gray Development, L.L.C.
4040 East Camelback Road, Suite 275
Scottsdale, Arizona 85018

RE: DEVELOPMENT REVIEW APPROVAL NOTIFICATION
Case Reference No: 62-DR-2011 BlueSky

The City Council approved the above referenced case on February 7, 2012. For your use and reference, we have enclosed the following documents:

- Approved Stipulations/Ordinance Requirements
- Fire Ordinance Requirements

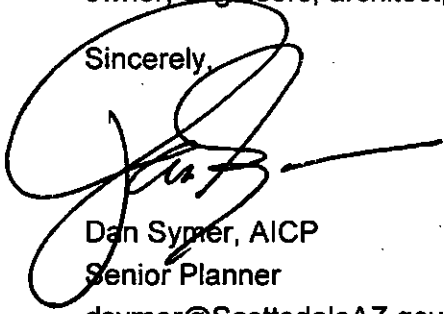
Please contact me to schedule a meeting to discuss the Construction Document Submittal Requirements/Instructions.

- Table: "About Fees"
 - A brief overview of fee types. A plan review fee is paid when construction documents are submitted, after which construction may begin. You may review the current years fee schedule at:
<http://www.scottsdaleaz.gov/bldgresources/Fees/default.asp>

Please note that fees may change without notice. Since every project is unique and will have permit fees based upon it's characteristics, some projects may require additional fees. Please contact the One Stop Shop at 480-312-2500.

Finally, please note that as the applicant, it is your responsibility to distribute copies of all enclosed documents to any persons involved with this project, including but not limited to the owner, engineers, architect, and developer.

Sincerely,



Dan Symer, AICP
Senior Planner
dsymer@ScottsdaleAZ.gov

About Fees -

The following table is intended to assist you in estimating your potential application, plan review, and building permit fees. Other fees may also apply, for example Water Resources non-Residential Development, Parking-in-Lieu Fees, or Assessment District Fees; and those fees are not listed in this package the plan review staff is responsible for determining additional applicable fees.

Type of Activity	Type of Fee	Subcategory	When paid?
Commercial	Application	<ul style="list-style-type: none"> ▪ Preapplication, Variance, Zoning Appeal, Continuance, Development Review Board, ESL, General Plan, Rezoning, Sign Review, Special Event, Staff Approval, Temporary Sales Trailer, Use Permit, or Zoning Text Amendment 	At time of application submittal
	Plan Review	<ul style="list-style-type: none"> ▪ Commercial, foundation, addition, tenant improvement/remodel ▪ Apartments/Condos ▪ Engineering site review ▪ Signs ▪ Plat fees ▪ Misc. Plan Review ▪ Lot Tie/Lot Split ▪ Pools & Spas ▪ Recordation 	At time of construction document submittal
	Building Permit	<ul style="list-style-type: none"> ▪ Commercial addition, remodel, tenant improvement, foundation only, shell only ▪ Fence walls or Retaining walls ▪ Misc. Permit ▪ Signs 	After construction document approval and before site construction begins
Residential	Application	<ul style="list-style-type: none"> ▪ Preapplication, Variance, Zoning Appeal, Continuance, Development Review Board, ESL, General Plan, Rezoning, Sign Review, Special Event, Staff Approval, Temporary Sales Trailer, Use Permit, or Zoning Text Amendment 	At time of application submittal
	Plan Review	<ul style="list-style-type: none"> ▪ Single family custom, addition, remodel, standard plans ▪ Engineering site review ▪ Misc. plan reviews 	At time of construction document submittal
	Building Permit	<ul style="list-style-type: none"> ▪ Single family custom, addition, remodel, detached structure, standard plans ▪ Fence walls or Retaining walls ▪ Misc. Permit ▪ Signs 	After construction document approval and before site construction begins

**Stipulations for the
Development Review Board Application:
BlueSky
Case Number: 62-DR-2011**

These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale.

Modification in ***bold italic letters*** are stipulations added by the Development Review Board.

Modifications in **BOLD CAPITAL LETTER** are stipulations added by the City Council.

APPLICABLE DOCUMENTS AND PLANS:

1. Except as required by the Scottsdale Revised Code, the Design Standards and Policies Manual (DSPM), and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
 - a. The location and configuration of all site improvements, and architectural elements shall be consistent with the Development Plan submitted by Gray Architects, PLLC with a city staff date of 01/10/2012.
 - b. The case drainage report submitted by David Evans & Associates, Inc. accepted in concept by the Stormwater Management Department of the Planning, Neighborhood and Transportation Division.
 - c. The water and sewer basis of design report submitted by David Evans & Associates, Inc. when accepted in concept by the Water Resources Division.

