



Memorandum

To: Honorable Mayor and Members of the City Council
From: City Manager's Office
Date: January 27, 2026
Re: February 10, 2026, Regular Meeting: Work Study Session Item No. 2

Honorable Mayor and Members of the City Council,

The presentation materials for the February 10, 2026, Regular Meeting: Work Study Session Item No. 2 "Sound Ordinance Update" will be provided in the supplemental packet.

The attached Sound Ordinance Update memo outlines the city's efforts to revise its noise ordinance to balance quality of life for residents with the vibrancy of Scottsdale's entertainment and tourism sectors. Proposed changes are based on public feedback, business input and two noise studies, introducing specific decibel limits for Old Town and citywide. The goal is to create enforceable, reasonable standards that support public safety while maintaining Scottsdale's economic vitality.

Memorandum

To: Honorable Mayor Borowsky and Members of City Council
From: Greg Caton, City Manager
Date: November 14, 2025
Subject: Sound Ordinance Update

This memo provides information on the update to the Sound Ordinance. Scottsdale is home to many restaurants, entertainment and nightlife and the sound associated with these activities can sometimes cause issues. The city needs an updated ordinance that protects quality of life for residents, ensures enforceability and maintains the vibrancy of our tourism, businesses and events.

Staff have drafted a revised Sound Ordinance, based on feedback from business owners, community groups, previous public feedback and a sound consultant.

- Current ordinance does not regulate low frequency noises (bass) and exempts Downtown areas.
- Staff used two noise studies in the Entertainment District from September 2024 and October 2025 to draft regulations.
- Proposed regulations for Old Town are 80 dB(a) and 90 dB(c), or low-frequency sounds such as bass, and 68 dB(a) and 70 dB(c) for the rest of the city.
- The ordinance will be presented to the City Council for consideration in December 2025.

If you would like to share your thoughts on the proposed ordinance, please communicate directly with me to ensure we adhere to open meeting laws.

Current Ordinance

- Limits noise to 68 dB(A) for businesses serving alcohol or providing live entertainment
- Does not regulate low-frequency noises (bass).
- Exempts Old Town

Timeline of the Ordinance Update

November 2022

The previous City Council identified an update of the ordinance as a priority at the May 11, 2021 City Council Retreat. They formally adopted the project in the Organizational Strategic Plan in November 2022.

Spring 2023

The Special Noise Ordinance Committee was formed to examine the existing ordinance. This group consisted of city staff from the City Manager's Office, City Attorney's Office, Police, Planning, Special

Events & Tourism, Office of Communication and Information Technology. The group worked together to identify opportunities for the city to improve monitoring and enforcement.

November 2023

Three in-person public feedback sessions addressed the current noise ordinance's challenges, scientific background and timeline. Participants emphasized the need for fair and reasonable regulations, considering residential impact and suggesting revisions such as decibel level criteria and sound mitigation efforts. Concerns about exemptions for specific events, unresolved complaints and the need for enforceable consequences were discussed. Overall, there was a consensus on revising the ordinance to better address the diverse noise issues in the city.

January 23, 2024

During a Work Study Session with City Council, staff received consensus to move forward with drafting an updated ordinance that would balance the rights of property owners and the business community when it comes to sound levels and events. In addition, staff received direction to continue enforcement of the existing ordinance while conducting further analysis of sound, garnering public feedback and identifying best practices for enforcement.

July 2025

City Manager's Office staff met with business owners from the Entertainment District to discuss ordinance updates, where they requested an additional noise study in fall 2025, which was completed in October 2025.

November 10, 2025

City Manager's Office and Police staff met with Entertainment District business owners on site to discuss enforcement, noise mitigation and hear feedback on the draft ordinance and how it would impact them.

Data Collection Efforts

The city's consultant, MD Acoustics, has conducted two baseline noise studies in the Entertainment District area of Old Town, one in September 2024 and in October 2025. The 2025 study is still in draft version and will be available shortly. On average in the 15 locations, the difference was one decibel higher than 2024, even when measuring on a Saturday night and later in the fall.

New Draft of the Ordinance

Staff in the City Manager's Office, City Attorney's Office and Police Department completed an updated version of the Sound Ordinance (Attachment 2). Staff also met with Coalition of Greater Scottsdale, business owners and consultant MD Acoustics.

This draft articulates reasonable regulations while still maintaining an environment appropriate to a vibrant city. The key updates are:

1. Specific regulations for areas previously exempted such as Old Town. The levels in Old Town will be set at levels appropriate for a vibrant downtown and supported by current sound measurements, 80 dB(a) and 90 dB(c) measured from the closest city owned property to the business.
2. The current ordinance as applied to the rest of the city will stay the same, except for dB(c) or bass levels added at 70 dB(c).

This would be a targeted approach that provides reasonable limits, addressing loud events while not impairing nightlife and other businesses from operating in a reasonable manner. The data supports this approach. Additionally, it would give police the ability to enforce major noise issues, benefiting our neighborhoods. Setting reasonable noise limits also enhances public safety by improving communication clarity and reducing the risk of hearing loss for police working in loud areas.

Next Steps

Staff aim to bring the ordinance before the City Council for consideration in December 2025. It is critical to draft an ordinance for Council consideration that addresses key concerns and is enforceable while maintaining the vitality of Scottsdale as a destination and vibrant economy.

Attachments

Sound Ordinance Draft

C: Charter Officers
Jeff Walther, Assistant City Manager
Chief of Staff to Mayor Borowsky

ORDINANCE NO.XXXX

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, AMENDING CHAPTER 19, ARTICLE II, OF THE SCOTTSDALE REVISED CODE CONCERNING SPECIAL NOISE VIOLATIONS.

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

Section 1. Chapter 19, Article II, of the Scottsdale Revised Code concerning special noise violations is amended as follows with eliminated language in strikeout format and new language in shaded format:

ARTICLE II. SPECIAL ENTERTAINMENT-RELATED NOISE VIOLATIONS

Sec. 19-24. Purpose.

The purpose of this article is to promote the health, safety, and general welfare of the citizens and businesses of the city by protecting neighborhoods.

Sec. 19-25. Definitions

(A) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *"A" band level* means the total sound level of all noise as measured with a sound level meter using A-weighting network. The unit is the dB(A).
- (2) *Ambient noise sound* means at a specified time, the all-encompassing noise sound associated with a given environment, being usually a composite of sounds from many sources from many directions, near and far, including the specific sound source(s) of interest. For the purpose of this article, ambient noise sound level is the level obtained when the noise sound level is averaged over a period of fifteen (15) five (5) minutes without inclusion of noise sound from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made. Averaging may be done by instrumental analysis using a sound level meter in accordance with American National Standard Institute (ANSI) S1. 13-2020 or the most recent revision thereof. S. 13-1971, or may be done manually as follows:
 - (a) Observe a sound level meter for five (5) seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
 - (b) Repeat the observations as many times as necessary to ensure that observations are made at the beginning and the end of the fifteen (15) minute averaging period and that there are at least as many additional observations as there are decibels between the highest high indication and the lowest low indication.
 - (c) Calculate the arithmetical average of the observed central tendency indications.

- (3) *Business* means either a corporation, limited liability corporation, partnership, any other type of fictitious person or in the event the business is not owned by a fictitious entity, the individual owners. A business does not mean a governmental agency or entity.
- (4) *"C" band level* means the total sound level of all noise as measured with a sound level meter using C-weighting network. Measurements made with this weighting are designated dB(C).
- (45) *Decibel* means a sound pressure that is twenty (20) times the logarithm to the base 10 of the ratio of the pressure of sound to the reference pressure, 2×10^{-5} Newton/meter² a sound pressure level as measured by a sound level meter using the "A" or "C" weighting network and either the slow or fast meter response in a manner consistent with American National Standard Institute (ANSI) S1.13-2020 or the most recent revision thereof.
- (56) *Dwelling* means building, which is designed for residential purposes with the exception of any residential unit located within a hotel, resort, or other transitory lodging development.
- (6) ~~*Frequency*. "Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the hertz and shall be specified.~~
- (7) ~~*Impulse noise* means a noise of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.~~
- (8) ~~*Microbar* means a unit of pressure commonly used in acoustics and is equal to one (1) dyne per square centimeter.~~
- (9) ~~*Period* means "Period" of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.~~
- (10) ~~*Periodic quantity* means oscillating quantity, the values of which recur for equal increments of time.~~
- (11) ~~*Pure tone noise* means any noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by an enforcement officer.~~
- (7) *Old Town Area* has the same meaning as Section 3.100 of Appendix B of this Code.
- (128) *Residential District* means any property zoned Single-family residential district (R1-190, R1-130, R1-70, R1-43, R1-35, R1-18, R1-10, R1-7, R1-5), Two-family residential district (R-2), Multifamily residential district (R-3), Townhouse residential district (R-4), Multiple-family residential district (R-5), Manufactured home district (M-H), or any specific portion of a Planned community district (PCD) or Planned Residential Development District (PRD) with a comparable or underlying zoning district that consists exclusively of any of the aforementioned residential districts. For the purposes of this article, the definition of residential districts specifically excludes, but the exclusion is not limited to, properties or dwellings with the following Zoning districts or designations: Resort district (R-4R), Service residential district (S-R), Downtown district (D) and downtown sub-districts, Planned block development district (PBD), Planned unit development district (PUD).
- (139) *Sound level or noise level* means "Sound level" (noise level), in decibels (dB) is the sound measured with A-weighting or C-weighting and slow response by a sound level meter.
- (1410) *Sound level meter* means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American National Standard Specifications

for Sound Level Meters S1.4 2014 ~~S1.4-1974~~ or the most recent revision thereof.

(4511) *Unreasonable noise* means noise that a reasonable person of normal sensibilities would find excessive and that can be heard at least one hundred (100) feet from the business.

Sec. 19-26. Unreasonable noise created by businesses that serve alcohol or provide live entertainment prohibited.

- (A) It shall be unlawful for a business that serves alcohol or provides live entertainment to create unreasonable noise that through its operations disturbs the peace or quiet of a residential district that contains dwellings.
- (B) For making a determination that noise is unreasonable pursuant to this section, a reasonable person of normal sensibilities shall include Scottsdale police officer or other city employees designated by the City Manager to enforce this section.
- (C) A sound level meter may be used, but is not required, to assist in determining whether noise is unreasonable or not.
- (D) It shall be a rebuttable presumption under this article that noise levels over sixty-eight (68) db(A) or seventy (70) dB(C) are considered unreasonable.
- (E) The following activities are exempt from the provisions of this section:
 - (1) Non-amplified noises- sounds resulting from the activities of the patrons of a business.
 - (2) An event being held pursuant to a city issued special events permit provided that the business is operating in accordance with the conditions of that permit.

Sec. 19-27. Measurement criteria.

For the purpose of enforcement of the provisions of this article, if a sound level meter is used, noise level shall be measured on the A-weighted scale and C-weighted scale with a sound level meter satisfying at least the applicable requirement for Type 1 sound level meters as defined in American National Standard S 1.4-1971 or the most recent revisions thereof. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used. Prior to measurement, the meter shall be verified, and adjusted to ± 0.3 decibel by means of an acoustical calibrator. The ambient sound level shall be verified and noted.

Sec. 19-28. Penalties for creating unreasonable noise created by businesses that serve alcohol or provide live entertainment.

- (A) It shall be a civil offense to violate either subsection A of section 19-26 above or subsection A of section 19-32 below.
- (B) The penalty for a first violation shall be five hundred dollars (\$500.00).
- (C) The penalty for a second violation within one (1) year shall be one thousand five hundred dollars (\$1,500.00).
- (D) The penalty for a third or subsequent violation within one (1) year shall be two thousand five hundred dollars (\$2,500.00).
- (E) The penalty for a business that violates the noise conditions of its city issued special events permit shall be two thousand five hundred dollars (\$2,500.00).

- (F) A judge or hearing officer may mitigate, suspend or reduce any fines required by this article if the business installs noise mitigation software or equipment, attends a best practices course on noise mitigation or completes any other measure the court deems as suitable for preventing future violations of this article.

Sec. 19-29. Authority to issue civil complaints.

- (A) The City Manager or designee, a code inspector, a Scottsdale police officer or the City Attorney may issue civil complaints to enforce ~~Section 19-26~~ this article.
- (B) Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil complaint.

Sec. 19-30. Habitual offenders.

- (A) Any business as defined in this article who commits a violation of subsection A of section 19-26 above or subsection A of section 19-32 below after having previously been found responsible by a court on four (4) or more separate occasions for committing a civil violation of this article within a twenty-four-month period, whether by admission, by default, or by judgment after a hearing shall be deemed a habitual offender and shall be guilty of a class one misdemeanor and punished by a minimum fine of ten thousand dollars (\$10,000.00) and a maximum fine of twenty thousand dollars (\$20,000.00) pursuant to A.R.S. Section 13-305 except that the punishment for a non-fictitious person under this section requires in addition to any other penalties imposed by the court a fine of two thousand five hundred (\$2,500.00).

Sec. 19-31. Remedies non-exclusive.

The remedies provided for in this article are not exclusive and nothing shall preclude the City from pursuing other authorized legal remedies against violators of this article that may include but are not limited to conditional use permit revocation and enforcement of other applicable federal, state, county and city laws.

Sec. 19-32. Excessive noise created by businesses that serve alcohol or provide live entertainment prohibited within the Old Town Area.

- (A) It shall be unlawful for a business within the Old Town Area that serves alcohol or provides live entertainment to exceed noises levels over eighty (80) db(A) or ninety (90) dB(C) as measured from the closest city owned property to the business.
- (B) The following activities are exempt from the provisions of this section:
- (1) Non-amplified ~~noises~~ sounds resulting from the activities of the patrons of a business.
 - (2) An event being held pursuant to a city issued special events permit provided that the business is operating in accordance with the conditions of that permit.

Secs. 19-33—19-34. Reserved.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 2025

CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Ben Lane, City Clerk

Lisa Borowsky, Mayor

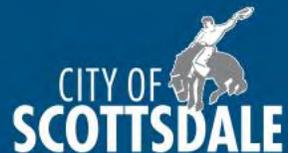
APPROVED AS TO FORM:

Luis E. Santaella
Interim City Attorney

Noise Ordinance Work Study

City Council | February 10, 2026

Will Brooks, Assistant to the City Manager



Why Update the Noise Ordinance

- Ordinance was adopted in 2010
- City Council identified priority (November 2022, April 2025)
- Modernize ordinance
- Address ongoing sound concerns



Key Terms

A-weighted sound levels, measured in dB(A)

- The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear at low volumes.

C-weighted sound levels, measured in dB(C)

- The C-weighting filter provides a flatter frequency response that better addresses low frequency noise (e.g., bass, drums, rhythm section, etc.) similar to human hearing at moderate to high volumes.



Context for Decibel Levels

- 60 dB(A)-Heavy traffic
- 70 dB(A)-Vacuum cleaner
- 80 dB(A)-Garbage disposal or urban daytime
- 90 dB(A)-Diesel truck (50 feet)
- 100 dB(A)-Gas lawn mower (3 feet)
- 110 dB(A)-Jet flyer (1,000feet)
- 140 dB(A)-Threshold of pain



The Work Study tonight is to get the Mayor and Council's feedback on the draft ordinance for possible future adoption

Current Ordinance

1. Limits noise to 68 dB(A) for businesses serving alcohol or providing live entertainment
2. Does not regulate low-frequency noises- i.e. bass or dB(C).
3. Applies citywide but does not apply within commercial and mixed-use districts, including Old Town



Process and Community Engagement





Council adopted priority in Strategic Plan in 2022



Staff working group and three public feedback sessions in 2023



Ongoing engagement with key stakeholders



Two professional sound studies in 2024 and 2025



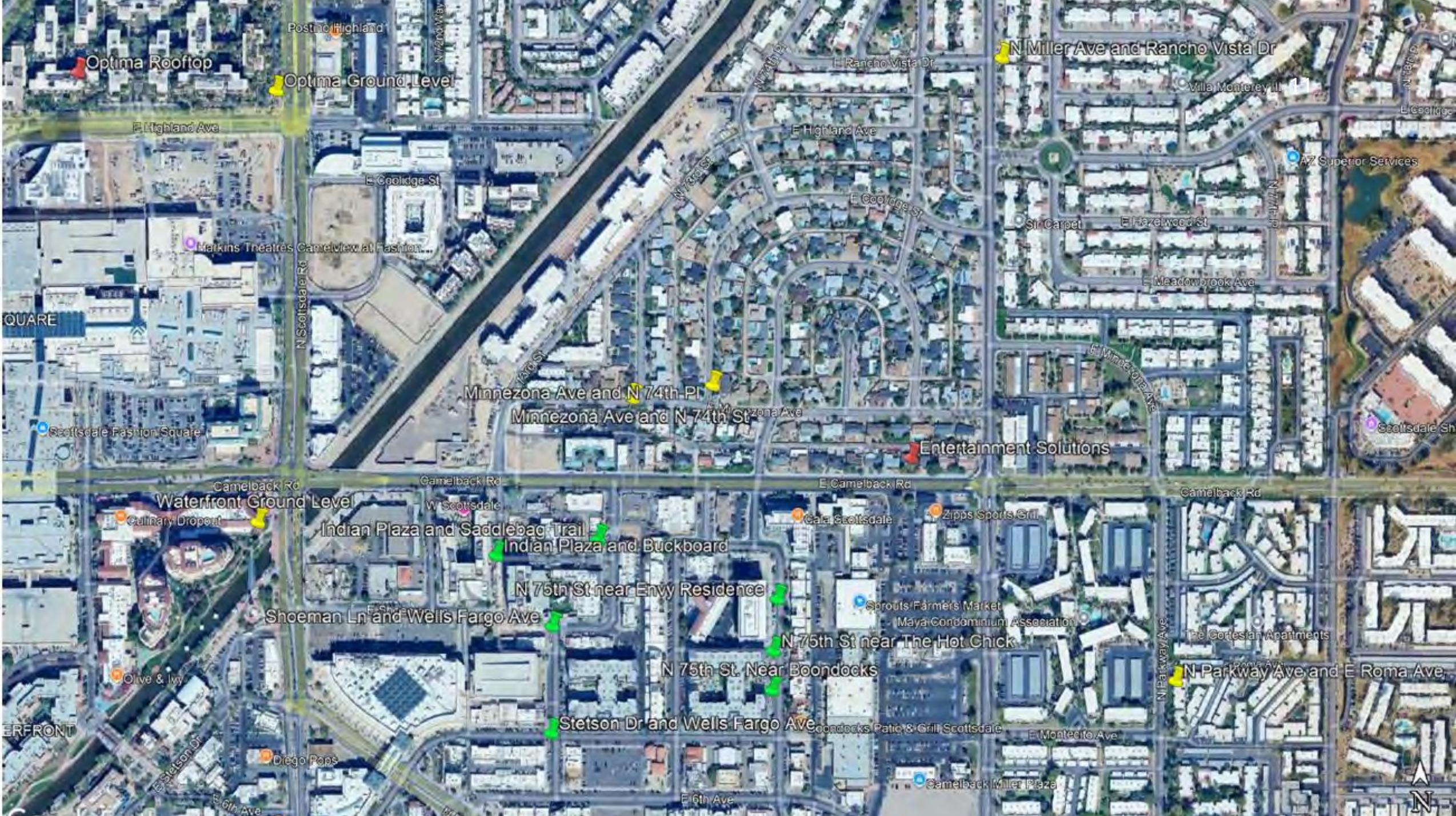
Goals in updating the ordinance

1. Address quality of life and unreasonable sound issues
2. Allow for vibrant nightlife and tourism
3. Ensure enforceability
4. Clear ordinance language and application
5. Modernize language



