



Appendices

Appendix A: Legal Description (Gross Area)

**ARIZONA BILTMORE PLANNED
UNIT DEVELOPMENT (PUD) BOUNDARY
LEGAL DESCRIPTION**

PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 15, ARIZONA BILTMORE ESTATES UNIT II AS RECORDED IN BOOK 208, PAGE 14, M.C.R., AS AMENDED IN ARIZONA BILTMORE HOTEL BOOK 376, PAGE 48, M.C.R.;

THENCE NORTH $18^{\circ}23'12''$ EAST, 20.68 FEET TO THE CENTERLINE OF ARIZONA BILTMORE CIRCLE, PER DOCKET NO. 13166, PAGE 959, M.C.R. AND TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, FROM WHICH THE RADIUS POINT BEARS NORTH $12^{\circ}46'06''$ EAST, 504.42 FEET;

THENCE ALONG SAID ARIZONA BILTMORE CIRCLE CENTERLINE FOR THE FOLLOWING THREE COURSES;

SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $05^{\circ}21'08''$, AN ARC LENGTH OF 47.12 FEET;

THENCE SOUTH $82^{\circ}35'00''$ EAST, 492.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 504.42 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $52^{\circ}50'08''$, AN ARC LENGTH OF 465.15 FEET;

THENCE DEPARTING SAID CENTER LINE SOUTH $53^{\circ}40'26''$ EAST, 20.79 FEET TO THE NORTHWEST CORNER OF BILTMORE GATES, BOOK 202, PAGE 47, M.C.R.;

THENCE ALONG THE WESTERLY LINE OF SAID BILTMORE GATES THE FOLLOWING FIVE COURSES;

SOUTH $53^{\circ}40'26''$ EAST, 161.00 FEET;

SOUTH $61^{\circ}52'30''$ EAST, 500.18 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 150.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $53^{\circ}19'00''$, AN ARC LENGTH OF 139.58 FEET;

THENCE SOUTH $08^{\circ}33'30''$ EAST, 315.12 FEET;

THENCE SOUTH $78^{\circ}32'37''$ EAST, 270.06 FEET TO THE MOST NORTHERLY CORNER OF PARCEL 15A, ARIZONA BILTMORE HOTEL BOOK 376, PAGE 48, M.C.R.;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 15A THE NEXT TWENTY-FIVE COURSES;

SOUTH $11^{\circ}15'11''$ WEST, 146.64 FEET;

NORTH $78^{\circ}23'10''$ WEST, 103.21 FEET;

NORTH 35°31'27" WEST, 15.04 FEET;
NORTH 73°25'15" WEST, 20.66 FEET;
NORTH 79°14'09" WEST, 243.74 FEET;
NORTH 42°12'32" WEST, 39.58 FEET;
SOUTH 77°32'41" WEST, 39.07 FEET;
NORTH 12°27'19" WEST, 24.74 FEET;
SOUTH 76°49'29" WEST, 42.61 FEET;
NORTH 13°10'31" WEST, 8.79 FEET;
SOUTH 76°48'11" WEST, 89.49 FEET;
SOUTH 12°49'26" EAST, 10.75 FEET;
SOUTH 77°54'07" WEST, 16.50 FEET;
SOUTH 13°25'50" EAST, 3.20 FEET;
SOUTH 76°34'10" WEST, 25.58 FEET;
SOUTH 13°10'31" EAST, 21.49 FEET;
SOUTH 76°46'03" WEST, 69.75 FEET;
NORTH 13°10'31" WEST, 8.19 FEET;
SOUTH 76°53'12" WEST, 28.70 FEET;
NORTH 13°10'31" WEST, 13.92 FEET;
SOUTH 76°49'29" WEST, 107.59 FEET;
SOUTH 13°10'31" EAST, 3.00 FEET;
SOUTH 76°49'29" WEST, 51.92 FEET;
SOUTH 16°02'57" WEST, 122.69 FEET TO THE BEGINNING OF A NON-TANGENT
CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT
BEARS SOUTH 43°59'21" WEST, 145.50 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE
OF 06°57'03", AN ARC LENGTH OF 17.65 FEET TO A POINT ON THE NORTH LINE
OF ARIZONA CANAL DIVERSION CHANNEL PER DOCKET NO. 90-212487 M.C.R.
AND THE SOUTH LINE OF SAID PARCEL 15A;

THENCE ALONG SAID NORTH LINE AND THE SOUTH LINE OF SAID PARCEL 15A
SOUTH 88°31'26" EAST, 178.00 FEET TO THE BEGINNING OF A CURVE CONCAVE
TO THE NORTH, HAVING A RADIUS OF 166.50 FEET;
THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
06°42'10", AN ARC LENGTH OF 19.48 FEET;
THENCE NORTH 84°46'24" EAST, 167.30 FEET, TO THE BEGINNING OF A CURVE
CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 781.50 FEET;
THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
01°43'20", AN ARC LENGTH OF 23.49 FEET;
THENCE NORTH 83°03'03" EAST, 137.06 FEET, TO THE BEGINNING OF A CURVE
CONCAVE TO THE SOUTH, HAVING A RADIUS OF 468.50 FEET;
THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
12°21'51", AN ARC LENGTH OF 101.10 FEET;
THENCE SOUTH 84°35'06" EAST, 57.38 FEET;
THENCE SOUTH 87°11'12" EAST, 70.27 FEET;

THENCE SOUTH 68°07'16" EAST, 238.32 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 21°05'38" WEST, 1012.39 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°34'14", AN ARC LENGTH OF 27.75 FEET;
THENCE SOUTH 68°07'16" EAST, 126.16 FEET;
THENCE SOUTH 46°19'38" EAST, 0.45 FEET TO THE MOST SOUTHERLY POINT OF SAID PARCEL 15A;

THENCE ALONG A SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID PARCEL 15A AND THE WEST LINE OF PARCEL 9d, ARIZONA BILTMORE ESTATES UNIT II, BOOK 208, PAGE 14, M.C.R., SOUTH 15°58'01" WEST, 146.32 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST AND THE CENTERLINE OF ARIZONA CANAL, AS MEASURED BY THE AVERAGE HIGH WATER MARK FOR THE FOLLOWING FIFTEEN COURSES, FROM WHICH THE RADIUS POINT BEARS SOUTH 37°04'17" WEST, 724.48 FEET;

THENCE ALONG SAID CENTERLINE OF ARIZONA CANAL FOR THE FOLLOWING FIFTEEN COURSES;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°09'28", AN ARC LENGTH OF 229.60 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 22°55'27" WEST, 904.56 FEET;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°55'55", AN ARC LENGTH OF 377.83 FEET;
THENCE SOUTH 86°56'47" WEST, 72.38 FEET;
THENCE SOUTH 83°28'20" WEST, 221.33 FEET;
THENCE SOUTH 85°11'01" WEST, 255.82 FEET;
THENCE SOUTH 85°48'33" WEST, 143.34 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH 08°27'45" WEST, 305.65 FEET;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°32'24", AN ARC LENGTH OF 77.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEAST, FROM WHICH THE RADIUS POINT BEARS NORTH 06°04'39" EAST, 526.05 FEET;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°17'30" AN ARC LENGTH OF 314.84 FEET;
THENCE NORTH 45°06'24" WEST, 112.78 FEET;
THENCE NORTH 38°35'20" WEST, 123.41 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 50°19'55" WEST, 857.73 FEET;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°10'17", AN ARC LENGTH OF 182.21 FEET;
THENCE SOUTH 38°09'38" WEST, 3.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 39°30'31" WEST, 690.96 FEET;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°51'35", AN ARC LENGTH OF 82.72 FEET;

THENCE NORTH 59°07'14" WEST, 49.21 FEET;
THENCE NORTH 58°50'49" WEST, 316.56 FEET TO THE INTERSECTION OF THE
SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID PARCEL 15, ALSO
THE EAST LINE OF PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED, BOOK
208, PAGE 14, M.C.R. AND SAID ARIZONA CANAL CENTERLINE;

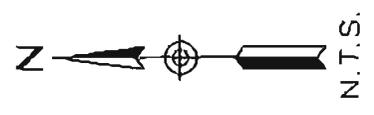
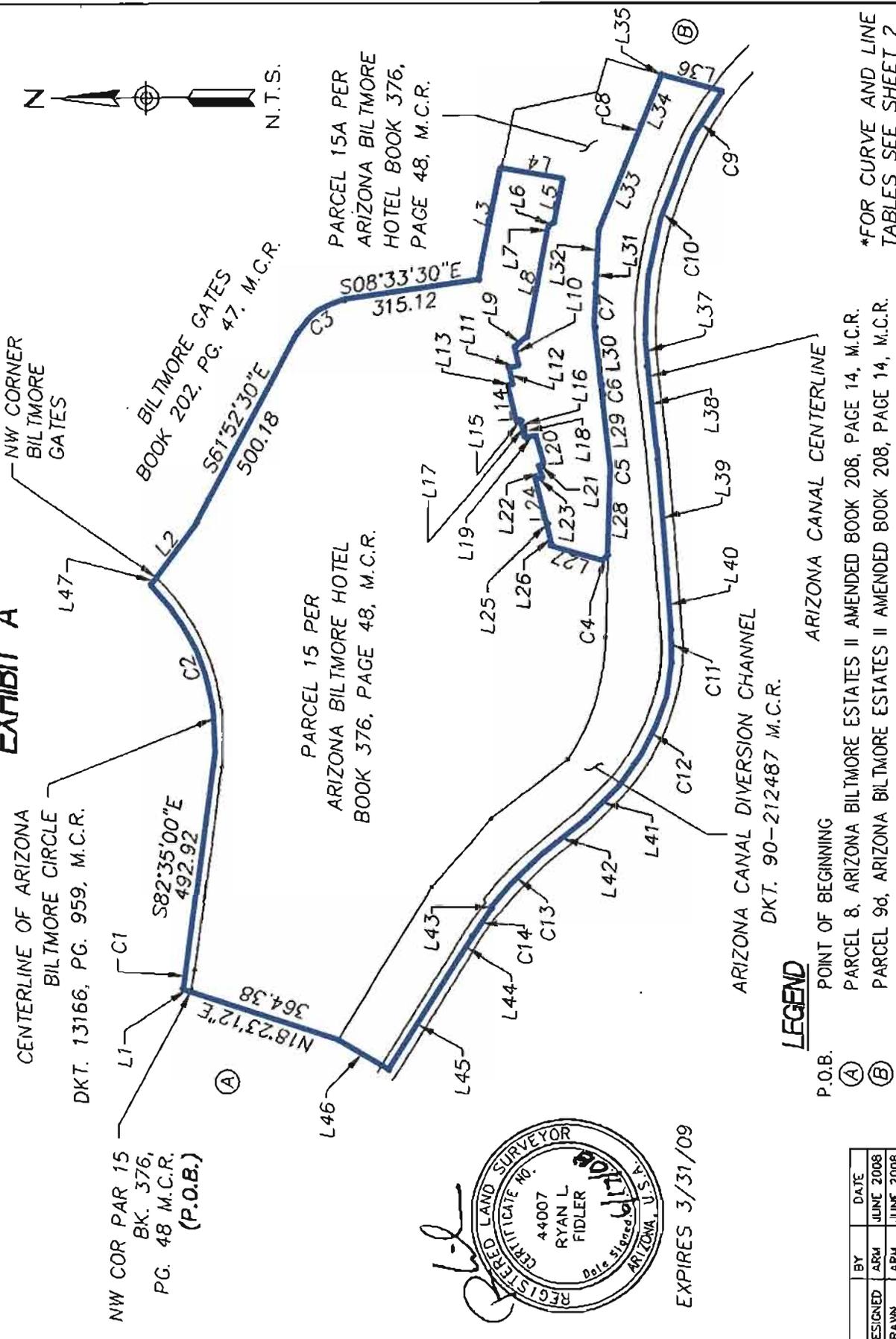
THENCE ALONG SAID EAST LINE FOR THE FOLLOWING TWO COURSES;
NORTH 30°54'00" EAST, 136.99 FEET
NORTH 18°23'12" EAST, 364.38 FEET TO THE **POINT OF BEGINNING.**

PLANNED UNIT DEVELOPMENT (PUD) CONTAINS 1,577,950 SQUARE FEET, OR
36.2247 ACRES, MORE OR LESS.

NET ACREAGE (EXCLUDING AREA WITHIN ARIZONA CANAL AND ARIZONA
BILTMORE CIRCLE) CONTAINS 1,221,612 SQUARE FEET, OR 28.0444 ACRES,
MORE OR LESS.



EXHIBIT "A"



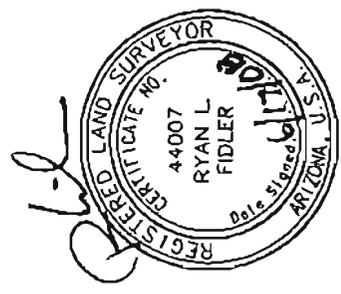
CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW COR PAR 15
BK. 376,
PG. 48, M.C.R.
(P.O.B.)

BILTMORE GATES
BOOK 202, PG. 47, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE HOTEL
BOOK 376, PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.



EXPIRES 3/31/09

LEGEND

- P.O.B. POINT OF BEGINNING
- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

BY	DATE
DESIGNED	JUNE 2008
DRAWN	JUNE 2008

Alpha Engineering

3235 SOUTH 98TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 434-8230
FAX (602) 438-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE ARIZONA BILTMORE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

LEGAL EXHIBIT

JOB NUMBER	08012-01
SHEET	1
OF	2

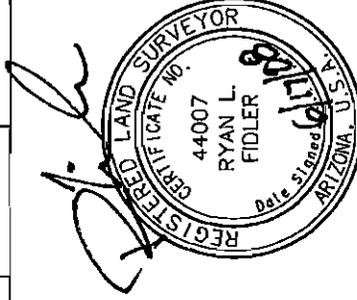
*FOR CURVE AND LINE TABLES SEE SHEET 2

EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N18°23'12"E	20.68
L2	S53°40'26"E	161.00
L3	S78°32'37"E	270.06
L4	S11°15'11"W	146.64
L5	N78°23'10"W	103.21
L6	N35°31'27"W	15.04
L7	N73°25'15"W	20.66
L8	N79°14'09"W	243.74
L9	N42°12'32"W	39.58
L10	S77°32'41"W	39.07
L11	N12°27'19"W	24.74
L12	S76°49'29"W	42.61
L13	N13°10'31"W	8.79
L14	S76°48'11"W	89.49
L15	S12°49'26"E	10.75
L16	S77°54'07"W	16.50
L17	S13°25'50"E	3.20
L18	S76°34'10"W	25.58
L19	S13°10'31"E	21.49
L20	S76°46'03"W	69.75
L21	N13°10'31"W	8.19
L22	S76°53'12"W	28.70
L23	N13°10'31"W	13.92

LINE TABLE		
LINE	BEARING	DISTANCE
L24	S76°49'29"W	107.59
L25	S13°10'31"E	3.00
L26	S76°49'29"W	51.92
L27	S16°02'57"W	122.69
L28	S88°31'26"E	178.00
L29	N84°46'24"E	167.30
L30	N83°03'03"E	137.06
L31	S84°35'06"E	57.38
L32	S87°11'12"E	70.27
L33	S68°07'16"E	238.32
L34	S68°07'16"E	126.16
L35	S46°19'38"E	0.45
L36	S15°58'01"W	146.32
L37	S86°56'47"W	72.38
L38	S83°28'20"W	221.33
L39	S85°11'01"W	255.82
L40	S85°48'33"W	143.34
L41	N45°06'24"W	112.78
L42	N38°35'20"W	123.41
L43	S38°09'38"W	3.24
L44	N59°07'14"W	49.21
L45	N58°50'49"W	316.56
L46	N30°54'00"E	136.99
L47	S53°40'26"E	20.79

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	05°21'08"	504.42	47.12
C2	52°50'08"	504.42	465.15
C3	53°19'00"	150.00	139.58
C4	06°57'03"	145.50	17.65
C5	06°42'10"	166.50	19.48
C6	01°43'20"	781.50	23.49
C7	12°21'51"	468.50	101.10
C8	01°34'14"	1012.39	27.75
C9	18°09'28"	724.48	229.60
C10	23°55'55"	904.56	377.83
C11	14°32'24"	305.65	77.57
C12	34°17'30"	526.05	314.84
C13	12°10'17"	857.73	182.21
C14	06°51'35"	690.96	82.72



EXPIRES 3/31/09

DESIGNED DRAWN	DATE	
	ARM	JUNE 2008
DATE	JUNE 2008	
	ARM	JUNE 2008



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NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE ARIZONA BILTMORE PUD BOUNDARY LEGAL EXHIBIT. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE PUD BOUNDARY LEGAL EXHIBIT

JOB NUMBER	08012-01
SHEET	2
OF	2



Appendices

Appendix B: Definitions

Appendix B

ARIZONA BILTMORE RESORT & SPA

Proposed Definitions

July 7, 2008

Revised 12.31.08

Revised 1.12.09

Revised 2.02.2009

Revised 2.05.09

Revised 2.13.09

Revised 2.19.09

Revised 2.23.09

Revised 3.30.09

Revised 4.2.09

DEFINITIONS

Proposed Definitions for the Arizona Biltmore Resort & Spa PUD

Abutting: shall mean the condition of two adjoining properties sharing a common property line or boundary, but not including conditions where adjoining lots are separated by a street, alley or accessway.

Access or Accessway: shall mean the place, means or way by which pedestrians and vehicles shall have adequate and usable ingress and egress to a property or use through the development and maintenance of a separate paved sidewalk in addition to vehicular land pavement in order to provide adequate safety for pedestrians.

Accessory Structure: shall mean a building which is located on the same lot and is customarily incidental and subordinate to the primary building or to the use of the land. Where an accessory structure is attached to the primary building in a substantial manner, such as a roof or common wall, such structures shall be considered to be a portion of the primary building. Accessory structures may include habitable area such as a home office, recreation room, guesthouse, and sleeping room(s).

Accessory Use: shall mean a subordinate use of a building, other structure, or use of land :

1. Which is clearly associated or related to the use of the main building, other structure, or use of land, and
2. Which is customarily in connection with the main building, other structure, or use of land, and
3. Which is located on the same zoned lot with the main building, other structure, or use of land.

Acreage, Gross: shall mean the acreage defined by a description found with Appendix A.

Addition: shall mean the expansion of the usable space of an existing building or structure.

Adjoining: shall mean touching at some point.

Adjacent: shall mean nearby, but not necessarily touching.

Alcoholic Beverage Sales: shall mean the sale of beer, wine, and/or other alcoholic beverages for on premises consumption regardless of whether it is subordinate to another use, as regulated by the Arizona Department of Liquor License and Control.

American with Disabilities Act (ADA): shall mean a civil rights law that prohibits discrimination based on a disability; as such no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation to the maximum extent feasible.

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Amplified Sound shall mean the sound emanating from amplification equipment designed for increasing loudness (i.e. loudspeakers).

Analogous: shall mean similar or alike.

Antiques, Crafts, and Collectible: means a retail business specializing in the sale of merchandise made in, or typical of, a previous era. Typical merchandise includes, but is not limited to, furniture, silverware, glassware, and other collectibles. Items shall not be donated for resale, but may be displayed on consignment.

Apparel: shall mean men's, woman's, or children's merchandise that can be worn as clothing or attire.

Applicant: shall mean a development entity seeking the approval of zoning, site plans, subdivision plats, zoning adjustment or construction documents as necessary to authorize the development of this PUD.

Archway: shall mean a passageway under a corbelled arch.

Area, Gross: shall mean the area of a lot or parcel including all dedicated streets, alleys, private accessways roadway and/or alley easements, and canal rights-of-way. Such boundaries shall extend to the center of existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication. Further, parcels abutting" 1) a freeway; or 2) a canal right-of-way when the abutting development has complied with the Canal Ban Design Guidelines set forth in the PUD, including landscaping of canal bank right-of-way, shall include twenty-five feet of such right-of-way within gross area.

Arizona Biltmore Estates Community: refers to the jurisdictional area managed by ABEVA.

Arizona Biltmore Estates Village Association (ABEVA): is the master homeowners association for most residential properties. The boundaries are 24th Street on the west, 32nd Street on the east, Camelback Road on the south, and Lincoln Drive on the north. ABEVA is a non-profit corporation which was formed in June of 1979. There are 15 individual residential communities and one apartment community, each of which have their own sub-association and are generally managed by professional firms.

Arizona Biltmore Resort and Spa Ownership Group: refers to a joint venture of the Pyramid Hotel Group and Morgan Stanley, or its successors that own and manage the assets of the resort and spa.

Arizona Canal Diversion Channel (ACDC): shall mean the man-made drainage conduit(located below grade) located on the north side of the Arizona Canal that transports storm and surface water to the west, owned and operated by the Flood

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Control District of Maricopa County while providing an easement to the Arizona Biltmore Resort for above ground uses.

Arizona Canal Trail: refers to the existing improved trail corridor that is located along the north and south sides of the Arizona Canal.

Arizona Nursery Association (ANA): Established in 1959, the Arizona Nursery Association is a professional trade organization dedicated to the promotion and advancement of the nursery industry for its members and the public they serve. The business of the Association is conducted by a Board of Directors who is elected by the membership. The work of the association is carried out by the staff which is based in Tempe, Arizona and has statewide coverage.

Art: refers to a diverse range of human activities, creations, and expressions that are appealing or attractive to the senses and is most often used to refer specifically to the visual arts, including media such as painting, sculpture, and printmaking.

Art Shows: shall mean the sale and display of original arts and crafts. Original arts and crafts include one of a kind or limited edition materials.

Attached Building: shall mean a building which has any part of its exterior or bearing wall in common with another building or which is structurally integrated with a main building and must comply with current fire and/or building code provisions.

Automatic Teller Machine (ATM): shall mean secure electronic equipment that allows customers to make bank deposits and withdrawals from their financial account from a remote location without the attendance of a human teller.

Automobile Rental Facility: shall mean a use where cars, pickups, vans, and sport utility vehicles may be utilized by a non-owner of the vehicle for a desired period of time at an agreed upon rate. This includes those on-site parking spaces allocated to the storage and/or service of these rental vehicles.

Awning: a covering attached to the exterior wall of a building above a window, a door, or above the area along a sidewalk.

Awning Sign: shall mean lettering or graphics applied directly to awning material.

Balcony: A platform that projects from the wall of a building at a second story level or above and is surrounded by a railing, balustrade, or parapet.

Ballroom: shall mean a large open room, utilized for dances, receptions, parties, and other social events.

Bar: shall mean an indoor or outdoor space with seating/socializing that provides alcoholic and non-alcoholic beverages and food service and may include music, comedy, readings, dancing, acting or other entertainment performed by one or more

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persons, whether or not such person or persons are compensated for such performances. This use includes dancing by patrons to live or recorded music.

Biltmore Fashion Park: shall mean the shopping center located on the northeast corner of 24th Street and Camelback Road.

Biltmore Promenade: shall mean the enhancement of the Arizona Canal Corridor including a grand entry bridge, landscaped walkway, observation decks, and historic story-telling plaques.

Blade Sign: shall mean a sign that mounts to a surface in a perpendicular fashion.

Bollard: shall mean one of a series of thick, with or without low lighting posts for directing motor vehicles or pedestrians along roads, parking garages, pathways, trails, or other pedestrian facilities and restricts autos from crossing into normal restricted pedestrian zones.

Building: shall mean any structure having a roof and used or built for the shelter or enclosure of persons, chattels or property of any kind.

1. Building, Principal means a building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.
2. Building, Accessory means a subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered as part of the principal building for purposes of setback and yard regulations.

Building Codes: shall mean the various codes of the City which regulate construction and require building permits, electrical permits, mechanical permits, plumbing permits, and other permits to complete the work.