RELEVANT CASES:

Ordinance

- B. At the time of review, the applicable zoning case for the subject site is 65-ZN-1992 #7.

ARCHITECTURAL DESIGN:

Ordinance

- C. With the construction document submittal for the East Building, the BlueSky property owner shall demonstrate compliance with the Large Walls, Horizontal Dimension Maximum development standard to the satisfaction of the Zoning Administrator.
- D. Prior to the issuance of a building permit for each building, the BlueSky property owner shall demonstrate conformance with U.S. Green Building Council's Leadership in Energy & Environmental Design (LEED) certification standards to the satisfaction of the Zoning Administrator.

DRB Stipulations

1. *The six story podium section of the east (canal) building shall be stone to the top of the parapet/terrace wall, including the podium walls that return to the 13 story section of the building.*
2. *The north building's EIFS private patios and building façades that extend out from the 13 story section of the building's west elevation, above the top of the stone podium, shall be stone up to the top of the parapet/terrace wall, including the walls that return to the 13 story section of the building.*
3. *The canopy on the north building's west elevation above the first floor, shall wrap around to the north side of the building, and connect to the canopy above the building entrance in the middle of the building.*
4. *The stone on the north building's 13 story north elevation shall be lowered to the level of the canopy.*
5. *The paint colors used shall be in a warm family of a taupe nature, all colors; and the dark gray is a warm taupe/brown vernacular.*

SITE DESIGN:

Ordinance

- E. Prior to the submittal of the Construction Documents for Phase 1, the BlueSky property owner shall obtain staff approval of a minor subdivision application to create the Sale Parcel. Unless otherwise determined by the Zoning Administrator, the BlueSky property owner shall receive staff approval of the final subdivision plat prior to the issuance of the building permit for the Phase 1 above grade superstructure.
- F. The BlueSky property owner shall submit a completed Permission for Private Improvements in Right-of-Way authorization form and obtain an encroachment permit prior to issuance of the building permit for the exhaust air shafts, bike racks, and benches located in the right-of-way for the underground parking garage.
- G. All accessible parking stalls shall have a minimum width of 11 feet, with a 5-foot-wide access aisle.
- H. With the construction document submittal for each phase, the BlueSky property owner shall demonstrate that all van accessible stalls associated with each phase that are located in the parking garage are located on first level of the underground garage. The accessible parking spaces and vehicular access route shall have a minimum clearance of 98-inches provided from the garage entrance to the van accessible parking stalls.
- I. The location and design of any water feature(s) shall comply with the Scottsdale Revised Code.
- J. If the BlueSky property owner exercises the Hotel Option (Phase 2), the BlueSky property owner shall submit an update trip generation report, and shall demonstrate compliance with the maximum allowable daily trips stipulated in Case No. 65-ZN-1992#7.
- K. If the Hotel Option (Phase 2) is not exercised, the model units provided in the Phase 1 and 2 building shall not be offered for rent, or occupied for living purposes.

DRB Stipulations

6. There shall be no new above grade utilities between the east curb of North Scottsdale Road and the Main and North Buildings.
7. All backflow preventers shall be completely screened, subject to the approval of the Zoning Administrator.
8. Within the Arizona Canal property, the retaining wall which protects the stormwater drainage inlets, shall have a stucco finish and shall be painted a color to match San Diego Buff. Hand rails/fencing shall be provided on the retaining wall as determined by City Staff, and the design shall be subject to the approval of the Zoning Administrator.

LANDSCAPE DESIGN:

Ordinance

- L. With the construction document submittal for the landscape improvements for each phase, the BlueSky property owner shall demonstrate compliance with the maximum allowable water intensive landscape plant material allowances specified in the Scottsdale Revised Code.