Sound studies provided objective and consistent data,
which allow for a more tailored ordinance





Optima Rooftop

Optima Ground Level

N Miller Ave and Rancho Vista Dr

Minnesota Ave and N 74th Pl

Minnesota Ave and N 74th St

Entertainment Solutions

Waterfront Ground Level

Indian Plaza and Saddlebag Trail

Indian Plaza and Buckboard

N 75th St near Envy Residence

Shoeman Ln and Wells Fargo Ave

N 75th St near The Hot Chick

N 75th St Near Boondocks

Stetson Dr and Wells Fargo Ave

N Parkway Ave and E Roma Ave

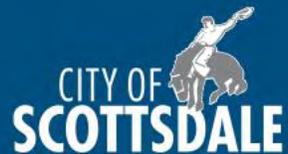


Table 2: Repeat Noise Survey Results

Site Number	Description	Duration	Sat Night (10/25/2025)		Fri Night (9/13/2024)		Saturday Minus Friday Delta	
			Noise Survey Results		Noise Survey Results		Friday Delta	
			dBA	dBC	dBA	dBC	dBA	dBC
1	Indian Plaza and Saddlebag Trail	5 min	82	97	82	102	0	-5
2	Indian Plaza and Buckboard	5 min	71	88	69	86	2	2
3	Shoeman Ln and Wells Fargo Ave	5 min	69	89	71	90	-2	-1
4	Stetson Dr and Wells Fargo Ave	5 min	65	79	68	85	-3	-6
5	N 75th St near The Hot Chick / Boondocks	5 min	75	90	77	85	-2	5
6	N 75th St near The Hot Chick / Boondocks 2	5 min	77	88	79	87	-2	1
7	N 75th St near Envy Residence	5 min	67	80	71	80	-4	0
8	N Parkway Ave and E Roma Ave	5 min	52	62	45	61	7	1
9	E Camelback Rd near N Miller Ave ¹	24 hrs	-	-	64	77	-	-
10	N Miller Ave and E Rancho Vista Dr	5 min	57	63	53	60	4	3
11	Minnezona Ave and N 74th Pl	5 min	53	72	50	70	3	2
12	Minnezona Ave and N 74th St	5 min	54	76	55	78	-1	-2
13	Waterfront Ground Level	5 min	65	76	64	73	1	3
14	Optima Ground Level	5 min	70	77	67	73	4	4
15	Optima Rooftop ¹	24 hrs	-	-	57	70	-	-

Notes:

1. Longterm noise measurements were performed at these locations. The value reported in this table is the hourly Leq from 11 PM to 12 AM.



Draft Ordinance

Proposed Changes to Current Ordinance

- Add in maximum bass levels into ordinance
- Add in specific regulations to Old Town (which was previously exempted from the ordinance)
- Leave the rest of the ordinance as is



Specific Guidelines for Old Town (New Language)

Sec. 19-32. Excessive noise created by businesses that serve alcohol or provide live entertainment prohibited within the Old Town Area.

(A) It shall be unlawful for a business within the Old Town Area that serves alcohol or provides live entertainment to exceed noises levels over eighty (80) db(A) or ninety (90) dB(C) as measured from the closest city owned property to the business.

New Decibel Levels

68 dBA, 70dBC*
for the city

80 dBA*, 90 dBC*
for Old Town

*New in draft ordinance



How does this compare to other cities?

Table 2: Noise Ordinance Limit for Various U.S. Cities

City/State	Ordinance	Land Use Type	Noise Limit (dBA)		Where Measurement is Taken for Enforcement
			Day	Night	
Tempe, AZ (Previous)	Chapter 20, Section 20-6	Commercial	65	55	Affected Area or Property Line
Tempe, AZ (New)	Chapter 20, Section 20-11	No Specific Limits provided. Instead, nuisance is defined by 11 items			
Tucson, AZ	Chapter 16-31	Commercial	72	65	Property Line
Boulder, CO	Chapter 9-3	Mixed Use and Other	65	60	Property Line
		Residential	75	75	Property Line
Austin, TX	Chapter 9-2-30	Outdoor Music Venue	85	85*	Property Line
	Chapter 9-2-5	Residential	75	75	Property Line
Salt Lake City, UT	Chapter 9.28	Commercial	60**	55**	Property Line
Nashville, TN	Chapter 9-20-010.B.2	DTC/Downtown	85	85	50ft from Door
Los Angeles, CA	Section 111.03	Commercial	60	55	Property Line

Note: Tucson, Boulder, Austin, Los Angeles state that music that is plainly audible is not allowed, regardless of the limit.

* MD Acoustics, LLC was retained to work with City staff to provide input and help develop code.

** Noise level limit is based on the L90 metric or the noise level exceeded 90% of the time.



Friday Night – Measurement Summary



Measured Noise Levels and Proposed Noise Limits

Description	dBA	dBC
Peak Hours - Measured at the Businesses	82-90	102-110
Peak Hours - Measured at the Residences	70-80	85-90
Proposed Limit A: Reasonable Safety/Liability Limits	80	90
Proposed Limit B: No Change at the Businesses	90	110



Estimated Impacts of Draft Ordinance

Additional Considerations

- Enforcement and Applicability
- Health and Safety of Police Officers in Old Town



A sunset landscape with a saguaro cactus in the foreground and mountains in the distance. The sun is low on the horizon, creating a bright glow and lens flare. The sky is filled with soft, wispy clouds. The cactus is silhouetted against the bright sky. The mountains in the background are also silhouetted. The overall scene is dark and atmospheric.

Questions and Discussion

Lane, Benjamin

From: lisa bayer <lisakbayer@gmail.com>
Sent: Wednesday, February 4, 2026 5:27 PM
To: City Council

⚠ External Email: Please use caution if opening links or attachments!

Dear City Council,

I am writing to express my strong opposition to any increase in noise ordinances. I urge you to consider the well-being and peace of the residents of Scottsdale.

Furthermore, I want to address the issue of short-term rentals, which are negatively impacting our neighborhoods and schools. I ask that you do the right thing by ensuring that guests are directed toward hotels rather than our residential communities.

Thank you for your time and for considering the concerns of local residents.

Best regards,

Lisa Bayer

Lane, Benjamin

From: lisa bayer <lisakbayer@gmail.com>
Sent: Wednesday, February 4, 2026 5:28 PM
To: City Council

⚠ External Email: Please use caution if opening links or attachments!

Dear Scottsdale Representatives (city council)

I am writing to express my concerns regarding the current environment in our community. I ask that you please ensure there is no increase in noise decibels; for once, please consider the citizens who live in Scottsdale.

Additionally, I would like to address the issue of short-term rentals. They are negatively impacting our neighborhoods and schools. It is my firm belief that these accommodations belong in hotels, not in our residential neighborhoods.

Thank you for your time and for considering the well-being of local residents.

Sincerely,

Lisa Bayer

Lane, Benjamin

From: Kim McGonagle <kim.mcgonagle@gmail.com>
Sent: Thursday, February 5, 2026 8:14 AM
To: City Council
Subject: SCOTTSDALE OLD TOWN AREA NOISE LEVELS WORK STUDY

⚠ External Email: Please use caution if opening links or attachments!

Scottsdale City Council PLEASE DO NOT RAISE THE NOISE LEVELS!!!! NOISE, TRAFFIC, GARBAGE IS ALREADY DISAPPOINTING AND FRUSTRATING! WE HAVE TRAFFIC, GARBAGE AND NOISE ALL DAY LONG AND DEAL WITH PEOPLE, CARS AND SIRENS ALL DAY LONG! WAYMOS, SCOOTERS STOPPING EVERYWHERE AND PARKING ANYWHERE AND SCOOTERS STREWN ABOUT. This is a residential area and we live here full-time. Please do not vote to raise noise levels. Thank you for your help. 85251 Noise/Sound Alert: If you live within the area south of Chaparral Rd to Osborn Rd and east of 68th Street to Miller Road aka Old Town, you will be interested in the Tuesday, February 10th City Council work-study session. City staff will announce "city efforts to revise the noise ordinance to balance quality of life for residents with the vibrancy of Scottsdale's Entertainment and tourism sectors." (1) The proposed human voice/unamplified music decibel level increases to 80 dB(a). (2) The proposed decibels that measure the bass sounds that penetrate walls and windows and cause vibrations would be 90 dB(c). Acoustic research states that 70 dB to 90dB is an increase of 4 times louder/intensity.

Note: OSHA requires hearing protection for work exposure at 85 dB over an 8-hour period. Consider the length of bar hour sound exposure to employees, patrons, area public safety officers, hotel guests trying to sleep, multi-residential owned units and apartments, and private homeowners in the Old Town area. The rest of Scottsdale will not change from the 68 dB(a) limit, but added will be 70 dB(c) for bass sound measurements if approved by City Council.

Lane, Benjamin

From: Elaine Shealy <elaineshealy@att.net>
Sent: Thursday, February 5, 2026 10:48 AM
To: City Council
Subject: Noise Ordinance

⚠ External Email: Please use caution if opening links or attachments!

Thank you for finally addressing this issue. I live off Miller and Vista, and for years have listened to music and the boom, boom, boom into the early morning hours. It's a shame that residents, many 55 plus, do not have the right to peaceful sleep. If I had known this would be a problem, I may not have bought my villa when I was widowed. Thousands suffer for the sake of a few at a bar. I have often wondered about the hearing health of the bar patrons. Elaine Shealy, 5229 N 78th St, Scottsdale Sent from my iPad

Lane, Benjamin

From: George L. Wanner, III <geozona@aol.com>
Sent: Sunday, February 8, 2026 11:59 PM
To: City Council
Subject: BAR NOISE

⚠ External Email: Please use caution if opening links or attachments!

Good evening all: Please accept this email as a notice of disturbance of the peace and quiet in a residential district.

Section 19-26. Unreasonable Noise Created by Businesses that Serve Alcohol or Provide Entertainment Prohibited.

(A) It shall be unlawful for a business that serves alcohol or provides live entertainment to create unreasonable noise that through its operations disturbs the peace or quiet of a district that contains dwellings.

It is 12:58am and I'm waiting for the music to cease so I can try to sleep. While I am lying in bed with my windows closed on this beautiful, evening, my thought is, as it has been for years now,... "would people really stop frequenting the bars if the music wasn't so loud?"

Tonight I am trying to pretend the bass is rumbling thunder!

This has gone on long enough... way too much talk, way too little, if any, action.

As I have said in previous emails, if I played music this loud in front of any of your homes, you would certainly consider it disturbing the peace and would not stand for it. Why do we have to stand for it practically every evening?

I trust each of you is having a peaceful Sunday evening.

George Wanner
480.203.1506
geozona@aol.com

Lane, Benjamin

From: Roz Wattel <rozwattel@gmail.com>
Sent: Sunday, February 8, 2026 8:25 AM
To: City Council
Subject: Noise levels

⚠ External Email: Please use caution if opening links or attachments!

The problem with noise levels from Old Town is a REAL thing. Feeling the bass sounds thump your bed is horrible. Being kept awake by higher decibel allowance is unacceptable. Please keep residents in mind when voting about sound levels. Think about how you would feel being bombarded by deep bass and loud music. Thank you. Rosalind Wattel

Lane, Benjamin

From: Geoff Griffiths <gkgriffiths@cox.net>
Sent: Monday, February 9, 2026 9:14 AM
To: City Council
Cc: geoff Griffiths
Subject: public comment 85251 NOISE/SOUND Alert

⚠ External Email: Please use caution if opening links or attachments!

We've been homeowners on Camelback Rd, east of 82nd St, since 1997. We vehemently oppose this proposal. We did not buy next to an airport, then complain about the noise. We bought a home we love, in a good neighborhood with very little noise. Then the 101 was put in with no noise abatement. The tall trees along Pima road blocked some of the noise and dust, but most are gone now due to the new Pima Rd construction.

Next came the STRs and we're now flooded with noisy party houses, lights and music from party shuttle buses, and drunk drivers trying to access the 101 via Camelback , then speeding around the neighborhood trying to get out.

Now you want to raise the noise higher than anywhere else is Scottsdale. How is this fair to our Quality of Life? How will these decibels affect our pets, and wildlife on the Greenbelt? How about the effect on our property values? Why should business owners who don't live here be more important than the residents who voted for you? Please don't make us 2nd class citizens.
Geoff and Karen Griffiths



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Craig Morgan
602.240.3062
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The Hon. Lisa Borowsky (Mayor)
The Hon. Adam Kwasman (Vice Mayor)
The Hon. Barry Graham (Councilmember)
The Hon. Jan Dubauskas (Councilmember)
The Hon. Kathy Littlefield (Councilmember)
The Hon. Maryann McAllen (Councilmember)
The Hon. Solange Whitehead (Councilmember)
The Hon. Louis Santaella (Interim City Attorney)

c/o

City of Scottsdale

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February 9, 2026

Dear Mayor and Members of the Scottsdale City Council:

My name is Craig A. Morgan. I am an attorney with Taft Stettinius & Hollister LLP. This firm represents Evening Entertainment Group (“EEG”) and its storied and celebrated businesses *Bottled Blonde*, *Casa Amigos*, *Hifi*, and *Mother Tuckers*. See [EEG – Creating Unforgettable Moments](#). Since 1985, EEG has been a significant community presence in the City, generating millions in tax revenues. EEG’s mission is simple: to bring people together over unforgettable food and lively entertainment in a safe and enjoyable atmosphere.

EEG supports the City’s efforts to balance quality of life with economic growth. But the proposed amendments to the City’s noise ordinance, advanced by a vocal but short-

sighted minority, will accomplish nothing other than driving business like EEG to other venues, which will in turn depress the City's economy and eradicate the charm, character, and appeal that drives so many to patronize the City's Old Town entertainment district.

The proposed amendments establish a rebuttable presumption that businesses serving alcohol or providing live entertainment exceed allowable noise levels whenever sound is measured above 70dB. It is critical that you understand how ordinary 70dB is relative to the noise we endure every day. 70dB is commensurate with ordinary office noise and merely riding in a vehicle on Loop 101 at posted speeds. See [How Loud Is 70 decibels | What is a 70 dB equivalent](#) ("70 dB noise is not considered harmful to human hearing."). The proposed presumption appears to apply Citywide, whenever an alleged disturbance affects a "residential district." This standard includes sound levels common to many lawful commercial activities – from driving a delivery vehicle, to valet parking, to innocent lively socializing. That, in turn, will enable a vocal minority to unfairly disrupt not only otherwise completely accepted and tolerated routine business (let alone social) activity, but decimate the continued viability of businesses like those EEG operates in the City. Is this really the sort of precedent the City seeks to set?

Indeed, the proposed amendments are pointless in light of reality. For example, at one of EEG's well known businesses, the "at the front door" decibel range tops out at about 90dB on high frequency and 105dB on low frequency. The nearest *residential-zoned* neighborhood would only hear those frequencies at 65dB – a noise level commensurate with normal conversation and riding in a vehicle at highway speed. Thus, no resident who lives in a residential-zoned neighborhood has any legitimate basis to complain about noise levels. Any other residential/commercial owners nearby at mixed-use apartment buildings took possession aware of the area's nature and are deed-restricted from complaining about decibel levels. And local hotels nearby likewise have nighttime entertainment, advertise that to their customer base, and their patrons are well aware that the facility is located in an entertainment district. Thus, this proposed law is nothing but punitive and meant to appease a finite vocal minority who likely do not even live in or patronize the area.

Old Town has long been planned, zoned, marketed, taxed, and as such has grown into, Arizona's premier entertainment district. Businesses operating in Old Town reasonably relied on that framework when making substantial investments in property acquisition, build-outs, sound systems, infrastructure, tenant improvements, and branding. Nightlife uses—by their nature—are louder than typical retail or office uses, and the City has historically recognized and accommodated that reality. Imposing sound limits that are incompatible with those core uses will undermine both Old Town's the economic viability and the reasonable expectations of property owners and operators who relied on well-defined regulatory regimes to invest millions into the City's overall success. It is inarguable that people come from across the nation, and the world, to visit Old Town. Those visitors come because of what the City and business like EEG collaboratively

February 9, 2026
Page 3

created. Those visitors are a substantial source of revenue for the City, and those revenues afford its residents the critical infrastructure that makes the City one of the most renowned cities in the world.

As the Goldwater Institute aptly noted in its February 5 correspondence to the City: "Applying standards that effectively neutralize a permitted and encouraged use are difficult to reconcile with principles of land-use stability, predictability, and respect for property rights." Like so many other businesses in Old Town, EEG has structured its operations around lawful nightlife activities with the City's encouragement and approval. EEG has complied with defined, strenuous City ordinances and other requirements. EEG has invested millions into the City, which in turn has financially benefitted the City and its citizens. The proposed ordinances, if implemented, will destroy Old Town, many of its businesses, and a substantial source of economic viability upon which the entire City depends. We will not belabor the important points that the Goldwater Institute has already made, other than to say that EEG will vigorously oppose any ordinance that effectively strips EEG of the hard-earned and well-deserved value that its substantial investment in the City has generated. See A.R.S. § 12-1134.

We appreciate the opportunity to engage in a constructive dialogue on how best to achieve the City's goals in a manner consistent with sound land-use policy and fiscal responsibility.

Please do not hesitate to contact me with any questions.

Sincerely,

Taft Stettinius & Hollister LLP



Craig Morgan

CM:em

198074454y1



Washington, D.C.
Virginia
Florida
Arizona
New York
holtzmanvogel.com

February 9, 2026

Greg Caton, Scottsdale City Manager: gcaton@scottsdaleaz.gov

VIA EMAIL

Re: Objections to Proposed Noise Ordinance

Dear Mr. Caton:

I represent Riot Hospitality Group ("Riot"). Riot owns and provides management services for several well-known businesses in the Scottsdale Entertainment District, including Cake, Dierks Bentley's Whiskey Row, El Hefe, Farm and Craft, Hand Cut Chophouse, HandCut, Farm & Craft and Riot House. Riot also provides management services for The District, Maya Day and Nightclub, and Clubhouse at Maya.