Building Height: shall mean the vertical distance measured from the higher of the natural grade level or the finished grade level established by the Development Services Department pursuant to the Floodplain or Grading and Drainage Regulations of the City to the highest level of the roof surface of flat roofs; or to the mean height between eaves and ridge of gable, gambrel, or hip roofs.

Building Setback: shall mean the minimum horizontal distance between a building facade and the related perimeter segments of the planned unit development as defined by Figure A-3 and over which no part of any building may extend.

Business Center: shall mean a facility with the necessary components to duplicate, collate, enlarge/reduce paper documents and to transmit electronic data locally, nationally and internationally.

Building Official: shall mean the municipal official responsible for enforcement and interpretation of the building code.

DEFINITIONS

Building Permit: shall mean the authorization to construct a structure as issued by the City.

Camelback East Village: shall mean one of the urban villages of Phoenix, generally bounded by Northern Avenue to the north, Grand Canal to the south, 7th Street to the west and 64th Street to the east.

Canopy Structures: shall mean a protective roof-like covering, often constructed of metal, concrete or canvas, mounted on a frame over a walkway or door.

Candy: shall mean a product primarily made with sugar or other sweet ingredients.

Casa (Resort): Shall mean a hybrid vacation home that is individually owned and occupied with amenities typical of resorts, and also operated as a hotel room at specified times as outlined in a contract.

Chimney: a structure, usually vertical, containing a passage or flue by which the smoke, gases, etc., of a fire or furnace are carried off and by means of which a draft is created.

City: shall mean the City of Phoenix.

Code Required Signage: shall mean a sign type required to obtain a certificate of occupancy or meet ADA standards for accessibility.

Coffee Shop: shall mean an informal restaurant establishment that primarily sells coffee, tea, water, juices, baked goods, and sandwiches.

Communication Tower: shall mean a self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular telephone, or similar forms of electronic communication.

Conceptual Development: shall mean building footprints, land use, signage, lighting, open space, landscaping, streets, parking and/or schematic elevations as depicted on the plan relating to concepts or the formation of concepts.

Condominium: shall mean an estate in real property consisting of an undivided interest in common for a portion of a parcel of real property together with a separate interest in air space in a residential building on such real property.

Conference Room/Space: shall mean an indoor or outdoor area used for prearranged meetings between two or more parties for consultation or exchange of information.

Convention Meeting: an indoor or outdoor activity that is designed to accommodate formal meetings, trade shows and/or exhibits that may include live entertainment.

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Convention Meeting, Large Scaled Event: shall mean an indoor or outdoor activity that is designed to accommodate formal meetings, trade shows and/or exhibits that may include live entertainment of 1,000 or more guests.

Cottage: refers to the one and two story historic hotel units located in the center of the Resort.

Day Care: shall mean the care, supervision and guidance for compensation of children unaccompanied by a parent, guardian or custodian, for a period of less than 24 hours.

Day Camp: shall mean a facility in which day care is regularly provided (with or without compensation) for children not related to the proprietor. The care of four or less children shall not be considered a day camp.

Delicatessen: shall mean a retail food establishment that provides beverages (non-alcoholic and alcoholic) and ethnic food. Foods are typically pre-made or require minimal preparation for consumption including, but not limited to cooked/cured meats, dairy products, salads, and preserved vegetables and fruits.

Destination Management Office: shall mean the office of a professional services company that plans and staffs events, activities, programs and tours of the local area.

Directory Sign: shall mean a sign that contains a visual map and tenant listing of a property.

Drive, Private: shall mean vehicular circulation drives defined by the PUD as necessary to maintain vehicular access, emergency response, utility routes, and bicycle and pedestrian movements to each building.

Easement: shall mean a grant or rights by the owner of property to the public, a corporation, an association or persons for a specified use or uses as so designated for a defined area.

Egress Sign: shall mean any sign positioned to support the emergency evacuation of an area. Several types of egress signs are required to be posted to allow a building or space to be occupied.

Effective Date: shall mean the date on which the legal provisions of this PUD takes effect.

ENERGY STAR®: shall mean the independent United States government program establishing a standard set of guidelines to recognize the energy efficiency of various products including windows, doors, and appliances.

Entry/Exit Sign: shall mean a sign posted immediately adjacent to a driveway or accessway, to guide vehicular traffic into the appropriate lane.

DEFINITIONS

Equipment House: shall mean a structure used to accommodate equipment such as HVAC components. This may be an individual structure or part of another building.

Erected: shall mean built, constructed, altered, reconstructed; any physical operation on a site which is required for construction, excavation, fill, drainage and similar operations.

Excavation: shall mean any non-natural alteration of the existing ground, except agricultural soil tilling and ground care.

Fill: shall mean sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans..

Final Site Plan: shall mean the detailed plan drawing showing the proposed improvements required in the development of a parcel, and demonstrating the requirements of design and construction standards, and drawn to scale and so noted.

Finished Grade: shall mean the final grade or elevation of the ground surface after grading is complete.

Flood Control District of Maricopa County: shall mean the governmental entity responsible for overseeing the development and implementation of comprehensive flood hazard control measures in Maricopa County, Arizona.

Floodplain: shall mean the channel and the relatively flat area adjoining the channel or a natural stream or river that has been covered by the floodwater of a 100 year frequency storm.

Floor: *See Story*

Floor Area, Gross: shall mean the sum of the gross above and below grade horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where floor to ceiling height is less than six feet.

Floor Area, Net: shall mean the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Fountain: *See Water Feature.*

Galleries: shall mean retail establishments where artistic endeavors are displayed for sale and include, but are not limited to paintings, sculpture, photographs, illustrations, or other mediums.

Gate: shall mean a manual or self-closing structure that can be swung, drawn, or lowered to block an entrance or a passageway from pedestrian or vehicular traffic.

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Green Building: shall mean an approach to sustainable development that focuses on the techniques of recycling and reuse, appropriate building siting to take advantage of climatic conditions, and similar actions that reduce impacts on the natural environment.

Grade: shall mean the average level of the finished ground surface surrounding a building or structure, within a distance of twenty (20) feet.

Grade 2 Braille Sign: shall mean tactile text used by the visually impaired on signs; comprised of domed bumps that represent truncated words and text legends.

Grading: shall mean any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

General Manager: shall mean the Resort manager in charge of advising and providing administrative, managerial, and operational counsel to the Resort employees.

General Plan, City of Phoenix: shall mean the general plan, or parts thereof, providing for the future growth and improvement of the City of Phoenix and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, specific neighborhood elements; and other physical development, which shall have been duly adopted by the City Council.

Grand Paseo: shall mean the multiuse trail connecting Arizona Biltmore Circle and the Arizona Canal, through the Arizona Biltmore Resort Property and extending through the Arizona Biltmore Estates Community to the north of the Resort Property.

Greeting Cards: shall mean small handmade/manufactured paper products that are available for purchase acknowledging holidays, family events, birthdays, etc.

Ground Marker: shall mean a directional or informational sign that is embedded in the turf or pavement.

Gift/Novelty/Souvenir Shop: shall mean a retail establishment that provides goods with a focus on the southwestern, Native American, and Arizona history that appeal to primarily Resort patrons desiring items to acknowledge their Southwestern experience.

Health/Fitness Facility: shall mean a place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. "Health/Fitness Facility" shall also mean a place or building which provides massage, exercise, and related activities with or without such equipment or apparatus. The activities shall be conducted within an enclosed building.

Heat Island: shall mean the increased temperatures prevalent in urban areas generated by the presence of heat absorptive surfaces and the lack of natural elements (i.e. tree canopy, landscaped area, etc).

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High Pressure Sodium Lamp: shall mean a light that uses pressurized gas inside an arc tube which is ionized by an electrical current flowing between electrodes.

Historic District Core: shall mean a district or zone which is protected and preserved based on its connection with history and its distinctive architecture as defined within Appendix F.

Hotel Guest Room: shall mean a room utilized for the lodging of visitors and patrons. A guest room could include cooking and food storage facilities.

Hotel: shall mean a building, or portion of a building, in which lodging for patrons for periods of less than one (1) year is provided, for compensation and may include housekeeping, bellhop, laundry, and similar services.

Hotel Suite: shall mean a building, or portion of a building, providing a parlor, a kitchen and one or more adjacent bedrooms, in which lodging for patrons for periods of less than one (1) year is provided, for compensation and may include housekeeping, bellhop, laundry, and similar services. A hotel suite may also include an exclusive outdoor patio or balcony as well as a lock-off unit.

Identification Signage: shall mean any sign that identifies a business or building occupant. It also may include trademarked words, logo, color palette, and/or tagline (message).

Internally Illuminated: shall mean a sign or other built structure that has a concealed light source, with reveals or openings to allow only certain portions to be visibly illuminated to the viewer.

Interpretive Sign: shall mean a sign or other device that seeks to communicate a story through the use of text and/or visuals but excluding the use of moving, or flashing devices.

Kitchen: shall mean the inclusion of only those areas used for the preparation and cooking of food and dishwashing including all areas accessory thereto, and may include walk-in refrigerators or cold storage rooms or rooms for the storage of food or beverages.

Landmark: shall mean a feature element that is memorable and therefore used as a wayfinding device. These elements may be visible from afar and are integrated within the architecture or landscape. Sculptures, clock towers, water features are included in this category.

Lattice or Trellis: shall mean an open work structure of crossed strips of wood, iron, aluminum or plastic on which vines or other creeping plants may be trained. Chain link, and similar metal materials or vinyl mesh are specifically excluded.

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Level 2 Pedestrian Area: shall mean the mixture of pedestrians by necessity and choice (have access to a car but choose to walk). They are from local and regional base, moderately numerous at daytime, walking to places of required attendance or for recreation and social interaction. Vehicles take precedence over the pedestrian. Pedestrian use is recognized at a minimum level. Planning and facilities for the vehicle is paramount.

Light-Emitting Diode (LED) Lighting: shall mean a type of light that utilizes a semiconductor device that emits visible light when an electric current passes through it.

Lighted Sport Court: shall mean a lighted court used for active sports and games which include, but are not limited to, basketball, tennis, or volleyball.

Live Entertainment: shall mean music, comedy, readings, dancing, acting or other entertainment performed by one or more persons, whether or not such person or persons are compensated for such performances. This includes dancing by patrons to live or recorded music.

Loading Space: shall mean a permanently maintained space for parking and loading/unloading of service trucks or vehicles with a ten (10) foot wide and 30 (thirty) foot long dimensions and supported by appropriate turning area.

Lock Off Unit: shall mean a hotel room or residential condominium that can be divided into two smaller units.

Lot Area: shall mean the total area of a lot within the lot lines as measured on a horizontal plane to all lot corners.

Lot Coverage: shall mean the part or percentage of a lot occupied by above finished grade, principal and any accessory buildings, determined by dividing the total gross floor area by the net lot area.

Media: shall mean the materials and techniques used by an artist to produce a work.

Message Schedule: shall mean an accurate and complete listing of all message copy for each sign location, typically shown in spreadsheet format.

Monument Sign: shall mean any sign with a solid base/foundation, rather than posts to support it. The sign may have copy on one or both sign faces and may be internally or externally illuminated.

National Register of Historic Places: shall mean the official list of the Nation's historic places worthy of preservation. The list is administered by the National Park Service, which is part of the U.S. Department of the Interior.

Neighborhood Association: shall mean an incorporated or unincorporated group of individuals comprising a homeowner's association, merchants association, community

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association or other group of individuals with similar interests due to their residence in a defined area.

New Development: shall mean a free standing building(s) or structure(s) constructed after the adoption of the PUD.

Newsstand: shall mean a retail establishment that provides newspapers, magazines and other periodicals that appeal to primarily Resort patrons.

Office: shall mean a room, set of rooms, or building(s) where the business of the resort, affiliated organizations.

Open Space: shall mean an area that is intended to provide light and air and is designed for either environmental, scenic, stormwater management and/or recreational purposes. Open space may include, but is not limited to turf areas, desert planting areas, walkways, plazas, courtyards, active and passive recreation areas, playgrounds, fountains, swimming pools, roof gardens, and/or water courses.

Outdoor Dining: shall mean a use incidental to the primary use, such as a restaurant, that allows patrons to dine in a designated outdoor area.

Outdoor Sales: shall mean the display of products or services not within a completely enclosed building that are intended for retail purchase.

Outdoor Terrace: shall mean an outdoor, occupiable extension of a building at a second level or above. A terrace will generally be larger than a balcony and will have an open-top.

Ownership Group: shall mean the ownership entity that has primary ownership interest in the Arizona Biltmore Resort and Spa.

Parapet: shall mean a low wall at the edge of a roof or balcony which may occasionally extend as much as (three feet six inches) 3' 6" in height above the roof deck.

Parking Area, Public: shall mean an open area, other than a street or alley designated for use, or used, as temporary parking of four or more vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

Parking Gate (Automatic): shall mean an automatic gate that provides a point of vehicular entry/exit into a parking facility.

Parking Lot: shall mean an area used for the off-street parking of more than two motor vehicles, including parking spaces, access and maneuvering aisles.

Peak Parking Management Plan: shall mean the written policy that reviews the impacts of current parking guidelines and becomes the framework to evaluate the short and

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long-term provision of adequate parking in conjunction with improvements to the Resort.

Parking Space, Off-Street: shall mean a space designated for the temporary parking of a motor vehicle not within the right-of-way or alley but accessible from a street or alley.

Parking Structure, Subterranean: shall mean a subterranean structure having two or more tiers/levels used for parking below finished grade of more than two motor vehicles, including parking spaces, access and maneuvering aisles.

Peak Period Parking Management Plan: shall mean a plan submitted to the City of Phoenix (including a Site Plan) for the purpose of defining roles and responsibilities affiliated with parking demand management and ensuring that adequate parking is provided during occasional periods when extremely high guest room occupancy and extremely high function space utilization occur simultaneously.

Peak Period Parking Management Report: shall mean an annual report submitted to the Arizona Biltmore Estate Village Association Board of Directors and the City of Phoenix Planning Director on November 1st of each year identifying the known *Convention Meeting Large Scaled Events* planned for the next calendar year including the scale of the event (number of attendees including internal patronage and external patronage) and the booked date of the event; and a current list of off-site parking contractual agreements intended to accommodate employee parking during peak events. A contact person and hotline number shall also be identified in the annual report to register violations to loading, circulation, queing and parking management standards.

Pedestrian Directional: shall mean a sign or graphic device intended to provide wayfaring information to those traveling on foot.

Personal Services Office: shall mean offices utilized by finance, insurance, real estate, and other related professional services.

Pharmacy: shall mean an indoor use that dispenses over the counter and prescription medications. It may also have a retail offering of health care and related goods.

Phoenix Active Management Area: shall mean one of the five Active Management Areas (AMA) within the State mandated by the Groundwater Code. The code aims to conserve groundwater, augment water supplies, and monitor hydrologic conditions and water availability in the Phoenix AMA.

Photographic Studio: shall mean an indoor use where a studio allows for human photography and includes the ability to develop and print such pictures on site, and then display and sell the photos also on site.

Pool Area: shall mean the pool and its adjacent surrounding patio and/or deck that is contained by a fence within the Resort.

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Porte-Cochere: shall mean a covered entryway at the door of a building to shelter persons entering and leaving vehicles.

Post & Panel Sign: shall mean a sign where the copy panel is supported by one or multiple posts.

Preliminary Site Plan: shall mean a preliminary plan drawn to scale, including supporting data, indicating a proposed development, prepared in accordance with the provisions of the PUD.

Property: shall mean that land area within the PUD Project Boundary.

Property Owner: See Arizona Biltmore Resort and Spa Ownership Group.

Public Art: shall mean works of art in any media that have been planned and executed with the specific intention of being sited or staged in the public domain, usually outside and accessible to all.

PUD Project Boundary: shall mean the boundary surrounding the Arizona Biltmore Resort and Spa property as defined within Appendix A and inclusive of land within the jurisdictional control of the Flood Control District of Maricopa County and Salt River Project. The area included in the boundary is subject to the provisions of the PUD.

Real Estate Office: shall mean an office utilized by real estate agent(s) to conduct business.

Recreational Amenity Space: shall mean an indoor or outdoor space programmed for recreation such as a swimming pool, tennis court, etc.

Redevelopment: shall mean the removal of existing building(s), structure(s), street(s), utilities or other improvements and to install, construct or reconstruct streets, utilities and improvements and new building(s) essential to achieve the Land Use Master Plan.

Regional Public Transportation Authority (RPTA): means the provider of public transportation within the Phoenix Metropolitan Area.

Residential Condominium: shall mean a building or complex in which units of property are owned by individuals with onsite amenities available to all owners.

Resort Hotel: shall mean a building or group of buildings containing guest rooms providing outdoor recreation activities such as golf, tennis, horseback riding, or swimming for guests. A resort may provide services customarily furnished by a hotel or guest ranch including restaurant, bar and convention facilities. A resort may contain dwelling units in conjunction with guest rooms.

Restaurant: shall mean an establishment whose primary business is to serve food for compensation.

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Retail: shall mean a sale for any purpose other than for resale in the form of tangible personal property.

Retail Vending Cart: shall mean any non-motorized vending unit such as a kiosk, cart, stand or display intended to provide outdoor sales of food, beverages, merchandise, and/or shoe shining services.

Retaining Wall: shall mean an engineered structure constructed and/or erected between land of differing elevation to protect structures and/or prevent erosion.

Revitalization: shall mean the continued use of building(s) or structure(s) with their existing and/or new uses, that are supported by the enhancement of street(s), utilities and improvements essential to achieve the Land Use Master Plan.

Salt River Project (SRP): shall mean the Salt River Project Agricultural Improvement and Power District, a political subdivision of the state of Arizona; and the Salt River Valley Water Users' Association, a private corporation. Operating under the umbrella name SRP is one of Arizona's major water and electric utility companies.

Screen Walls: shall mean the use of any building material to be placed in locations that terminate objectionable views. Screen walls may be placed at ground level or located at the top of building roofs. Screen walls may be erected up to a maximum of fourteen (14) feet in height if erected immediately adjacent to mechanical equipment in order to screen such equipment from view.

Seating Patio: shall mean a level, landscaped, and/or hard surface area, also referred to as a terrace, directly adjacent to a principal building which is programmed with permanent or temporary seating and/or tables not intended for dining and may either be covered or not covered by a permanent roof.

Setback: shall mean the minimum horizontal distance between the PUD Boundary Line and the nearest point of a building, structure or use.

Shared Parking Model: shall mean a tool for estimating the parking demand of a specific mix of uses over time.

Shoe Sales and Service and Clothing Alteration: shall mean the retail sales of shoes for men, women and/or children and includes cobbler related services and apparel tailoring.

Sightseeing Tour Operator: shall mean office(s) that sell tours, including but not limited to, desert jeep tours, city/regional points of interest tours, and/or specific activity tours.

Sign Location Plan: shall mean a plan that represents each sign type and location within an area.

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Site Plan: shall mean a development plan depicting the plan view of the intended development for a defined development site and providing the necessary information as defined by the PUD to determine development compliance with the development standards provided by the PUD.

Skylight: shall mean an opening in a roof or ceiling, fitted with clear or translucent glass or Plexiglas, for admitting daylight.

Sound Pressure Level shall mean the term given to variations in air pressure that are capable of being detected by the human ear. Small fluctuations in atmospheric pressure (sound pressure) constitute the physical property measured with a sound pressure level meter. Because the human ear can detect variations in atmospheric pressure over such a large range of magnitudes, sound pressure is expressed on a logarithmic scale in units called decibels (dB).

The sound pressure level that results from a combination of noise sources is not the arithmetic sum of the individual sound sources, but rather the logarithmic sum. For example, two sound levels of 50 dB produce a combined sound level of 53 dB, not 100 dB. Two sound levels of 40 and 50 dB produce a combined level of 50.4 dB.

Human sensitivity to changes in sound pressure level is highly individualized. Sensitivity to sound depends on frequency content, background noise, time of occurrence, duration, and psychological factors such as emotions and expectations. However, in general, a change of 1 or 2 dB in the level of sound is difficult for most people to detect. A 3 dB change is commonly taken as the smallest perceptible change and a 6 dB change corresponds to a noticeable change in loudness. A 10 dB increase or decrease in sound level corresponds to an approximate doubling or halving of loudness, respectively.

A-Weighted Sound Pressure Level - Studies have shown conclusively that at equal sound pressure levels, people are generally more sensitive to certain higher frequency sounds (such as made by speech, horns, and whistles) than most lower frequency sounds (such as made by motors and engines) at the same level. To address this preferential response to frequency, the A-weighted scale was developed. The A-weighted scale adjusts the sound level in each frequency band in much the same manner that the human auditory system does. Typical values of the A-weighted sound level of various noise sources are shown in the Common Sound Levels in dBA Table.

Common Sound Levels in dBA

Common Outdoor Sounds	Sound Pressure Level (dBA)	Common Indoor Sounds	Subjective Evaluation
Auto horn at 10' Jackhammer at 50'	100	Printing plant	Deafening
Gas lawn mower at 4' Pneumatic drill at 50'	90	Auditorium during applause Food blender at 3'	Very Loud

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Concrete mixer at 50'	80	Telephone ringing at 8'	
Jet flyover at 5000'		Vacuum cleaner at 5'	
Large dog barking at 50'	70	Electric shaver at 1'	Loud
Large transformer at 50'			
Automobile at 55 mph at 150'	60	Normal conversation at 3'	
Urban residential			
Small town residence	50	Office noise	Moderate
	40	Soft stereo music in residence, Library	
	30	Average bedroom at night	Faint
Rustling leaves		Soft whisper at 3'	
Quiet rural nighttime	20	Broadcast and recording studio	
	10	Human breathing	Very Faint
	0	Threshold of hearing (audibility)	

Sound Level, Equivalent: shall mean the Equivalent Sound Level (L_{eq}) is a type of average which represents the steady level that, integrated over a time period, would produce the same energy as the actual signal. The actual *instantaneous* noise levels typically fluctuate above and below the measured L_{eq} during the measurement period. The A-weighted L_{eq} is a common index for measuring environmental noise.

Spa: shall mean a business establishment with equipment and facilities for exercising, conditioning and improving the body. Services offered may but are not limited to include therapeutic baths, massages, steam baths, saunas, and skin care treatments.

Special Event: shall mean a temporary outdoor use on private property which includes, but is not limited to, weddings, bar & bat mitzvahs, quinceaneras, art shows, sidewalk sales, meeting activities, festivals, home exhibitions, and church bazaars, extending beyond the normal uses and standards allowed by the Zoning Ordinance of the City of Phoenix, except as otherwise specifically provided herein.

Spire: shall mean a tapering cone structure, or pyramid structure located on top of a tower.

Sport Court: shall mean a court used for active sports and games which includes, but is not limited to, basketball, tennis, or volleyball.

Squaw Peak Precinct: shall mean the geographic area patrolled by the Phoenix Police Department, which encompasses the entire PUD Project Boundary.

Stationery: shall mean paper products utilized to compose notes, letters and other forms of written expression.

Story: shall mean a space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above; then the space between

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such floor and the roof above; provided, however, that where the floor level of the first story is at least five (5) feet below the adjoining finished grade, the space shall not be considered a basement and counted as a story.

Streetscape: shall mean the urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians as well as use frontage (building facades, porches, yards, fences, awnings, etc.) and street amenities (street trees, planting, benches, lighting, signs, fountains, etc.).

Structure: shall mean that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and placed upon or attached to the ground.

Structure, temporary, construction related: shall mean any created structure or manufactured office unit which is readily movable. Such structure shall be subject to all applicable property development standards for the district in which it is located.

Support: shall mean the uses that support the Resort which include but are not limited to food storage and preparation, utility, office, laundry, storage, and other similar spaces.