DRB Stipulations

9. On the landscape improvement plans, the layout and density of landscape plants shall be representative of the mature size of the proposed species, relative to the planting area. The landscape plant material shall be designed and planted in order to avoid overcrowding of plants and to result in sustainable landscape improvements.
10. Based on the mature size of the proposed species, landscape plant material shall be designed and planted so that there will be no need to trim or shear the plants excessively at the edge of any adjacent pedestrian area, parking space, and other paved surface.
11. A separate water meter and backflow preventer shall be installed and utilized to solely to irrigate the Arizona Canal landscape improvements southwest of East Building down to East Camelback Road.
12. The Arizona Canal landscape improvements within Arizona Canal property, beginning at the proposed property line that is southwest to the East Building and adjoining the Sale Parcel, and extending to East Camelback Road, shall be constructed with the first phase of construction on the BlueSky property.
13. The Arizona Canal landscape improvements within the Arizona Canal property that is abutting the East Building shall be constructed with the Second Phase of development.
14. The plant materials within the Arizona Canal property that are on the northwest side of the multi-use path, shall be distributed throughout the canal bank, and shall be supplemented with additional ground cover and shrub plant material. Final design of the Arizona Canal landscape improvements shall be subject to the approval of the Zoning Administrator.
15. Prior to receiving approval of landscape improvements from the City of Scottsdale, the BlueSky property owner shall receive approval from the Salt River Project and the Flood Control District of Maricopa County for the final design of the landscape improvements in

the Arizona Canal property. The BlueSky property owner shall provide written evidence to the Zoning Administrator from the Salt River Project and the Flood Control District of Maricopa County, documenting their approval of the landscape improvements.

- 16. THE PROPERTY OWNER SHALL PROVIDE DATE PALM TREES IN THE MEDIAN IN NORTH SCOTTSDALE ROAD, NORTH OF THE EAST FASHION SQUARE DRIVE INTERSECTION AND ADJACENT TO THE PROPERTY, SUBJECT TO CITY STAFF APPROVAL.**

EXTERIOR LIGHTING:

DRB Stipulations

17. Incorporate the following parking lot and site lighting into the project's design:

Parking Lot and Site Lighting:

- a. The maintained average horizontal luminance level, at grade on the site and including the parking garage ramps, shall not exceed 10.00 foot-candles. All exterior luminaires, excluding residential and hotel patios and terrace luminaries, shall be included in this calculation.
- b. The maintained maximum horizontal luminance level, at grade on the site, including the parking garage ramps, shall not exceed 2.5 foot-candles. All exterior luminaries, excluding residential and hotel patios and terrace luminaries, shall be included in this calculation.
- c. The initial vertical luminance at 6-foot above grade, along the property lines, except for the East Fashion Square Drive and North 72nd Street alignment property lines, and the northwest property line adjacent to the East Building, shall not exceed 1.5 foot-candles. All exterior luminaries, excluding residential and hotel patios and terrace, shall be included in this calculation.
- d. The initial vertical luminance at 6-foot above grade, along the East Fashion Square Drive and North 72nd Street alignment property lines, and the northwest property line adjacent to the East Building, shall be subject to the approval of the Zoning Administrator. All exterior luminaries, excluding residential and hotel patios luminaries, shall be included in this calculation.
- e. The final design of the exterior lighting for the roof terraces and the raised pedestrian bridges between the buildings shall be low in intensity, and shall be subject to the approval of the Zoning Administrator.
- f. All bollards shall utilize external louvers that are opaque and non-reflective. The lamp source and reflectors shall not be visible.
- g. All landscape fixtures shall utilize extension shields to minimum the visibility of the lamp.

VEHICULAR AND BICYCLE PARKING:

DRB Stipulations

18. The exterior bicycle racks and clearances shall be consistent with the City of Scottsdale Supplements to MAG Specifications and Details, detail 2285.

STREETS, IMPROVEMENTS AND RELATED DEDICATIONS:

Ordinance

- M. With the first phase of construction, the BlueSky property owner shall construct a minimum 10-foot-wide sidewalk adjacent to North Scottsdale Road. The design of the sidewalk improvement shall conform to the stipulations of Case No. 65-ZN-1992#7, the final design shall be subject to the approval of the Zoning Administrator.

DRB Stipulations

- 19. Other than a concrete cut or score, the BlueSky property owners shall incorporate a separate pavement material that clearly delineates the location of the public sidewalk between the west elevations of the main and north buildings and landscape improvements adjacent to North Scottsdale Road.
- 20. Before any building permit is issued for the site, dedicate the following right-of-way and construct the following street improvements:

Street Name	Street Type	Dedications	Improvements	Notes
Scottsdale Road	Major Arterial	65' Half Street Right-of-Way (existing)	Removal of deceleration lane, sidewalk, curb and gutter. Construct new vertical curb and gutter, bike lane, and an ADA ramp	a., b., c