Riot's businesses exist where they do, and are managed as they are, because the City of Scottsdale made a deliberate policy decision to encourage entertainment and hospitality uses and related investment in downtown Scottsdale. Beginning around 2012, the City affirmatively sought to establish and promote a vibrant entertainment district in Old Town. City of Scottsdale, Dev. Review Bd. Report, Case No. 83-DR-2011, at p. 30 (June 7, 2012) (Attached as Exhibit A). The City's Development Review Board approved projects specifically designed to create "a focal point for Downtown Scottsdale" and to provide "a unique opportunity for the City of Scottsdale to attract national and international prominence as a tourism capital." *Id.* at 14. The City's own Downtown Plan reinforced this objective by articulating goals to "support Downtown's economic role as a hub for arts, culture, retailing, entertainment, tourism, and events" and to "maintain and enhance Downtown's successful dining and entertainment mix." *Id.* at 23. In furtherance of these policies, the City actively courted nightclubs, restaurants, and entertainment venues, rezoned properties, and approved development plans intended to create what City officials described as "the prime tourist destination venue in the region." *Id.* at 14.

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The City's regulatory framework reflected these policy choices. Most notably, the sound ordinance exempted Old Town from the general noise restrictions applicable to the rest of the City. Businesses made substantial investments in the Entertainment District in reliance on this regulatory structure. For years, the City actively recruited operators like Riot, approved their locations and uses, and worked with them within the City's zoning and regulatory framework to build the Entertainment District into what it is today. That effort succeeded. Downtown Scottsdale became a significant driver of tourism, tax revenue, and economic activity, and Riot's venues are a central part of that success.

Riot alone employs approximately 800 people within the Entertainment District. Collectively and these operations generate a substantial share of the property tax revenue paid annually to the City of Scottsdale. The Entertainment District and adjacent Scottsdale Fashion Square together attract approximately 37 - 38 million annual visits to Old Town Scottsdale. These visitors share the same affluent, educated, experience driven demographic profile, with over one third earning \$150,000 or more annually and visitor average household incomes approaching \$247,000. The Entertainment District is not degrading Old Town's desirability. What is more, housing values in the area have risen from the \$150,000 - \$250,000 range in 2010- 2011 to \$600,000 - \$900,000 or more today. This sustained appreciation demonstrates continued investor confidence and strong residential demand.

The City's proposed noise ordinance would substantially and materially change the rules under which these businesses were approved and have long functioned, threatening the distinctive character and energy that have helped make the City affluent, desirable, and attractive to successful residents and visitors. The ordinance would fundamentally alter the regulatory framework the City itself established, exposing long-compliant businesses to new and destabilizing risks and endangering the entertainment economy the City intentionally built and promoted over more than a decade. As described, the ordinance would significantly impair the ability of established venues in the Entertainment District to continue operating in the manner the City previously authorized.

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The consequences are concrete and immediate. Curtailment or closure of Riot would result in the loss of 800 jobs, dealing a serious blow to a meaningful segment of Scottsdale's workforce. Those losses extend beyond payroll figures and affect families who rely on these jobs, as well as vendors, suppliers, and other businesses whose livelihoods depend on the continued vitality of Old Town and the Entertainment District.

The City's justification for this shift is further undermined when viewed alongside its own noise complaint data. Publicly available records show that entertainment related noise complaints in the downtown district declined by approximately 29%, from 56 complaints in 2024 to just 40 complaints in 2025, even as tourism and downtown visitation increased. Of those 40 complaints in 2025, 13 originated from the Camden Old Town Scottsdale Apartment Complex a residential development subject to deed restrictions that prohibit its residents from submitting noise complaints. Those complaints therefore should not have been counted. When improperly submitted complaints are excluded, the downward trend is even more pronounced.

The broader enforcement context reinforces the disconnect between the asserted problem and the proposed response. Police reporting and public statements consistently attribute approximately one half of all nuisance and noise calls citywide to short term rental properties, not entertainment venues. Short term rentals represent the fastest growing source of noise complaints across the City. Against that backdrop, imposing sweeping restrictions on long established entertainment businesses operating within the City's expressly approved framework reflects a fundamental mismatch between the conditions cited and the regulatory measures proposed.

Viewed as a whole, the ordinance does not respond to demonstrated conditions in the Entertainment District. Instead, it imposes blunt restrictions on businesses whose complaint trends are improving, whose operations were affirmatively encouraged by prior City policy, and whose continued viability supports a significant portion of Scottsdale's economy. That disconnect underscores the ordinance's arbitrary impact on existing, compliant venues and illustrates the risk of destabilizing a successful economic ecosystem without advancing the City's stated objectives.

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The proposed ordinance presents a series of discrete legal and structural problems, each of which is addressed separately below.

I. The Proposed Ordinance Effectively Converts Lawful Existing Uses into Prohibited Uses in Violation of A.R.S. § 9-462.02

Arizona law requires cities to protect existing lawful uses when they change zoning or land-use rules. A.R.S. § 9-462.02(A) states that a new ordinance may not interfere with existing property or with the right to continue lawful use as it existed when the ordinance takes effect, nor with the right to make reasonable repairs or alterations. The statute exists to prevent precisely the unfairness and constitutional infirmities that arise when a city retroactively imposes new rules on businesses that were lawful when established. *See Motel 6 Operating Ltd. Partnership v. City of Flagstaff*, 195 Ariz. 569, 572 (App. 1999); *Gannett Outdoor Co. of Arizona v. City of Mesa*, 159 Ariz. 459, 462 (App. 1989).

The law protects the use the City approved. Courts focus on how the property was actually operating and how it was known in the community at the time the use was established. The City cannot redefine an approved use so narrowly that it strips away the very protections the statute is designed to provide. *Stagecoach Trails MHC, L.L.C. v. City of Benson*, 232 Ariz. 562, 566-67, ¶¶ 13-18 (App. 2013). The question is not whether a business could survive in some stripped-down form, but whether it can continue operating as the use the City approved in the first place. *See Motel 6*, 195 Ariz. at 572, ¶ 14 (holding that nonconforming uses are constitutionally protected from the retroactive effect of zoning laws and may be removed only "as quickly as possible within the limits of fairness and justice").

Scottsdale deliberately created an Entertainment District centered on nightlife, music, and high-energy venues. The City recruited operators like Riot, approved their projects as entertainment uses, and then relied on those venues to define downtown Scottsdale's identity and economic success. These businesses were planned, permitted, and promoted as exactly what they are.

Music and amplified sound are not incidental aspects of these venues. They are central to the use the City approved and the use these properties have lawfully maintained for years with the City's full knowledge. Removing those elements alters the nature of the

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use itself. A noise ordinance that requires existing venues to abandon the characteristics the City encouraged does not merely adjust operating conditions; it changes the approved use. Arizona law does not permit the City to undo its own approvals by stripping away the defining features of a lawful use and labeling the result "regulation."

Accordingly, the City cannot lawfully vote on or adopt a revised noise ordinance that fails to expressly grandfather existing, lawfully approved entertainment venues in the Entertainment District. ***Riot Hospitality Group formally objects to any vote or legislative action moving forward without such a provision.*** Proceeding in the absence of an express grandfathering provision violates A.R.S. § 9-462.02 and exceeds the City's lawful authority. If the City proceeds despite this notice, Riot Hospitality Group will pursue all available remedies.

II. The Old Town Provisions Represent an Unreasonable Policy Reversal

For the Old Town area specifically, the proposed ordinance sets maximum sound levels at 80 dB(A) and 90 dB(C). Proposed Scottsdale Revised Code § 19-32(A). While these limits are nominally higher than the citywide standards, they represent a sharp break from the regulatory framework under which the Entertainment District was created. For more than a decade, Old Town operated without fixed numeric sound limits in recognition of its mixed use, tourism-oriented character. Venues were approved, designed, and built to function within that environment. The proposed ordinance replaces that settled framework with hard caps that would prevent entertainment businesses from operating in the manner for which they were designed and authorized.

To justify its proposed ordinance, the City relies on baseline noise studies conducted by its consultant, MD Acoustics, in September 2024 and October 2025. Those studies are an unsound and harmful basis for regulation because they do not reflect how the Entertainment District actually operates. Measurements were taken at times when clubs and venues were not yet busy. The data therefore excludes peak operating conditions, which are central to the design, purpose, and economic viability of these businesses. Using those measurements to impose binding sound limits would require venues to curtail normal operations or fundamentally alter their design, effectively

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prohibiting the very entertainment uses the City invited, approved, and spent years cultivating.

If the City nevertheless insists on relying on its own consultant work, the result is almost comical. According to the City's summaries, average sound levels in October 2025 were only one decibel higher than in September 2024, even though measurements were taken on a Saturday night and later in the year. A one decibel difference is barely perceptible. On the City's own evidence, there is no worsening condition, no upward trend, and no problem in need of fixing. If these studies are taken at face value, they confirm that everything is working exactly as it has been. The City cannot simultaneously point to this data and claim urgency.

The more fundamental problem is that the City seeks to have it both ways. It relies on data collected when venues were not fully operating to justify rules that would govern peak operations. It treats measurements that understate real world conditions as a basis for limits that would constrain those very conditions. That mismatch exposes the studies as unreliable for the purpose for which the City seeks to use them and underscores the absence of any factual justification for the proposed ordinance.

The proposed ordinance compounds these flaws through its choice of measurement location. For Old Town, compliance is measured at "the closest city owned property to the business." Proposed Scottsdale Revised Code § 19-32(A). The location of city owned property has no consistent relationship to where sound is actually experienced by the public. Two similarly situated businesses may be treated entirely differently based on nothing more than the happenstance location of nearby city owned parcels, reinforcing that the ordinance is not calibrated to any demonstrated condition in the Entertainment District.

III. The Proposed Ordinance Constitutes a Regulatory Taking Without Just Compensation.

Beyond violating Arizona statutory protections for existing uses, the proposed ordinance raises serious concerns under the Takings Clause of the Fifth Amendment to the United States Constitution and Article II, § 17 of the Arizona Constitution. Both provisions prohibit the government from taking private property for public use without

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just compensation. At its core, the proposed ordinance would destroy a vested right-a lawful use that existed prior to a regulatory change that would now render it illegal. Riot's entertainment venues represent lawful uses that were expressly approved, encouraged, and cultivated by the City. The proposed ordinance would effectively eliminate those vested rights without providing just compensation. Such an action raises significant constitutional concerns.

Riot has invested extensively to develop and manage a high energy nightlife and nightclub environment. Its venues were designed and constructed specifically to support amplified music, live performances, and nighttime entertainment, including specialized sound systems, lighting, staging, and layout. Those investments have little or no economic utility outside of an entertainment context. Enforcement of the ordinance would render the existing improvements functionally unusable for their approved purpose.

Riot employs approximately 800 employees and manages venues spanning more than 50 acres. The ordinance would not impose a marginal operational limitation. It would eliminate Riot's ability to manage its venues as nightclubs. A venue that cannot play music at levels necessary to create an entertainment atmosphere cannot exist as a nightclub. As a result, the ordinance would effectively terminate Riot's operations, extinguish associated revenue, and destroy the economic value of the investment.

The economic effects would extend beyond Riot. The venues generate substantial tourism activity, sales and transaction privilege tax revenue, and demand for surrounding businesses, including restaurants, hotels, transportation services, and retail establishments. Elimination of those operations would therefore have broader economic consequences for Scottsdale, including lost jobs, reduced tax revenues, and diminished economic activity within the Entertainment District.

The City created the Entertainment District, encouraged nightlife uses, and benefited for more than a decade from the resulting tourism, tax revenue, and economic activity. The proposed ordinance would reverse those land use decisions and impose restrictions that would eliminate the uses previously authorized and encouraged. The City should not impose the costs of such a policy reversal on a limited group of property owners who acted in good faith reliance on the City's representations and regulatory framework.



IV. The "Live Entertainment" and "Alcohol" Triggers Are Arbitrary and Under-Inclusive

The proposed ordinance applies only to businesses “that serve alcohol or provide live entertainment.” Proposed Scottsdale Revised Code § 19-26(A). That threshold limitation bears no rational relationship to the stated objective of regulating noise. Noise is a function of sound levels and sound characteristics, not of whether alcohol is served or whether entertainment is classified as live. Under the ordinance as drafted, a business that generates excessive noise but does not serve alcohol or provide live entertainment would fall entirely outside the ordinance’s reach, while a restaurant that serves wine or beer would be subject to enforcement regardless of whether its operations create any meaningful noise impact. This selective application creates an arbitrary regulatory scheme that treats similarly situated businesses differently without any principled basis.

The ordinance’s internal inconsistency further underscores the problem. By tying enforcement authority to the presence of alcohol service or live entertainment rather than to measurable or observable noise conditions, the ordinance decouples regulation from harm. Businesses are regulated not because they generate problematic noise, but because they fall within a disfavored category. That approach invites selective enforcement and undermines any claim that the ordinance is narrowly tailored to address actual noise concerns.

Compounding this defect, the ordinance fails to define “live entertainment” with any precision. The term is left entirely undefined, leaving businesses to guess whether routine and commonplace activities trigger regulation. A restaurant featuring a single acoustic guitarist, background music performed by a solo musician, or a disc jockey playing recorded music could plausibly be deemed to provide live entertainment. Televisions broadcasting sporting events or special programming could likewise fall within the term depending on how broadly it is construed. Nothing in the ordinance provides guidance as to where the line is drawn.

This lack of definition is not a minor drafting oversight. It delegates sweeping discretion to enforcement officials to determine, after the fact, whether a business is subject to regulation at all. Businesses are afforded no clear notice of when their

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operations cross into regulated territory, and enforcement decisions are left to subjective judgment rather than objective standards. Such vagueness invites arbitrary enforcement, chills lawful business activity, and fails to provide the fair notice required of an ordinance that carries escalating penalties and potential criminal consequences.

V. The "Unreasonable Noise" Standard Is Unconstitutionally Vague and Subjective

The proposed ordinance defines “unreasonable noise” as “noise that a reasonable person of normal sensibilities would find excessive and that can be heard at least one hundred (100) feet from the business.” Proposed Scottsdale Revised Code § 19-25(A)(15). It further provides that, for purposes of determining whether noise is “unreasonable,” a “reasonable person of normal sensibilities shall include Scottsdale police officer or other city employees designated by the City Manager.” Proposed Scottsdale Revised Code § 19-26(B).

This definition replaces objective standards with subjective judgment. Rather than articulating measurable criteria that regulated businesses can understand and follow, the ordinance effectively adopts an “I know it when I hear it” approach to enforcement. What one officer considers excessive noise, another may consider acceptable. The ordinance reinforces this subjectivity by expressly providing that “[a] sound level meter may be used, but is not required, to assist in determining whether noise is unreasonable or not.” Proposed Scottsdale Revised Code § 19-26(C). As written, enforcement may proceed entirely without any objective measurement as required by due process.

The ordinance attempts to introduce objectivity through a “rebuttable presumption” that noise levels exceeding 68 dB(A) or 70 dB(C) are unreasonable. Proposed Scottsdale Revised Code § 19-26(D). However, because sound level meters are not required for enforcement, it is unclear how this presumption would operate in practice. An officer may issue a citation based solely on subjective perception, without taking any measurement, while still invoking the ordinance’s presumption framework. In that scenario, the business is left to disprove a presumption that was never objectively triggered in the first place.

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This structure effectively shifts the burden of proof onto businesses. Rather than requiring the City to establish that noise exceeded the presumptive thresholds, the ordinance allows enforcement to proceed without measurements and places the onus on the business to demonstrate compliance after the fact. The practical incentive created by this scheme is obvious. By declining to use sound level meters, the City can avoid objective verification altogether while preserving the ability to cite businesses and force them to defend against subjective determinations.

The consequences of this approach mean that businesses cannot conform their conduct to a standard that depends entirely on the sensibilities of whichever officer happens to respond to a complaint. Two businesses producing identical sound levels at identical distances could receive different treatment based solely on who responds or how that individual perceives the sound. The ordinance provides no mechanism to ensure consistency, predictability, or uniform application.

This enforcement regime raises serious due process concerns. Regulated entities are entitled to fair notice of what conduct is prohibited and a meaningful opportunity to comply. An ordinance that authorizes citations, escalating penalties, and potential criminal consequences based on unmeasured and subjective assessments fails to provide that notice. By combining undefined standards, discretionary enforcement authority, and a rebuttable presumption untethered from required measurements, the proposed ordinance invites arbitrary enforcement and places businesses in an untenable position where compliance depends on chance rather than conduct.

VI. The Escalating Penalties Are Punitive and Disproportionate

The proposed ordinance imposes escalating penalties of increasing severity: \$500 for a first violation, \$1,500 for a second violation within one year, and \$2,500 for a third or subsequent violation. Proposed Scottsdale Revised Code § 19-28(B)-(D). A business found responsible for four violations within a 24-month period is deemed a “habitual offender” and becomes subject to criminal misdemeanor prosecution, with fines ranging from \$10,000 to \$20,000. Proposed Scottsdale Revised Code § 19-30(A).

These penalties are severe on their face, but they are especially troubling given how violations are determined. As discussed above, the ordinance permits enforcement based

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on subjective judgment alone, without requiring objective sound measurements. As a result, a business may accrue violations not because it exceeded any measurable standard, but because different officers independently conclude that sound was “unreasonable.” Each citation increases the financial stakes and moves the business closer to criminal exposure, even though no objective threshold need ever be shown to have been crossed.

This structure magnifies the ordinance’s underlying defects. Escalating penalties and criminal liability are typically reserved for conduct that is clearly defined and objectively verifiable. Here, however, a business can face misdemeanor prosecution and substantial fines based entirely on a series of unmeasured, subjective determinations. The ordinance provides no meaningful safeguard against inconsistent enforcement, no requirement that prior violations be grounded in objective evidence, and no mechanism to ensure that cumulative penalties reflect actual harm rather than enforcement discretion.

The risk to regulated businesses is concrete and immediate. A business operating in good faith may be exposed to escalating penalties based on repeated complaints and discretionary enforcement decisions, even where sound levels remain consistent from night to night. The ordinance allows enforcement outcomes to turn on subjective judgments rather than measurable operational changes. Over time, this structure converts discretionary enforcement into criminal exposure. Routine nightlife operations may result in misdemeanor liability without clear, objective notice of what actions are required to achieve compliance. The ordinance therefore places regulated businesses in a position where continued lawful operation cannot reliably avoid enforcement consequences, creating significant legal and operational uncertainty.

In this context, the penalty scheme is grossly disproportionate to the conduct being regulated. When combined with vague standards and the absence of required measurements, the ordinance exposes businesses to significant financial and criminal consequences without objective benchmarks or procedural safeguards sufficient to provide fair notice or consistent enforcement. The cumulative effect is a regulatory framework that creates substantial legal risk while offering no reliable means for regulated parties to conform their conduct with certainty.

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Conclusion and Notice to Preserve Evidence

Due to the above-described legal defects in the proposed ordinance, and the resulting immediate and concrete threat posed to my client's substantial interests, Riot Hospitality Group requests that the City Council reject the proposed noise ordinance amendments.