Swimming pool, private: shall mean any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Tandem Parking: shall mean two parking spaces, one of which is positioned in such a manner that it is necessary to pass through one parking space to access the other.

Temporary Use: shall mean a use which occurs, or is intended to occur, on a particular site, for a fixed and limited period of time (limited to 168 consecutive hours) with the intent to discontinue such use upon the expiration of the time period.

Tennis Court: shall mean a paved rectangular court with a low net stretched across the middle allowing for the game of tennis to be played, which may be lighted for nighttime play.

Tent: shall mean an opaque material covering an internal metal frame which allows for the protection from the desert climate to conduct outdoor events or live outdoor entertainment and restricted to defined locations within the Arizona Biltmore Resort and Spa property.

Traffic Control Sign: shall mean a sign or other device that is utilized to control or alter traffic flow.

Trip Reduction Program (TRP): shall mean the State mandated plan to offer alternative transportation modes for employees in an effort to reduce their daily vehicular trips.

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United States Department of Agriculture (USDA) Climate Zone: shall mean one of eleven climatically distinct areas, defined by long-term weather conditions.

Upper Sonoran Desert: shall mean the northern portion of the Sonoran Desert which is the vegetative biome of the Phoenix Metropolitan Area and contains a variety of unique plants and animals, such as the saguaro cactus.

Use: shall mean the purpose, for which a building is arranged, designed or intended, or for which land or a building is, or may be occupied.

Use, Principal: shall mean the main use to which the premises are devoted and the main purpose for which the premises exist.

Use, Accessory: shall mean a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Variance: shall mean a modification of the literal provisions of this document granted by the Board of Adjustment upon finding that strict enforcement would cause undue hardship owing to circumstances unique to the individual property for which the variance is proposed.

Valet Parking Service: shall mean an outdoor service provided by a commercial establishment, such as a hotel, restaurant or spa, whereby patrons leave their cars at the entrance and attendants park and retrieve them.

Vehicular Directional: shall mean a sign or graphic device intended to provide wayfinding information to those traveling in vehicles.

Wall Sign: shall mean any sign mounted to the wall(s) of a building. Also includes "Plaques."

Water Feature: shall mean any of a full range of fountains, pools, ponds, cascades, waterfalls, and streams used in garden design and landscape architecture.

Water Pressure Zone 3B: shall mean the City of Phoenix water pressure zone that serves the Arizona Biltmore Resort & Spa as well as a portion of the Arizona Biltmore Estates Community.

Window Sign: shall mean any sign positioned behind a window, facing outward.

Wireless communications facility, Permanent (WCF): shall mean a facility that sends and/or receives wireless communication signals, including, but not limited, to antennas, microwave dishes, antenna structures, towers, equipment enclosures and the land upon which they are all situated. Wireless Communication Facilities can be concealed, disguised or visible.

Wireless Communications Facility, Antenna: shall mean any structure or device used to transmit and/or receive wireless signals for the provision of cellular, paging, personal

DEFINITIONS

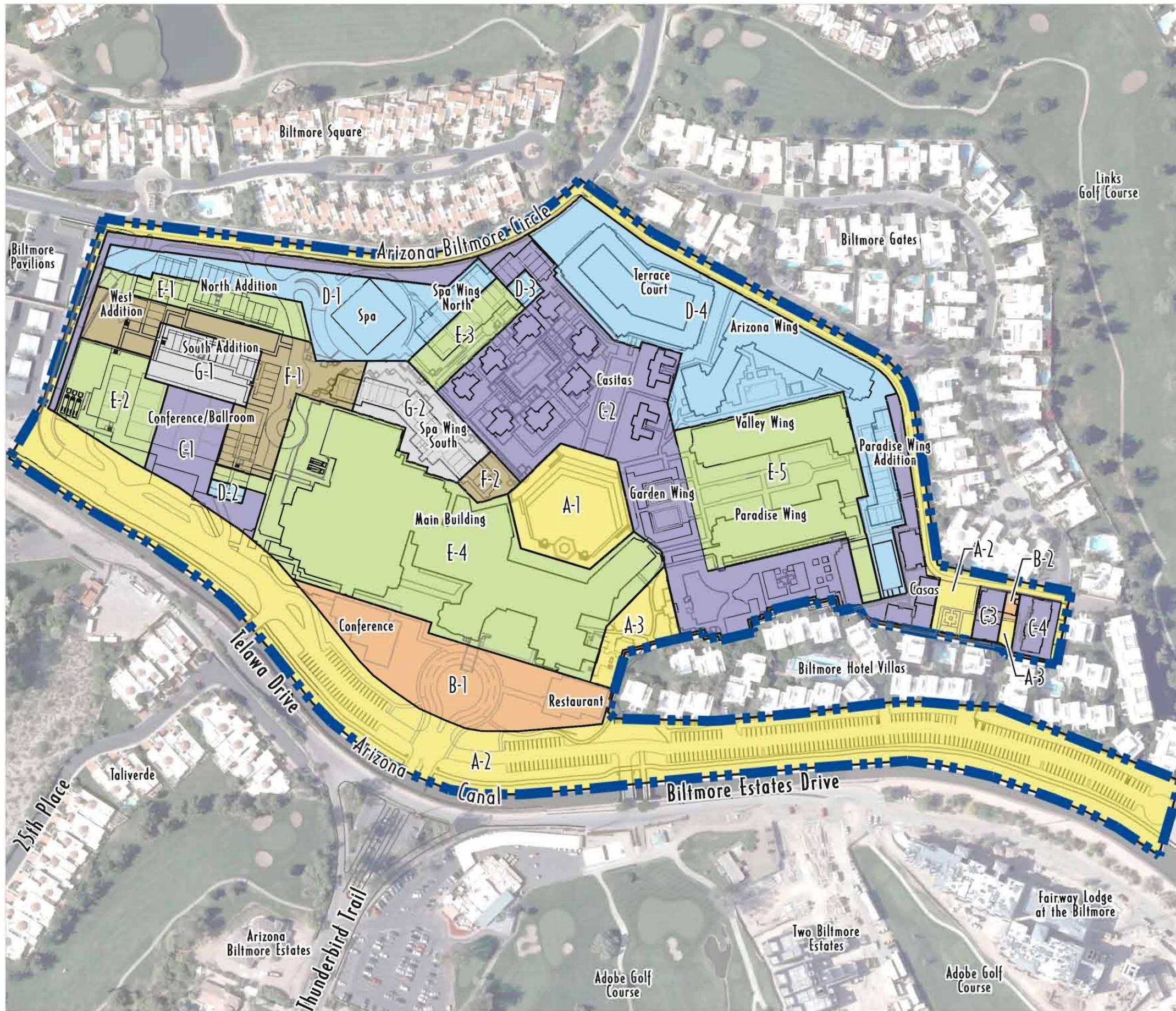
communication services and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panel antennas, microwave dishes and satellite dishes, and omni-directional (whip) antennas.

Wireless Communications Facility, Cell on Wheels: shall mean a portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A Cell on Wheels is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.



Appendices

Appendix C: Legal Descriptions / Height Zones



Appendix C - Building Height Zones

Height Limit Area	Maximum Height (Stories)	Maximum Height (feet)
A	NA	0'/open
B	1	14'
C	2	26'
D	3	39'
E	4	46'
F	5	56'
G	6	66'

Note: Reference the individual written and graphic descriptions for each building height zone. These descriptions follow this key map within the Arizona Biltmore Resort & Spa Planned Unit Development Appendix C.

North Scale: 1" = 200 ft
 Revised: 7.09.09
 Revised: 6.15.09
 Revised: 6.04.09
 Revised: 5.27.09
 Date: 4.15.09
 Preliminary-Not For Construction Copyright LVA Urban Design Studio, L.L.C. Project #: 0811



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a certified DBE
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**ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
BUILDING HEIGHT STANDARDS
1 STORY – AREA B1**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
THENCE ALONG THE WEST LINE OF SAID PARCEL 15, NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
THENCE DEPARTING SAID WEST LINE AND CONTINUING ALONG SAID NORTH LINE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS EAST, 416.49 FEET;
THENCE SOUTH 49 DEGREES 23 MINUTES 52 SECONDS EAST, 212.69 FEET;
THENCE SOUTH 37 DEGREES 30 MINUTES 00 SECONDS EAST, 7.37 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTH LINE SOUTH 74 DEGREES 23 MINUTES 15 SECONDS EAST, 96.59 FEET;
THENCE SOUTH 73 DEGREES 09 MINUTES 00 SECONDS EAST, 173.39 FEET;
THENCE SOUTH 16 DEGREES 51 MINUTES 00 SECONDS WEST, 37.74 FEET;
THENCE SOUTH 73 DEGREES 09 MINUTES 00 SECONDS EAST, 379.02 FEET;
THENCE SOUTH 16 DEGREES 02 MINUTES 57 SECONDS WEST, 36.36 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 43 DEGREES 59 MINUTES 21 SECONDS WEST, 145.50 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 57 MINUTES 03 SECONDS, AN ARC LENGTH OF 17.65 FEET TO A POINT ON THE NORTH LINE OF SAID ACDC;
THENCE NORTH 88 DEGREES 31 MINUTES 26 SECONDS WEST, 193.22 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS 541.50 FEET;



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fax: 602.458.9246
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THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32 DEGREES 01 MINUTES 10 SECONDS, AN ARC LENGTH OF 302.60 FEET;
THENCE NORTH 37 DEGREES 30 MINUTES 00 SECONDS WEST, 221.15 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 60,391 SQUARE FEET OR 1.3864 ACRES, MORE OR LESS.

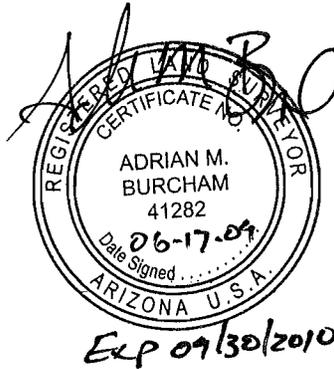
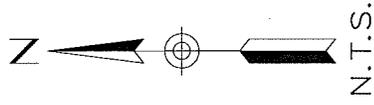


EXHIBIT "A"



CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

W 1/4 COR SEC 11
FND C.O.P. BCHH

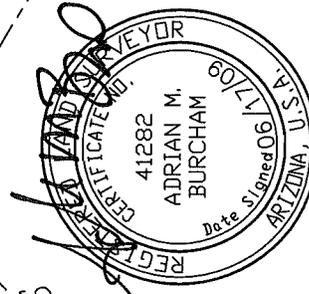
SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

NORTH LINE
ARIZONA CANAL DIVERSION CHANNEL

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

(P.O.B.)



EXPIRES 09/30/2010

SW COR SEC 11
FND C.O.P. BCHH
(P.O.C.)

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

LEGEND

BY	DATE
DESIGNED ARM	JUNE 2009
DRAWN ARM	JUNE 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 458-9246

(A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
(B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE ARIZONA BILTMORE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE BUILDING HEIGHT B1 LEGAL EXHIBIT A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
BUILDING HEIGHT B1
LEGAL EXHIBIT

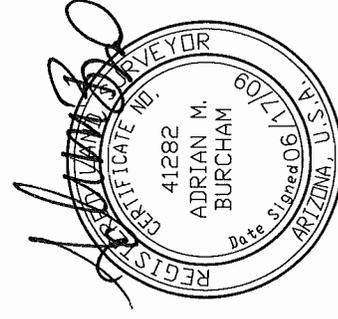
JOB NUMBER	08012-09
SHEET	1
OF	2

*FOR CURVE AND LINE
TABLES SEE SHEET 2

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	416.49	S59°06'00"E
L3	212.69	S49°23'52"E
L4	7.37	S37°30'00"E
L5	96.59	S74°23'15"E
L6	173.39	S73°09'00"E
L7	37.74	S16°51'00"W
L8	379.02	S73°09'00"E
L9	36.36	S16°02'57"W
L10	193.22	N88°31'26"W
L11	221.15	N37°30'00"W

CURVE	LENGTH	RADIUS	DELTA	RADIAL
C1	17.65	145.50	06°57'03"	S43°59'21"W
C2	302.60	541.50	32°01'10"	



EXPIRES 09/30/2010

DESIGNED	BY	DATE
DRAWN	ARM	JUNE 2009
	ARM	JUNE 2009



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**ARIZONA BILTMORE
BUILDING HEIGHT B1
LEGAL EXHIBIT**

JOB NUMBER	08012-09
SHEET	2
OF	2



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 fax: 602.458.9246
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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 1 STORY – AREA B2**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 14 BEARS NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST, 2668.88 FEET;
 THENCE ALONG THE EAST LINE OF SAID SECTION 14, NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST, 2193.83 FEET;
 THENCE DEPARTING SAID EAST LINE, NORTH 89 DEGREES 50 MINUTES 30 SECONDS WEST, 1990.06 FEET TO THE EASTERLY CORNER OF SAID PARCEL 15;
 THENCE ALONG THE NORTH LINE OF SAID PARCEL 15, NORTH 78 DEGREES 32 MINUTES 37 SECONDS WEST, 100.62 FEET;
 THENCE DEPARTING SAID NORTH LINE, SOUTH 11 DEGREES 27 MINUTES 23 SECONDS WEST, 20.00 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 11 DEGREES 25 MINUTES 17 SECONDS WEST, 54.46 FEET;
 THENCE NORTH 79 DEGREES 29 MINUTES 46 SECONDS WEST, 28.42 FEET;
 THENCE NORTH 10 DEGREES 30 MINUTES 14 SECONDS EAST, 54.80 FEET;
 THENCE SOUTH 78 DEGREES 49 MINUTES 48 SECONDS EAST, 29.30 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,577 SQUARE FEET OR 0.0362 ACRES, MORE OR LESS.



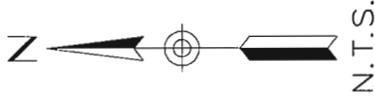
EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES
PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

LINE	LENGTH	BEARING
L1	100.62	N78°32'37"W
L2	20.00	S11°27'23"W
L3	54.46	S11°25'17"W
L4	28.42	N79°29'46"W
L5	54.80	N10°30'14"E
L6	29.30	S78°49'48"E



L6
L5
L4
L3
L2
L1
(P.O.B.)

N89°50'30"W
1990.06'

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

P.O.C.
E 1/4 COR SEC 14,
FND C.O.P. BCHH

EXPIRES 09/30/2010



DESIGNED	BY	DATE
ARM	ARM	APRIL 2009
DRAWN	ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040
PHONE (602) 454-8230
FAX (602) 456-9246

(A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
(B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

LEGEND

ARIZONA BILTMORE
BUILDING HEIGHT B2
LEGAL EXHIBIT

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE
LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE
A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

JOB NUMBER	SHEET	OF
08012-09	1	1

NE COR SEC. 14,
FND C.O.P. BCHH

2668.88'

N00°09'30"E
2193.83



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 fax: 602.458.9246
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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 2 STORY – AREA C1**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15, NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE DEPARTING SAID WEST LINE AND CONTINUING ALONG SAID NORTH LINE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS EAST, 234.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTH LINE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 171.26 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 141.00 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 195.00 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 70.00 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET;
 THENCE SOUTH 74 DEGREES 29 MINUTES 24 SECONDS EAST, 40.00 FEET;
 THENCE SOUTH 16 DEGREES 54 MINUTES 40 SECONDS WEST, 87.08 FEET TO A POINT ON SAID NORTH LINE;
 THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 49 DEGREES 23 MINUTES 52 SECONDS WEST, 80.58 FEET;
 THENCE NORTH 59 DEGREES 06 MINUTES 00 SECONDS WEST, 182.49 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 31,598 SQUARE FEET OR 0.7254 ACRES, MORE OR LESS.



EXHIBIT "A"



N.T.S.

NW CORNER
BILTMORE
GATES

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

NORTH LINE
ARIZONA CANAL DIVERSION CHANNEL

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

W 1/4 COR SEC 11
FND C.O.P. BCHH

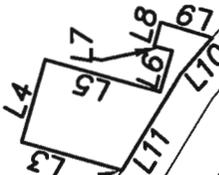
SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

N00°04'59"W
2643.21'

N83°20'53"E
1240.45'

24TH
STREET

SW COR SEC 11
FND C.O.P. BCHH
(P.O.C.)



(P.O.B.)



EXPIRES 09/30/2010

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

DESIGNED	BY	DATE
ARM	ARM	APRIL 2009
DRAWN	ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 458-9246

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ARIZONA BILTMORE
BUILDING HEIGHT C1
LEGAL EXHIBIT

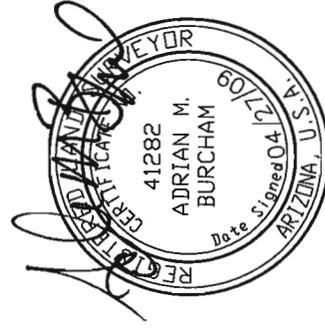
JOB NUMBER	SHEET	OF
08012-09	1	2

*FOR CURVE AND LINE
TABLES SEE SHEET 2

(B)

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	234.00	S59°06'00"E
L3	171.26	N16°00'00"E
L4	141.00	S74°00'00"E
L5	195.00	S16°00'00"W
L6	70.00	S74°00'00"E
L7	30.00	N16°00'00"E
L8	40.00	S74°29'24"E
L9	87.08	S16°54'40"W
L10	80.58	N49°23'52"W
L11	182.49	N59°06'00"W



EXPIRES 09/30/2010

DESIGNED	ARM	DATE	APRIL 2009
DRAWN	ARM	DATE	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040
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FAX (602) 458-9246

ARIZONA BILTMORE
BUILDING HEIGHT C1
LEGAL EXHIBIT

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JOB NUMBER	08012-09
SHEET	2
OF	2





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**ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
BUILDING HEIGHT STANDARDS
2 STORY – AREA C2**

A PORTION OF PARCEL 15 OF “ARIZONA BILTMORE HOTEL” ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
THENCE ALONG THE WEST LINE OF SAID PARCEL 15, NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
THENCE DEPARTING SAID WEST LINE AND CONTINUING ALONG SAID NORTH LINE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS EAST, 7.60 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 18 DEGREES 22 MINUTES 39 SECONDS EAST, 366.78 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH 12 DEGREES 10 MINUTES 56 SECONDS EAST, 525.00 FEET;
THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 45 MINUTES 56 SECONDS, AN ARC LENGTH OF 43.67 FEET;
THENCE SOUTH 82 DEGREES 35 MINUTES 00 SECONDS EAST, 479.92 FEET TO BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 525.00 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36 DEGREES 18 MINUTES 19 SECONDS, AN ARC LENGTH OF 332.66 FEET;
THENCE SOUTH 43 DEGREES 00 MINUTES 00 SECONDS EAST, 88.44 FEET;
THENCE SOUTH 47 DEGREES 00 MINUTES 00 SECONDS WEST, 13.46 FEET;
THENCE SOUTH 43 DEGREES 00 MINUTES 00 SECONDS EAST, 9.06 FEET;
THENCE SOUTH 47 DEGREES 00 MINUTES 00 SECONDS WEST, 12.62 FEET;
THENCE SOUTH 42 DEGREES 59 MINUTES 35 SECONDS EAST, 166.80 FEET;
THENCE SOUTH 72 DEGREES 55 MINUTES 38 SECONDS EAST, 65.98 FEET;
THENCE NORTH 16 DEGREES 19 MINUTES 48 SECONDS EAST, 15.52 FEET;
THENCE SOUTH 73 DEGREES 23 MINUTES 34 SECONDS EAST, 83.48 FEET;
THENCE SOUTH 15 DEGREES 45 MINUTES 07 SECONDS WEST, 101.34 FEET;
THENCE SOUTH 12 DEGREES 47 MINUTES 22 SECONDS EAST, 346.22 FEET;
THENCE NORTH 76 DEGREES 51 MINUTES 48 SECONDS EAST, 285.67 FEET;
THENCE SOUTH 12 DEGREES 59 MINUTES 59 SECONDS EAST, 126.60 FEET;
THENCE NORTH 77 DEGREES 00 MINUTES 01 SECONDS EAST, 90.31 FEET;
THENCE NORTH 12 DEGREES 59 MINUTES 59 SECONDS WEST, 129.40 FEET;
THENCE NORTH 77 DEGREES 04 MINUTES 22 SECONDS EAST, 32.87 FEET;
THENCE NORTH 13 DEGREES 00 MINUTES 00 SECONDS WEST, 132.75 FEET;



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THENCE NORTH 77 DEGREES 00 MINUTES 01 SECONDS EAST, 14.86 FEET;
THENCE NORTH 12 DEGREES 59 MINUTES 59 SECONDS WEST, 118.73 FEET;
THENCE NORTH 66 DEGREES 35 MINUTES 43 SECONDS EAST, 31.16 FEET TO THE
BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST, FROM WHICH
THE RADIUS POINT BEARS SOUTH 66 DEGREES 35 MINUTES 43 SECONDS WEST,
130.00 FEET;
THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14
DEGREES 50 MINUTES 47 SECONDS, AN ARC LENGTH OF 33.69 FEET;
THENCE SOUTH 08 DEGREES 33 MINUTES 30 SECONDS EAST, 304.62 FEET TO
BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A
RADIUS OF 35.00 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
62 DEGREES 41 MINUTES 54 SECONDS, AN ARC LENGTH OF 38.30 FEET;
THENCE SOUTH 11 DEGREES 04 MINUTES 44 SECONDS WEST, 116.09 FEET TO A
POINT ON THE NORTH LINE OF SAID PARCEL 15A;
THENCE ALONG SAID NORTH LINE FOR THE FOLLOWING 17 COURSES:
NORTH 79 DEGREES 14 MINUTES 09 SECONDS WEST, 114.76 FEET;
NORTH 42 DEGREES 12 MINUTES 32 SECONDS WEST, 39.58 FEET;
SOUTH 77 DEGREES 32 MINUTES 41 SECONDS WEST, 39.07 FEET;
NORTH 12 DEGREES 27 MINUTES 29 SECONDS WEST, 24.74 FEET;
SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 42.61 FEET;
NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 8.79 FEET;
SOUTH 76 DEGREES 48 MINUTES 11 SECONDS WEST, 89.49 FEET;
SOUTH 12 DEGREES 49 MINUTES 26 SECONDS EAST, 10.75 FEET;
SOUTH 77 DEGREES 54 MINUTES 07 SECONDS WEST, 16.50 FEET;
SOUTH 13 DEGREES 25 MINUTES 50 SECONDS EAST, 3.20 FEET;
SOUTH 76 DEGREES 34 MINUTES 10 SECONDS WEST, 25.58 FEET;
SOUTH 13 DEGREES 10 MINUTES 31 SECONDS EAST, 21.49 FEET;
SOUTH 76 DEGREES 46 MINUTES 03 SECONDS WEST, 69.75 FEET;
NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 8.19 FEET;
SOUTH 76 DEGREES 53 MINUTES 12 SECONDS WEST, 28.70 FEET;
NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 13.92 FEET;
SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 46.51 FEET;
THENCE DEPARTING SAID NORTH LINE NORTH 12 DEGREES 53 MINUTES 34
SECONDS WEST, 176.66 FEET;
THENCE NORTH 52 DEGREES 18 MINUTES 02 SECONDS WEST, 67.29 FEET;
THENCE NORTH 45 DEGREES 34 MINUTES 02 SECONDS EAST, 10.69 FEET;
THENCE NORTH 12 DEGREES 10 MINUTES 56 SECONDS WEST, 130.67 FEET;
THENCE NORTH 73 DEGREES 25 MINUTES 37 SECONDS WEST, 129.70 FEET;
THENCE SOUTH 46 DEGREES 21 MINUTES 45 SECONDS WEST, 109.23 FEET;
THENCE NORTH 42 DEGREES 49 MINUTES 58 SECONDS WEST, 251.34 FEET;
THENCE NORTH 47 DEGREES 10 MINUTES 02 SECONDS EAST, 311.41 FEET;
THENCE NORTH 43 DEGREES 00 MINUTES 00 SECONDS WEST, 53.78 FEET;
THENCE SOUTH 46 DEGREES 54 MINUTES 42 SECONDS WEST, 81.00 FEET;
THENCE NORTH 43 DEGREES 43 MINUTES 38 SECONDS WEST, 75.09 FEET;
THENCE SOUTH 47 DEGREES 00 MINUTES 00 SECONDS WEST, 69.76 FEET;
THENCE NORTH 82 DEGREES 46 MINUTES 29 SECONDS WEST, 173.63 FEET;
THENCE NORTH 82 DEGREES 35 MINUTES 00 SECONDS WEST, 479.92 FEET TO THE
BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF
550.00 FEET;



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THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02 DEGREES 31 MINUTES 41 SECONDS, AN ARC LENGTH OF 24.27 FEET;
THENCE SOUTH 18 DEGREES 22 MINUTES 39 SECONDS WEST, 349.99 FEET TO A POINT ON THE NORTH LINE OF SAID ACDC;
THENCE NORTH 59 DEGREES 06 MINUTES 00 SECONDS WEST, 24.58 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 243,711 SQUARE FEET OR 5.5948 ACRES, MORE OR LESS.