- a. The BlueSky property owner shall remove the existing deceleration lane, sidewalk, curb and gutter on North Scottsdale Road along the site frontage. The developer shall construct vertical curb and gutter along the site frontage. The new curb line shall be set back 2 feet from the proposed curb line shown on the site plan that is included in the Development Plan.
 - b. The BlueSky property owner shall remove the existing southern ADA ramp at the intersection of East Coolidge Drive alignment and on North Scottsdale Road. A new ADA ramp and a new curb return shall be reconstructed by the Blue Sky property owner.
 - c. The BlueSky property owner shall, with Phase 1, construct southbound left turn lane storage within North Scottsdale Road at the intersection of East Fashion Square Drive and North Scottsdale Road, in conformance with Case No. 65-ZN-1992#7.
- 21. THE PROPERTY OWNER SHALL MODIFY THE MEDIAN IN NORTH SCOTTSDALE ROAD, NORTH OF THE EAST FASHION SQUARE DRIVE INTERSECTION AND ADJACENT TO THE PROPERTY, TO ACCOMMODATE DATE PALM TREES, SUBJECT TO CITY STAFF APPROVAL.**
 - 22. Prior to the approval of the improvements plans for North Scottsdale Road, the BlueSky property owner shall submit plans and receive approval to install a streetlight(s) on North

Scottsdale Road, north of the North Scottsdale Road and Fashion Square Drive intersection. The street light shall be provided in accordance with the Design Standards and Policies Manual.

23. Access to the site shall be provided by the existing driveways on East Coolidge Drive and Fashion Square Drive alignments.
24. The interim configuration of the Fashion Square Drive driveway shall conceptually conform to the Alternative Driveway Plan of the Development Plan, subject to the approval of the Zoning Administrator.
25. The final configuration of the Fashion Square Drive alignment driveway improvements east of North Scottsdale Road shall be subject to the approval of the Zoning Administrator. The schedule for installation of these improvements shall be subject to the approval of the Zoning Administrator.
26. The multi-use path to be constructed within Arizona Canal property, from the existing path location adjacent to the Safari development, to the concrete paver sidewalk located near the intersection of North Scottsdale Road and East Camelback Road, shall be constructed by the BlueSky property owner with the first phase of construction of the BlueSky Property.
27. The multi-use path to be constructed within Arizona Canal property shall be located at least five feet from the northwest apex of the canal bank that slopes down to the water.
28. The multi-use path to be constructed within Arizona Canal property shall have a minimum width of ten (10) feet, shall have an integral color concrete that is colored to match San Diego Buff, and be constructed to load bearing weight specifications of the Salt River Project. Additional load bearing weight specifications shall be incorporated if required by the City's Fire Department.
29. The BlueSky property owner shall provide to the Transportation Engineering Department for review and approval from the Transportation Director, or designee, detailed improvement plans for the canal bank multi-use path and associated improvements north of East Camelback Road and adjacent to the northwest side of the Arizona Canal.
30. The BlueSky property owner shall provide hand rails and/or fencing adjacent to the multi-use path if required by the Transportation Director, or designee, subject to the approval of the Salt River Project. The design of the hand rails and/or fencing shall be subject to the approval of the Zoning Administrator.
31. The BlueSky property owner shall submit a detail striping and signage plan with improvement plans. The striping and signage plan shall include all existing improvements and striping within 300 feet of the limits of construction, and all signs, striping, or other traffic control devices proposed to accommodate phased and ultimate construction.

INTERNAL CIRCULATION:

DRB Stipulations

32. The BlueSky property owner shall provide and receive approval of a traffic control plan at the internal "Y" intersection between the drive aisle for the property to the south and East Fashion Square Drive and North 72nd Place alignments.

33. Pavement marking, signage, or other delineation, of the pedestrian crossing across the on-site driveways, shall be shown clearly on the final improvement plans.

EASEMENTS DEDICATIONS AND RELATED IMPROVEMENTS:

Ordinance

- N. The BlueSky property owner shall dedicate all easements required in Case No. 65-ZN-1992#7 and the Scottsdale Revised Code prior to the issuance of a building permit for any above grade superstructure improvements.
- O. The BlueSky property owner shall dedicate a sight distance easement over the sight distance triangle(s) in conformance with figures 5.3-26 and 5.3-27 of Section 5.3 of the DSPM prior to the issuance of a building permit for any above grade superstructure improvements.

DRB Stipulations

34. Sight distance triangles shall be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between 1.5 feet and 7 feet in height.

WATER AND WASTEWATER STIPULATIONS:

Ordinance

- P. The improvement plans and associated reports shall demonstrate compliance with the requirements of the Scottsdale Revised Code.