Given the serious legal issues identified above and the reasonable anticipation of litigation if a vote occurs that is adverse to my client's interests, this letter serves as notice to the City to **immediately preserve all documents, data, and electronically stored information relating to the proposed noise ordinance**. This preservation obligation includes, but is not limited to, draft ordinance language, internal memoranda, staff analyses, sound data, monitoring records, communications among City staff and council members, meeting materials, public comments, and documents addressing enforcement standards, exemptions, and zoning impacts. No responsive materials may be deleted, altered, overwritten, or destroyed.

Nothing in this letter constitutes a waiver of any rights or remedies. All rights are expressly reserved.

Sincerely,

/s/ Andrew Gould

Andrew Gould, Esq.

cc: Jeff Walther, Assistant City Manager: jwalther@scottsdaleaz.gov
Barry Graham, Councilman: bgraham@scottsdaleaz.gov
Jan Dubauskas, Councilwoman: jdubauskas@scottsdaleaz.gov
Kathy Littlefield, Councilwoman: klittlefield@scottsdaleaz.gov
Maryann McAllen, Councilwoman: mmcallen@scottsdaleaz.gov
Solange Whitehead, Councilwoman: SWhitehead@Scottsdaleaz.gov
Luis Santaella, City Attorney: lsantaella@scottsdaleaz.gov
Lisa Borowsky, City of Scottsdale Mayor, LBorowsky@ScottsdaleAZ.gov

IV

EXHIBIT A

DEVELOPMENT REVIEW BOARD REPORT



Meeting Date: June 7, 2012 Item No. 7
General Plan Element: *Character and Design*
General Plan Goal: *Foster quality design that enhances Scottsdale as a unique southwestern desert community.*

ACTION

83-DR-2011 Scottsdale Beach Club

Location: 7333 E. Indian Plaza

Request: Approval of the site plan, landscape plan, and building elevations for three new commercial buildings totaling 32,468 square feet of floor area, to be located on a 1.4-acre site.

OWNER

Equity Partners Group, LLC

ARCHITECT/DESIGNER

Cawley Architects
Michael Jorgenson
602-393-5060

ENGINEER

Hunter Engineering
Jeff Hunter
480-991-3985

APPLICANT CONTACT

Cawley Architects
Michael Jorgensen
602-383-5060

BACKGROUND

Zoning

The site is zoned Central Business District within the Downtown Overlay (C-2/DO) which allows uses that are associated with the central business district and shopping facilities which are not ordinarily compatible with residential development, while the overlay district allows new opportunities for the development and/or expansion of properties that do not have Downtown (D) zoning.

Context

Located within the Drinkwater Urban Neighborhood of the Downtown Area, south of Camelback, east of Scottsdale Road, the subject property is generally bounded by Indian Plaza on the north, Saddlebag Trail on the east, Shoeman Lane on the south, and Buckboard Trail on the west. Two north/south alleys currently exist within the block. The property is located within an active entertainment district, with the W Hotel to the west, Axis/Radius nightclub to the north, and a mix of restaurants, bars, offices, retail, and personal services to the east and south. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North Bars in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- South Small lot commercial properties with single-story buildings in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- East Small lot commercial properties with single-story buildings in the Central Business District, Parking, Downtown Overlay and Automobile Parking/Downtown Overlay (C-2/P-3/DO & P-2/DO) zoning district.
- West W Hotel, zoned Downtown District, Office Residential, Type 2, Planned Block Development, Downtown Overlay (D/OR-2 PBD DO).

Key Items for Consideration

- Signage proposed as an architectural feature and focal point of Shoeman Lane frontage
- "Cabana elevations" need to activate streets along Indian Plaza and Shoeman Lane

DEVELOPMENT PROPOSAL

Goal/Purpose of Request

The Development Review Board considered the proposal for Beach Club (83-DR-2011) on May 3, 2012. The Board approved the site plan, but had continued the elevations and landscape plan to the June 7th meeting. On May 17th, the development team approached the Board with a non-action agenda item in order to get input on possible revisions.

The development team now seeks the Board's formal approval on the following revisions to the elevations and landscaping.

Landscape

The May 3rd plan proposed a row of Date Palm trees along Indian Plaza to serve as the street tree. As palm trees provide very little shade, staff proposed a stipulation to replace the Date Palms as a street tree with a tree that provides ample shade so that the landscape improvements will contribute to the Pedestrian Place concept expressed in the Downtown Character Area Plan. The revised plan proposes Evergreen Elm as alternating with Date Palms as the street tree along Indian Plaza. The spacing as proposed will allow the Evergreen Elm at maturity to provide ample shade for pedestrians.

The planters that flank each street corner are proposed to be filled with Octopus Agave, which grows quite large and is not pedestrian friendly in that it would tend to crowd the adjacent pedestrian zone. A stipulation is included to replace the Octopus agave with a smaller agave, i.e., Queen Victoria '*Agave victoriae-reginae*', Arizona Agave '*Agave arizonica*', or '*Agave ocahui*'.

To provide shade for the ADA parking spaces, a stipulation is included to revise the landscape plan to add a shade tree in each of the planters at the end of the four ADA parking stalls.

Beach Club

In order to eliminate the illusion of garage doors on Beach Club's north elevation ("cabana elevation"), the pilasters have been removed. The long, blank wall does not activate the street. A stipulation is included to open up the "cabana elevation" with louvers that will allow visual access to the pool activity during times when the cabanas are unoccupied. When the cabanas are occupied, the drapes may be pulled to provide visual privacy; meanwhile, the street will continue to be activated with audio access to pool activity. Louvers will provide the added benefit of north/south cross ventilation.

South Elevation

To address the concern that architectural treatment is needed along the Shoeman Lane/Wells Fargo Avenue frontage, two street trees have been eliminated and a large sign proposed along the "cabana elevation" to serve as the focal point. A large sign is not an architectural feature and is inappropriate as a focal point at this street terminus. The long, blank wall does not activate the street. Stipulations are included to replace the two shade trees, and to open up the "cabana elevation" with louvers that will allow visual access to the pool activity during times when the cabanas are unoccupied. When the cabanas are occupied, the drapes may be pulled to provide visual privacy; meanwhile, the street will continue to be activated with audio access to pool activity. Louvers will provide the added benefit of north/south cross ventilation.

Alley

Addressing the concern of blank walls along the alley, murals are proposed at the end caps within the alley, and lighting will highlight these areas at night.

Taco Bar

In order to reduce the busy appearance of the façade, the Beach Club Taco Bar fronting Indian Plaza has been revised to eliminate the blue tile alcoves, and the color tone of the wall has been softened to minimize the contrast with the adjacent buildings.

There was a concern that the tile roof of the taco stand and the adjacent contemporary designs clashed. The development team prefers to maintain this feature to encourage diversity in the architecture.

Building C – Pub building

The red brick veneer color has been revised to a golden tan "Cortona" color to reflect the desert tones.

Development Information

- Existing Use: Nightclubs (Myst and Suede) and various office spaces
- Proposed Use: Restaurant/bars
- Site Size: 1.4 acres
- Building Size: 3 buildings totaling 32,468 square feet under roof
- Floor Area Ratio Allowed: 1.8 (44,599 square feet)
- Floor Area Ratio Proposed: 0.58 (32,468 square feet)
- Building Height Allowed: 36 feet
- Building Height Proposed: 36 feet
- Parking Required: 361 spaces for 5 restaurant/bar uses
- Parking Provided: 410.46 spaces (P-3 and historic credits)

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Development Review Board approve Scottsdale Beach Club per the attached stipulations, finding that the policies and goals of the General Plan, Downtown Plan and Downtown Urban Design and Architectural Guidelines, as well as the Development Review Criteria have been met.

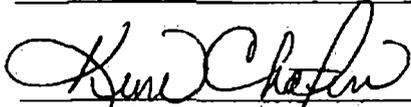
RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation
Current Planning Services

STAFF CONTACT

Kim Chafin, AICP, LEED-AP Senior Planner 480-312-7734 E-mail: kchafin@ScottsdaleAZ.gov

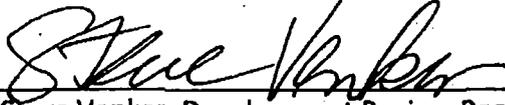
APPROVED BY



Kim Chafin, AICP, Report Author

5-29-12

Date



Steve Venker, Development Review Board Coordinator

Phone: 480-312-2831 E-mail: svenker@ScottsdaleAZ.gov

5/29/12

Date

ATTACHMENTS

- A. Stipulations/Zoning Ordinance Requirements
- B. Fire Ordinance Requirements
- 1. Applicant's Narrative
- 2. Context Aerial
- 2A. Close-Up Aerial
- 3. Zoning Map
- 4. Renderings, Streetscape Comparisons, Landscape Plan, Building Elevations
- 5. Revision Narrative from Cawley Architects dated 5-23-12

**Stipulations for the
Development Review Board Application:
Scottsdale Beach Club
Case Number: 83-DR-2011**

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

GOVERNANCE

1. APPLICABILITY. Stipulations of zoning case 18-ZN-2011 remain in effect.

APPLICABLE DOCUMENTS AND PLANS:

2. 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. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevation Pages A7.1, A7.2, A7.3 and A7.4 submitted by Cawley Architects, with a city staff date of 5/21/12 and .
 - b. The location and configuration of all site improvements shall be consistent with the site plan submitted by Cawley Architects, with a city staff date of 2/16/12.
 - c. Landscape improvements, including quantity, size, and location shall be installed to be consistent with the conceptual landscape plan submitted by Cawley Architects, with a city staff date of 5/21/12.
 - d. Lighting improvements shall be installed to be consistent with the conceptual lighting plan Pages E1, CS1, and CS2 submitted by Cawley Architects, with a city staff date of 2/16/12.
 - e. The case drainage report submitted by Hunter Engineering has not been accepted in concept by the Stormwater Management Department of the Planning, Neighborhood and Transportation Division. The improvement plans will not be approved until the final drainage report is approved.

RELEVANT CASES:

Ordinance

- A. At the time of review, the applicable Zoning and Abandonment case(s) for the subject site were: 18-ZN-2011 and 2-AB-2012.

ARCHITECTURAL DESIGN:

DRB Stipulations

3. Refuse enclosures shall be constructed in conformance with the City of Scottsdale Supplements to MAG Standard Details. Details for construction of refuse enclosures can be found in the City of Scottsdale Supplements to MAG Standards Details, standard detail #2146-1, 2 (2 is grease containment) for single enclosures, and #2147-1, 2 (2 is grease containment) for double enclosures. The orientation of the proposed refuse enclosure shown on the site plan shall be revised by rotating the proposed enclosure counter-clockwise to facilitate pick up from the north of the aisle. The refuse enclosure shall be angled 30 degrees to the center of the alley.
4. Revise the "cabana elevations" along Indian Plaza and Shoeman Lane with a decrease of the wood paneling surfaces and an increase of the louvers so that the "cabana elevations" will activate the streets by allowing visual access to the pool area during times when the cabanas are unoccupied, and maintain audio access when drapes are pulled during times when cabanas are occupied.

LANDSCAPE DESIGN:

DRB Stipulations

5. Prior to the issuance of a building permit, the owner shall submit landscape improvement plans that require the utilization of the City of Scottsdale's Supplement to MAG Standard Specifications for the landscape and irrigation improvements within the public right-of-way median(s).
6. Revise the landscape plan to replace *Olea europaea* 'Swan Hill' Fruitless Olive Tree with an evergreen tree that has more "tropical beach club" characteristics, such as *Caesalpinia cacalaco* Cascalote, *Caesalpinia platyloba* Palo Colorado, or *Sophora secundiflora* Texas Mountain Laurel.
7. Revise the landscape plan to eliminate *Phoenix dactylifera* Date Palm as a street tree in front of the cabana elevation along Shoeman Lane and replace with *Parkinsonia florida* Desert Museum.
8. Revise the landscape plan to add a shade tree in each of the planters at the end of the four ADA parking stalls.
9. Revise the landscape plan to replace the *Agave vilimoriana* Octopus Agave with a smaller agave, i.e., Queen Victoria '*Agave victoriae-reginae*', Arizona Agave '*Agave arizonica*', or '*Agave Ocahui*.'

EXTERIOR LIGHTING:

DRB Stipulations

10. All exterior luminaires shall meet all IESNA requirements for full cutoff, and shall be aimed downward and away from property line except for sign, and landscape lighting.
11. The maximum height of any outdoor lighting source shall be 20 feet above the adjacent finished grade.

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

Site Lighting:

- a. The maintained average horizontal luminance level, at grade on the site, shall not exceed 2.0 foot-candles. All exterior luminaires shall be included in this calculation.
- b. The maintained maximum horizontal luminance level, at grade on the site, shall not exceed 10.0 foot-candles. All exterior luminaires shall be included in this calculation.
- c. The initial vertical luminance 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.

VEHICULAR AND BICYCLE PARKING:

DRB Stipulations

13. The developer shall provide bicycle parking spaces per DSPM requirements.

STREETS, IMPROVEMENTS AND RELATED DEDICATIONS:

DRB Stipulations

14. Prior to the issuance of a building permit for the site, the owner shall dedicate to the city the following right-of-way and submit plans to construct the following street improvements:

Street Name	Street Type	Dedications	Improvements	Notes
Saddlebag Trail	Local Commercial	Non-motorized public access easement	Sidewalk	a.
Shoeman Lane	Local Commercial	Non-motorized public access easement	Sidewalk	a.
Buckboard Trail	Local Commercial	Non-motorized public access easement	Sidewalk	a.
Indian Plaza	Local Commercial	Non-motorized public access easement	Sidewalk	a.

Public Alley (Western)	Commercial Alley	Additional 4-foot Right-of-Way to complete 20-foot Right-of-Way		
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- a. The developer shall construct a new minimum 8-foot-wide sidewalk along the perimeter to replace the existing sidewalk.
- 15. Any portion of the perimeter sidewalk that extends outside the right-of-way shall be dedicated to The City of Scottsdale as a non-motorized public access easement.
- 16. The developer shall install new accessible ADA ramps at all intersections along site frontage. Ramps shall be designed and constructed per DSPM standards. The developer shall provide 6-foot minimum clearance between the proposed raised planters and the access to the ADA ramps.
- 17. The developer shall submit Signing and Striping plans showing on-street parking stalls, subject to review and approval by plan review staff.

EASEMENTS DEDICATIONS AND RELATED IMPROVEMENTS:

Ordinance

- B. Before any building permit is issued for the site, the owner shall dedicate a sight distance easement over sight distance triangle(s) in conformance with figures 5.3-26 and 5.3-27 of Section 5.3 of the DSPM.

WATER AND WASTEWATER STIPULATIONS

DRB Stipulations

- 18. Existing water and sewer service lines to this site shall be utilized, or shall be disconnected at the main pursuant to the Water Resources Services Department requirements.
- 19. Before the improvement plan submittal to the Plan Review and Permit Services Division, the owner shall obtain approval of the basis of design report and plan from to Water Resources Department. The basis of design report shall be in conformance with the Design Standards and Policies Manual and shall address:
 - a. The overall projection of proposed development in the entertainment district and the impacts on the existing water and sewer systems. The developer may contact City of Scottsdale Water Resources Department for sewer flow monitoring information within the project area.
- 20. Pool backwash discharge rates to the existing public sewer shall be limited to 35 gpm unless additional sewer capacity is provided. The developer shall clearly show on the final improvement plans the engineering solution that will meet this requirement. The design

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shall be subjected to review and approval by City of Scottsdale Water Resources Department staff.

DRAINAGE AND FLOOD CONTROL:

Ordinance

- C. Per the city ordinance, this site is required to provide full stormwater storage for new development. The owner can accomplish this through above ground basins or underground storage tanks. However, since this site is located in the City's Downtown Character Area, it qualifies for a Stormwater Storage Waiver (SSW). In lieu of providing storage basins, the owner could elect to pay a SSW in lieu fee. Alternately, rather than paying SSW in lieu fees, the owner could provide in-kind contributions.

DRB Stipulations

- 21. With the improvement plan submittal, the owner shall submit a final drainage report that demonstrates consistency with the DSPM and the case drainage report accepted in concept by the Director or designee of the Stormwater Management Division of the Municipal Services Department.
- 22. The improvements plans will not be approved until the drainage report is approved.
- 23. Wash-down waste water from the pool must be pretreated before it can be discharge into the city's storm drain system. The pretreatment method shall use a filter type system (similar to a Stormceptor system) to remove solid and soluble contaminants. The owner shall be responsible the operation and maintenance of the pretreatment s system, including record keeping.
- 24. Any storm drain manhole for use by the owner shall be built on the owner's own property and not in the City's right of way, unless it's approved and documented in the drainage report.

ADDITIONAL ITEMS:

DRB Stipulations

- 25. No temporary power in a permanent position will be authorized until all existing overhead utilities have been relocated and are underground.
- 26. The large digital media board shall be completely concealed from view from public right-of-way.



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Scottsdale Beach Club

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.
exist

- 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 td 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 REQUIREDHYDRANTS INSTALLED & OPERABLE PRIOR TO THE FOOTING INSPECTION. HYDRANTS SHALL BE SPACED AT A MAXIMUM OF exist 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 _____ (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.

SCOTTSDALE RETAIL PLAZA

Rezoning Narrative
NWC of Saddlebag Trail & Shoeman Lane

1. INTRODUCTION

2. GENERAL PLAN CONFORMANCE

3. DOWNTOWN PLAN CONFORMANCE

4. DOWNTOWN URBAN DESIGN & ARCHITECTURAL CONFORMANCE

5. DEVELOPMENT PLAN

6. CONCLUSION

1. INTRODUCTION

PURPOSE AND VISION OF THE REQUEST

The purpose of this request is to obtain the entitlements needed in order to redevelop and reinvest in an entire city block (1.4 acres) in Downtown Scottsdale for the Scottsdale Retail Plaza located at the northwest corner of Saddlebag Trail and Shoeman Lane (the "Property"). The proposed redevelopment will replace two existing night clubs (Suede and Myst) with a variety of restaurant, retail, and club uses, the majority of which will allow patrons, citizens, and tourists to enjoy the benefits of both daytime and nighttime venues.

The Scottsdale Retail Plaza will include multiple restaurant and retail uses. Centered in the heart of this downtown district, the dining and shopping venues will create a perfect partnership with the existing W Hotel directly to the west and other adjacent properties. Moreover, the proposed development will include a state-of-the-art pool area, along with patio uses, that will integrate both indoor and outdoor uses. An upscale, outdoor pool venue is precisely the type of attraction that is unique to Arizona and Scottsdale as a tourism amenity. This type of outdoor leisure attraction is also reflective of the next generation of cutting edge entertainment that is anticipated of major metropolitan areas. Cities competing for tourism dollars throughout the Sunbelt states are moving quickly toward this type of model because it is what the tourism demographic expects. By creating and utilizing significant outdoor pool and patio space, this project will energize the streetscape through indoor and outdoor venues, while extending the utilization of the tourism season. In short, this is a unique opportunity for the City of Scottsdale to attract national and international prominence as a tourism capital through the success of a privately funded redevelopment of a significant portion of the downtown area.