EXHIBIT "A"



CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

NW CORNER
BILTMORE
GATES
BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

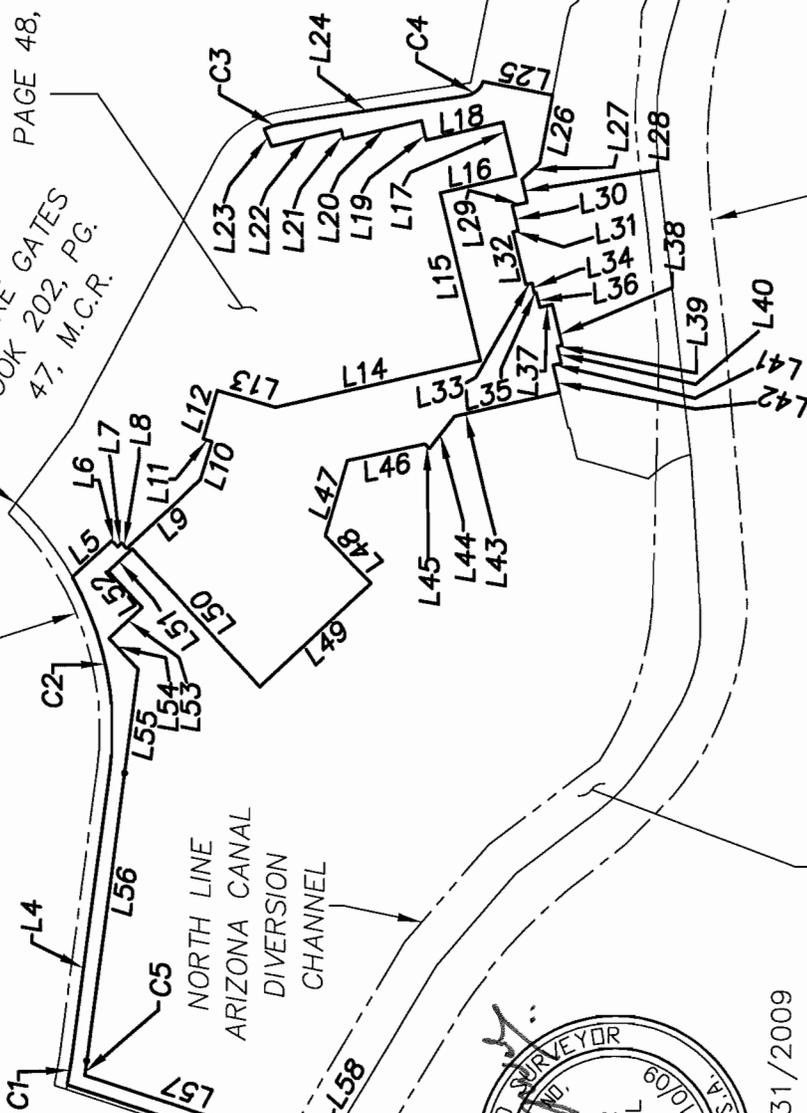
W 1/4 COR SEC 11
FND C.O.P. BCHH

(P.O.B.)
SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

24TH STREET
N00°04'59"W
2643.21'

N83°20'53"E
1240.45'

SW COR SEC 11
FND C.O.P. BCHH
(P.O.C.)



ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

BY	DATE
DESIGNED ARM	JULY 2009
DRAWN ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 458-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE ARIZONA BILTMORE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

JOB NUMBER	08012-12
SHEET	1
OF	2

LEGAL EXHIBIT

ARIZONA BILTMORE BUILDING HEIGHT C2

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	7.60	S59°06'00"E
L3	366.78	N18°22'39"E
L4	479.92	S82°35'00"E
L5	88.44	S43°00'00"E
L6	13.46	S47°00'00"W
L7	9.06	S43°00'00"E
L8	12.62	S47°00'00"W
L9	166.80	S42°59'35"E
L10	65.98	S72°55'38"E
L11	15.52	N16°19'48"E
L12	83.48	S73°23'34"E
L13	101.34	S15°45'07"W
L14	346.22	S12°47'22"E
L15	285.67	N76°51'48"E
L16	126.60	S12°59'59"E
L17	90.31	N77°00'01"E
L18	129.40	N12°59'59"W
L19	32.87	N77°04'22"E
L20	132.75	N13°00'00"W
L21	14.86	N77°00'01"E
L22	118.73	N12°59'59"W
L23	31.16	N66°35'43"E
L24	304.62	S08°33'30"E
L25	116.09	S11°04'44"W
L26	114.76	N79°14'09"W
L27	39.58	N42°12'32"W

LINE TABLE		
LINE	LENGTH	BEARING
L28	39.07	S77°32'41"W
L29	24.74	N12°27'29"W
L30	42.61	S76°49'29"W
L31	8.79	N13°10'31"W
L32	89.49	S76°48'11"W
L33	10.75	S12°49'26"E
L34	16.50	S77°54'07"W
L35	3.20	S13°25'50"E
L36	25.58	S76°34'10"W
L37	21.49	S13°10'31"E
L38	69.75	S76°46'03"W
L39	8.19	N13°10'31"W
L40	28.70	S76°53'12"W
L41	13.92	N13°10'31"W
L42	46.51	S76°49'29"W
L43	176.66	N12°53'34"W
L44	67.29	N52°18'02"W
L45	10.69	N45°34'02"E
L46	130.67	N12°10'56"W
L47	129.70	N73°25'37"W
L48	109.23	S46°21'45"W
L49	251.34	N42°49'58"W
L50	311.41	N47°10'02"E
L51	53.78	N43°00'00"W
L52	81.00	S46°54'42"W
L53	75.09	N43°43'38"W
L54	69.76	S47°00'00"W
L55	173.63	N82°46'29"W
L56	479.92	N82°35'00"W

LINE TABLE		
LINE	LENGTH	BEARING
L57	349.99	S18°22'39"W
L58	24.58	N59°06'00"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	RADIAL
C1	43.67	525.00	04°45'56"	N12°10'56"E
C2	332.66	525.00	36°18'19"	
C3	33.69	130.00	14°50'47"	S66°35'43"W
C4	38.30	35.00	62°41'54"	
C5	24.27	550.00	02°31'41"	



EXPIRES 12/31/2009

DESIGNED	ARM	DATE
DRAWN	ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET PHONE (602) 454-8230
PHOENIX, ARIZONA 85040 FAX (602) 458-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE ARIZONA BILTMORE BUILDING HEIGHT C2 LEGAL EXHIBIT. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

JOB NUMBER	08012-12
SHEET	2
OF	2



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a certified DBE
 www.alphaengineering.us

**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 2 STORY – AREA C3**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 14 BEARS NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST, 2668.88 FEET;
 THENCE ALONG THE EAST LINE OF SAID SECTION 14, NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST, 2193.83 FEET;
 THENCE DEPARTING SAID EAST LINE NORTH 89 DEGREES 50 MINUTES 30 SECONDS WEST, 1990.06 FEET TO THE EASTERLY CORNER OF SAID PARCEL 15;
 THENCE ALONG THE NORTH LINE OF SAID PARCEL 15, NORTH 78 DEGREES 32 MINUTES 37 SECONDS WEST, 129.91 FEET;
 THENCE DEPARTING SAID NORTH LINE, SOUTH 11 DEGREES 27 MINUTES 23 SECONDS WEST, 20.14 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 10 DEGREES 30 MINUTES 14 SECONDS WEST, 114.68 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 15;
 THENCE ALONG SAID SOUTH LINE NORTH 73 DEGREES 25 MINUTES 15 SECONDS WEST, 6.28 FEET;
 THENCE NORTH 79 DEGREES 14 MINUTES 09 SECONDS WEST, 45.74 FEET;
 THENCE DEPARTING SAID SOUTH LINE NORTH 10 DEGREES 38 MINUTES 52 SECONDS EAST, 114.81 FEET;
 THENCE SOUTH 78 DEGREES 23 MINUTES 05 SECONDS EAST, 51.70 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 5,934 SQUARE FEET OR 0.1362 ACRES, MORE OR LESS.



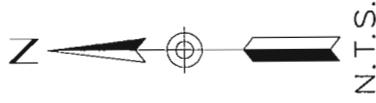
EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES
PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.
BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

LINE TABLE	
LINE	BEARING
L1	N78°32'37"W
L2	S11°27'23"W
L3	S10°30'14"W
L4	N73°25'15"W
L5	N79°14'09"W
L6	N10°38'52"E
L7	S78°23'05"E

(A)



PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

N89°50'30"W
1990.06'

2193.83
N00°09'30"E

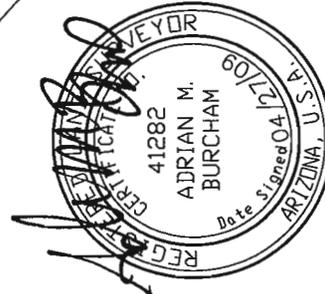
2668.88'

P.O.C.
E 1/4 COR SEC 14,
FND C.O.P. BCHH

ARIZONA CANAL CENTERLINE

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

EXPIRES 09/30/2010



LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040
PHONE (602) 454-8230
FAX (602) 458-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
BUILDING HEIGHT C3
LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	1
OF	1



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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 2 STORY – AREA C4**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 14 BEARS NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST, 2668.88 FEET;
 THENCE ALONG THE EAST LINE OF SAID SECTION 14, NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST, 2193.83 FEET;
 THENCE DEPARTING SAID EAST LINE NORTH 89 DEGREES 50 MINUTES 30 SECONDS WEST, 1990.06 FEET TO THE EASTERLY CORNER OF SAID PARCEL 15;
 THENCE ALONG THE NORTH LINE OF SAID PARCEL 15, NORTH 78 DEGREES 32 MINUTES 37 SECONDS WEST, 29.93 FEET;
 THENCE DEPARTING SAID NORTH LINE, SOUTH 11 DEGREES 27 MINUTES 23 SECONDS WEST, 20.00 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 11 DEGREES 15 MINUTES 11 SECONDS WEST, 126.56 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 15;
 THENCE ALONG SAID SOUTH LINE NORTH 78 DEGREES 23 MINUTES 10 SECONDS WEST, 71.06 FEET;
 THENCE DEPARTING SAID SOUTH LINE NORTH 11 DEGREES 25 MINUTES 17 SECONDS EAST, 126.36 FEET;
 THENCE SOUTH 78 DEGREES 32 MINUTES 41 SECONDS EAST, 70.69 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 8,963 SQUARE FEET OR 0.2058 ACRES, MORE OR LESS.



EXHIBIT "A"

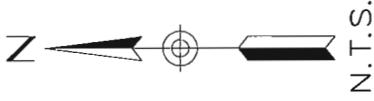
CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

LINE TABLE	
LINE	BEARING
L1	N78°32'37"W
L2	S11°27'23"W
L3	S11°15'11"W
L4	N78°23'10"W
L5	N11°25'17"E
L6	S78°32'41"E



L1
L2
L3
L4
L5
L6
(P.O.B.)

N89°50'30"W
1990.06'

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

(B)

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

P.O.C.:
E 1/4 COR SEC 14,
FND C.O.P. BCHH

2668.88'
2193.83
N00°09'30"E

NE COR SEC. 14,
FND C.O.P. BCHH



EXPIRES 09/30/2010

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040
PHONE (602) 454-8230
FAX (602) 458-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE
LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE
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ARIZONA BILTMORE
BUILDING HEIGHT C4
LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	1
OF	1



tel: 602.454.8230
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 5235 South 39th St. Phoenix, AZ 85040

a certified DBE
 www.alphaengineering.us

**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 3 STORY – AREA D1**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

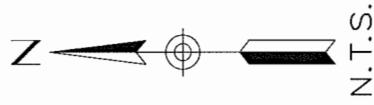
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15, NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE CONTINUING ALONG SAID WEST LINE NORTH 18 DEGREES 23 MINUTES 12 SECONDS EAST, 343.01 FEET;
 THENCE DEPARTING SAID WEST LINE SOUTH 71 DEGREES 36 MINUTES 48 SECONDS EAST, 31.36 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH 09 DEGREES 56 MINUTES 41 SECONDS EAST, 550.00 FEET, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE EASTERLY ALONG SAID ARC, THROUGH A CENTRAL ANGLE OF 02 DEGREES 31 MINUTES 41 SECONDS, A DISTANCE OF 24.27 FEET;
 THENCE SOUTH 82 DEGREES 35 MINUTES 00 SECONDS EAST, 479.92 FEET;
 THENCE SOUTH 82 DEGREES 46 MINUTES 29 SECONDS EAST, 173.63 FEET;
 THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 69.76 FEET;
 THENCE SOUTH 43 DEGREES 10 MINUTES 37 SECONDS EAST, 51.00 FEET;
 THENCE SOUTH 47 DEGREES 00 MINUTES 00 SECONDS WEST, 229.39 FEET;
 THENCE SOUTH 87 DEGREES 39 MINUTES 01 SECONDS WEST, 191.69 FEET;
 THENCE NORTH 14 DEGREES 11 MINUTES 16 SECONDS WEST, 148.19 FEET;
 THENCE NORTH 80 DEGREES 16 MINUTES 11 SECONDS WEST, 277.48 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 16.00 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 101.19 FEET;
 THENCE NORTH 18 DEGREES 22 MINUTES 39 SECONDS EAST, 40.34 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 68,082 SQUARE FEET OR 1.5629 ACRES, MORE OR LESS.



EXHIBIT "A"



CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

(P.O.B.)

W 1/4 COR SEC 11
FND C.O.P. BCHH

SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

24TH STREET
N00°04'59"W
2643.21'

N83°20'53"E
1240.45'



EXPIRES 12/31/2009

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

SW COR SEC 11
FND C.O.P. BCHH
(P.O.C.)

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

BY	DATE
DESIGNED ARM	JULY 2009
DRAWN ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
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NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE
LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE
A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
BUILDING HEIGHT D1
LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	1
OF	2

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	343.01	N18°23'12"E
L3	31.36	S71°36'48"E
L4	479.92	S82°35'00"E
L5	173.63	S82°46'29"E
L6	69.76	N47°00'00"E
L7	51.00	S43°10'37"E
L8	229.39	S47°00'00"W
L9	191.69	S87°39'01"W
L10	148.19	N14°11'16"W
L11	277.48	N80°16'11"W
L12	16.00	S16°00'00"W
L13	101.19	N74°00'00"W
L14	40.34	N18°22'39"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	RADIAL
C1	24.27	550.00	02°31'41"	N09°56'41"E



EXPIRES 12/31/2009

DESIGNED	ARM	DATE	JULY 2009
DRAWN	ARM		JULY 2009



ALPHA ENGINEERING

5235 SOUTH 39TH STREET PHOENIX, ARIZONA 85040
 PHONE (602) 454.8230 FAX (602) 458.9246

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ARIZONA BILTMORE BUILDING HEIGHT D1 LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	2
OF	2



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 www.alphaengineering.us

**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 3 STORY – AREA D2**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

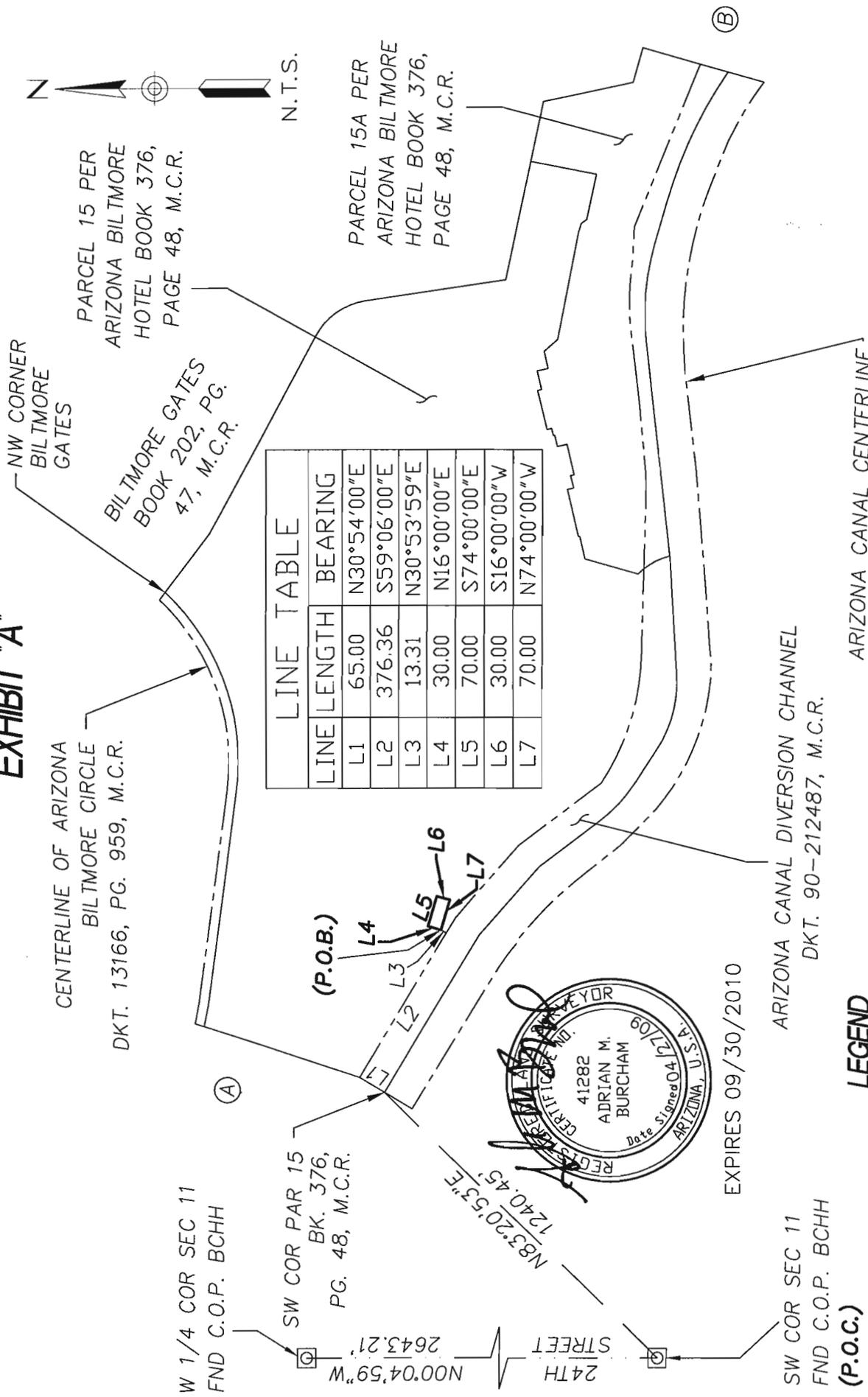
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15 NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE DEPARTING SAID WEST LINE AND CONTINUING ALONG SAID NORTH LINE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS EAST, 376.36 FEET;
 THENCE DEPARTING SAID NORTH LINE, NORTH 30 DEGREES 53 MINUTES 59 SECONDS EAST, 13.31 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 70.00 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 30.00 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 70.00 FEET TO THE **POINT OF BEGINNING**.

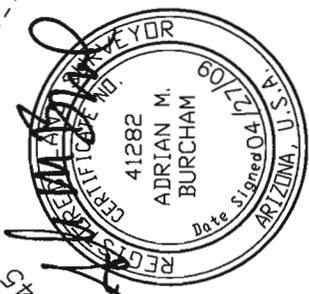
SAID PARCEL CONTAINS 2,100 SQUARE FEET OR 0.0482 ACRES, MORE OR LESS.



EXHIBIT "A"



LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	376.36	S59°06'00"E
L3	13.31	N30°53'59"E
L4	30.00	N16°00'00"E
L5	70.00	S74°00'00"E
L6	30.00	S16°00'00"W
L7	70.00	N74°00'00"W



LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

Alpha Engineering
 5235 SOUTH 39TH STREET
 PHOENIX, ARIZONA 85040
 PHONE (602) 454.8230
 FAX (602) 458.9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE ARIZONA BILTMORE BUILDING HEIGHT D2 LEGAL EXHIBIT. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

JOB NUMBER	08012-09
SHEET	1
OF	1



tel: 602.454.8230
 fax: 602.458.9246
 5235 South 39th St. Phoenix, AZ 85040

a certified DBE
 www.alphaengineering.us

**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 3 STORY – AREA D3**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 2641.65 FEET;
 THENCE ALONG THE EAST LINE OF SAID SECTION 11 NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 342.80 FEET;
 THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES 53 MINUTES 01 SECONDS WEST, 2950.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, FROM WHICH THE RADIUS POINT BEARS NORTH 26 DEGREES 55 MINUTES 17 SECONDS WEST, 525.00 FEET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BILTMORE GATES, AS RECORDED IN BOOK 202, PAGE 47, MARICOPA COUNTY RECORDER;
 THENCE WESTERLY ALONG SAID CURVE, ALSO BEING THE NORTH LINE OF SAID PARCEL 15, THROUGH A CENTRAL ANGLE OF 18 DEGREES 49 MINUTES 24 SECONDS, AN ARC LENGTH OF 172.48 FEET;
 THENCE DEPARTING SAID NORTH LINE SOUTH 26 DEGREES 55 MINUTES 17 SECONDS EAST, 56.62 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 43 DEGREES 00 MINUTES 00 SECONDS EAST, 53.78 FEET;
 THENCE SOUTH 47 DEGREES 10 MINUTES 02 SECONDS WEST, 81.56 FEET;
 THENCE NORTH 43 DEGREES 10 MINUTES 37 SECONDS WEST, 53.78 FEET;
 THENCE NORTH 47 DEGREES 09 MINUTES 59 SECONDS EAST, 81.72 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 4,390 SQUARE FEET OR 0.1008 ACRES, MORE OR LESS.



EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES

E 1/4 COR SEC. 11,
FND C.O.P. BCHH

S89°53'01"W
2950.70'

342.80'
N00°06'59"W

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.