DRB Stipulations

35. Existing water and sewer service lines to this site shall be utilized, or shall be disconnected at the water main, pursuant to the Water Resources Division requirements.
36. Before the improvement plan submittal to the Planning, Neighborhood and Transportation Division, the owner shall obtain approval of the basis of design reports (Water and Wastewater) and plan from to Water Resources Division.

DRAINAGE AND FLOOD CONTROL:

Ordinance

- Q. The improvement plans and associated reports shall demonstrate compliance with the requirements of Case 65-ZN-1992#7 and the Scottsdale Revised Code.

DRB Stipulations

37. With the improvement plan submittal, the BlueSky owner shall submit a final drainage report that demonstrates consistency with the DSPM and the case drainage report when accepted in concept by the Director, or designee, of the Stormwater Management Department of the Planning, Neighborhood and Transportation Division.
38. Prior to receiving approval of improvements from the City of Scottsdale, the BlueSky owner shall receive approval from the Salt River Project and the Flood Control District of Maricopa County of the final design of the improvements in the Arizona Canal property. The BlueSky property owner shall provide written evidence to Building Official, or designee, from the Salt River Project and the Flood Control District of Maricopa County, documenting their approval of the improvements.

FIRE ACCESS:

Ordinance

- R. The location of the Fire Department apparatus access and staging for the East Building shall be subject to the approval of Fire Chief, or designee, prior to the submittal of the construction documents for the East Building.
- S. With the construction document submittal for each building, the property owner shall demonstrate compliance with the high-rise building fire safety requirements, including a secondary on-site water supply if the seismic category is C,D,E, or F. IFC 903.3.5.2.
- T. With the construction document submittal for each building, the property owner shall demonstrate that the elevators for each building have a 6 foot by 7 foot nominal interior dimensions in order to comply with the stretcher size requirements.

ADDITIONAL ITEMS:

Ordinance

- U. Signage is subject to separate review and approval.
- V. The maximum allowable Floor Area Ratio and maximum density indicated in the Development Plan is based on the total net and gross lot area of site plan and amended development standards and stipulations of Case No. 65-ZN-1992#7.
- W. Prior to issuance of the building permit to construct the improvements on the property to the south (The Renaissance) and to the east (Safari), the BlueSky property owner shall provide documentation to the satisfaction of the Building Official demonstrating that the Safari and The Renaissance property owner have authorized the construction of the improvements.

DRB Stipulations

- 39. The parcel label on the site plans as the Sale Parcel is not included with this approval, and shall obtain an approval of a separate development review application in conformance with the Zoning Ordinance and applicable rezoning stipulations.



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DATE: 12/8/11

Blue Sky
(High Rise)

FIRE ORDINANCE REQUIREMENTS

(INCORPORATE INTO BUILDING PLANS AS GENERAL NOTE BLOCK - USE ONLY THE DESIGNATED STIPULATIONS)

- 1. PREMISES IDENTIFICATION TO BE LEGIBLE FROM STREET OR DRIVE & MUST BE ON ALL PLANS.
- 2. FIRE LANES & EMERGENCY ACCESS SHALL BE PROVIDED & MARKED IN COMPLIANCE WITH CITY ORDINANCE & IFC AT THE FOLLOWING LOCATIONS.

- 3. IT IS THE DEVELOPERS RESPONSIBILITY TO DETERMINE ULTIMATE COMPLIANCE WITH THE FAIR HOUSING ADMENDMENTS ACT & AMERICANS WITH DISABILITIES ACT & INCORPORATE SAME INTO THEIR BUILDING PLANS.
- 4. SUBMIT PLANS & SPECS FOR SUPERVISED AUTOMATIC EXTINGUISHING SYSTEM FOR ALL COOKING APPLIANCES, HOOD PLENUMS & EXHAUST DUCTS.
- 5. PROVIDE A KNOX ACCESS SYSTEM:
 - A. KNOX BOX
 - B. PADLOCK
 - C. KNOX OVERRIDE & PRE-EMPTION STROBE SWITCH FOR AUTOMATIC GATES.
- 6. SUBMIT PLANS FOR A CLASS tbd FIRE ALARM SYSTEM PER SCOTTSDALE REVISED CODES.
- 7. ADD 2-1/2" WET FIRE HOSE VALVES (NSHT) IF FLOOR AREA EXCEEDS 10,000 SQ. FT. PER FLOOR LEVEL AND/OR IF FIRE DEPT. ACCESS IS LIMITED TO LESS THAN 360°. _____