The Applicant and developer, Triyar Companies, and its related entities, has the single most significant development portfolio in the Downtown Scottsdale area, which includes the W Hotel and other restaurant/retail uses surrounding the property. This is an important point, as Triyar's commitment to maintaining the quality and prestige of the W Hotel will ensure that the adjacent Scottsdale Retail Plaza will be a successful and beneficial development in Downtown Scottsdale. Triyar is reinvesting in this property not only to enhance the reputation of this district, but also to provide benefits that will be inherent in the synergy of development for all of these properties.

REQUEST

The property is currently zoned C-2/P-3 DO (Downtown Overlay) and P-2 DO. As P-2 zoning is not compatible with the development plan envisioned, we are requesting to rezone the P-2 DO portion of the site to C-2 DO.

WHAT IS AT STAKE?

Currently, the existing development contains approximately 35,153 square feet of night club space and live entertainment venues which are outdated. Moreover, the City of Scottsdale and its citizens have been disappointed and concerned with the current utilization of the property. These venues have

reached the end of their life cycle and fail to contribute to the City of Scottsdale as an optimal tourist attraction and tax revenue source. Accordingly, Triyar has committed to a significant reinvestment in this property pending the outcome of its rezoning request.

There is no doubt that within the club/restaurant industry, a significant investment and redevelopment/redesign results in the direct and proportionate benefit of an upscale venue and quality, established patrons. On the other hand, if no investment is made and the leases of current sub-par venues are simply renewed, the concept of a destination venue is lost, the venue is degraded, and Scottsdale fails to attract the tourism dollars and patrons that will contribute to the downtown district.

This rezoning request is the gateway to a significant investment and redesign of this block that will result in a venue that compliments the surrounding uses in the district. The proposed redevelopment is about creating a focal point for Downtown Scottsdale that will build upon the existing core district, taking it to the next level of quality. The city has already seen the benefits of the investment of the W Hotel and surrounding properties. The Scottsdale Retail Plaza is the next rational evolution of improvement and redesign for downtown Scottsdale, utilizing daytime and nighttime venues for restaurant and retail uses.

LOCATION / CURRENT USE

The Scottsdale Retail Plaza will be located at the NWC of Saddlebag Trail and Shoeman Lane in Downtown Scottsdale. The property consists of Maricopa County APNs 173-41-139, 173-41-140, 173-41-141, 173-41-142, 173-41-143, 173-41-144, 173-41-158, 173-41-159, 173-41-160, 173-41-161, 173-41-162, 173-41-163, 173-41-164, 173-41-165, 173-41-166, 173-41-167, 173-41-168, 173-41-169, 173-41-178, 173-41-179, 173-41-180, 173-41-181, and 173-41-211A.

The property is currently zoned C-2/P-3 D-O (Downtown Overlay) and P-2 D-O and includes approximately 1.4 acres (61,239 SF). The current uses include the Suede and Myst night clubs, as well as general office uses.

RELATIONSHIP TO SURROUNDING PROPERTIES

The property is located in Downtown Scottsdale within the Drinkwater Urban Neighborhood. This area is home to, and promotes, various restaurant, and club uses and is quickly becoming the prime tourist destination venue in the region. The Property is surrounded by similar and compatible uses, as well as compatible zoning designations.

To the North -

- North of the Property, the land is zoned C-2/P-3 DO (Downtown Overlay) and P-2 DO. This property is home to two other night club venues as well as restaurant uses. The Scottsdale Retail Plaza will be compatible with these surrounding properties.

To the South

- South of the Property, the land is zoned C-2/P-3 DO, P-2 DO, and C-3 DO and is a combination of restaurant and office uses. The Scottsdale Retail Plaza will be compatible with this adjacent property.

To the East

- East of the Property, the land is zoned C-2/P-3 DO and P-2 DO. The Saddlebag Trail Plaza comprises the majority of the property and includes Marjerle's Sports Grill and the EL HEFE - Bar & Taqueria. The Scottsdale Retail Plaza will be compatible with these uses.

To the West

- West of the Property, the land is zoned D/OR-2 PBD DO and D/RCO-2 PBD DO. This property is the site of the new W Hotel. The Scottsdale Retail Plaza will be compatible with this use.

2. GENERAL PLAN CONFORMANCE

The Property is designated as Mixed-Use Neighborhoods on the General Plan. Additionally, the City of Scottsdale Downtown Plan places the Property within the Drinkwater Urban Neighborhood and designates it as Downtown Multiple Use Type 2. Mixed-Use Neighborhoods are located in areas with strong access to multiple modes of transportation and major regional access and services, and provide an opportunity for a mix of uses. The Downtown Plan serves as the comprehensive policy document that guides growth and development decisions for Downtown Scottsdale. The Downtown Multiple Use Type 2 is a land use designation in the Downtown Plan for those areas in Downtown that are adjacent to the Downtown Regional, Downtown Civic Center, Downtown Medical and Downtown Core future land use designations and provides for intermediate development of greater intensity.

The Scottsdale Retail Plaza and its associated uses are a perfect fit for these General Plan and Downtown Plan Designations.

GENERAL PLAN LAND USE GOALS AND APPROACHES

- 1. Recognize Scottsdale's role as a major regional economic and cultural center, featuring business, tourism, and cultural activities.**
 - Strengthen the identity of Scottsdale by encouraging land uses that contribute to the character of the community and sustain a viable economic base.
 - *The Scottsdale Retail Plaza embodies the identity of a destination venue that belongs in Downtown Scottsdale. Moreover, the high-quality of the venues and established clientele will guarantee significant economic benefit for Scottsdale.*
 - Promote land uses that accommodate destination resorts along with the recreation, retail, residential, and cultural uses that support tourism activity and sustain a resort-like lifestyle.
 - *The retail, restaurant, and club uses, many of which will be available to patrons during both the daytime and nighttime, will accommodate the needs of the adjacent W Hotel while providing recreation, retail, and tourism attractions.*
- 4. Develop land use patterns that are compatible with and support a variety of mobility opportunities/choices and service provisions.**
 - Encourage non-motorized (pedestrian and bicycle) access/circulation within and to mixed-use centers to reduce reliance on the automobile. Integrate the pattern of land uses and mobility systems in ways that allow for shorter and fewer automobile trips and greater choices for mobility.
 - *Providing retail, restaurant, and club uses within walking distance of residential units, the W Hotel, and many other downtown attractions, will encourage non-motorized circulation.*

- Provide a balance of live, work, and play land uses and development intensities that enable convenient non-automotive trips (pedestrian and cycling and transit) where environmentally and physically feasible.
 - *The Scottsdale Retail Plaza will provide a key component to Downtown Scottsdale necessary to complete and maintain the live, work, and play land uses necessary for a vibrant downtown area. The close proximity of the proposed development to the W Hotel and other restaurant and retail uses will enable and promote convenient non-automotive trips.*

- 9. *Provide a broad variety of land uses that create a high level of synergy within mixed-use neighborhoods.*
 - Encourage redevelopment that invigorates an area while also respecting the character of adjacent neighborhoods.
 - *The redevelopment of the outdated Property will reinvigorate this high impact district in Downtown Scottsdale. The proposed development is compatible with and complimentary to the existing retail, commercial and office uses that currently exist nearby as well as the W Hotel and adjacent restaurant/retail uses. Moreover, the surrounding club, restaurant, office, hotel, and retail uses provide a significant buffer between the proposed use and neighborhood areas.*

3. DOWNTOWN PLAN CONFORMANCE

The Downtown Scottsdale Vision Statement calls for a dynamic city center which recognizes its western heritage while boldly looking to its metropolitan future. As Scottsdale quickly moves in this direction, it will be expected to have the amenities, destination venues, and entertainment sources that the Scottsdale Retail Plaza will provide. Additionally, the proposed development will reinforce the following downtown plan vision statement values:

- Contextually sensitive world-class planning, architecture, and urban design;
- Fluid connectivity in and out of Downtown; as well as, within and between neighborhoods, focusing on walkability; and
- Worldwide recognition as the premier destination in the Southwestern United States.

Downtown Land Use ("LU") Goals

GOAL LU 1:

MAINTAIN DOWNTOWN SCOTTSDALE AS THE COMMERCIAL, CULTURAL, CIVIC, AND SYMBOLIC CENTER OF THE COMMUNITY TO ENSURE A VIBRANT MIX OF MUTUALLY SUPPORTIVE LAND USES.

Policy LU 1.1.

- Revitalization should allow Downtown to remain competitive in local, regional, national and international markets.
 - *As a current and future competitor for national and international tourism, the City of Scottsdale must embrace opportunities for private investment to both revitalize and redesign its downtown district. The current use of the Property will fail to attract national and international attention and cannot become part of a successful marketing campaign for tourism. The Scottsdale Retail Plaza, however, will be the ideal destination venue for tourism in both national and international markets.*

Policy LU 1.3.

- Maintain a balance of Downtown land uses that support a high quality of life, a diverse mixture of housing and leisure opportunities, and the economic base needed to secure resources that support the community.
 - *The proposed redevelopment will be focused on providing a diverse mixture of leisure opportunities, while providing significant tax dollars to support the community.*

Policy LU 2.5.

- Encourage new development, redevelopment and infill that strengthen Downtown Scottsdale's mix of uses and activities through the development of mutually supportive land uses within the **Downtown Multiple Use** urban neighborhoods. Multiple Use areas include the majority of the properties within the overall Downtown Plan boundary.
 - *The Scottsdale Retail Plaza is prime example of a high-quality redevelopment infill project aimed at improving the diversity of uses and entertainment available with the*

Downtown Multiple Use area. Many of the uses that will be supportive of the surrounding restaurant, retail, and hotel uses include club uses, an outdoor pool and lounge area that will consist of a palapa style Taco Bar, Retail area, and two types of Cabanas.

Policy LU 3.2.

- Support higher scale Type 2 development in all non-Downtown Core areas of the Downtown.
 - *This project is a prime example of high-scale development that will be located within a Type 2 area in a non-downtown core district. The redevelopment will bring a quality of design and architecture that is currently absent in this area.*

Policy LU 4.5.

- Provide downtown public amenities and benefits when seeking development bonuses.
 - *Pedestrian hardscape areas are enhanced with wide sidewalks, tree shaded walkways, pedestrian seating areas and bicycle parking.*
 - *The revitalization of the district by replacing dilapidated and outdated building designs with buildings which align completely with the Downtown Design Guidelines and the Downtown Plan.*
 - *Mobility enhancements include the addition of generous and broad ramped sidewalks at the corners of the site. Bicycle parking is equally and conveniently located along all four frontages of the project.*

Policy LU 5.0.

- Enhance, expand, and create new downtown public realm and open space areas.
 - *This policy is achieved by providing a broad, enhanced and well lit pedestrian realm which can be expanded upon as the neighborhood is redeveloped.*

DOWNTOWN CHARACTER & DESIGN ("CD") GOALS

GOAL CD 1:

THE DESIGN CHARACTER OF ANY AREA SHOULD BE ENHANCED AND STRENGTHENED BY NEW DEVELOPMENT THAT PROMOTES CONTEXTUAL COMPATIBILITY.

Policy CD 1.1, 1.4, 1.8.

- Incorporate, as appropriate, in building and site design, the distinctive qualities and character of the surrounding, and/or evolving context.
- Promote Downtown urban and architectural design that is influenced by, and responds to, the character and climate of the Sonoran Desert.
- Encourage new development and revitalization that is composed of complementary and/or supportive design relationships with the established urban form, as well as design features and materials of the neighborhoods within which they are sited.
 - *The block is divided into four distinctively designed tenant facades and buildings. The entire project continues the design precedents set in the neighborhood by such projects*

as the W hotel, Majerle's, El Jefe, Safari, Southbank at the Waterfront and Camelview. These projects all represent a collective character of desert inspired colors and materials combined with varying architectural styles which range from contemporary to traditional territorial designs.

- o *Building A incorporates warm desert inspired colors and materials including sandstone veneer and pre-weathered, rusted metal panels. This, combined with the art deco inspired architecture, provides for a unique building which provides variation and diversity within the block, street and neighborhood.*
- o *Building "B" is a modern representation of an old world Spanish courtyard building. This courtyard building design is commonly found in traditional Spanish colonial communities like old Tucson, Santa Fe, Santa Barbara and Antigua, Guatemala. The cool white color, clean lines and elegant simplicity of the building was inspired by the Old Town Scottsdale mission building. The warm wood siding and desert inspired geometric metal work combine to create a unique and distinctive anchor for the block.*
- o *Building "C" is divided into three distinctive tenant building designs. The northern tenant facade is a contemporary modern style which combines sandstone and linear metal trellis canopies. The mid block tenant is a contemporary interpretation of a territorial pub, integrating reclaimed wood siding and blackened metal tower and canopy structures. The southern tenant is designed as a traditional brick territorial building and is accented with concrete wainscot and parapet coping.*

Policy CD 1.5, 1.7.

- Encourage urban and architectural design that addresses human scale, and provided for pedestrian comfort.
- Maintain the pedestrian oriented small town character and human scale in the Downtown Core areas. Incorporate similar elements of pedestrian character and scale at the street level throughout all of downtown.
 - o *The buildings are designed at a pedestrian scale, ranging in height from 14'-22'. All of the entrances and frontages are placed at the street sidewalk. Sidewalk dining and transparent building frontages provide for a distinctive and active pedestrian frontage.*

GOAL CD 3:

DOWNTOWN DEVELOPMENT SHOULD RESPECT AND RESPOND TO THE UNIQUE CLIMATE AND CONTEXT OF THE SOUTHWESTERN SONORAN DESERT.

- *Throughout the project, measures have been taken to provide shade and comfort for pedestrians and restaurant patios. Shaded canopies are provided at each patio space. The streets are lined with desert appropriate trees. The Date Palms are spaced so that the crowns grow together to combine for a consistent elevated canopy along Indian Plaza. This has proven effective at The Scottsdale Quarter and Westgate, as well as the Kierland central plaza and pedestrian areas.*

GOAL CD 4:

STRENGTHEN PEDESTRIAN CHARACTER AND CREATE STRONG PEDESTRIAN LINKAGES.

- *All street frontages provide a strong pedestrian experience, and enhance pedestrian linkages to adjacent properties. Sidewalks range between 8' and 14', with a 6' pedestrian amenity zone and an 8' parallel parking space to provide a safe and comfortable buffer between the pedestrians and automobile traffic lanes. At the intersections, pedestrian crosswalks have been shortened*

by bulbing out the sidewalk, while designed landscaping provides for a safe pedestrian link at crosswalks.

- *More specifically, and at Staff's request, the original curb and sidewalk design along N. Buckboard Trail has been further modified to strengthen the pedestrian character and continue the strong pedestrian linkages along Buckboard. To achieve this we matched the design proportions and precedent set by the W-Hotel which is across the street. The sidewalk is 8' wide, with a 6' amenity zone which contains trees, benches for seating, lighting and bicycle parking. The amenity zone and parallel parking provide a safety buffer between the vehicular traffic on the street and pedestrians on the sidewalk. Building "A" is fronted on the sidewalk, has awnings for shade, outdoor sidewalk dining, and a transparent façade which provides for an interesting and vibrant pedestrian experience.*

GOAL CD 5:

CREATE COHERENT AND CONSISTENT STREET SPACES

- *The streets are divided in to two hierarchies for design. Indian Plaza is designed as the central pedestrian plaza. The coherent, orderly nature of the palm trees is designed to frame the public street which could potentially be used in the future as an outdoor festival area for vendors, civic events and/or community cultural events. Buckboard, Shoeman and Saddlebag continue the traditional street design set by the W-hotel development which provides for wide sidewalks, orderly placements of Desert Museum trees, pedestrian lighting and parallel parking. The combination of these measures provides a coherent structure to the street and pedestrian street experience.*

GOAL CD 6:

INCORPORATE A REGIONAL LANDSCAPE PALETTE THAT COMPLEMENTS DOWNTOWN'S URBAN CHARACTER

- *Throughout the project, the palate of trees, shrubs and distinctive accents respond to the Sonoran desert ecology. Date palms are used as oasis signature pieces that provide order to the street. The arrangement of these palms also sets the street proportions there-by framing the public street and its spaces.*

GOAL CD 7:

THE EXTENT AND QUALITY OF LIGHTING SHOULD BE INTEGRALLY DESIGNED AS A PART OF THE BUILT ENVIRONMENT.

- *The pedestrian lighting design continues the precedent set by the W-hotel block and incorporates the same fixtures at similar intervals. This block will continue the aesthetic and character of the neighborhood.*

GOAL CD 8:

IMPLEMENT HIGH QUALITY DESIGN IN DOWNTOWN ARCHITECTURE.

- *High quality design is being incorporated throughout the block redevelopment. The palette of sandstone, brick, stucco, wood and pre-weathered metal panels authentically represent what one would expect within a diverse desert urban street. The variation in architectural styles, building form, tenant patio spaces and transparent and solid facades provides for a diverse and interesting pedestrian street environment. The vibrant social lifestyle of the neighborhood will be conveyed through art and graphic design panels along Shoeman Lane and Indian Plaza.*

Downtown Mobility ("M") Goals

GOAL M 1:

DEVELOP COMPLETE STREETS THROUGH PUBLIC AND PRIVATE INFRASTRUCTURE INVESTMENTS AND IMPROVEMENTS.

- *This goal is being achieved through the redevelopment of a 1950's era street and sidewalk network into a modern and more pedestrian orientated design. The redevelopment and new design maintains and enhances a well connected downtown circulation grid by narrowing the streets, improving the alleys and enhancing connectivity for all modes of access, including automobiles, bicycles and pedestrians. Areas along the perimeter will be designated for pedi-cab, taxi and valet parking use.*

GOAL M 2:

CREATE COMPLETE, COMFORTABLE, AND ATTRACTIVE PEDESTRIAN CIRCULATION SYSTEMS.

- *To achieve this goal, the enhanced sidewalks are designed to be comfortable pedestrian spaces which combine tree and building shade components, attractive lighting and enhanced paving materials such as textured integral colored concrete. The active street storefronts and varying architecture provide for a pedestrian orientated design that encourages strolling and promenading within an area which will attract a high concentration of pedestrian activity.*
- *The proposed sidewalk design continues the design precedent set by the W-Hotel block, utilizing similar paving materials, trees, lighting and street furniture. Doing so creates a cohesive urban environment which provides a unifying character for the district.*
- *Bulged out landscape curbs are provided at pedestrian crosswalks to shorten the distance between curbs. This provides for a safer pedestrian environment by requiring automobile traffic to slow down as the street narrows.*

GOAL M 3:

CREATE A HIERARCHY OF PEDESTRIAN SPACES WITHIN THE OVERALL DOWNTOWN.

Policy M 3.1.

- Certain areas of Downtown should be developed as "Pedestrian Places"
 - *The wider sidewalks, tree shaded pedestrian walkways, seating amenities, lighting, enhanced paving, diverse building frontages and sidewalk dining are all components which help to meet the Downtown Character Area Plan's goals for mobility, connectivity and "Pedestrian Places".*

Downtown Economic Vitality ("EV") Goals

This section of the Downtown Plan focuses on the Downtown's economic role as a hub for retailing, entertainment, tourism, events, and employment which stimulate economic vitality.