P.O.C.:
SE COR SEC 11,
FND C.O.P. BCHH

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

EXPIRES 12/31/2009



LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

BY	DATE
DESIGNED ARM	JULY 2009
DRAWN ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 458-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE
LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE
A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
BUILDING HEIGHT D3
LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	1
OF	2

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.62	S26°55'17"E
L2	53.78	S43°00'00"E
L3	81.56	S47°10'02"W
L4	53.78	N43°10'37"W
L5	81.72	N47°09'59"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	RADIAL
C1	172.48	525.00	18°49'24"	N26°55'17"W

DESIGNED	ARM	DATE
DRAWN	ARM	JULY 2009



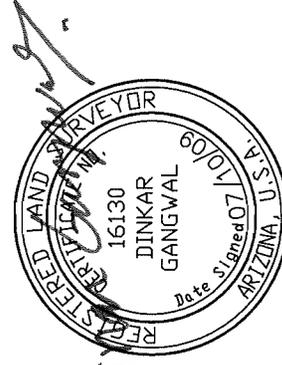
ALPHA ENGINEERING

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PHOENIX, ARIZONA 85040
PHONE (602) 454-8230
FAX (602) 458-9246

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**ARIZONA BILTMORE
BUILDING HEIGHT D3
LEGAL EXHIBIT**

JOB NUMBER	08012-12
SHEET	OF
2	2



EXPIRES 12/31/2009



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fax: 602.458.9246
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a certified DBE
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**ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
BUILDING HEIGHT STANDARDS
3 STORY – AREA D4**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 2641.65 FEET;
THENCE ALONG THE EAST LINE OF SAID SECTION 11 NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 342.80 FEET;
THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES 53 MINUTES 01 SECONDS WEST, 2950.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, FROM WHICH THE RADIUS POINT BEARS NORTH 45 DEGREES 44 MINUTES 41 SECONDS WEST, 525.00 FEET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BILTMORE GATES, AS RECORDED IN BOOK 202, PAGE 47, MARICOPA COUNTY RECORDER;
THENCE WESTERLY ALONG SAID CURVE, ALSO BEING THE NORTH LINE OF SAID PARCEL 15, THROUGH A CENTRAL ANGLE OF 02 DEGREES 12 MINUTES 37 SECONDS, AN ARC LENGTH OF 20.25 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 53 DEGREES 40 MINUTES 26 SECONDS EAST, 165.61 FEET;
THENCE SOUTH 61 DEGREES 52 MINUTES 30 SECONDS EAST, 501.61 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 130.00 FEET;
THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38 DEGREES 28 MINUTES 13 SECONDS, AN ARC LENGTH OF 87.29 FEET;
THENCE SOUTH 66 DEGREES 35 MINUTES 43 SECONDS WEST, 31.16 FEET;
THENCE SOUTH 12 DEGREES 59 MINUTES 59 SECONDS EAST, 118.73 FEET;
THENCE SOUTH 77 DEGREES 00 MINUTES 01 SECONDS WEST, 14.86 FEET;
THENCE SOUTH 13 DEGREES 00 MINUTES 00 SECONDS EAST, 132.75 FEET;
THENCE SOUTH 77 DEGREES 04 MINUTES 22 SECONDS WEST, 32.87 FEET;
THENCE SOUTH 12 DEGREES 59 MINUTES 59 SECONDS EAST, 129.40 FEET;
THENCE SOUTH 77 DEGREES 00 MINUTES 01 SECONDS WEST, 44.81 FEET;
THENCE NORTH 13 DEGREES 01 MINUTES 24 SECONDS WEST, 200.11 FEET;
THENCE NORTH 77 DEGREES 00 MINUTES 00 SECONDS EAST, 13.41 FEET;
THENCE NORTH 13 DEGREES 09 MINUTES 48 SECONDS WEST, 207.01 FEET;
THENCE NORTH 61 DEGREES 16 MINUTES 52 SECONDS WEST, 24.34 FEET;
THENCE SOUTH 76 DEGREES 54 MINUTES 33 SECONDS WEST, 324.64 FEET;
THENCE NORTH 12 DEGREES 47 MINUTES 22 SECONDS WEST, 49.33 FEET;
THENCE NORTH 15 DEGREES 45 MINUTES 07 SECONDS EAST, 101.34 FEET;
THENCE NORTH 73 DEGREES 23 MINUTES 34 SECONDS WEST, 83.48 FEET;
THENCE SOUTH 16 DEGREES 19 MINUTES 48 SECONDS WEST, 15.52 FEET;
THENCE NORTH 72 DEGREES 55 MINUTES 38 SECONDS WEST, 65.98 FEET;
THENCE NORTH 42 DEGREES 59 MINUTES 35 SECONDS WEST, 166.80 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 12.62 FEET;



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THENCE NORTH 43 DEGREES 00 MINUTES 00 SECONDS WEST, 9.06 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 13.46 FEET;
THENCE NORTH 43 DEGREES 00 MINUTES 00 SECONDS WEST, 88.44 FEET TO A
POINT ON THE NORTH LINE OF SAID PARCEL 15, SAID POINT ALSO BEING THE
BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, FROM
WHICH THE RADIUS POINT BEARS NORTH 28 DEGREES 53 MINUTES 19 SECONDS
WEST, 525.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, AND ALSO SAID NORTH LINE,
THROUGH A CENTRAL ANGLE OF 14 DEGREES 38 MINUTES 45 SECONDS, AN ARC
LENGTH OF 134.20 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 157,423 SQUARE FEET OR 3.6139 ACRES, MORE OR LESS.



EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
(P.O.B.)
DKT. 13166, PG. 959, M.C.R.

E 1/4 COR SEC. 11,
FND C.O.P. BCHH
S89°53'01"W
2950.70'

342.80'
N00°06'59"W
2641.65'

P.O.C.:
SE COR SEC 11,
FND C.O.P. BCHH

N.T.S.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

NW CORNER
BILTMORE
GATES

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

ALPHA ENGINEERING

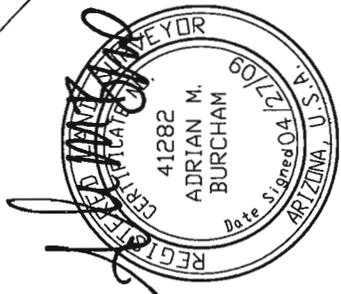
5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454.8230
FAX (602) 458.9246

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ARIZONA BILTMORE
BUILDING HEIGHT D4
LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	1
OF	2



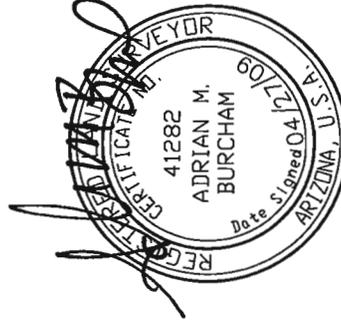
EXPIRES 09/30/2010

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	165.61	S53°40'26"E
L2	501.61	S61°52'30"E
L3	31.16	S66°35'43"W
L4	118.73	S12°59'59"E
L5	14.86	S77°00'01"W
L6	132.75	S13°00'00"E
L7	32.87	S77°04'22"W
L8	129.40	S12°59'59"E
L9	44.81	S77°00'01"W
L10	200.11	N13°01'24"W
L11	13.41	N77°00'00"E
L12	207.01	N13°09'48"W
L13	24.34	N61°16'52"W
L14	324.64	S76°54'33"W
L15	49.33	N12°47'22"W
L16	101.34	N15°45'07"E
L17	83.48	N73°23'34"W
L18	15.52	S16°19'48"W
L19	65.98	N72°55'38"W
L20	166.80	N42°59'35"W
L21	12.62	N47°00'00"E
L22	9.06	N43°00'00"W
L23	13.46	N47°00'00"E
L24	88.44	N43°00'00"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	RADIAL
C1	20.25	525.00	02°12'37"	N45°44'41"W
C2	87.29	130.00	38°28'13"	
C3	134.20	525.00	14°38'45"	N28°53'19"W



EXPIRES 09/30/2010

DESIGNED	BY	DATE
DRAWN	ARM	APRIL 2009
	ARM	APRIL 2009

ALPHA ENGINEERING

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**ARIZONA BILTMORE
BUILDING HEIGHT D4
LEGAL EXHIBIT**

JOB NUMBER	08012-09
SHEET	2
OF	2





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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 4 STORY – AREA E1**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15, ARIZONA BILTMORE HOTEL, ACCORDING TO BOOK 376, PAGE 48, M.C.R.;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15, NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE NORTH 18 DEGREES 23 MINUTES 12 SECONDS EAST, 302.67 FEET;
 THENCE DEPARTING SAID WEST LINE SOUTH 71 DEGREES 36 MINUTES 48 SECONDS EAST, 31.37 FEET TO THE **POINT OF BEGINNING**;

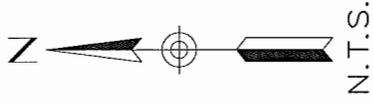
THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 101.19 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 16.00 FEET;
 THENCE SOUTH 80 DEGREES 16 MINUTES 11 SECONDS EAST, 277.48 FEET;
 THENCE SOUTH 12 DEGREES 54 MINUTES 37 SECONDS EAST, 98.60 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 282.22 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 11.24 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 144.58 FEET;
 THENCE NORTH 18 DEGREES 22 MINUTES 39 SECONDS EAST, 51.29 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 27,388 SQUARE FEET OR 0.6287 ACRES, MORE OR LESS.

Dinkar Gangwal

 Exp. 12/31/09

EXHIBIT "A"



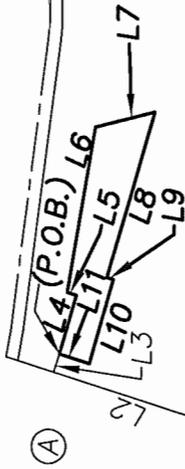
CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

W 1/4 COR SEC 11
FND C.O.P. BCHH

SW COR PAR 15
BK. 376,
PG. 48, M.C.R.



EXPIRES 12/31/2009

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

LEGEND

- Ⓐ PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- Ⓑ PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

BY	DATE
DESIGNED ARM	JULY 2009
DRAWN ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 456-9246

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ARIZONA BILTMORE
BUILDING HEIGHT E1
LEGAL EXHIBIT

JOB NUMBER 08012-12	
SHEET 1	OF 2



EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	302.67	N18°23'12"E
L3	31.37	S71°36'48"E
L4	101.19	S74°00'00"E
L5	16.00	N16°00'00"E
L6	277.48	S80°16'11"E
L7	98.60	S12°54'37"E
L8	282.22	N74°00'00"W
L9	11.24	S16°00'00"W
L10	144.58	N74°00'00"W
L11	51.29	N18°22'39"E



EXPIRES 12/31/2009

DESIGNED	ARM	DATE
DRAWN	ARM	JULY 2009



ALPHA ENGINEERING

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ARIZONA BILTMORE BUILDING HEIGHT E1 LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	2
OF	2



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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 4 STORY – AREA E2**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15 NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE DEPARTING SAID WEST LINE, ALONG SAID NORTH LINE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS EAST, 32.18 FEET, ALSO BEING SAID NORTH ACDC LINE, TO THE **POINT OF BEGINNING**;

THENCE NORTH 18 DEGREES 22 MINUTES 39 SECONDS EAST, 149.49 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 153.28 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 30.00 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 35.54 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 171.26 FEET;
 THENCE NORTH 59 DEGREES 06 MINUTES 00 SECONDS WEST, 201.82 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 32,661 SQUARE FEET OR 0.7498 ACRES, MORE OR LESS.





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**ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
BUILDING HEIGHT STANDARDS
4 STORY – AREA E3**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 2641.65 FEET;
THENCE ALONG THE EAST LINE OF SAID SECTION 11 NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 342.80 FEET;
THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES 53 MINUTES 01 SECONDS WEST, 2950.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, FROM WHICH THE RADIUS POINT BEARS NORTH 45 DEGREES 44 MINUTES 41 SECONDS WEST, 525.00 FEET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF BILTMORE GATES, AS RECORDED IN BOOK 202, PAGE 47, MARICOPA COUNTY RECORDER;
THENCE WESTERLY ALONG SAID CURVE, ALSO BEING THE NORTH LINE OF SAID PARCEL 15 THROUGH A CENTRAL ANGLE OF 27 DEGREES 09 MINUTES 56 SECONDS, AN ARC LENGTH OF 248.92 FEET;
THENCE DEPARTING SAID NORTH LINE SOUTH 18 DEGREES 34 MINUTES 45 SECONDS EAST, 62.47 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 43 DEGREES 10 MINUTES 37 SECONDS EAST, 77.50 FEET;
THENCE SOUTH 47 DEGREES 10 MINUTES 02 SECONDS WEST, 229.85 FEET;
THENCE NORTH 42 DEGREES 49 MINUTES 58 SECONDS WEST, 76.83 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 229.39 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 17,718 SQUARE FEET OR 0.4067 ACRES, MORE OR LESS.



EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES

E 1/4 COR SEC. 11,
FND C.O.P. BCHH

S89°53'01"W
2950.70'

342.80'
N00°06'59"W

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.



P.O.C.:
SE COR SEC 11,
FND C.O.P. BCHH

N.T.S.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

EXPIRES 12/31/2009

ARIZONA CANAL CENTERLINE

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

BY	DATE
DESIGNED ARM	JULY 2009
DRAWN ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 458-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE
LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE
A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
BUILDING HEIGHT E3
LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	1
OF	2



EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	62.47	S18°34'45"E
L2	77.50	S43°10'37"E
L3	229.85	S47°10'02"W
L4	76.83	N42°49'58"W
L5	229.39	N47°00'00"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	RADIAL
C1	248.92	525.00	27°09'56"	N45°44'41"W

DESIGNED	ARM	DATE
DRAWN	ARM	JULY 2009

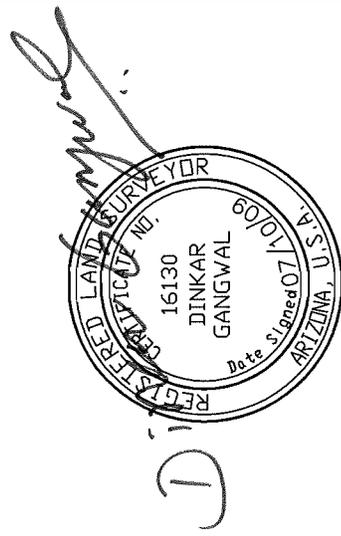


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LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE BUILDING HEIGHT E3
A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY. LEGAL EXHIBIT

JOB NUMBER 08012-12
SHEET 2 OF 2



EXPIRES 12/31/2009



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fax: 602.458.9246
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a certified DBE
www.alphaengineering.us

**ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
BUILDING HEIGHT STANDARDS
4 STORY – AREA E4**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
THENCE ALONG THE WEST LINE OF SAID PARCEL 15, NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
THENCE DEPARTING SAID WEST LINE AND CONTINUING ALONG SAID NORTH LINE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS EAST, 416.49 FEET;
THENCE SOUTH 49 DEGREES 23 MINUTES 52 SECONDS EAST, 80.58 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 16 DEGREES 54 MINUTES 40 SECONDS EAST, 87.08 FEET;
THENCE NORTH 74 DEGREES 29 MINUTES 24 SECONDS WEST, 40.00 FEET;
THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 70.00 FEET;
THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET;
THENCE SOUTH 73 DEGREES 40 MINUTES 31 SECONDS EAST, 110.45 FEET;
THENCE NORTH 16 DEGREES 53 MINUTES 12 SECONDS EAST, 179.62 FEET;
THENCE SOUTH 72 DEGREES 58 MINUTES 30 SECONDS EAST, 229.36 FEET;
THENCE SOUTH 17 DEGREES 33 MINUTES 49 SECONDS WEST, 48.29 FEET;
THENCE SOUTH 73 DEGREES 50 MINUTES 27 SECONDS EAST, 18.36 FEET;
THENCE SOUTH 17 DEGREES 58 MINUTES 50 SECONDS WEST, 17.94 FEET;
THENCE SOUTH 73 DEGREES 25 MINUTES 16 SECONDS EAST, 47.74 FEET;
THENCE SOUTH 18 DEGREES 38 MINUTES 25 SECONDS WEST, 8.48 FEET;
THENCE SOUTH 73 DEGREES 13 MINUTES 50 SECONDS EAST, 64.72 FEET;
THENCE SOUTH 43 DEGREES 00 MINUTES 00 SECONDS EAST, 59.45 FEET;
THENCE NORTH 76 DEGREES 38 MINUTES 12 SECONDS EAST, 67.00 FEET;
THENCE SOUTH 11 DEGREES 21 MINUTES 05 SECONDS EAST, 112.91 FEET;
THENCE SOUTH 73 DEGREES 17 MINUTES 51 SECONDS EAST, 141.65 FEET;
THENCE NORTH 45 DEGREES 34 MINUTES 02 SECONDS EAST, 118.65 FEET;
THENCE SOUTH 52 DEGREES 18 MINUTES 02 SECONDS EAST, 67.29 FEET;
THENCE SOUTH 12 DEGREES 53 MINUTES 34 SECONDS EAST, 41.46 FEET;
THENCE SOUTH 46 DEGREES 49 MINUTES 27 SECONDS WEST, 157.73 FEET;
THENCE SOUTH 16 DEGREES 40 MINUTES 49 SECONDS WEST, 126.23 FEET;
THENCE NORTH 73 DEGREES 09 MINUTES 00 SECONDS WEST, 328.65 FEET;
THENCE NORTH 16 DEGREES 51 MINUTES 00 SECONDS EAST, 37.74 FEET;
THENCE NORTH 73 DEGREES 09 MINUTES 00 SECONDS WEST, 173.39 FEET;
THENCE NORTH 74 DEGREES 23 MINUTES 15 SECONDS WEST, 96.59 FEET;



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THENCE NORTH 37 DEGREES 30 MINUTES 00 SECONDS WEST, 7.37 FEET;
THENCE NORTH 49 DEGREES 23 MINUTES 52 SECONDS WEST, 132.11 FEET TO THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 219,129 SQUARE FEET OR 5.0305 ACRES, MORE OR LESS.

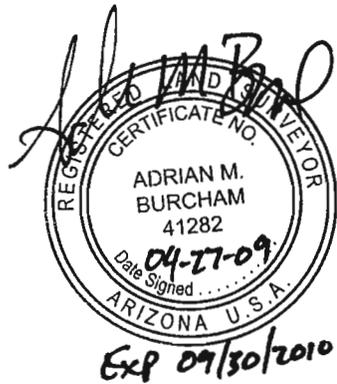
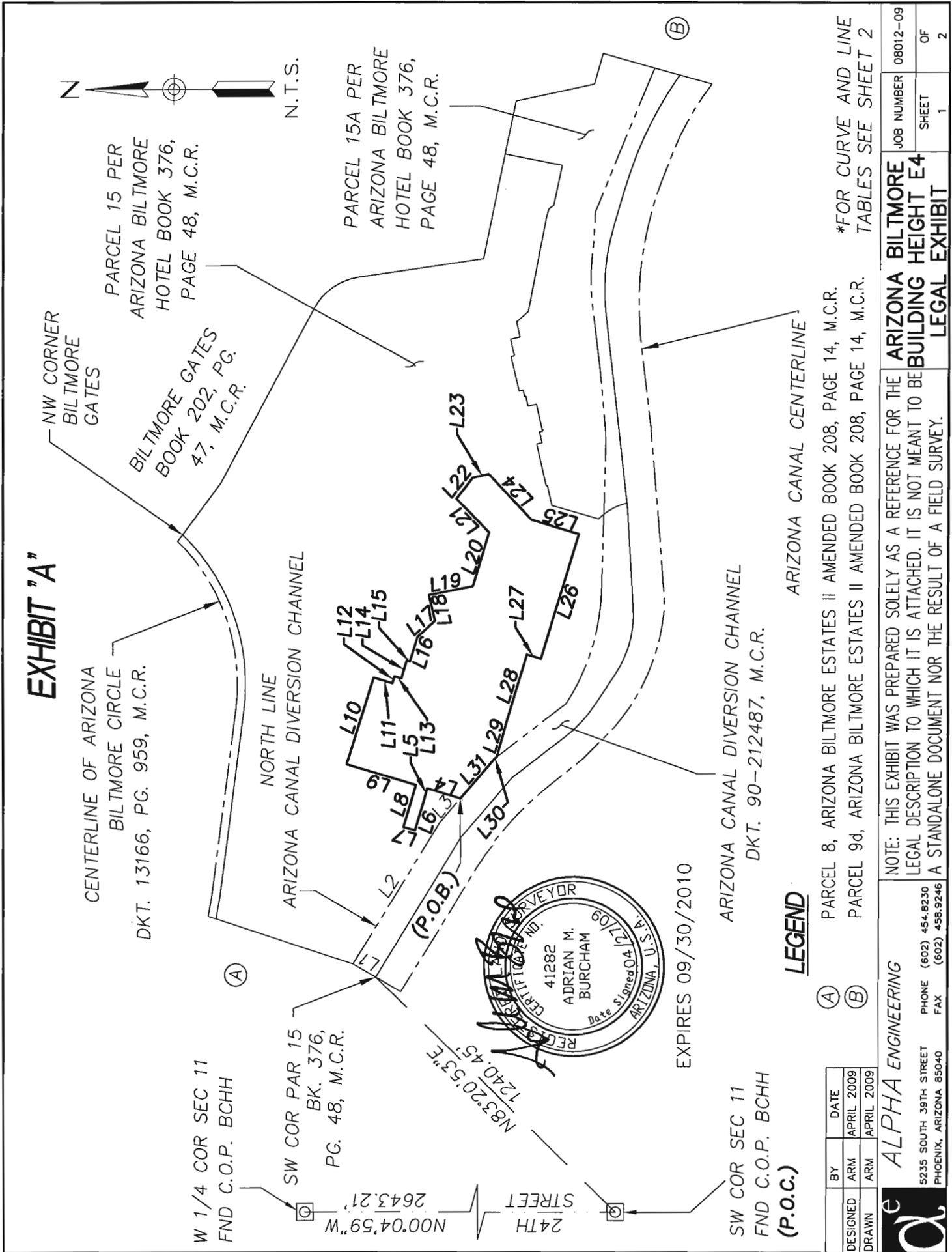


EXHIBIT "A"



*FOR CURVE AND LINE TABLES SEE SHEET 2

ARIZONA BILTMORE BUILDING HEIGHT E4 LEGAL EXHIBIT

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

BY		DATE
DESIGNED	ARM	APRIL 2009
DRAWN	ARM	APRIL 2009

ALPHA ENGINEERING
 5235 SOUTH 39TH STREET
 PHOENIX, ARIZONA 85040
 PHONE (602) 454-8230
 FAX (602) 458-9246

JOB NUMBER	08012-09
SHEET	1
OF	2

EXHIBIT "A"

LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	416.49	S59°06'00"E
L3	80.58	S49°23'52"E
L4	87.08	N16°54'40"E
L5	40.00	N74°29'24"W
L6	70.00	N74°00'00"W
L7	30.00	N16°00'00"E
L8	110.45	S73°40'31"E
L9	179.62	N16°53'12"E
L10	229.36	S72°58'30"E
L11	48.29	S17°33'49"W
L12	18.36	S73°50'27"E
L13	17.94	S17°58'50"W
L14	47.74	S73°25'16"E
L15	8.48	S18°38'25"W
L16	64.72	S73°13'50"E

LINE	LENGTH	BEARING
L17	59.45	S43°00'00"E
L18	67.00	N76°38'12"E
L19	112.91	S11°21'05"E
L20	141.65	S73°17'51"E
L21	118.65	N45°34'02"E
L22	67.29	S52°18'02"E
L23	41.46	S12°53'34"E
L24	157.73	S46°49'27"W
L25	126.23	S16°40'49"W
L26	328.65	N73°09'00"W
L27	37.74	N16°51'00"E
L28	173.39	N73°09'00"W
L29	96.59	N74°23'15"W
L30	7.37	N37°30'00"W
L31	132.11	N49°23'52"W



EXPIRES 09/30/2010

DESIGNED	BY	DATE
DRAWN	ARM	APRIL 2009
	ARM	APRIL 2009

ALPHA ENGINEERING

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ARIZONA BILTMORE BUILDING HEIGHT E4 LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	2
OF	2





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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 4 STORY – AREA E5**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 2641.65 FEET;
 THENCE ALONG THE EAST LINE OF SAID SECTION 11, NORTH 00 DEGREES 06 MINUTES 59 SECONDS WEST, 342.80 FEET;
 THENCE DEPARTING SAID EAST LINE, SOUTH 89 DEGREES 53 MINUTES 01 SECONDS WEST, 2950.70 FEET TO THE NORTHWEST CORNER OF BILTMORE GATES, AS RECORDED IN BOOK 202, PAGE 47, MARICOPA COUNTY RECORDER;
 THENCE ALONG THE EAST LINE OF SAID PARCEL 15 SOUTH 53 DEGREES 40 MINUTES 26 SECONDS EAST, 161.00 FEET;
 THENCE SOUTH 61 DEGREES 52 MINUTES 30 SECONDS EAST, 459.94 FEET;
 THENCE DEPARTING SAID EAST LINE SOUTH 28 DEGREES 07 MINUTES 30 SECONDS WEST, 105.04 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 61 DEGREES 16 MINUTES 52 SECONDS EAST, 24.34 FEET;
 THENCE SOUTH 13 DEGREES 09 MINUTES 48 SECONDS EAST, 207.01 FEET;
 THENCE SOUTH 77 DEGREES 00 MINUTES 00 SECONDS WEST, 13.41 FEET;
 THENCE SOUTH 13 DEGREES 01 MINUTES 24 SECONDS EAST, 200.11 FEET;
 THENCE SOUTH 77 DEGREES 00 MINUTES 01 SECONDS WEST, 45.50 FEET;
 THENCE NORTH 12 DEGREES 59 MINUTES 59 SECONDS WEST, 126.60 FEET;
 THENCE SOUTH 76 DEGREES 51 MINUTES 48 SECONDS WEST, 285.67 FEET;
 THENCE NORTH 12 DEGREES 47 MINUTES 22 SECONDS WEST, 296.89 FEET;
 THENCE NORTH 76 DEGREES 54 MINUTES 33 SECONDS EAST, 324.64 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 106,622 SQUARE FEET OR 2.4477 ACRES, MORE OR LESS.



EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

E 1/4 COR SEC. 11,
FND C.O.P. BCHH
S89°53'01"W
2950.70'

342.80'
N00°06'59"W 2641.65'

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

P.O.C.:
SE COR SEC 11,
FND C.O.P. BCHH

N.T.S.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487 M.C.R.

ARIZONA CANAL CENTERLINE

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

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ARIZONA BILTMORE
BUILDING HEIGHT E5
LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	1
OF	2

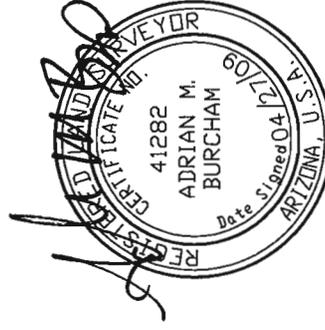
*FOR CURVE AND LINE
TABLES SEE SHEET 2



EXPIRES 09/30/2010

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	161.00	S53°40'26"E
L2	459.94	S61°52'30"E
L3	105.04	S28°07'30"W
L4	24.34	S61°16'52"E
L5	207.01	S13°09'48"E
L6	13.41	S77°00'00"W
L7	200.11	S13°01'24"E
L8	45.50	S77°00'01"W
L9	126.60	N12°59'59"W
L10	285.67	S76°51'48"W
L11	296.89	N12°47'22"W
L12	324.64	N76°54'33"E



EXPIRES 09/30/2010

DESIGNED	BY	DATE
DRAWN	ARM	APRIL 2009
	ARM	APRIL 2009



ALPHA ENGINEERING

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ARIZONA BILTMORE
BUILDING HEIGHT E5
LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	2
OF	2



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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 5 STORY – AREA F1**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

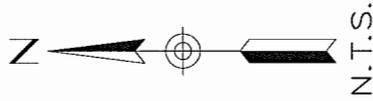
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15 NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE CONTINUING ALONG SAID WEST LINE NORTH 18 DEGREES 23 MINUTES 12 SECONDS EAST, 251.38 FEET;
 THENCE DEPARTING SAID WEST LINE SOUTH 71 DEGREES 36 MINUTES 48 SECONDS EAST, 31.38 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 144.58 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 11.24 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 284.77 FEET
 THENCE SOUTH 14 DEGREES 11 MINUTES 16 SECONDS EAST, 48.34 FEET;
 THENCE NORTH 87 DEGREES 39 MINUTES 01 SECONDS EAST, 100.74 FEET;
 THENCE SOUTH 16 DEGREES 12 MINUTES 29 SECONDS WEST, 97.94 FEET;
 THENCE NORTH 72 DEGREES 58 MINUTES 30 SECONDS WEST, 110.40 FEET;
 THENCE SOUTH 16 DEGREES 53 MINUTES 12 SECONDS WEST, 179.62 FEET;
 THENCE NORTH 73 DEGREES 40 MINUTES 31 SECONDS WEST, 110.45 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 135.00 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 33.00 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 104.01 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 209.54 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 74.01 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 153.28 FEET;
 THENCE NORTH 18 DEGREES 22 MINUTES 39 SECONDS EAST, 108.86 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 62,066 SQUARE FEET OR 1.4248 ACRES, MORE OR LESS.



EXHIBIT "A"



CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

W 1/4 COR SEC 11
FND C.O.P. BCHH

SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

24TH STREET
N00°04'59"W
2643.21'

N83°20'53"E
1240.45'



EXPIRES 12/31/2009

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

SW COR SEC 11
FND C.O.P. BCHH
(P.O.C.)

BY	DATE
DESIGNED ARM	JULY 2009
DRAWN ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 458-9246

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ARIZONA BILTMORE
BUILDING HEIGHT F1
LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	1
OF	2

PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

LEGEND

*FOR CURVE AND LINE TABLES SEE SHEET 2

EXHIBIT "A"

LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	251.38	N18°23'12"E
L3	31.38	S71°36'48"E
L4	144.58	S74°00'00"E
L5	11.24	N16°00'00"E
L6	284.77	S74°00'00"E
L7	48.34	S14°11'16"E
L8	100.74	N87°39'01"E
L9	97.94	S16°12'29"W
L10	110.40	N72°58'30"W
L11	179.62	S16°53'12"W
L12	110.45	N73°40'31"W
L13	135.00	N16°00'00"E
L14	33.00	S74°00'00"E
L15	104.01	N16°00'00"E
L16	209.54	N74°00'00"W
L17	74.01	S16°00'00"W
L18	153.28	N74°00'00"W
L19	108.86	N18°22'39"E



EXPIRES 12/31/2009

DESIGNED	ARM	DATE
DRAWN	ARM	JULY 2009



ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040
PHONE (602) 454-8230
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ARIZONA BILTMORE BUILDING HEIGHT F1 LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	2
OF	2



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 fax: 602.458.9246
 5235 South 39th St. Phoenix, AZ 85040

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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 5 STORY – AREA F2**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15 NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE CONTINUING ALONG SAID WEST LINE NORTH 18 DEGREES 23 MINUTES 12 SECONDS EAST, 109.72 FEET;
 THENCE DEPARTING SAID WEST LINE SOUTH 71 DEGREES 36 MINUTES 48 SECONDS EAST, 834.31 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 92.03 FEET;
 THENCE SOUTH 42 DEGREES 49 MINUTES 58 SECONDS EAST, 84.92 FEET;
 THENCE SOUTH 46 DEGREES 21 MINUTES 45 SECONDS WEST, 29.03 FEET;
 THENCE SOUTH 11 DEGREES 21 MINUTES 05 SECONDS EAST, 8.62 FEET;
 THENCE SOUTH 76 DEGREES 38 MINUTES 12 SECONDS WEST, 67.00 FEET;
 THENCE NORTH 43 DEGREES 00 MINUTES 00 SECONDS WEST, 59.45 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 7,309 SQUARE FEET OR 0.1678 ACRES, MORE OR LESS.



Exp 09/30/2010

EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES
PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

N.T.S.

W 1/4 COR SEC 11
FND C.O.P. BCHH

SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

24TH STREET
N00°04'59"W
2643.21'

N83°20'53"E
1240.45'



(P.O.B.)

L3



EXPIRES 09/30/2010

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

SW COR SEC 11
FND C.O.P. BCHH
(P.O.C.)

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
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NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE
LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE
A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
BUILDING HEIGHT F2
LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	1
OF	2

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	109.72	N18°23'12"E
L3	834.31	S71°36'48"E
L4	92.03	N47°00'00"E
L5	84.92	S42°49'58"E
L6	29.03	S46°21'45"W
L7	8.62	S11°21'05"E
L8	67.00	S76°38'12"W
L9	59.45	N43°00'00"W



EXPIRES 09/30/2010

DESIGNED	ARM	APRIL 2009
DRAWN	ARM	APRIL 2009



ALPHA ENGINEERING

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ARIZONA BILTMORE BUILDING HEIGHT F2 LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	2
OF	2



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a certified DBE
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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 6 STORY – AREA G1**

A PORTION OF PARCEL 15 OF “ARIZONA BILTMORE HOTEL” ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15 NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE CONTINUING ALONG SAID WEST LINE NORTH 18 DEGREES 23 MINUTES 12 SECONDS EAST, 222.85 FEET;
 THENCE DEPARTING SAID WEST LINE SOUTH 71 DEGREES 36 MINUTES 48 SECONDS EAST, 181.46 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 209.54 FEET;
 THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, 104.01 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 209.54 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 104.01 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 21,794 SQUARE FEET OR 0.5003 ACRES, MORE OR LESS.

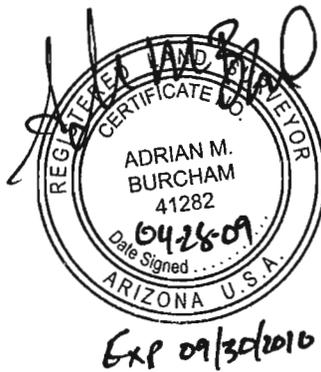


EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES
PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	222.85	N18°23'12"E
L3	181.46	S71°36'48"E
L4	209.54	S74°00'00"E
L5	104.01	S16°00'00"W
L6	209.54	N74°00'00"W
L7	104.01	N16°00'00"E

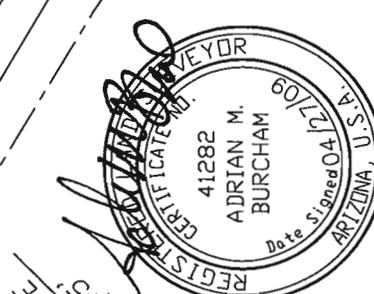
W 1/4 COR SEC 11
FND C.O.P. BCHH

SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

N00°04'59"W
2643.21'

24TH
STREET

SW COR SEC 11
FND C.O.P. BCHH
(P.O.C.)



EXPIRES 09/30/2010

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
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ARIZONA BILTMORE
BUILDING HEIGHT G1
LEGAL EXHIBIT

JOB NUMBER	08012-09
SHEET	1
OF	1

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.



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**ARIZONA BILTMORE RESORT & SPA
 PLANNED UNIT DEVELOPMENT
 BUILDING HEIGHT STANDARDS
 6 STORY – AREA G2**

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
 THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
 THENCE ALONG THE WEST LINE OF SAID PARCEL 15 NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
 THENCE CONTINUING ALONG SAID WEST LINE NORTH 18 DEGREES 23 MINUTES 12 SECONDS EAST, 275.43 FEET;
 THENCE DEPARTING SAID WEST LINE SOUTH 71 DEGREES 36 MINUTES 48 SECONDS EAST, 580.12 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 87 DEGREES 39 MINUTES 01 SECONDS EAST, 90.95 FEET;
 THENCE SOUTH 42 DEGREES 49 MINUTES 58 SECONDS EAST, 243.25 FEET;
 THENCE SOUTH 47 DEGREES 00 MINUTES 00 SECONDS WEST, 92.03 FEET;
 THENCE NORTH 73 DEGREES 13 MINUTES 50 SECONDS WEST, 64.72 FEET;
 THENCE NORTH 18 DEGREES 38 MINUTES 25 SECONDS EAST, 8.48 FEET;
 THENCE NORTH 73 DEGREES 25 MINUTES 16 SECONDS WEST, 47.74 FEET;
 THENCE NORTH 17 DEGREES 58 MINUTES 50 SECONDS EAST, 17.94 FEET;
 THENCE NORTH 73 DEGREES 50 MINUTES 27 SECONDS WEST, 18.36 FEET;
 THENCE NORTH 17 DEGREES 33 MINUTES 49 SECONDS EAST, 48.29 FEET;
 THENCE NORTH 72 DEGREES 58 MINUTES 30 SECONDS WEST, 118.96 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 99.01 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 34,048 SQUARE FEET OR 0.7816 ACRES, MORE OR LESS.



EXP. 12/31/09

EXHIBIT "A"

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

NW CORNER
BILTMORE
GATES

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

W 1/4 COR SEC 11
FND C.O.P. BCHH

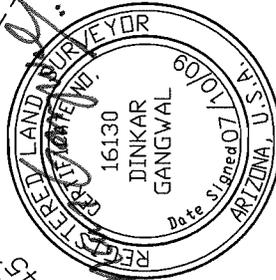
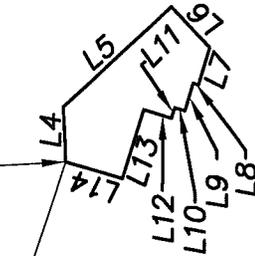
SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

24TH
STREET
N00°04'59"W
2643.21'

N83°20'53"E
1240.45'

(A)

(P.O.B.)



EXPIRES 12/31/2009

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

ARIZONA CANAL CENTERLINE

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

DESIGNED	BY	DATE
ARM	ARM	JULY 2009
DRAWN	BY	DATE
ARM	ARM	JULY 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
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ARIZONA BILTMORE
BUILDING HEIGHT G2
LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	1
OF	2

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	275.43	N18°23'12"E
L3	580.12	S71°36'48"E
L4	90.95	N87°39'01"E
L5	243.25	S42°49'58"E
L6	92.03	S47°00'00"W
L7	64.72	N73°13'50"W
L8	8.48	N18°38'25"E
L9	47.74	N73°25'16"W
L10	17.94	N17°58'50"E
L11	18.36	N73°50'27"W
L12	48.29	N17°33'49"E
L13	118.96	N72°58'30"W
L14	99.01	N16°00'00"E



EXPIRES 12/31/2009

DESIGNED	ARM	DATE
DRAWN	ARM	JULY 2009



ALPHA ENGINEERING

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ARIZONA BILTMORE BUILDING HEIGHT G2 LEGAL EXHIBIT

JOB NUMBER	08012-12
SHEET	2
OF	2



Appendices

Appendix D: Parking Demand and Supply

Appendix D - Parking Demand and Supply

Introduction

The PUD establishes parking requirements (i.e. "PUD rates") for each of the Arizona Biltmore Resort land use components considered to be a significant parking demand generator. Appendix D presents an application of the PUD rates to the land use mix (as proposed by the Master Land Use Plan within the PUD) that will characterize each anticipated successive phase of redevelopment, yielding a projected parking requirement for each redevelopment planned phase. The PUD rates are considerate of the unique parking demands of the resort, as evidenced by decades of historical data recognized by the City of Phoenix through prior parking variance approvals, as well as by hard evidence provided by resort management regarding such things as staff size and scheduling, guest and employee transportation mode choice, and internal market capture. The parking demand of any given land use component will vary throughout the day but should generally never exceed the stated PUD rate, with the exception of the periodic occasion during which hotel room occupancy is extremely high and an extremely large event is taking place at the resort. A parking management plan for these periodic extreme occasions is provided in Appendix E. For the remainder of the time, the variation in parking demand peaking characteristics between land use components yields the opportunity for parking spaces to be shared over the course of the day – satisfying the needs of one land use component early in the day, and another land use component later in the day. This sharing of parking spaces results in there never needing to be parking to cover the peak parking demands of all land use components simultaneously. Accordingly, Appendix D also includes a shared parking model which has been created to calculate the parking requirements of the resort, as a whole, at any given time of the day.

The actual parking requirements associated with any specific phase of redevelopment may vary from the projected parking requirements stated herein, and will be finally determined through the application of the PUD rates and shared parking model contained in Appendix D, to the land use plan that is current at the time of redevelopment Site Plan Review.

Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Peak Parking Requirements by Land Use Component - Template
(See Table A.5 - Parking Standards by Use, for explanation of PUD Parking Rates)

Template Land Use Summary

- Hotel Rooms
- SF Spa *(See Note 1, below)*
- SF Function Space *(See Note 2, below)*
- SF Dining Area
- SF Retail Space
- SF Administrative Office Space
- Casa Units

Peak Parking Requirements by Land Use Component

Parking Demand Generator	Size	Units	PUD Parking Rate	Peak Parking Requirement
Hotel Rooms	-	Rooms	0.5	0 spaces
Spa	-	SF	900	0 spaces
Conference Area	-	SF	95	0 spaces
Dining Area	-	SF	295	0 spaces
Retail	-	SF	-	0 spaces
Office	-	SF	300	0 spaces
Casa Units	-	Units	1.25	0 spaces

Total required, using PUD parking rates, without shared spaces: 0 spaces

Total required, using PUD parking rates, with shared spaces: spaces

Notes:

- (1.) Spa floor area quantity is exclusive of fitness center floor area which is considered accessory to the hotel.*
- (2.) Function space quantity excludes small meeting room areas which are considered accessory to the hotel.*
- (3.) Refer to Shared Parking Model (next sheet) to understand how requirement, under "with shared spaces" was calculated, and to understand how many additional spaces are needed to satisfy City Code requirement for adjacent Villa condos with AZB parking supply.*
- (4.) This is a blank template for use in establishing parking requirements for each successive phase of redevelopment.*

**Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Shared Parking Consideration/Resultant Parking Requirement Conclusions
Template**

Approximated Parking Demand Peaking Characteristics, by Land Use Component and Time of Day (Weekdays)

PUD Rate Spaces Time Of Day	Parking Demand Generators, Associated Parking Rates, and Associated Peak Parking Requirements													
	Guest Rooms		Spa		Function Space		Dining Area		Office		Casa Units		Villa Condos	
	0.50 per Room Portion Spaces	1 per 900 SF Portion Spaces	1 per 95 SF Portion Spaces	1 per 295 SF Portion Spaces	1 per 300 SF Portion Spaces	1.25 per Unit Portion Spaces	1.5 per Unit Portion Spaces	TOTAL						
6:00 AM	95%	70%	0%	0%	3%	95%	-	-	-	-	-	100%	-	
7:00 AM	95%	40%	0%	10%	30%	95%	-	-	-	-	-	100%	-	
8:00 AM	90%	40%	30%	30%	75%	90%	-	-	-	-	-	100%	-	
9:00 AM	80%	70%	60%	10%	95%	80%	-	-	-	-	-	100%	-	
10:00 AM	70%	70%	60%	10%	100%	70%	-	-	-	-	-	100%	-	
11:00 AM	70%	80%	100%	5%	100%	70%	-	-	-	-	-	100%	-	
12:00 PM	65%	60%	100%	100%	90%	65%	-	-	-	-	-	100%	-	
1:00 PM	65%	70%	100%	100%	90%	65%	-	-	-	-	-	100%	-	
2:00 PM	70%	70%	65%	33%	100%	70%	-	-	-	-	-	100%	-	
3:00 PM	70%	70%	65%	10%	100%	70%	-	-	-	-	-	100%	-	
4:00 PM	75%	80%	65%	10%	90%	75%	-	-	-	-	-	100%	-	
5:00 PM	80%	90%	90%	30%	50%	80%	-	-	-	-	-	100%	-	
6:00 PM	85%	100%	90%	55%	25%	85%	-	-	-	-	-	100%	-	
7:00 PM	85%	90%	90%	60%	10%	85%	-	-	-	-	-	100%	-	
8:00 PM	90%	80%	90%	70%	7%	90%	-	-	-	-	-	100%	-	
9:00 PM	95%	70%	90%	67%	3%	95%	-	-	-	-	-	100%	-	
10:00 PM	95%	35%	50%	60%	1%	95%	-	-	-	-	-	100%	-	
11:00 PM	100%	10%	0%	40%	0%	100%	-	-	-	-	-	100%	-	
12:00 AM	100%	0%	0%	30%	0%	100%	-	-	-	-	-	100%	-	
MAXIMUM	-	-	-	-	-	-	-	-	-	-	-	-	-	

TOTAL REQUIRED PARKING (RESORT ONLY) WITHOUT SHARED SPACES: 0

TOTAL REQUIRED PARKING (RESORT ONLY) WITH SHARED SPACES: 0

Plus Parking Needed for Villas Condos: 0

TOTAL REQUIRED PARKING (RESORT AND VILLAS CONDOS COLLECTIVELY) WITH SHARED SPACES: 0

Shared parking is defined as a parking space that can be used to serve two or more individual land uses without conflict or encroachment. The shared parking concept recognizes that different land uses can have parking accumulation patterns that vary considerably by hour, by day, or by season. This means that the same parking space can serve different users at different times. For example, a parking space that is used by a dining area patron during the day can serve a hotel guest in the evening. Due to these different activity patterns for various land uses, the total or combined peak parking demand for a development can be significantly less than the sum of the individual peak demand values, depending upon the types and size of land uses involved.

Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Peak Parking Requirements by Land Use Component - Existing (2009)
(See Table A.5 - Parking Standards by Use, for explanation of PUD Parking Rates)

Existing (2009) Land Use Summary

604 Hotel Rooms
 9,318 SF Spa *(See Note 1, below)*
 98,060 SF Function Space *(See Note 2, below)*
 16,530 SF Dining Area
 3,906 SF Retail Space
 21,342 SF Administrative Office Space
 - Casa Units

Peak Parking Requirements by Land Use Component

Parking Demand Generator	Size	Units	PUD Parking Rate	Peak Parking Requirement
Hotel Rooms	604	Rooms	0.5	302 spaces
Spa	9,318	SF	900	10 spaces
Conference Area	98,060	SF	95	1,032 spaces
Dining Area	16,530	SF	295	56 spaces
Retail	3,906	SF	0	0 spaces
Office	21,342	SF	300	71 spaces
Casa Units	-	Units	1.25	0 spaces

Total required, using PUD parking rates, without shared spaces: 1,472 spaces
Total required, using PUD parking rates, with shared spaces: 1,356 spaces

Notes:

- (1.) Spa floor area quantity is exclusive of fitness center floor area which is considered accessory to the hotel.*
- (2.) Function space quantity excludes small meeting room areas which are considered accessory to the hotel.*
- (3.) Refer to Shared Parking Model (next sheet) to understand how requirement, under "with shared spaces" was calculated, and to understand how many additional spaces are needed to satisfy City Code requirement for adjacent Villa condos with AZB parking supply.*
- (4.) These parking calculations and the attached shared parking model address the existing condition. This model will be updated and amended during the Preliminary Site Plan Review Process with the City of Phoenix for each phase of redevelopment.*

**Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Shared Parking Consideration/Resultant Parking Requirement Conclusions
Existing (2009) Land Use Mix**

Approximated Parking Demand Peaking Characteristics, by Land Use Component and Time of Day (Weekdays)

PUD Rate Spaces Time Of Day	Parking Demand Generators, Associated Parking Rates, and Associated Peak Parking Requirements														
	Guest Rooms		Spa		Function Space		Dining Area		Office		Casa Units		TOTAL		
	0.50 per Room 302	Portion 95%	Spaces 287	1 per 900 SF 10	Portion 70%	Spaces 7	1 per 95 SF 1,032	Portion 0%	Spaces -	1 per 300 SF 71	Portion 3%	Spaces 2		1.25 per Unit 0	Portion 95%
6:00 AM	95%	287	70%	4	0%	0	10%	6	30%	21	95%	2	95%	-	296
7:00 AM	95%	287	40%	4	0%	0	30%	17	75%	53	90%	53	90%	-	318
8:00 AM	90%	272	40%	4	30%	310	30%	17	95%	68	80%	68	80%	-	656
9:00 AM	80%	242	70%	7	60%	619	10%	6	100%	71	70%	71	70%	-	941
10:00 AM	70%	211	70%	7	60%	619	5%	3	100%	71	70%	71	70%	-	915
11:00 AM	70%	211	80%	8	100%	1,032	100%	56	90%	64	65%	64	65%	-	1,326
12:00 PM	65%	196	60%	6	100%	1,032	100%	56	90%	64	65%	64	65%	-	1,355
1:00 PM	65%	196	70%	7	100%	1,032	100%	56	90%	64	65%	64	65%	-	1,356
2:00 PM	70%	211	70%	7	65%	671	33%	18	100%	71	70%	71	70%	-	979
3:00 PM	70%	211	70%	7	65%	671	10%	6	100%	71	70%	71	70%	-	966
4:00 PM	75%	227	80%	8	65%	671	10%	6	90%	64	75%	64	75%	-	975
5:00 PM	85%	257	100%	10	90%	929	30%	17	50%	36	80%	36	80%	-	1,232
6:00 PM	85%	257	100%	10	90%	929	55%	31	25%	18	85%	18	85%	-	1,245
7:00 PM	85%	257	90%	9	90%	929	60%	34	10%	7	85%	7	85%	-	1,236
8:00 PM	90%	272	80%	8	90%	929	70%	39	7%	5	90%	5	90%	-	1,253
9:00 PM	95%	287	70%	7	90%	929	67%	38	3%	2	95%	2	95%	-	1,263
10:00 PM	95%	287	35%	4	50%	516	60%	34	1%	1	95%	1	95%	-	841
11:00 PM	100%	302	10%	1	0%	-	40%	22	0%	-	100%	-	100%	-	325
12:00 AM	100%	302	0%	-	0%	-	30%	17	0%	-	100%	-	100%	-	319
MAXIMUM		302		10		1,032		56		71		71		-	1,356

TOTAL REQUIRED PARKING (RESORT ONLY) WITHOUT SHARED SPACES: 1,472
TOTAL REQUIRED PARKING (RESORT ONLY) WITH SHARED SPACES: 1,356
 Plus Parking Needed for Villas Condos: 117
TOTAL REQUIRED PARKING (RESORT AND VILLAS CONDOS COLLECTIVELY) WITH SHARED SPACES: 1,473

Shared parking is defined as a parking space that can be used to serve two or more individual land uses without conflict or encroachment. The shared parking concept recognizes that different land uses can have parking accumulation patterns that vary considerably by hour, by day, or by season. This means that the same parking space can serve different users at different times. For example, a parking space that is used by a dining area patron during the day can serve a hotel guest in the evening. Due to these different activity patterns for various land uses, the total or combined peak parking demand for a development can be significantly less than the sum of the individual peak demand values, depending upon the types and size of land uses involved.



EXISTING ON-SITE PARKING SUPPLY

	SOUTH CENTRAL LOT	266 SPACES
	SOUTHEAST LOT	204 SPACES
	SOUTHWEST LOT	32 SPACES
	NORTH LOT	50 SPACES
	TENNIS COURT LOT	6 SPACES
	TRIANGLE LOT*	38 SPACES
	BALLROOM GARAGE	879 SPACES
EXISTING TOTAL **		1475 SPACES

TOTAL WITHIN PUD BOUNDARY 1437 SPACES

* FALLS OUTSIDE PUD BOUNDARY

** PER KHA COUNTS IN MAY AND OCTOBER 2008

PUD BOUNDARY

REQUIRED PARKING ***: 1473 SPACES

PROVIDED PARKING ****: 1475** SPACES

PARKING SURPLUS 2 SPACES

*** THIS NUMBER IS INCLUSIVE OF REQUIRED VILLA PARKING AT 1.5 SPACES PER VILLA

**** THE LATEST (2008) APPROVED FINAL SITE PLAN ON FILE AT CITY OF PHOENIX INDICATES AN EXISTING SUPPLY OF 1515 SPACES.

North Not To Scale

Exhibit

P-Ex

 Date: 11.19.08
Project #: 191445000

Preliminary—Not For Construction Copyright 2008, Kimley-Horn and Associates, Inc.

Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Peak Parking Requirements by Land Use Component - Phase 1A
(See Table A.5 - Parking Standards by Use, for explanation of PUD Parking Rates)

2010 Plan - Phase 1A Land Use Summary

770 Hotel Rooms
 22,950 SF Spa *(See Note 1, below)*
 98,060 SF Function Space *(See Note 2, below)*
 16,530 SF Dining Area
 3,906 SF Retail Space
 15,192 SF Administrative Office Space
 - Casa Units

Peak Parking Requirements by Land Use Component

Parking Demand Generator	Size	Units	PUD Parking Rate	Peak Parking Requirement
Hotel Rooms	770	Rooms	0.5	385 spaces
Spa	22,950	SF	900	26 spaces
Conference Area	98,060	SF	95	1,032 spaces
Dining Area	16,530	SF	295	56 spaces
Retail	3,906	SF	-	0 spaces
Office	15,192	SF	300	51 spaces
Casa Units	-	Units	1.25	0 spaces

Total required, using PUD parking rates, without shared spaces: 1,549 spaces

Total required, using PUD parking rates, with shared spaces: **1,402** spaces

Notes:

- (1.) Spa floor area quantity is exclusive of fitness center floor area which is considered accessory to the hotel.
- (2.) Function space quantity excludes small meeting room areas which are considered accessory to the hotel.
- (3.) Refer to Shared Parking Model (next sheet) to understand how requirement, under "with shared spaces" was calculated, and to understand how many additional spaces are needed to satisfy City Code requirement for adjacent Villa condos with AZB parking supply.
- (4.) These parking calculations and the attached shared parking model reflect projections for the Phase 1A condition. This model will be updated and amended during the Preliminary Site Plan Review Process with the City of Phoenix for Phase 1A.

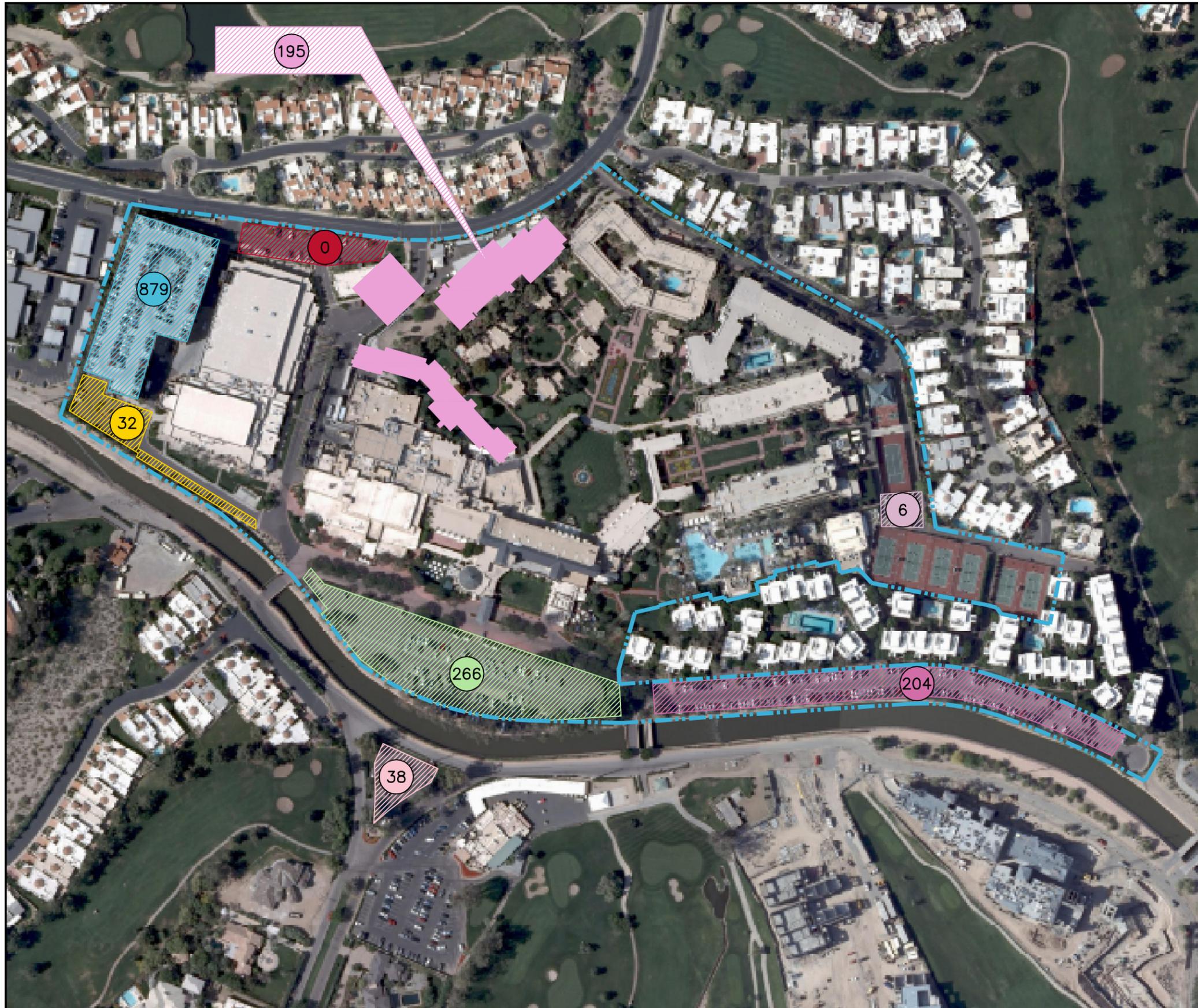
**Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Shared Parking Consideration/Resultant Parking Requirement Conclusions
2010 Plan - Phase 1A**

Approximated Parking Demand Peaking Characteristics, by Land Use Component and Time of Day (Weekdays)

PUD Rate Spaces Time Of Day	Parking Demand Generators, Associated Parking Rates, and Associated Peak Parking Requirements												
	Guest Rooms		Spa		Function Space		Dining Area		Office		Casa Units		TOTAL
	0.50 per Room 385	Portion 95%	1 per 900 SF 26	Portion 70%	1 per 95 SF 1,032	Portion 0%	1 per 295 SF 56	Portion 0%	1 per 300 SF 51	Portion 3%	1.25 per Unit 0	Portion 95%	
6:00 AM	366	95%	18	70%	0%	-	0%	2	3%	2	95%	385	
7:00 AM	366	95%	10	40%	0%	6	10%	15	30%	15	95%	397	
8:00 AM	347	90%	10	40%	30%	17	30%	38	75%	38	90%	721	
9:00 AM	308	80%	18	70%	60%	6	10%	48	95%	48	80%	999	
10:00 AM	270	70%	18	70%	60%	6	10%	51	100%	51	70%	963	
11:00 AM	270	70%	20	80%	100%	3	5%	51	100%	51	70%	1,376	
12:00 PM	250	65%	15	60%	100%	56	100%	46	90%	46	65%	1,399	
1:00 PM	250	65%	18	70%	100%	56	100%	46	90%	46	65%	1,402	
2:00 PM	270	70%	18	70%	65%	18	33%	51	100%	51	70%	1,027	
3:00 PM	270	70%	18	70%	65%	6	10%	51	100%	51	70%	1,015	
4:00 PM	289	75%	20	80%	65%	6	10%	46	90%	46	75%	1,031	
5:00 PM	307	80%	23	90%	90%	17	30%	25	50%	25	80%	1,302	
6:00 PM	327	85%	26	100%	90%	31	55%	13	25%	13	85%	1,325	
7:00 PM	327	85%	23	90%	90%	34	60%	5	10%	5	85%	1,318	
8:00 PM	347	90%	20	80%	90%	39	70%	4	7%	4	90%	1,339	
9:00 PM	366	95%	18	70%	90%	38	67%	2	3%	2	95%	1,352	
10:00 PM	366	95%	9	35%	516	34	60%	1	1%	1	95%	925	
11:00 PM	385	100%	3	10%	-	22	40%	-	0%	-	100%	410	
12:00 AM	385	100%	-	0%	-	17	30%	-	0%	-	100%	402	
MAXIMUM	385		26		1,032	56		51		51		1,402	

TOTAL REQUIRED PARKING (RESORT ONLY) WITHOUT SHARED SPACES: 1,549
TOTAL REQUIRED PARKING (RESORT ONLY) WITH SHARED SPACES: 1,402
 Plus Parking Needed for Villas Condos: 117
TOTAL REQUIRED PARKING (RESORT AND VILLAS CONDOS COLLECTIVELY) WITH SHARED SPACES: 1,519

Shared parking is defined as a parking space that can be used to serve two or more individual land uses without conflict or encroachment. The shared parking concept recognizes that different land uses can have parking accumulation patterns that vary considerably by hour, by day, or by season. This means that the same parking space can serve different users at different times. For example, a parking space that is used by a dining area patron during the day can serve a hotel guest in the evening. Due to these different activity patterns for various land uses, the total or combined peak parking demand for a development can be significantly less than the sum of the individual peak demand values, depending upon the types and size of land uses involved.



PHASE 1A ON-SITE PARKING SUPPLY

	SOUTH CENTRAL LOT	266 SPACES
	SOUTHEAST LOT	204 SPACES
	SOUTHWEST LOT	32 SPACES
	TENNIS COURT LOT	6 SPACES
	NORTH LOT (LOST THIS PHASE)	0 SPACES
	TRIANGLE LOT*	38 SPACES
	BALLROOM GARAGE	879 SPACES
	SPA GARAGE (NEW THIS PHASE)	195 SPACES

PHASE 1A TOTAL **1620 SPACES**

TOTAL WITHIN PUD BOUNDARY 1582 SPACES

* FALLS OUTSIDE PUD BOUNDARY

 PUD BOUNDARY

 NEW THIS PHASE

REQUIRED PARKING **: 1519 SPACES

PROVIDED PARKING: 1619 SPACES

PARKING SURPLUS 100 SPACES

** ESTABLISHED USING PUD PARKING RATES AND SHARED PARKING MODEL

North  Not To Scale

Exhibit P-1A Date: 04.16.09
Project#: 19144500

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Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Peak Parking Requirements by Land Use Component - Phase 1B
(See Table A.5 - Parking Standards by Use, for explanation of PUD Parking Rates)

2010 Plan - Phase 1B Land Use Summary

855 Hotel Rooms
 22,950 SF Spa *(See Note 1, below)*
 98,060 SF Function Space *(See Note 2, below)*
 16,530 SF Dining Area
 3,906 SF Retail Space
 15,192 SF Administrative Office Space
 20 Casa Units

Peak Parking Requirements by Land Use Component

Parking Demand Generator	Size	Units	PUD Parking Rate	Peak Parking Requirement
Hotel Rooms	855	Rooms	0.5	428 spaces
Spa	22,950	SF	900	26 spaces
Conference Area	98,060	SF	95	1,032 spaces
Dining Area	16,530	SF	295	56 spaces
Retail	3,906	SF	-	0 spaces
Office	15,192	SF	300	51 spaces
Casa Units	20	Units	1.25	25 spaces

Total required, using PUD parking rates, without shared spaces: 1,617 spaces

Total required, using PUD parking rates, with shared spaces: **1,446** spaces

Notes:

- (1.) Spa floor area quantity is exclusive of fitness center floor area which is considered accessory to the hotel.
- (2.) Function space quantity excludes small meeting room areas which are considered accessory to the hotel.
- (3.) Refer to Shared Parking Model (next sheet) to understand how requirement, under "with shared spaces" was calculated, and to understand how many additional spaces are needed to satisfy City Code requirement for adjacent Villa condos with AZB parking supply.
- (4.) These parking calculations and the attached shared parking model reflect projections for the Phase 1B condition. This model will be updated and amended during the Preliminary Site Plan Review Process with the City of Phoenix for Phase 1B.

**Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Shared Parking Consideration/Resultant Parking Requirement Conclusions
2010 Plan - Phase 1B**

Approximated Parking Demand Peaking Characteristics, by Land Use Component and Time of Day (Weekdays)

PUD Rate Spaces Time Of Day	Parking Demand Generators, Associated Parking Rates, and Associated Peak Parking Requirements												TOTAL	
	Guest Rooms		Spa		Function Space		Dining Area		Office		Casa Units			
	0.50 per Room 428	Portion Spaces	1 per 900 SF 26	Portion Spaces	1 per 95 SF 1,032	Portion Spaces	1 per 295 SF 56	Portion Spaces	1 per 300 SF 51	Portion Spaces	1.25 per Unit 25	Portion Spaces		
6:00 AM	95%	406	70%	18	0%	-	0%	-	3%	2	95%	24	100%	117
7:00 AM	95%	406	40%	10	0%	-	10%	6	30%	15	95%	24	100%	117
8:00 AM	90%	385	40%	10	30%	310	30%	17	75%	38	90%	23	100%	117
9:00 AM	80%	342	70%	18	60%	619	10%	6	95%	48	80%	20	100%	117
10:00 AM	70%	299	70%	18	60%	619	10%	6	100%	51	70%	18	100%	117
11:00 AM	70%	299	80%	20	100%	1,032	5%	3	100%	51	70%	18	100%	117
12:00 PM	65%	278	60%	15	100%	1,032	100%	56	90%	46	65%	16	100%	117
1:00 PM	65%	278	70%	18	100%	1,032	100%	56	90%	46	65%	16	100%	117
2:00 PM	70%	299	70%	18	65%	671	33%	18	100%	51	70%	18	100%	117
3:00 PM	70%	299	70%	18	65%	671	10%	6	100%	51	70%	18	100%	117
4:00 PM	75%	321	80%	20	65%	671	10%	6	90%	46	75%	19	100%	117
5:00 PM	80%	342	90%	23	90%	929	30%	17	50%	25	80%	20	100%	117
6:00 PM	85%	363	100%	26	90%	929	55%	31	25%	13	85%	21	100%	117
7:00 PM	85%	363	90%	23	90%	929	60%	34	10%	5	85%	21	100%	117
8:00 PM	90%	385	80%	20	90%	929	70%	39	7%	4	90%	23	100%	117
9:00 PM	95%	406	70%	18	90%	929	67%	38	3%	2	95%	24	100%	117
10:00 PM	95%	406	35%	9	50%	516	60%	34	1%	1	95%	24	100%	117
11:00 PM	100%	428	10%	3	0%	-	40%	22	0%	-	100%	25	100%	117
12:00 AM	100%	428	0%	-	0%	-	30%	17	0%	-	100%	25	100%	117
MAXIMUM		428		26		1,032		56		51		25		1,446

TOTAL REQUIRED PARKING (RESORT ONLY) WITHOUT SHARED SPACES: 1,617
TOTAL REQUIRED PARKING (RESORT ONLY) WITH SHARED SPACES: 1,446
 Plus Parking Needed for Villas Condos: 117
TOTAL REQUIRED PARKING (RESORT AND VILLAS CONDOS COLLECTIVELY) WITH SHARED SPACES: 1,563

Shared parking is defined as a parking space that can be used to serve two or more individual land uses without conflict or encroachment. The shared parking concept recognizes that different land uses can have parking accumulation patterns that vary considerably by hour, by day, or by season. This means that the same parking space can serve different users at different times. For example, a parking space that is used by a dining area patron during the day can serve a hotel guest in the evening. Due to these different activity patterns for various land uses, the total or combined peak parking demand for a development can be significantly less than the sum of the individual peak demand values, depending upon the types and size of land uses involved.



PHASE 1B ON-SITE PARKING SUPPLY

	SOUTH CENTRAL LOT	266 SPACES
	SOUTHEAST LOT	204 SPACES
	SOUTHWEST LOT	32 SPACES
	TENNIS COURT LOT (LOST THIS PHASE)	0 SPACES
	TRIANGLE LOT*	38 SPACES
	BALLROOM GARAGE	879 SPACES
	SPA GARAGE	195 SPACES
	CASA GARAGE (NEW THIS PHASE)	325 SPACES

PHASE 1B TOTAL 1939 SPACES

TOTAL WITHIN PUD BOUNDARY 1901 SPACES

* FALLS OUTSIDE PUD BOUNDARY

 PUD BOUNDARY

 NEW THIS PHASE

REQUIRED PARKING **: 1563 SPACES

PROVIDED PARKING: 1939 SPACES

PARKING SURPLUS 376 SPACES

** ESTABLISHED USING PUD PARKING RATES AND SHARED PARKING MODEL

North  Exhibit P-1B Date: 04.16.09
Not To Scale Project#: 19144500

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Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Peak Parking Requirements by Land Use Component - Phase 1C

(See Table A.5 - Parking Standards by Use, for explanation of PUD Parking Rates)

2010 Plan - Phase 1C Land Use Summary

855 Hotel Rooms
 22,950 SF Spa (See Note 1, below)
 107,155 SF Function Space (See Note 2, below)
 21,681 SF Dining Area
 7,591 SF Retail Space
 15,192 SF Administrative Office Space
 20 Casa Units

Peak Parking Requirements by Land Use Component

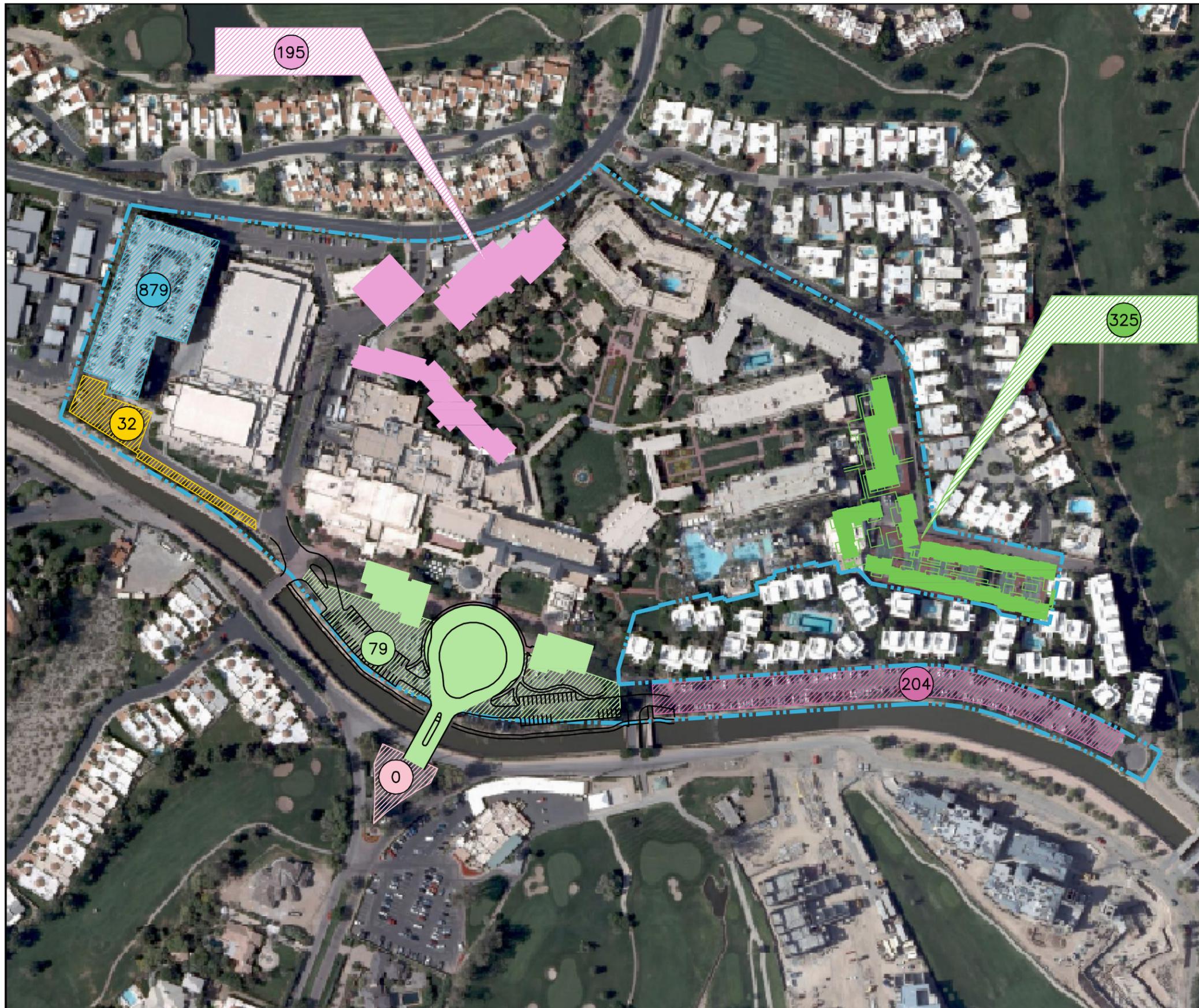
Parking Demand Generator	Size	Units	PUD Parking Rate	Peak Parking Requirement
Hotel Rooms	855	Rooms	0.5	428 spaces
Spa	22,950	SF	900	26 spaces
Conference Area	107,155	SF	95	1,128 spaces
Dining Area	21,681	SF	295	73 spaces
Retail	7,591	SF	-	0 spaces
Office	15,192	SF	300	51 spaces
Casa Units	20	Units	1.25	25 spaces

Total required, using PUD parking rates, without shared spaces: 1,730 spaces

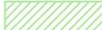
Total required, using PUD parking rates, with shared spaces: **1,559** spaces

Notes:

- (1.) Spa floor area quantity is exclusive of fitness center floor area which is considered accessory to the hotel.
- (2.) Function space quantity excludes small meeting room areas which are considered accessory to the hotel.
- (3.) Refer to Shared Parking Model (next sheet) to understand how requirement, under "with shared spaces" was calculated, and to understand how many additional spaces are needed to satisfy City Code requirement for adjacent Villa condos with AZB parking supply.
- (4.) These parking calculations and the attached shared parking model reflect projections for the Phase 1C condition. This model will be updated and amended during the Preliminary Site Plan Review Process with the City of Phoenix for Phase 1C.