- 8. BUILDINGS MAY BE SUBJECT TO INSTALLATION AND TESTING REQUIREMENTS FOR A PUBLIC SAFETY RADIO AMPLIFICATION SYSTEM.
- 9. BACKFLOW PREVENTION WILL BE REQUIRED ON VERTICAL RISER FOR CLASS 1 & 2 FIRE SPRINKLER SYSTEMS PER SCOTTSDALE REVISED CODE.
- 10. PROVIDE ALL WEATHER ACCESS ROAD (MIN. 16') TO ALL BUILDINGS & HYDRANTS FROM PUBLIC WAY DURING CONSTRUCTION.
- 11. SEE APPROVED CIVILS FOR THE NUMBER OF FIRE HYDRANTS REQUIRED. DEVELOPER SHALL HAVE THE REQUIRED HYDRANTS INSTALLED & OPERABLE PRIOR TO THE FOOTING INSPECTION. HYDRANTS SHALL BE SPACED AT A MAXIMUM OF tbd AT _____ GPM. THE DEVELOPER SHALL MAKE THE C.O.S. APPROVED CIVIL WATER PLANS AVAILABLE TO THE FIRE SPRINKLER CONTRACTOR.
- 12. SUBMIT MSDS SHEETS & AGGREGATE QUANTITY FOR ALL HAZARDOUS MATERIALS INCLUDING FLAMMABLES, PESTICIDES, HERBICIDES, CORROSIVES, OXIDIZERS, ETC. A PERMIT IS REQUIRED FOR ANY AMOUNT OF HAZARDOUS MATERIALS STORED, DISPENSED, USED OR HANDLED. COMPLETE AN HMMP & SUBMIT WITH THE BUILDING PLANS.
- 13. FIRELINE, SPRINKLER & STANDPIPE SYSTEM SHALL BE FLUSHED & PRESSURE TESTED PER NFPA STANDARDS & SCOTTSDALE REVISED CODES.
- 14. FDC SIAMESE CONNECTIONS FOR SPRINKLERS AND/OR STANDPIPES WILL BE LOCATED PER ORDINANCE AND/OR AT AN APPROVED LOCATION. MINIMUM SIZE 2-1/2 x 2-1/2 x tbd (NSHT)
- 15. ADEQUATE CLEARANCE SHALL BE PROVIDED AROUND FIRE RISER. DIMENSIONS FROM FACE OF PIPE SHALL MEASURE A MINIMUM OF 12" OFF THE BACK OF WALL, 18" ON EACH SIDE & 36" CLEAR IN FRONT WITH A FULL HEIGHT DOOR. THE FIRE LINE SHALL EXTEND A MAXIMUM OF 3' INTO THE BUILDING FROM INSIDE FACE OF WALL TO CENTER OF PIPE.



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16. **SPRINKLER SYSTEM SHALL BE INSTALLED TO COMPLY WITH MINIMUM NFPA CRITERIA 2007 EDITION & SCOTTSDALE REVISED CODES. SYSTEMS WITH 100 HEADS OR MORE SHALL HAVE OFF-SITE MONITORING. AFTER BUILDING PLAN REVIEW, INSTALLING CONTRACTOR SHALL SUBMIT (3) THREE COMPLETE SETS OF DRAWINGS & HYDRAULIC CALCULATIONS REVIEWED BY A MINIMUM NICET III DESIGN TECHNICIAN.**
- A. **MODIFIED NFPA 13-D SYSTEM WITH RESIDENTIAL QUICK RESPONSE SPRINKLER HEADS (2007 EDITION)**
- B. **MODIFIED NFPA 13R SYSTEM (2007 EDITION) WITH RESIDENTIAL QUICK RESPONSE SPRINKLER HEADS IN DWELLING UNITS & ATTIC AREAS FED FROM SEPARATE FIRELINE PER C.O.S. ORDINANCE & INTERPRETATIONS & APPLICATIONS. CALCULATE UP TO FOUR REMOTE HEADS & 900 SQ FT MIN. IN ATTIC.**
- C. **NFPA 13 2007 EDITION COMMERCIAL SYSTEM / DESIGN CRITERIA: tbd SEISMIC DESIGN CATEGORY SHALL BE DETERMINED BY STRUCTURAL ENGINEER.**
- D. **THE FIRE SPRINKLER SYSTEM DESIGN FOR WAREHOUSE / STORAGE OCCUPANCIES SHALL BE BASED ON THE FULL HEIGHT CAPACITY OF THE BUILDING PER SCOTTSDALE REVISED CODE. DENSITY CRITERIA:**
- E. **SPRINKLER DESIGN CRITERIA FOR UNSPECIFIED WAREHOUSE COMMODITIES: .45 OVER 3000 SQ. FT.**
- F. **THE PROJECT SPECIFICATIONS SHALL BE SUBMITTED WITH CONTRACT DRAWINGS.**
- G. **PROVIDE OWNER CERTIFICATE WITH SPRINKLER PLAN SUBMITTAL.**

Submit three (3) complete sets of drawings submitted by installing contractor, after building plan review is complete. Please refer questions to Fire Dept. Plan Review, 312-7080.