GOAL EV 1:

SUPPORT DOWNTOWN'S ECONOMIC ROLE AS A HUB FOR ARTS, CULTURE, RETAILING, ENTERTAINMENT, TOURISM, AND EVENTS.

Policy EV 1.1.

- Support Downtown as the commercial, cultural, civic, and symbolic center of the community, and encourage activities, special events, and land uses that maintain Downtown's economic role in the community.
 - *An established and respected destination venue for food and entertainment is essential for maintaining Downtown's economic role in the community.*

Policy EV 1.4.

- Promote Downtown as a creative environment in which people can live, work, and pursue leisure activities.
 - *The Scottsdale Retail Plaza's outdoor/indoor leisure attractions are the next generation of cutting edge entertainment and is precisely what is anticipated of major metropolitan areas. The proposed project provides for a walkable opportunity for leisure activities in the heart of other resort, retail, office, and restaurant uses.*

Policy EV 1.5.

- Support and strengthen Downtown as a strong tourism destination through land use, urban design, activities, and special events.
 - *With a top class and redesigned club/restaurant venue in this district, Scottsdale will be able to incorporate the attributes of this project within its national and international tourism marketing campaigns. While the current use falls short of its potential, the redevelopment will quickly become a sought-after tourism destination.*

Policy EV 1.7.

- Maintain and enhance Downtown's successful dining and entertainment mix. Respond to changing market trends by attracting a variety of high quality restaurant and entertainment venues Downtown that appeal to residents and visitors.
 - *The reinvestment in the redesign of this project is directly aimed at enhancing and sustaining Downtown Scottsdale's dining and entertainment opportunities. The development, as it currently exists, cannot possibly attract high quality restaurants and other tenants. But the revitalization of this entire city block under a cohesive development plan will create a centralized venue for nationally and internationally recognized dining and entertainment attractions.*

GOAL EV 2:

PROMOTE PRIVATE INVESTMENT AND ATTRACT NEW DEVELOPMENT TO DOWNTOWN.

Policy EV 2.2.

- Promote a mix of daytime/nighttime activities year-round through new development that includes vertically mixed land uses and a diverse range of housing development.

- *The restaurant, retail, and club uses will create opportunities for leisure, dining, and entertainment consistently during both the day and night in a manner that will optimize the land use and bring a more significant economic benefit to the city year-round.*

4. DOWNTOWN URBAN DESIGN & ARCHITECTURAL CONFORMANCE

The proposal meets numerous guidelines outlined in this document. Below is a brief synopsis of some of those concepts regarding Site Development, Architectural Character, and Landscape Character.

Guidelines A – Site Development

A2 – Active Street Frontages

- *Active street frontages are provided along Buckboard, Indian Plaza and Saddleback roads.*
- *The less active Shoeman lane frontage is animated with variations in the architecture, wall graphic art boards, lighting and signs.*

A3 – Courtyards and Passages

- *A courtyard is placed at the center of the development and will be the centerpiece and entertainment anchor for the project.*

A5 – Building Equipment and Services

- *All equipment and service areas are located in either the west alley or within the enclosed service yard along Shoeman Lane.*

A6 – The Building – Street Edge

- *The building's street edge meets and exceeds the 50% recommended ground level front elevation at the building setback line. On Buckboard, along the designated pedestrian corridor, a combination of shade trees and building awnings shade the pedestrians along the sidewalk.*

A8 – The Continuity of Street Spaces

- *In conformance with the recommendations for fine grain character, this entire block development is divided into four different and distinctive architectural facades. Each of these facades uses varying materials, heights and undulations to create character and develop a continuous setback pattern, and coherent and unified street space along the street.*

A9 – The Building Setback Zone

- *In conformance with the building setback zone the pedestrian zone is designed to provide for pedestrian-orientated frontages. To achieve this, and to maintain conformance with the guidelines, more paved than unpaved areas are provided. The planting along the street edges is linear and rhythmic with occasional contrasts and accents. Site furnishings are located at corners and may be distributed along the frontage and are at a pedestrian scale. Trees are scaled and located to create shade for pedestrians. Lighting lamp posts are distributed along the frontage in a linear and rhythmic arrangement and scaled at a pedestrian scale. Geometric patterns are used in lieu of natural undulating shapes.*

A10 – The Linkages of Neighboring Developments

- *In conformance with the guidelines the pedestrian and vehicular connections provide coherent and convenient connections to adjacent developments.*

Guidelines C – Architectural Character

C1 – Proportion and Scale

- *The proportion and scale of the proposed development is in conformance with the downtown design guidelines. The architecture provides varied facades along the street frontage. Contrast is provided by solid masses and diverse transparent openings in the buildings. The scale varies along the street frontage, providing smaller intimate architectural components which contrast with larger and elevated frontages which can be appreciated from the street by both vehicular and pedestrian travel.*

C2 – Building Material

C3 – Color and Texture

- *Scottsdale Retail Plaza continues the precedent of the neighborhood by utilizing a combination of material such as stucco, masonry and sandstone veneer, as well as rustic and refined metal siding. Colors and textures are intended to compliment and reflect the character and vibrancy of an urban Sonoran desert district.*

Guidelines D – Landscape Character

D1 – Proportion and Scale

D2 – Site Spaces

D3 – Plant Selection

- *The proposed landscape and hardscape design is intended to achieve the sense of a “desert oasis” as recommended within the Downtown Scottsdale Design guidelines. This is achieved by providing plants and street furniture, as well as integral and textured paving organized within a coherent pedestrian frontage. The “Desert Museum” Palo Verde is selected as the primary street tree for the Buckboard, Shoeman and Saddleback frontages. The ornamental and lush Date Palm is the primary street tree for Indian Plaza. All street trees are organized to create a regular and rhythmic pattern to provide continuity to the street. These trees have been selected to continue precedent set by the W-Hotel block. Shrubs and ornamental plantings will be placed at the bases of the trees to assist in providing a sense of coolness, color and texture at the pedestrian eye level.*
- *The Scottsdale Beach Club courtyard will incorporate lush Date Palms in combination with the traditional “Swan Hill Olive” tree, bougainvillea accents, desert cacti, ornamental grasses and low shrub grasses to provide for a lush urban courtyard environment. All plants selected respect the need for water conservation and are compatible with downtown landscape goals.*

5. DEVELOPMENT PLAN

The proposed project includes the redevelopment of nearly an entire city block and the construction of three new commercial buildings with multiple intended uses. The development is composed of three sections: (1) the northwest section of the site containing Building A, (2) the center section of the site containing Building B and the Beach Club, and (3) the eastern section of the site containing Building C.

Building A is intended to be a multi tenant user Restaurant/Bar. It is located at the northwest section of the site and separated from the rest of the development by an alleyway.

The center of the project will contain the Beach Club. The entrance will be framed with a large lighted tower on Indian Plaza giving a defined entry element. Located within the Beach Club will be Building B that will be used as a night club/lounge. The remainder of this center section of the site will be used as an outdoor pool/lounge area that will consist of a palapa style Taco Bar, Taco Shack (also accessed from Indian Plaza) Storage Buildings, Pool, Retail area, and two types of Cabanas. One cabana will be simple shade structures while the second, Cabana Grande, will house a bar, seating area, and restroom facilities.

The east section of the site will be Building C which fronts Saddlebag Trail. Building C will be a 3 tenant building also intended for Restaurant/Bar use. The building façade has 3 distinct designs to compliment and define each tenant area adding diversity to the street frontage.

Site Data

The majority of the block located at the Southwest corner of Saddlebag Trail and Indian Plaza. It contains lots 23-28, 42-53, and the eastern most alley, which will be called Site B. The project also includes lots 62-65, which will be called Site A. The western alley will remain. The areas are as follows:

- Site A
Gross: +/- 13,614 square feet or .31 acres
Net: 8,757 square feet or .2 acres.
Building: 4,692 square feet (net), single story.
Lot coverage: 53.5%.

- Site B
Gross: +/- 67,267 square feet or 1.54 acres
Net: +/- 49,602 square feet or 1.13 acres
Building Totals: 31,203 square feet (net), single story
Lot Coverage: 62.9%

Zoning

- Currently: C-2/P-3 DO and P-2 DO
- Requesting: Rezone the P-2 DO to C-2 DO

The P-2, DO zoned areas are located along the rear of the existing buildings. These areas will be rezoned to C-2 DO to allow the construction of the new buildings. A lot tie of Site A will be completed along with Site B.

Building Design

The maximum height of any one of the buildings will be within the allowed 36'.

Building A incorporates warm desert inspired colors and materials including sandstone veneer and pre-weathered, rusted metal panels. This, combined with the art deco inspired architecture, provides for a unique building which provides variation and diversity within the block, street and neighborhood.

Building B is a modern representation of an old world Spanish courtyard building. This courtyard building design is commonly found in traditional Spanish colonial communities like old Tucson, Santa Fe, Santa Barbara and Antigua, Guatemala. The cool white color, clean lines and elegant simplicity of the building was inspired by the Old Town Scottsdale mission building. The warm wood siding and desert inspired geometric metal work combine to create a unique and distinctive anchor for the block.

Building C is divided into three distinctive tenant building designs. The northern tenant façade is a contemporary modern style which combines sandstone and linear metal trellis canopies. The mid block tenant is a contemporary interpretation of a territorial pub, integrating reclaimed wood siding and blackened metal tower and canopy structures. The southern tenant is designed as a traditional brick territorial building and is accented with concrete wainscot and parapet coping.

The new buildings will be complimentary to the newer existing architecture in the area. The project façade will be constructed of, stucco, concrete tiles, integral colored concrete masonry units and wood applications. The long buildings utilize alcoves, undulation and soffit areas to provide relief and keep it from being monolithic. Large outdoor seating areas have been designed into each tenant building. The outdoor patios will provide interaction with the street. The majority of the buildings will have sloping flat roofs with roof top packaged heat pumps that will be fully screened by the parapet and mechanical unit screens throughout.

Site Design

The site plan is designed with the Site Development Standards in mind. The site reflects a 16'-0" building setback as established by the down town zoning as a minimum. In several instances this depth is greater to achieve outdoor seating areas and a pedestrian environment. The floor area ratio is 0.63 and under the allowed 0.8.

Open space is not required in the Down Town area; although, we have provided wide sidewalks with amenity zones and bicycle parking to infuse activity and pedestrian friendly environment. The enhanced sidewalks are designed to be comfortable pedestrian spaces which combine tree and building shade components, attractive lighting and enhanced paving materials such as textured integral colored concrete.

The active street storefronts and varying architecture provide for a pedestrian orientated design that encourages strolling, lingering and promenading within an area which will attract a high concentration of pedestrian activity. To accommodate the pedestrian environment, the angled parking in the right of way has been modified to parallel parking in accordance with the City's "Pedestrian Place" guidelines. Accessible parking has been provided at the intersections for easy access to each tenant.

The anchor to the site is its pool. The pool has been internalized in a courtyard setting and screened by either buildings or CMU fences.

Circulation will continue to be provided by use of the existing streets and new sidewalks surrounding the project.

Parking

The proposed project meets and exceeds the required parking per City of Scottsdale Ordinance Section 9.103.B. The project exceeds its required parking of 361 spaces by an additional 49 spaces through City of Scottsdale parking credits. The City of Scottsdale provides a total of 410 parking credits to this property, which are comprised of P-3 and historical parking credits. Additionally, the Developer has been and continues to be proactive in seeking, and working with the City on, additional options to address any perceived parking issues that may exist in the area.

It is important to note, as the development and current club uses exist today, there are 40,328 square feet of office building and live entertainment with a parking demand of 352 spaces. The Scottsdale Retail Plaza proposes to construct a new site with 35,895 square feet of building space and a parking demand of only 361 spaces. The overall building square footage is a net loss of 4,433 SF with just a slight increase in the number of parking spaces (9 spaces) required as compared to the current use. Therefore, the Scottsdale Retail Plaza is nearly equal to or less than the intensity of the current development which meets all of its current parking demands.

Landscaping

The proposed landscape and hardscape design is intended to achieve the sense of a "desert oasis" as recommended within the Downtown Scottsdale Design guidelines. This is achieved by providing plants and street furniture, as well as integral and textured paving organized within a coherent pedestrian frontage. The "Desert Museum" Palo Verde is selected as the primary street tree for the Buckboard, Shoeman and Saddleback frontages. The ornamental and lush Date Palm is the primary street tree for Indian Plaza. All street trees are organized to create a regular and rhythmic pattern to provide continuity to the street. These trees have been selected to continue precedent set by the W-Hotel block. Shrubs and ornamental plantings will be placed at the bases of the trees to assist in providing a sense of coolness, color, and texture at the pedestrian eye level.

The Scottsdale Beach Club courtyard will incorporate lush Date Palms in combination with the traditional "Swan Hill Olive" tree, bougainvillea accents, desert cacti, ornamental grasses and low shrub grasses to provide for a lush urban courtyard environment. All plants selected respect the need for water conservation and are compatible with downtown landscape goals.

6. CONCLUSION

The Scottsdale Retail Plaza and proposed rezoning will combine complementary and desired uses at a unique downtown location within the City of Scottsdale. The proposed project conforms to and exceeds the expectations set forth by the Scottsdale General Plan, the Downtown Plan, the Downtown Zoning Ordinance, and the Downtown Design Guidelines.

Triyar has a successful track record of developing high-end developments in Downtown Scottsdale. The Applicant and team is committed to creating and maintaining a quality destination venue that will enhance the character and success of the surrounding area, create a true magnet for tourism, and revitalize this city block in a manner and quality expected of this district.

This is a unique opportunity for the City of Scottsdale to attract national and international prominence as a tourism capital through the success of a privately funded redevelopment of a significant portion of the downtown area.

Thank you



To: City of Scottsdale

From: Michael Jorgensen
Sr. Project Director

Subject: Scottsdale Retail Plaza Phase 1

Date: February 14, 2012

PROJECT NARRATIVE

The proposed project includes three new commercial buildings with multiple intended uses. Building A is intended to be a multi tenant user Restaurant/Bar located at the northwest portion of the site. The center of the project will contain the Beach Club. The entrance will be framed with a large lighted tower on Indian Plaza giving a defined entry element. Located within the Beach Club will be Building B that will be used as a night club/lounge. The remainder of this center section of the site will be used as an outdoor pool/lounge area that will consist of a palapa style Taco Bar, Taco Shack (also accessed from Indian Plaza) Storage Buildings, Pool, Retail area, and two types of Cabanas. One cabana will be simple shade structures while the second, Cabana Grande, will house a bar, seating area, and restroom facilities. The east section of the site will be Building C which fronts Saddlebag Trail. Building C will be a 3 tenant building also intended for Restaurant/Bar use. The building façade has 3 distinct designs to compliment and define each tenant area adding diversity to the street frontage.

Site Data

The majority of the block located at the Southwest corner of Saddlebag Trail and Indian Plaza. It contains lots 23-28, 42-53, and the eastern most alley, which will be called Site B. The project also includes lots 62-65, which will be called Site A. The western alley will remain. The areas are as follows:

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Building Totals: 31,203 square feet (net), single story
Lot Coverage: 62.9%

Zoning

The properties are zoned C-2/P-2 with a P-3 and Down Town overlay. The P-2 area is located at the rear of current buildings and will be rezoned to allow the construction of the building. A lot tie of Site A will be completed along with Site B.

Building Design

The maximum height of any one of the buildings will be within the allowed 36'.

Building A incorporates warm desert inspired colors and materials including sandstone veneer and pre-weathered, rusted metal panels. This, combined with the art deco inspired architecture, provides for a unique building which provides variation and diversity within the block, street and neighborhood.

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Building C is divided into three distinctive tenant building designs. The northern tenant façade is a contemporary modern style which combines sandstone and linear metal trellis canopies. The mid block tenant is a contemporary interpretation of a territorial pub, integrating reclaimed wood siding and blackened metal tower and canopy structures. The southern tenant is designed as a traditional brick territorial building and is accented with concrete wainscot and parapet coping.

The new buildings will be complimentary to the newer existing architecture in the area. The project façade will be constructed of, stucco, concrete tiles, integral colored concrete masonry units and wood applications. The long buildings utilize alcoves, undulation and soffit areas to provide relief and keep it from being monolithic. Large outdoor seating areas have been designed into each tenant building. The outdoor patios will provide interaction with the street. The majority of the buildings will have sloping flat roofs with roof top packaged heat pumps that will be fully screened by the parapet and mechanical unit screens throughout.

Site Design

The site plan is designed with the Site Development Standards in mind. The site reflects a 16'-0" building setback as established by the down town zoning as a minimum. In several instances this depth is greater to achieve outdoor seating areas and a pedestrian environment. The floor area ratio is 0.63 and under the allowed 0.8. Open space is not required in the Down Town area; although, we have provided wide sidewalks with amenity zones and bicycle parking to infuse activity and pedestrian friendly environment. The enhanced sidewalks are designed to be comfortable pedestrian spaces which combine tree and building shade components, attractive lighting and enhanced paving materials such as textured integral colored concrete. The active street storefronts and varying architecture provide for a pedestrian orientated design that encourages strolling, lingering and promenading within an area which will attract a high concentration of pedestrian activity. To accommodate the pedestrian environment the angled parking in the right of way has been modified to parallel parking in accordance with the City's "Pedestrian Place" guide lines. Accessible parking has been provided at the intersections for easy access to each

tenant.

The anchor to the site is its pool. The pool has been internalized in a courtyard setting and screened by either buildings or CMU fences.

Circulation will be continued to be provided by use of the existing streets and new sidewalks surrounding the project.