Symer, Daniel

From: Derek Cayton [derek@GRAYUS.com]
Sent: Friday, January 13, 2012 3:01 PM
To: Symer, Daniel
Cc: Brian Kearney
Subject: FW: Blue Sky Preliminary Concept

Dan,

Provided below is a support letter from SRP for the Arizona Canal improvements.

Please let Brian and I know if you need any additional information.

Thanks
Derek



Derek Cayton | Project Director
4040 E. Camelback Road, Suite 275, Phoenix, Arizona 85018
dcayton@grayus.com | P 602.474.9047 | C 480.236.0998 | F 602.954.9308
www.grayus.com

From: Duncan James C (Jim) [mailto:Jim.Duncan@srpnet.com]
Sent: Friday, January 13, 2012 10:54 AM
To: Brian Kearney
Cc: Dick Aaron M <Aaron.Dick@srpnet.com>
Subject: Blue Sky Preliminary Concept

Brian,

Per your request that SRP confirm support for the Blue Sky development on the north bank of the Arizona Canal, north east of Scottsdale Road.

SRP is supportive of the general concept of utilizing a portion of the canal right-of-way for recreational/aesthetic use. Both upstream and downstream banks have already incorporated various degrees of paved walkways, landscaping, public art and other amenities.

Given the concepts you have presented to us I am confident that through plan review, SRP will ensure compatibility of your improvements with SRP's required use of the canal banks. We look forward to a formal plan submittal so we can begin to identify any issues that may need to be addressed.

Thank you

Jim Duncan
SRP Water Engineering
Canal Multiple Use Program

Symer, Daniel

From: Brian Kearney <bkearney@GRAYUS.com>
Sent: Monday, March 18, 2013 5:27 PM
To: Symer, Daniel
Subject: RE: Blue Sky

We're OK with the first covenant. See some suggested edits for the second below...

Thanks



Brian Kearney | Chief Operating Officer
4040 E. Camelback Road, Suite 275, Phoenix, Arizona 85018
bkearney@grayus.com | O 602.508.7141 | C 602.370.3252
www.grayus.com

From: Symer, Daniel [<mailto:DSymer@scottsdaleaz.gov>]
Sent: Monday, March 18, 2013 4:52 PM
To: Brian Kearney
Subject: Blue Sky

Brian,

I am waiting for a response for your legal staff, but here is what I am thinking regarding stipulation 25 and 25.A.

Prior to the permit being issued this week we get your agreement for the following covenants to be recorded before the phase 1 superstructure:

Exhibit A would be the blue sky property – not including the Tryard sale property,
Exhibit B would be graphic of the intersection of Scottsdale Road and Fashion Square Drive
Exhibit C would be a graphic of site plan with the buildings labeled.

A covenant in favor of the is to be recorded against the land requiring the following:

The property owner of the property depicted in Exhibit A shall receive acceptance from the City of Scottsdale's Zoning Administrator for the east/west pedestrian crossing study from the subject property to the west side of North Scottsdale Road adjacent to Fashion Square Mall, as depicted on Exhibit B, in accordance with the stipulations of the rezoning and infill incentive cases 65-ZN-1992#7 and 1-II-2010, Ordinance No. 3909, as amended, prior to the submittal of any construction documents for the Future Phase (Main Building) as depicted on Exhibit C.

and

A covenant in favor of the is to be recorded against the land requiring the following

Prior to the issuance of any building permit for the Future Phase (Main Building) as depicted on Exhibit C, the property owner of the property depicted in Exhibit A shall pay to the city an in-lieu payment equal to a minimum of twenty (20) percent of the estimated cost of construction for the enhanced pedestrian crossing improvements identified and

determined in the results of the accepted east/west pedestrian crossing study from the subject property to the west side of North Scottsdale Road adjacent to Fashion Square Mall, as depicted on Exhibit A, and in accordance with the stipulations of the rezoning and infill incentive cases 65-ZN-1992#7 and 1-II-2010, Ordinance No. 3909, as amended. The enhanced pedestrian crossing improvements shall be mutually agreed to by the City and the property owner. The estimated cost of construction for the enhanced pedestrian crossing improvements shall approved by the Zoning Administrator in consultation from the City Engineer prior to the in-lieu payment. The maximum payment by the property owner shall be \$50,000.