Landscaping

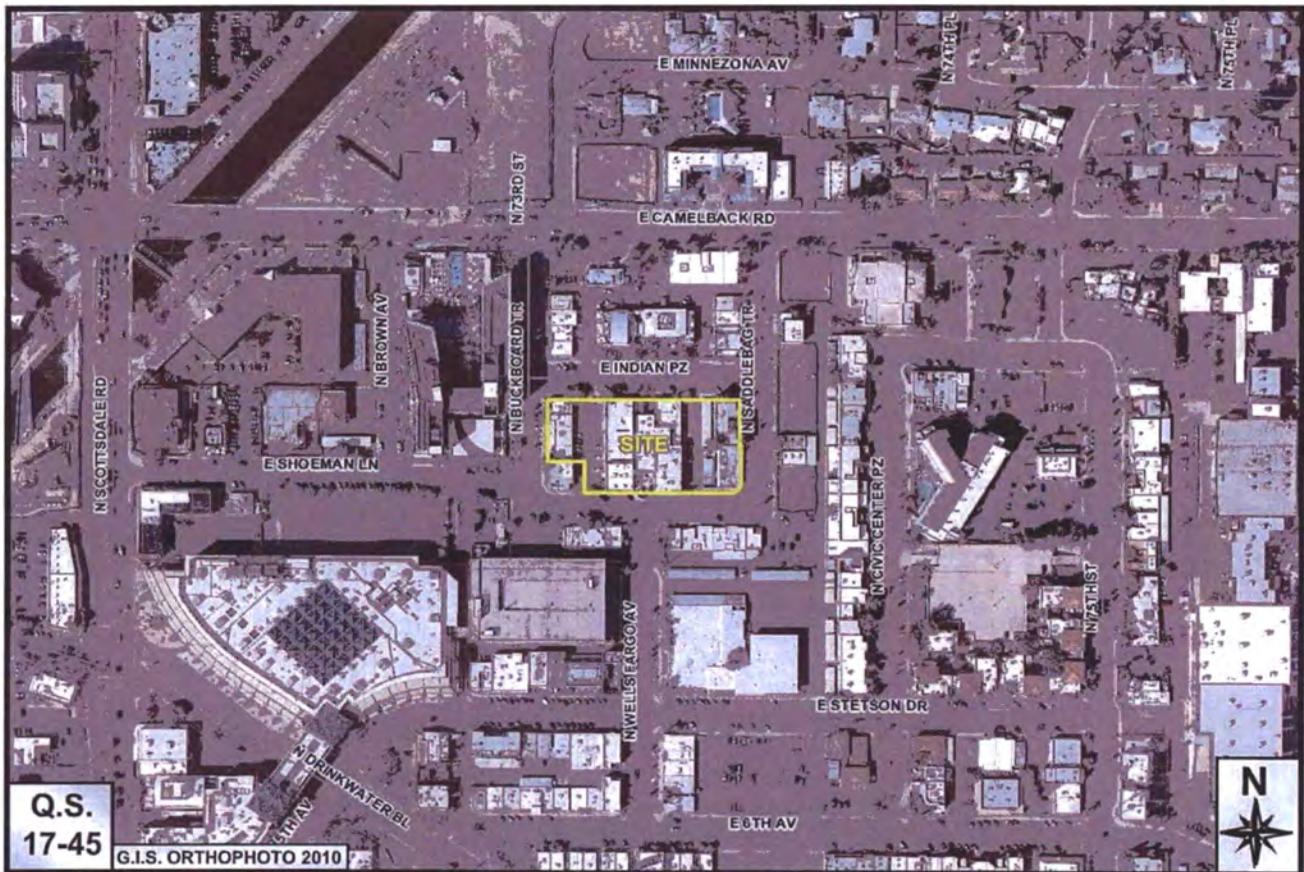
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In conclusion we have reviewed the Downtown Zoning Ordinance, The Downtown Design Guidelines, and the Downtown Plan. We believe have provided a design that meets the requirements set forth in these documents and will contribute to a pleasing and active downtown community.

Thank you,

Michael Jorgensen
Sr. Project Director
Cawley Architects, Inc.



Scottsdale Beach Club

83-DR-2011

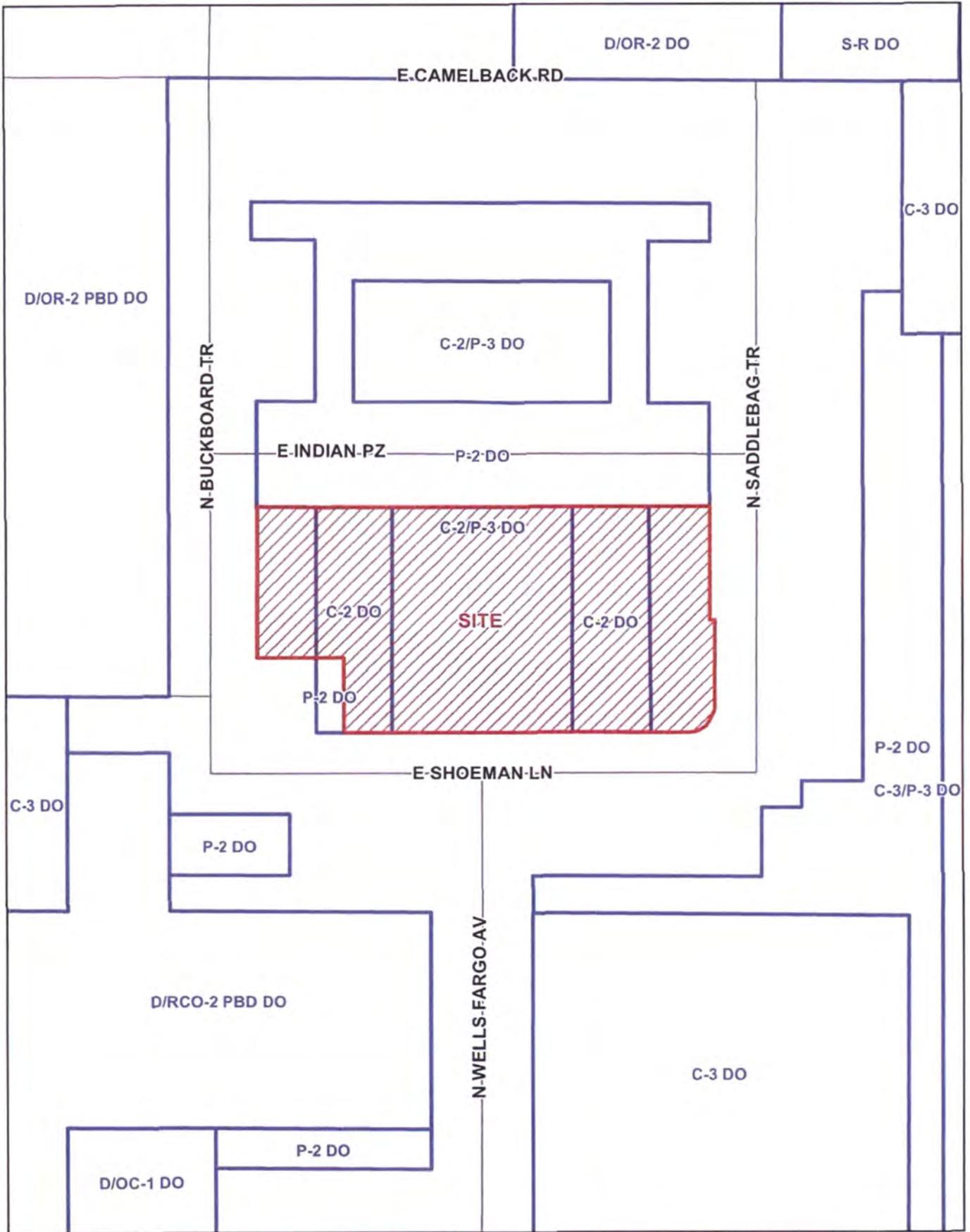
ATTACHMENT #2



Scottsdale Beach Club

83-DR-2011

ATTACHMENT #2A



83-DR-2011





Scottsdale Retail Plaza

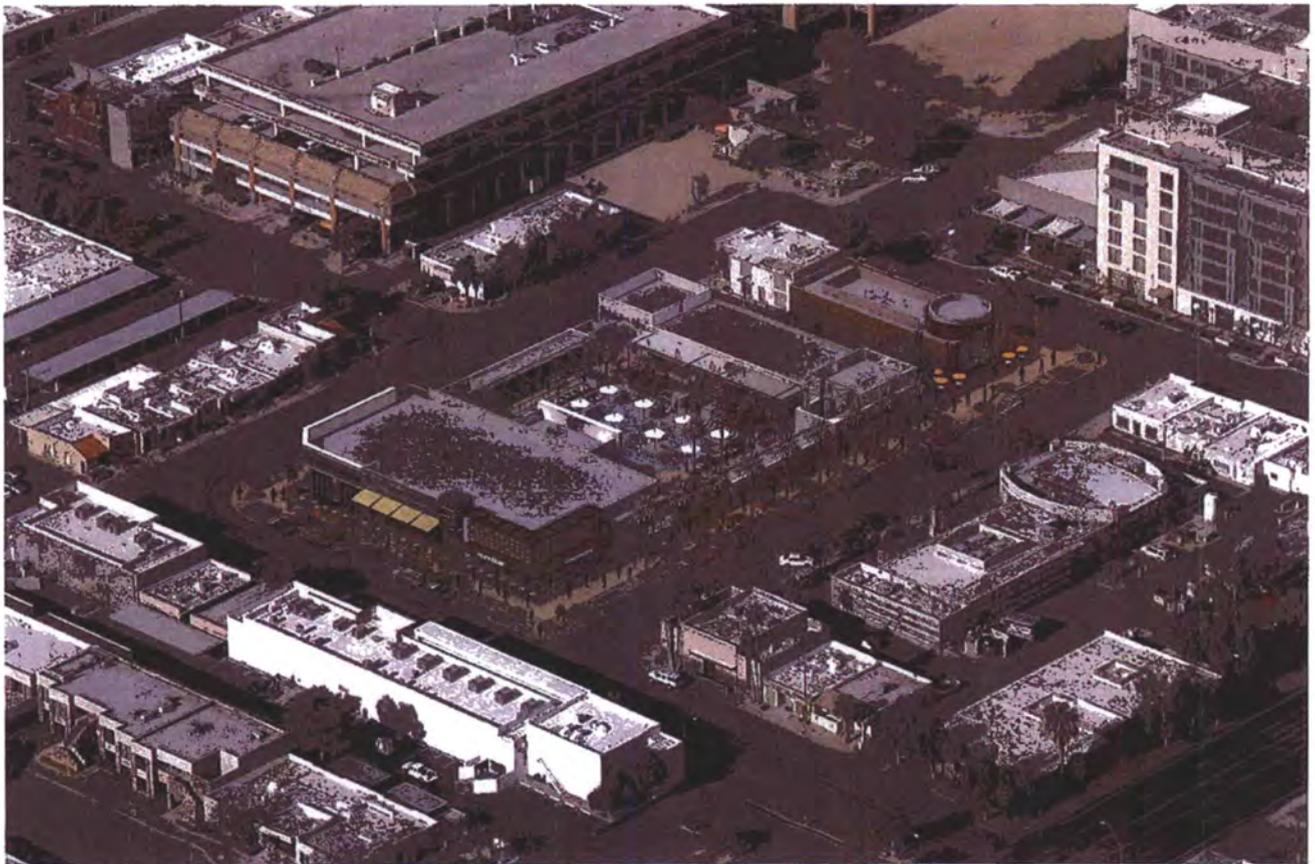
ATTACHMENT #4

2012-05-21

for:
Triyar Companies

prepared by:
Cawley Architects
AV3 design studio

83-DR-2011
4th: 5/21/12



Proposed Aerial Rendering Looking Southwest

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Tiyar Companies - LGE design build - Cowley Architects - AV3 design studio



Proposed Sidewalk Rendering Looking North along Saddlebag Trail



Proposed Sidewalk Rendering Looking West along Indian Trail



Proposed Rendering Looking Southwest from Indian Trail

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Triyar Companies - LGE design build - Cawley Architects - AV3 design studio



Previous Rendering Looking Northwest



Proposed Rendering Looking Northwest

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Triyar Companies - LGE design build - Cowley Architects - AV3 design studio

Streetscape Comparisons

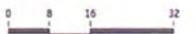




Previous Streetscape Elevation



Proposed Streetscape Elevation



North Elevation - Indian Plaza

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Triyar Companies - LGE design build - Cowley Architects - AV3 design studio



Previous Streetscape Elevation



Proposed Streetscape Elevation



South Elevation - Shoeman Lane

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Triyar Companies - LGE design build - Cawley Architects - AV3 design studio



Previous Streetscape Elevation



Proposed Streetscape Elevation



East Elevation - Saddlebag Trail

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Tityar Companies - LGE design build - Cowley Architects - AV3 design studio



Previous Streetscape Elevation



Proposed Streetscape Elevation



West Elevation - Buckboard Trail

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Triyar Companies - LGE design build - Cowley Architects - AV3 design studio



Previous Streetscape Elevation



Proposed Streetscape Elevation



West Elevation - Alley

83-DR-2011
4th: 5/21/12

Scottsdale Retail Plaza

2012-05-21
Triyar Companies - LGE design build - Cowley Architects - AV3 design studio

Landscape Plan

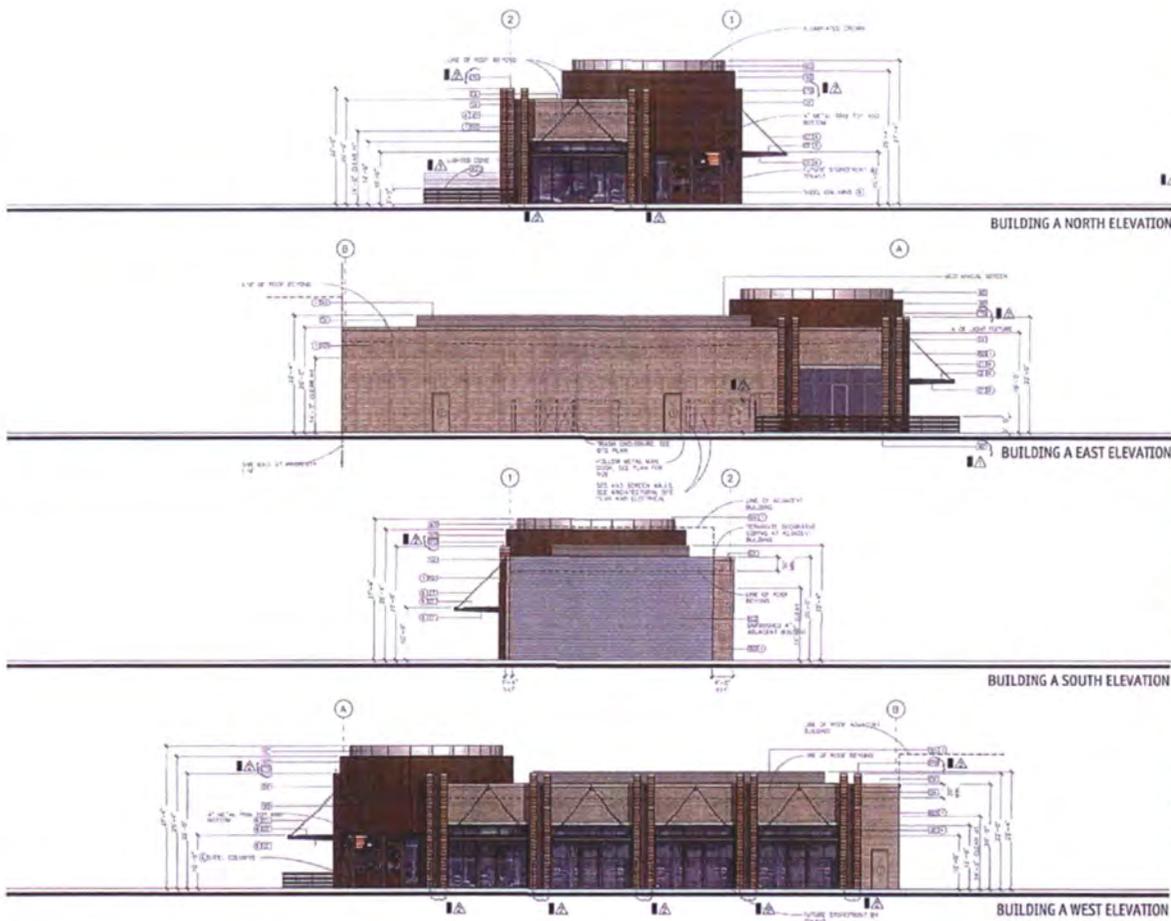


83-DR-2011
4th: 5/21/12

A horizontal banner image showing a building elevation. The building has a dark, flat roof and a facade with a grid-like pattern. Several palm trees are in the foreground. The sky is a clear, light blue. The text "Building Elevations" is overlaid on the right side of the image.

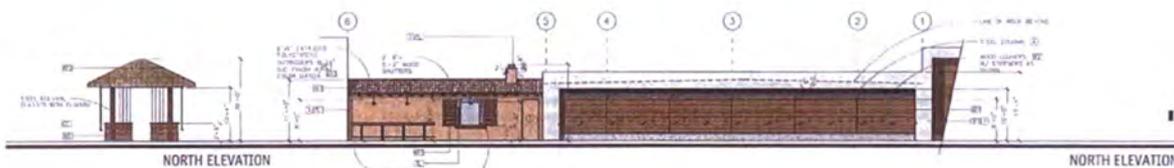
Building Elevations

83-DR-2011
4th: 5/21/12



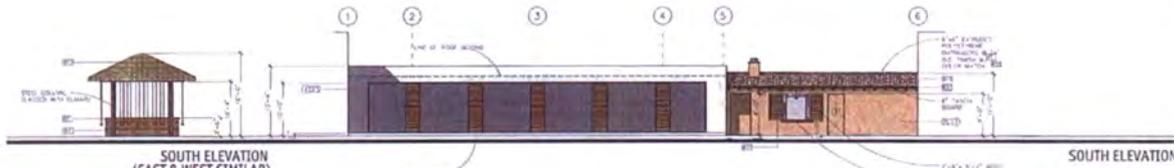
83-DR-2011
4th 5/21/12

- GENERAL NOTES**
- SEE STRUCTURAL DRAWINGS FOR LAYOUT, DIMENSIONS
 - SEE CIVIL DRAWINGS FOR NEW WORK
 - SEE MECHANICAL DRAWINGS FOR DUCTWORK, ETC.
- MASONRY KEY**
- 001 BRICK, COMMON, 8" x 8" x 16"
 - 002 BRICK, COMMON, 4" x 8" x 16"
 - 003 BRICK, COMMON, 2" x 4" x 16"
 - 004 BRICK, COMMON, 1" x 4" x 16"
 - 005 BRICK, COMMON, 1/2" x 4" x 16"
 - 006 BRICK, COMMON, 1/4" x 4" x 16"
 - 007 BRICK, COMMON, 1/8" x 4" x 16"
 - 008 BRICK, COMMON, 1/16" x 4" x 16"
 - 009 BRICK, COMMON, 1/32" x 4" x 16"
 - 010 BRICK, COMMON, 1/64" x 4" x 16"
 - 011 BRICK, COMMON, 1/128" x 4" x 16"
 - 012 BRICK, COMMON, 1/256" x 4" x 16"
 - 013 BRICK, COMMON, 1/512" x 4" x 16"
 - 014 BRICK, COMMON, 1/1024" x 4" x 16"
 - 015 BRICK, COMMON, 1/2048" x 4" x 16"
 - 016 BRICK, COMMON, 1/4096" x 4" x 16"
 - 017 BRICK, COMMON, 1/8192" x 4" x 16"
 - 018 BRICK, COMMON, 1/16384" x 4" x 16"
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 - 022 BRICK, COMMON, 1/262144" x 4" x 16"
 - 023 BRICK, COMMON, 1/524288" x 4" x 16"
 - 024 BRICK, COMMON, 1/1048576" x 4" x 16"
 - 025 BRICK, COMMON, 1/2097152" x 4" x 16"
 - 026 BRICK, COMMON, 1/4194304" x 4" x 16"
 - 027 BRICK, COMMON, 1/8388608" x 4" x 16"
 - 028 BRICK, COMMON, 1/16777216" x 4" x 16"
 - 029 BRICK, COMMON, 1/33554432" x 4" x 16"
 - 030 BRICK, COMMON, 1/67108864" x 4" x 16"
 - 031 BRICK, COMMON, 1/134217728" x 4" x 16"
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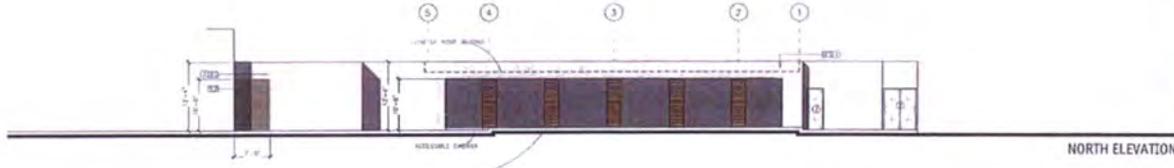
NORTH ELEVATION