The final wording may need to be worked out. Also, any these would require any lean holders consent.

Thanks

Dan Symer, AICP
Senior Planner
City of Scottsdale
Community & Economic Development Division
Current Planning Services
480-312-4218
dsymer@scottsdaleaz.gov

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 Please consider the environment before printing this e-mail.



Current Planning Department

7447 East Indian School Road, Suite 105
Scottsdale, Arizona 85251

November 29, 2011

William D. Reny
Senior Vice President
Berkshire Residential Development, L.L.C.
One Beacon Street, Suite 1500
Boston, Massachusetts. 02108

RE: Blue Sky Scottsdale Development Review and Building Permit Process

Dear Mr. Reny:

This letter explains the remaining steps for the applicant of the Blue Sky Scottsdale development (Blue Sky) to obtain development review approval and subsequent construction permits.

For your information, the City Council voted to approved the applicant's zoning district map amendment and infill incentive district application (zoning entitlement(s)) for the Blue Sky development on April 26, 2011. The applicable referendum period expired thirty days after the City Council's approval.

The next step for the applicant of the Blue Sky development is the City's development review process. The approving body for development review is the Development Review Board (DRB). As a condition of Blue Sky's zoning entitlement approval, the applicant is required to obtain development review approval from the City Council. This approval will follow the DRB's decision and could occur as soon as two weeks following the DRB hearing. The City Council's decision is not appealable and is final. The development review process is not an opportunity for the DRB or the City Council address the zoning entitlement and stipulations approved during the zoning entitlement process. As enabled in Section 1.900 et seq. of the City's Zoning Ordinance, the focus of the development review process pertains to aesthetics design related issues.

Prior to a public meeting before the DRB, the applicant is required to submit a Development Review Board application to the City's Planning, Neighborhood, and Transportation Department (PNT), which is charged with processing the application. PNT staff will review the application for conformance to the City's development standards and stipulations contained in the City Council's zoning approval. During the staff review process, the applicant will also have the opportunity to meet with the DRB one or more times on a preliminary basis to obtain early input from Board members regarding the project's design. Since the BlueSky development is required to obtain approval for City Council regarding the aesthetics design, the applicant may also meet one on one with the members of the City Council on preliminary basis to obtain their input.

Once staff's review is complete, and the applicant has made any necessary modifications to the application to demonstrate compliance with City's development standards and stipulations with the


zoning entitlements, their recommendation will be forwarded to the DRB for review. This review occurs in a public meeting as required by Arizona Revised Statutes. In general, most applications are approved by the DRB at the first public meeting for action on an application.

The timeframe for this process can vary based on the completeness of the applicant's submittal as well as on the urgency of the applicant. Generally, the DRB approval process can be achieved within approximately three months from the submittal of the application. The development review process is not an opportunity for the City to readdress entitlement issues. The applicant is only required to demonstrate compliance with City's development standards, the zoning stipulations contained in the City Council's zoning approval, and reach agreement and approval with the DRB regarding aesthetics design issues.

Once the development review process is complete, the applicant will be required to submit construction documents to PNT for review and obtain approval prior to the issuance of applicable permits. This process includes an administrative review by City staff for compliance with all applicable building-related and construction codes. Once the applicant demonstrates compliance with the appropriate codes and pays the applicable fees, the City will issue a building permit. Currently, the City's standard review time for the applicable construction document submittals is 20 calendar days. PNT is a strong advocate for early coordination and communication between developers and City staff, even prior to the submittal of formal plans. Issuance of a permit after two reviews is possible if an applicant takes advantage of these early opportunities. PNT has also discussed its willingness to issue phased permits to the applicant provided certain criteria are met.

I hope this letter is helpful in describing the remainder of the design and plan review process for Blue Sky Scottsdale. This project is an important investment for the City and we stand ready to assist in any way possible. Please let me know if you have any additional questions.

Sincerely,



Dan Symer, AICP
Senior Planner



Michael Clack
Development Services Director

cc: Gray Development Group
Brian Kearney
Chief Operating Officer
4040 East Camelback Road, Suite 275
Phoenix, Arizona 85018