NORTH ELEVATION

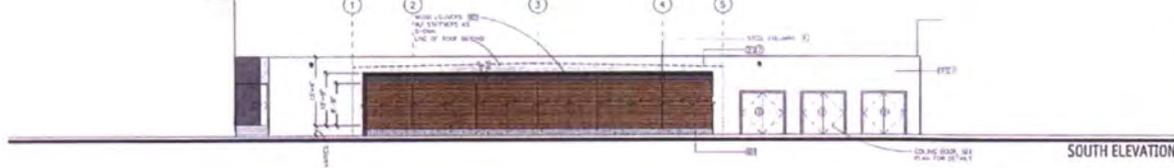


SOUTH ELEVATION
(EAST & WEST SIMILAR)

SOUTH ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

GENERAL NOTES

- 1. SEE STRUCTURAL DRAWINGS FOR ALL DIMENSIONS
- 2. SEE MECHANICAL DRAWINGS FOR ALL DIMENSIONS
- 3. SEE ELECTRICAL DRAWINGS FOR ALL DIMENSIONS

MASONRY KEY

- M1 12" CMU, 8" CORE
- M2 8" CMU, 4" CORE
- M3 4" CMU, 2" CORE
- M4 2" CMU, 1" CORE
- M5 1" CMU, 1/2" CORE
- M6 1/2" CMU, 1/4" CORE
- M7 1/4" CMU, 1/8" CORE
- M8 1/8" CMU, 1/16" CORE
- M9 1/16" CMU, 1/32" CORE
- M10 1/32" CMU, 1/64" CORE
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- M93 1/309485009821345068724781056" CMU, 1/618970019642690137449562112" CORE
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- M98 1/9903520314283042199193953792" CMU, 1/19807040628566084398387907584" CORE
- M99 1/19807040628566084398387907584" CMU, 1/39614081257132168796775815168" CORE
- M100 1/39614081257132168796775815168" CMU, 1/79228162514264337593551630336" CORE

FENESTRATION KEY

- F1 12" x 24" WINDOW
- F2 18" x 36" WINDOW
- F3 24" x 48" WINDOW
- F4 30" x 60" WINDOW
- F5 36" x 72" WINDOW
- F6 42" x 84" WINDOW
- F7 48" x 96" WINDOW
- F8 54" x 108" WINDOW
- F9 60" x 120" WINDOW
- F10 66" x 132" WINDOW
- F11 72" x 144" WINDOW
- F12 78" x 156" WINDOW
- F13 84" x 168" WINDOW
- F14 90" x 180" WINDOW
- F15 96" x 192" WINDOW
- F16 102" x 204" WINDOW
- F17 108" x 216" WINDOW
- F18 114" x 228" WINDOW
- F19 120" x 240" WINDOW
- F20 126" x 252" WINDOW
- F21 132" x 264" WINDOW
- F22 138" x 276" WINDOW
- F23 144" x 288" WINDOW
- F24 150" x 300" WINDOW
- F25 156" x 312" WINDOW
- F26 162" x 324" WINDOW
- F27 168" x 336" WINDOW
- F28 174" x 348" WINDOW
- F29 180" x 360" WINDOW
- F30 186" x 372" WINDOW
- F31 192" x 384" WINDOW
- F32 198" x 396" WINDOW
- F33 204" x 408" WINDOW
- F34 210" x 420" WINDOW
- F35 216" x 432" WINDOW
- F36 222" x 444" WINDOW
- F37 228" x 456" WINDOW
- F38 234" x 468" WINDOW
- F39 240" x 480" WINDOW
- F40 246" x 492" WINDOW
- F41 252" x 504" WINDOW
- F42 258" x 516" WINDOW
- F43 264" x 528" WINDOW
- F44 270" x 540" WINDOW
- F45 276" x 552" WINDOW
- F46 282" x 564" WINDOW
- F47 288" x 576" WINDOW
- F48 294" x 588" WINDOW
- F49 300" x 600" WINDOW
- F50 306" x 612" WINDOW
- F51 312" x 624" WINDOW
- F52 318" x 636" WINDOW
- F53 324" x 648" WINDOW
- F54 330" x 660" WINDOW
- F55 336" x 672" WINDOW
- F56 342" x 684" WINDOW
- F57 348" x 696" WINDOW
- F58 354" x 708" WINDOW
- F59 360" x 720" WINDOW
- F60 366" x 732" WINDOW
- F61 372" x 744" WINDOW
- F62 378" x 756" WINDOW
- F63 384" x 768" WINDOW
- F64 390" x 780" WINDOW
- F65 396" x 792" WINDOW
- F66 402" x 804" WINDOW
- F67 408" x 816" WINDOW
- F68 414" x 828" WINDOW
- F69 420" x 840" WINDOW
- F70 426" x 852" WINDOW
- F71 432" x 864" WINDOW
- F72 438" x 876" WINDOW
- F73 444" x 888" WINDOW
- F74 450" x 900" WINDOW
- F75 456" x 912" WINDOW
- F76 462" x 924" WINDOW
- F77 468" x 936" WINDOW
- F78 474" x 948" WINDOW
- F79 480" x 960" WINDOW
- F80 486" x 972" WINDOW
- F81 492" x 984" WINDOW
- F82 498" x 996" WINDOW
- F83 504" x 1008" WINDOW
- F84 510" x 1020" WINDOW
- F85 516" x 1032" WINDOW
- F86 522" x 1044" WINDOW
- F87 528" x 1056" WINDOW
- F88 534" x 1068" WINDOW
- F89 540" x 1080" WINDOW
- F90 546" x 1092" WINDOW
- F91 552" x 1104" WINDOW
- F92 558" x 1116" WINDOW
- F93 564" x 1128" WINDOW
- F94 570" x 1140" WINDOW
- F95 576" x 1152" WINDOW
- F96 582" x 1164" WINDOW
- F97 588" x 1176" WINDOW
- F98 594" x 1188" WINDOW
- F99 600" x 1200" WINDOW
- F100 606" x 1212" WINDOW

GLAZING KEY

- G1 1/2" CLEAR GLAZING
- G2 1/4" CLEAR GLAZING
- G3 1/8" CLEAR GLAZING
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- G100 1/1267650600376229401496826085376" CLEAR GLAZING

ROOFING KEY

- R1 1/2" ASPHALT/FLY
- R2 1/4" ASPHALT/FLY
- R3 1/8" ASPHALT/FLY
- R4 1/16" ASPHALT/FLY
- R5 1/32" ASPHALT/FLY
- R6 1/64" ASPHALT/FLY
- R7 1/128" ASPHALT/FLY
- R8 1/256" ASPHALT/FLY
- R9 1/512" ASPHALT/FLY
- R10 1/1024" ASPHALT/FLY
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- R48 1/281474976710656" ASPHALT/FLY
- R49 1/562949953421312" ASPHALT/FLY
- R50 1/1125899906842624" ASPHALT/FL



To: City of Scottsdale

From: Michael Jorgensen
Sr. Project Director

Subject: Scottsdale Retail Plaza Phase 1

Date: May 23, 2012

REVISION NARRATIVE

After considering the Design Review Boards' comments, we are proposing the following design adjustments:

Site

1. Shade trees alternating with Date Palms are provided along Indian Plaza. It is important to the concept plan for the project. It is intended that Indian Plaza will become the heart of the neighborhood district and elegant Date Palms, in combination with their height are important element to help frame the street and sidewalk and adjust the proportions of the wide right of way. This method of creating dramatic landscape at the core is an advantage that similar projects throughout Scottsdale are allowed. Barney's frontage along Scottsdale Road and the core of Scottsdale Quarter Project are great examples.

2. To address concerns about the view down Wells Fargo as it intersects Shoeman Lane. We have provided a project identity sign on the façade of the cabana building which is framed by two new date palm trees located within the pedestrian amenity zone.

Beach Club

1. To eliminate the illusion of garage doors we have eliminated the pilasters that were suggested by city staff and reverting back to the initially proposed design. At the May 17th study session Board commented that the design was much improved and was well received.

2. Alley - we are proposing two artistic murals on the blank wall facades at the end-caps within the alley. Lighting will be provided to highlight these areas at night.

Taco Bar

1. We eliminated the blue tile alcoves to reduce the busyness of the facade.

2. We softened the tone of the yellow facade to minimize the stark contrast with the adjacent buildings.

3. The tile roof was not well received by one Board Member. It was discussed that the contrast between the vernacular taco stand and adjacent contemporary designs clashed too much. Triyar views the contrast as an important feature that is intentional and within the vernacular for the sonorant southwest. Adjusting the design would adversely affect the concept that Triyar is trying to achieve with the space. The intent is to provide a highly contrasting façade. There are multiple examples throughout Scottsdale Old Town where vernacular territorial buildings are in harmony with more contemporary designs. This diversity is encouraged within the downtown design guidelines.

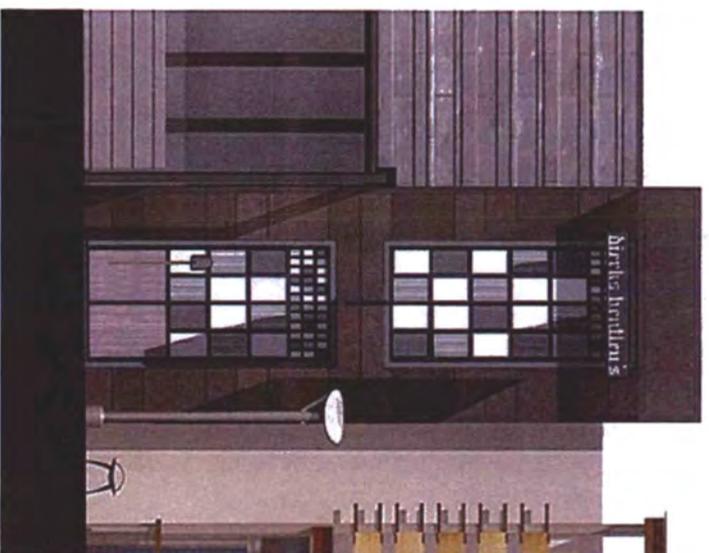
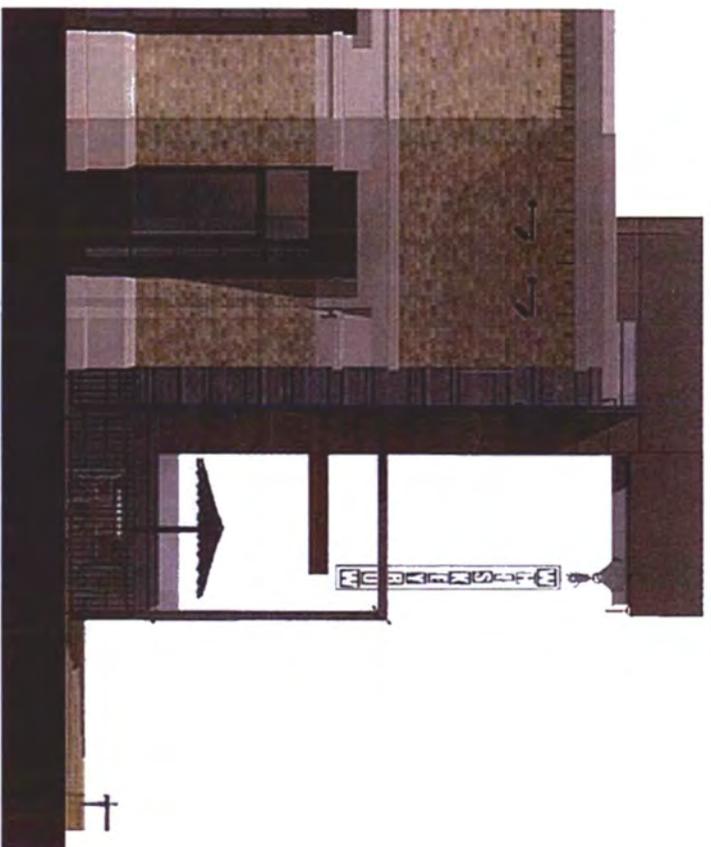
Building C - Pub building

1. To eliminate the impression of a Midwestern styled building we have changed the brick veneer to a more golden tan "Cortona" color. This change results in a more desert toned building which fits well within Scottsdale. Similar toned brick is found within the old town downtown district.

We believe these changes in the design and presentation will more clearly convey the intent of the project.

Thank you,

Michael Jorgensen
Cawley Architects, Inc.



Chafin, Kim

From: Chafin, Kim
Sent: Thursday, February 14, 2013 3:58 PM
To: 'Robert@rbrownarch.com'
Cc: Jon Wright (jonwright@riohtg.com); Mike Troyan (mjtroyan@riohtg.com); Ryan Hibbert (ryanhibbert@riohtg.com); Chi, Andrew; Bloemberg, Greg; Venker, Steve
Subject: Whiskey Row Tower Extension
Attachments: 021413_Color Elev.pdf

Importance: High

Good afternoon, Robert!

Thanks for so quickly responding to our Monday discussion and sending this PDF for us to review! We can approve the proposed tower extension administratively if you submit a Staff Approval application with these conceptual elevations to the One-Stop Shop. Signage requires a separate permit.

Many thanks to everyone for working collaboratively to create an integrated architectural solution!

Kim Chafin, AICP, LEED-AP
Senior Planner
City of Scottsdale
Ph: 480-312-7734
Fax: 480-312-7088
email: kchafin@ScottsdaleAZ.gov

From: Robert Brown [<mailto:robert@rbrownarch.com>]
Sent: Thursday, February 14, 2013 11:45 AM
To: Chafin, Kim
Cc: jonwright@riohtg.com; mjtroyan@riohtg.com; ryanhibbert@riohtg.com
Subject: Whiskey Row Tower Extension
Importance: High

Kim,

Per our Pre-App meeting this last Monday, you requested we send you an exhibit to reflect how we intended to resolve hanging the sign underneath a canopy element. We are attaching that exhibit hereto for your review and we believe this reflects a well-integrated solution we can all be happy with.

If acceptable, can you please send me a list of items you will require for formal submission. Thank you.

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Lane, Benjamin

From: notifications@cognitofrms.com on behalf of City of Scottsdale
<notifications@cognitofrms.com>
Sent: Tuesday, February 10, 2026 12:22 PM
To: Lane, Benjamin
Subject: City Council Public Written Comment Form - Jude Nau

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

Web Scottsdale City Council Meeting Written Comment Form

[Open Form](#)

Entry Details

Agenda Item

MEETING DATE	2/10/2026
WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON?	WS. Public Comment

Name

FULL NAME	Jude Nau
NAME OF GROUP OR ORGANIZATION	Best Western Plus Sundial

Contact Information

PHONE	(480) 440-8669
EMAIL	jude.nau@bwsundial.com

ADDRESS

7320 E CAMELBACK RD

CITY

Scottsdale

Comment

COMMENT

Honorable Mayor and Members of the Council, If possible I would like to speak but here are my thoughts.

My name is Jude Nau. I am a long-time property owner, business owner, resident, and registered voter in Downtown Scottsdale. My business is located at 7320 East Camelback Road, and my residence is at 7307 East Minnezona Avenue.

Regarding the Special Noise Ordinance: Downtown Scottsdale—where I live and where I rent rooms to affluent visitors—is an active, vibrant, and successful place. That vitality is a strength. However, it also creates a serious and ongoing issue when excessive noise interferes with the basic ability of residents and visitors to rest and sleep.

I respectfully ask the Council to formally recognize that what is commonly referred to as the "Entertainment District" is more accurately a Hospitality District—one that includes hotels, clubs, restaurants, and residents living side by side. This district exists to host visitors and provide lodging as much as it exists for entertainment, and it requires balance.

My property zoning, among other overlays, is DOR-2, where the "R" stands for Residential. Hotels are considered residential uses, even when short-term. Residents and hotel guests deserve the same reasonable expectation of quality of life as residents elsewhere in Scottsdale. Applying a lower livability standard downtown creates an unequal outcome.

Planned block developments in the downtown

area have been encouraged under the principle of "live, work, and play." If we promote "live," then residential peace must be protected. Living includes the ability to sleep.

Noise is the issue before you today. There are many nights—including busy weekends—when club activity is high and impacts are minimal. Conversely, there are nights when the district is not busy, yet amplified music, bass, and DJ noise create unreasonable disruption inside residential units and hotel rooms.

Scottsdale already limits construction noise, and rightly so. In a city that prides itself on being the Most Livable City, it is reasonable to apply meaningful, enforceable noise standards regardless of the source—whether construction equipment, waste collection and glass dumping, vehicles and motorcycles, or amplified music.

Policy Recommendation

I respectfully request that the Council direct staff to:

Develop clear, measurable, and enforceable nighttime noise standards specifically applicable to the Downtown/Hospitality District, including low-frequency bass impacts that penetrate residential structures.

Align noise standards with residential zoning classifications, recognizing hotels and dwelling units as protected residential uses, regardless of location.

Create consistent enforcement protocols that do not rely solely on complaint volume, but on objective standards that can be fairly applied.

Report back to Council with ordinance amendments or administrative tools that balance hospitality, entertainment, and residential livability.

Downtown residents and hospitality operators are not asking for silence. We are asking for balance, fairness, and standards that recognize Downtown Scottsdale as a place to live and stay—not just a place to party.

Thank you for your time and consideration.

Lane, Benjamin

From: BG Johnson <fathom512@yahoo.com>
Sent: Tuesday, February 10, 2026 3:05 PM
To: City Council
Subject: scottsdale noise

⚠ External Email: Please use caution if opening links or attachments!

good afternoon
i live at the scottsdale shadows about 1/2 mile away from the area.

the noise from the entertainment is very loud.
every saturday morning around 9:50 (was 8:50) the music is blasted for about 10 min.
why?
why do i have to have my saturday morning interrupted my this noise?

weekends are very loud and for an extended period of time.
i would like to go to sleep with my windows open on beautiful evenings.
cannot do that with the horrible noise!

the noise level needs to be lowered a lot!

thank you
BG Johnson
7850 e camelback rd
unit 302
Sent from my iPad