PHASE 1C ON-SITE PARKING SUPPLY

	SOUTH CENTRAL LOT (PARTIAL LOSS THIS PHASE)	79 SPACES
	SOUTHEAST LOT	204 SPACES
	SOUTHWEST LOT	32 SPACES
	TRIANGLE LOT (LOST THIS PHASE)	0 SPACES
	BALLROOM GARAGE	879 SPACES
	SPA GARAGE	195 SPACES
	CASA GARAGE	325 SPACES

PHASE 1C TOTAL **1714 SPACES**

-  PUD BOUNDARY
-  NEW THIS PHASE

REQUIRED PARKING *:	1676 SPACES
PROVIDED PARKING:	1714 SPACES
PARKING SURPLUS	38 SPACES

* ESTABLISHED USING PUD PARKING RATES AND SHARED PARKING MODEL



Not To Scale

Exhibit

P-1C Date: 04.16.09
Project#: 19144500

Preliminary-Not For Construction

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Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
Peak Parking Requirements by Land Use Component - Phase 2

(See Table A.5 - Parking Standards by Use, for explanation of PUD Parking Rates)

2030 Plan - Phase 2 Land Use Summary

1,164 Hotel Rooms
 22,950 SF Spa (See Note 1, below)
 107,155 SF Function Space (See Note 2, below)
 21,681 SF Dining Area
 7,591 SF Retail Space
 16,192 SF Administrative Office Space
 20 Casa Units

Peak Parking Requirements by Land Use Component

Parking Demand Generator	Size	Units	PUD Parking Rate	Peak Parking Requirement
Hotel Rooms	1,164	Rooms	0.5	582 spaces
Spa	22,950	SF	900	26 spaces
Conference Area	107,155	SF	95	1,128 spaces
Dining Area	21,681	SF	295	73 spaces
Retail	7,591	SF	-	0 spaces
Office	16,192	SF	300	54 spaces
Casa Units	20	Units	1.25	25 spaces

Total required, using PUD parking rates, without shared spaces: 1,888 spaces

Total required, using PUD parking rates, with shared spaces: **1,662** spaces

Notes:

- (1.) Spa floor area quantity is exclusive of fitness center floor area which is considered accessory to the hotel.
- (2.) Function space quantity excludes small meeting room areas which are considered accessory to the hotel.
- (3.) Refer to Shared Parking Model (next sheet) to understand how requirement, under "with shared spaces" was calculated, and to understand how many additional spaces are needed to satisfy City Code requirement for adjacent Villa condos with AZB parking supply.
- (4.) These parking calculations and the attached shared parking model reflect projections for the Phase 2 condition. This model will be updated and amended during the Preliminary Site Plan Review Process with the City of Phoenix for Phase 2.

Arizona Biltmore Resort Parking Demand and Supply - April 2009 Version
 Shared Parking Consideration/Resultant Parking Requirement Conclusions
 2030 Plan - Phase 2

Approximated Parking Demand Peaking Characteristics, by Land Use Component and Time of Day (Weekdays)

PUD Rate Spaces Time Of Day	Parking Demand Generators, Associated Parking Rates, and Associated Peak Parking Requirements												
	Guest Rooms		Spa		Function Space		Dining Area		Office		Casa Units		TOTAL
	0.50 per Room 582	Portion 95%	1 per 900 SF 26	Spaces 18	1 per 95 SF 1,128	Portion 0%	1 per 295 SF 73	Spaces 7	1 per 300 SF 54	Portion 3%	1.25 per Unit 25	Spaces 24	
6:00 AM	553	70%	18	0%	-	0%	7	2	95%	24	596		
7:00 AM	553	40%	10	0%	-	10%	7	16	95%	24	610		
8:00 AM	524	40%	10	30%	338	30%	22	40	90%	23	957		
9:00 AM	466	70%	18	60%	677	10%	7	51	80%	20	1,239		
10:00 AM	407	70%	18	60%	677	10%	7	54	70%	18	1,181		
11:00 AM	407	80%	20	100%	1,128	5%	4	54	100%	18	1,631		
12:00 PM	378	60%	15	100%	1,128	100%	73	49	65%	16	1,660		
1:00 PM	378	70%	18	100%	1,128	100%	73	49	65%	16	1,662		
2:00 PM	407	70%	18	65%	733	33%	24	54	70%	18	1,254		
3:00 PM	407	70%	18	65%	733	10%	7	54	70%	18	1,237		
4:00 PM	437	80%	20	65%	733	10%	7	49	75%	19	1,265		
5:00 PM	466	90%	23	90%	1,015	30%	22	27	80%	20	1,573		
6:00 PM	495	100%	26	90%	1,015	55%	40	13	85%	21	1,611		
7:00 PM	495	90%	23	90%	1,015	60%	44	5	85%	21	1,604		
8:00 PM	524	80%	20	90%	1,015	70%	51	4	90%	23	1,637		
9:00 PM	553	70%	18	90%	1,015	67%	49	2	95%	24	1,661		
10:00 PM	553	35%	9	50%	564	60%	44	1	95%	24	1,194		
11:00 PM	582	10%	3	0%	-	40%	29	-	100%	25	639		
12:00 AM	582	0%	-	0%	-	30%	22	-	100%	25	629		
MAXIMUM	582		26		1,128		73	54		25	1,662		

TOTAL REQUIRED PARKING (RESORT ONLY) WITHOUT SHARED SPACES: 1,888
TOTAL REQUIRED PARKING (RESORT ONLY) WITH SHARED SPACES: 1,662
 Plus Parking Needed for Villas Condos: 117
TOTAL REQUIRED PARKING (RESORT AND VILLAS CONDOS COLLECTIVELY) WITH SHARED SPACES: 1,779

Shared parking is defined as a parking space that can be used to serve two or more individual land uses without conflict or encroachment. The shared parking concept recognizes that different land uses can have parking accumulation patterns that vary considerably by hour, by day, or by season. This means that the same parking space can serve different users at different times. For example, a parking space that is used by a dining area patron during the day can serve a hotel guest in the evening. Due to these different activity patterns for various land uses, the total or combined peak parking demand for a development can be significantly less than the sum of the individual peak demand values, depending upon the types and size of land uses involved.



PHASE 2 ON-SITE PARKING SUPPLY

	SOUTH CENTRAL LOT	79 SPACES
	SOUTHEAST LOT	204 SPACES
	SOUTHWEST LOT (LOST THIS PHASE)	0 SPACES
	BALLROOM GARAGE (REPLACED THIS PHASE)	1000 SPACES
	SPA GARAGE	195 SPACES
	CASA GARAGE	325 SPACES

PHASE 2 TOTAL **1803 SPACES**

 PUD BOUNDARY
 NEW THIS PHASE

REQUIRED PARKING *: 1779 SPACES

PROVIDED PARKING: 1803 SPACES

PARKING SURPLUS 24 SPACES

* ESTABLISHED USING PUD PARKING RATES AND SHARED PARKING MODEL

North



Not To Scale

Exhibit

P-2

Date: 04.16.09
Project#: 19144500

Preliminary-Not For Construction Copyright 2008. Kimley-Horn and Associates, Inc.



Appendices

Appendix E: Peak Period Parking Management Plan

**ARIZONA BILTMORE
PEAK PERIOD PARKING MANAGEMENT PLAN
FEBRUARY 2009**

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I. ASSUMPTIONS

- A. A Peak Period Parking Management Plan has been in place for the Arizona Biltmore Resort & Spa since 1994, for the purpose of defining roles and responsibilities affiliated with parking demand management and ensuring that adequate parking is provided during occasional periods when extremely high guest room occupancy and extremely high function space utilization occur simultaneously. During these occasional periods, activity at the Resort challenges on-site parking capacity.
- B. As illustrated in **Exhibit A**, the resort's existing on-site parking capacity is 1,475 spaces.
- C. Periodically throughout the year, the level of activity at the resort is expected to exceed the existing on-site parking capacity. These occasions are termed **peak parking periods**, and they generally occur on days when hotel **guest room occupancy exceeds 85% and a large scale event (1,000 or more attendees) is taking place**. Documented evidence of the dates, times, and attendance levels of the resort-catered events that have occurred over the past year indicates these large scale events occur approximately 15 times per year.
- D. During peak parking periods, the resort should utilize off-duty police officers to direct traffic entering and exiting the resort at the intersections of 24th Street/Arizona Biltmore Circle and 24th Street/Missouri Avenue, to the extent necessary to support adequate traffic operations.
- E. Resort management should send traffic management brochures/letters to event organizers to assist in directing patrons to and from the site, and the use of Arizona Biltmore Circle to reach the ballroom parking garage and valet parking areas.
- F. Additional parking spaces have been secured for use by resort employees during peak parking demand periods identified in **Exhibit B** and described in Appendix E Section II.B. These locations are termed **off-site parking opportunities**.
- G. Parking rates have been established for each individual land use component of the resort (termed the **PUD Parking Rates**) based on the City of Phoenix code parking rates, adjusted to reflect internal market capture and alternate transportation mode characteristics unique to this resort. The PUD parking rates, coupled with recognition that the parking demand peaking characteristics of each individual land use within the resort vary

over the course of a typical day, have been used to create a **Shared Parking Model** for the purpose of establishing an on-site parking requirement that will satisfy the day to day parking demands of the resort, as a whole. The PUD parking rates and the shared parking model, collectively, comprise what is termed the **AZB Parking Demand Model**.

- H. Through review of information provided by the resort management as it relates to employee scheduling and employee use of alternative modes of transportation (as opposed to single occupancy personal vehicle), it has been determined, that at the current staffing level of approximately 1,100, employee parking demands can be satisfied with 423 parking spaces during the day (6 AM to 6 PM) and with 213 parking spaces during the evening (6 PM to 6 AM).
- I. The AZB Parking Demand Model accounts for employee parking demand as a portion of the parking required to support each land use component. For example, the parking requirement for function space covers the parking needs of both the attendees and the employees associated with the events that occur in the resort's function space. Similarly, the guest room parking requirement covers the parking needs of both the guests and the employees that serve them.
- J. The Parking Demand Model has established an on-site parking requirement of 1,473 spaces; thus indicating an existing parking surplus.

II. DEFINITIONS

- A. The on-site parking areas at the Arizona Biltmore Resort are defined below, and identified in attached **Exhibit A**.
1. **South Central Lot:** A surface parking lot located to the south of the hotel, directly across from the main entrance. This lot provides 266 standard dimension (or larger) parking spaces.
 2. **Southeast Lot:** A surface parking lot located to the southeast of the hotel. This lot provides 204 standard dimension (or larger) parking spaces.
 3. **Southwest Lot:** A surface parking lot located to the south of the ballroom garage. This lot provides 32 standard dimension (or larger) parking spaces
 4. **North Lot:** A surface parking lot located along the south side of Arizona Biltmore Circle and to the north of the ballrooms. This lot provides 50 standard dimension (or larger) parking spaces.
 5. **Tennis Court Lot:** A surface parking lot located near the northeast corner of the property and adjacent to the tennis courts. This lot provides 6 standard dimension (or larger) parking spaces.
 6. **Triangle Lot:** A surface parking lot located to the south of the hotel and south of the Arizona Canal. This lot provides 38 standard dimension (or larger) parking spaces.
 7. **Ballroom Garage:** A multi-story parking garage located at along the west edge of the property, immediately adjacent to the ballrooms. This garage provides 879 standard dimension (or larger) parking spaces.
- B. The off-site parking opportunities are defined below, and identified in attached **Exhibit B**. A copy of the current contractual agreement supporting each of these off-site parking opportunities is presented in **Exhibit C**.

1. **Biltmore Fashion Park** – a retail center located at 2502 E. Camelback Road, approximately 0.75 miles from the resort. There are 269 parking spaces in the Biltmore Fashion Park parking garage that can be made available for the resort's use, during daytime, evening, and weekend peak periods.
2. ***To be determined (TBD)*** *Other nearby off-site parking opportunities have existed in the past and may replace or expand upon the locations identified above. Each off-site parking opportunity shall be identified by name, address, proximity to the resort, number of spaces available for resort use, and conditions of use.*

III. MANAGEMENT POLICIES FOR PEAK PERIOD PARKING

The following standards are intended to guide parking management practices as administered by the Arizona Biltmore Hotel General Manager. The implementation of these standards is the responsibility of the Arizona Biltmore Hotel General Manager in cooperation with monitoring practices exercised by the City of Phoenix and/or the ABEVA Board of Directors. The standards include:

- A. It is the responsibility of the General Manager to prepare an annual report, the Peak Period Parking Management Report, and provide the report to the ABEVA Board of Directors on an annual basis. The Peak Period Parking Management Report will, 1) be due to ABEVA on November 1st of each calendar year, 2) identify the known *Large Scale Events* planned for the following calendar year and describe the scale of each known large scale event (number of attendees including estimated split between overnight hotel guest (internally captured) attendees and local (off-site originating) attendees) and the booked date of the event; and 3) include a current list of off-site parking contractual agreements intended to accommodate employee parking during peak periods.
- B. It will be the responsibility of the City of Phoenix to confirm the agreements and determine if the agreements are compliant with PUD Section I.A.5.n. A contact person and hotline number shall also be identified in the annual report to register violations to loading, circulation, queuing and parking management standards.
- C. It is the responsibility of the General Manager to meet weekly with the Guest Services Manager and the Security Manager to forecast parking demand for the following week. This forecast is to be based on the types, size, and number of local functions planned at the resort for the following week, as well as on the guest room occupancy level expected for the following week.
- D. When it is determined that parking demand will be in excess of the primary on-site guest spaces, the Guest Services Manager and the Security Manager will manage the distribution of appropriate parking area notification to employees and/or guests.
- E. Parking spaces are to be made available for guests first, with employees being directed to alternate off-site parking areas as required.
- F. A two-day advance posting of a parking location change will be made to all service employees.

- G. On the day of the large scale event, signs will be placed to notify guests of the self parking locations available to them approximately one hour prior to the respective function.
- H. The Security Manager is responsible for barricades and roping employee parking areas to keep them free for guests and valet parking when necessary.
- I. The Security Manager is responsible for ensuring hotel guest parking and employee parking activity does not include parking along Arizona Biltmore Circle or Thunderbird Trail, except as specifically authorized by the ABEVA Board of Directors through a formal vote of the Board members.
- J. The responsibility for making shuttle arrangements for employee parking in off-site areas is to be shared between the Guest Services Manager and the Security Manager. Prior to the start of a function, Guest Services shall shuttle employees from any off-site parking area being used. Once arrivals begin for the function(s), the Security Manager shall assume the responsibility of employee shuttles. Shuttle services shall continue until all employees who have parked in designated off-site areas have retrieved their vehicles.
- K. It is the responsibility of the Security Manager to manage the on-site parking areas during the guest arrival period. This includes maintaining appropriate traffic flow to insure that self-parking guests find appropriate available spaces.
- L. During peak parking periods, the resort should utilize off-duty police officers to direct traffic entering and exiting the resort at the intersections of 24th Street/Arizona Biltmore Circle and 24th Street/Missouri Avenue, to the extent necessary to support adequate traffic operations.
- M. Resort management should send traffic management brochures/letters to event organizers to assist in directing patrons to and from the site, and the use of Arizona Biltmore Circle to reach the ballroom parking garage and valet parking areas.

IV. DAY-TIME PEAK PERIOD PARKING PROCEDURES

A. It is estimated that the day-time peak period parking requirements will not exceed a total of 1,726 spaces. Employee parking will require approximately 423 spaces. The total for other uses by hotel patrons is estimated at 1,321 spaces.

B. The parking areas for the day-time peak periods are designated for use as follows:

1.	South Central Lot	Valet parking	266	spaces
2.	Southeast Lot	Villa parking, hotel guest and event attendee self-parking	204	spaces
3.	Southwest Lot	Hotel guest and event attendee self-parking	32	Spaces
4.	Triangle	Valet parking and event attendee self-parking	38	spaces
5.	Tennis Court Lot	Guest self-parking	6	spaces
6.	Ballroom Garage	Valet parking and event attendee self-parking	<u>775</u>	<u>spaces</u>
TOTAL GUEST AND EVENT ATTENDEE PARKING SUPPLY			<u>1,321</u>	<u>spaces</u>
7.	North Lot	Employee parking	50	spaces
8.	Ballroom Garage	Employee Parking	104	spaces
9.	Biltmore Fashion Park	Employee Parking	<u>269</u>	<u>spaces</u>
TOTAL EMPLOYEE PARKING SUPPLY			<u>423</u>	<u>spaces</u>
TOTAL AVAILABLE DAY-TIME PEAK PERIOD PARKING SUPPLY			<u>1,744</u>	<u>spaces</u>
TOTAL DAY-TIME PEAK PERIOD DEMAND			1,726	spaces
DAY-TIME PEAK PERIOD SURPLUS			18	spaces

V. EVENING PEAK PERIOD PARKING PROCEDURES

A. It is estimated that the evening peak period parking requirements will not exceed a total of 1,263 spaces. Employee parking will require approximately 213 spaces. The total for other uses by hotel patrons is estimated at 1,050 spaces.

B. The parking areas for the evening peak periods are designated for use as follows:

1.	South Central Lot	Valet parking	266	spaces
2.	Southeast Lot	Villa parking, hotel guest and event attendee self-parking	204	spaces
3.	Southwest Lot	Hotel guest and event attendee self-parking	32	Spaces
4.	Triangle	Valet parking and event attendee self-parking	38	spaces
5.	Tennis Court Lot	Guest self-parking	6	spaces
6.	Ballroom Garage	Valet parking and event attendee self-parking	<u>504</u>	<u>spaces</u>
TOTAL GUEST AND EVENT ATTENDEE PARKING SUPPLY			<u>1,050</u>	<u>spaces</u>
7.	North Lot:	Employee parking	50	spaces
8.	Ballroom Garage:	Employee parking	375	spaces
9.	Billmore Fashion Park	Employee parking	<u>269</u>	<u>spaces</u>
TOTAL EMPLOYEE PARKING SUPPLY			<u>694</u>	<u>spaces</u>
TOTAL AVAILABLE EVENING PEAK PERIOD PARKING SUPPLY			<u>1,744</u>	<u>spaces</u>
TOTAL EVENING PEAK PERIOD DEMAND			1,263	spaces
EVENING PEAK PERIOD SURPLUS			481	spaces

SUMMARY OF PEAK DEMAND SCENARIOS

PARKING DEMAND	DAYTIME	EVENING
Employees	423	213
Hotel Rooms	98	144
Restaurants	56	55
Function Space	1,026	727
Office Space	(included in employee demand)	(included in employee demand)
Spa	6	7
Villas	117	117
Total Vehicles	1,726	1,263

PARKING SUPPLY	DAYTIME	EVENING
<i>On-Site: self-park</i>	<i>Varies</i>	<i>Varies</i>
<i>On-Site: valet</i>	<i>Varies</i>	<i>Varies</i>
Subtotal	1,475	1,475
Biltmore Fashion Park	269	269
TBD	0	0
TBD	0	0
Subtotal	269	269
Total Spaces	1,744	1,744



MAP OF ON-SITE PARKING AREAS

	SOUTH CENTRAL LOT	266 SPACES
	SOUTHEAST LOT	204 SPACES
	SOUTHWEST LOT	32 SPACES
	NORTH LOT	50 SPACES
	TENNIS COURT LOT	6 SPACES
	TRIANGLE LOT	38 SPACES
	BALLROOM GARAGE	879 SPACES
EXISTING TOTAL		1475 SPACES
	PUD BOUNDARY	

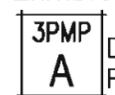
North



Not To Scale

Preliminary—Not For Construction

Exhibit



Date: 2.12.09
Project #: 191445000

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**ARIZONA
BILTMORE
RESORT & SPA**

The Waldorf-Astoria Collection
Planned Unit Development

MAP OF OFF-SITE PARKING OPPORTUNITIES

	BILTMORE FASHION PARK PARKING GARAGE	269 SPACES
	TBD	0 SPACES
	TBD	0 SPACES
TOTAL OFF-SITE SUPPLY		269 SPACES
 PUD BOUNDARY		



Not To Scale

Preliminary—Not For Construction

Exhibit



Date: 2.12.09
Project #: 191445000

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EXHIBIT C – OFF-SITE PARKING CONTRACTUAL AGREEMENTS

(RESERVED)

EXHIBIT D – EMPLOYEE PARKING REQUIREMENT CALCULATIONS

Daytime Shift Requirement – 423 parking spaces

The employee parking requirement determination is based on information provided by resort management with respect to staffing levels, staff scheduling, and transit bus usage by employees. Parking spaces for resort employees are accounted for in the PUD parking requirements for hotel guest rooms, function space, office space, dining areas, and spa, just as the City of Phoenix “code” parking rates for these types of land uses are inclusive of the parking requirement for the employees that support these uses.

The following details the logic and assumptions upon which the employee parking requirement for the resort, under the existing (2009) condition has been made:

1. The total staffing level of the resort under the existing condition is approximately 1,100.
2. The resort schedules employees in three shifts:
 - a. First/Daytime shift (715 of the employees work this shift)
 - b. Second/Evening shift (346 of the employees work this shift)
 - c. Third/Overnight shift (39 of the employees work this shift)
3. The number of employees actually scheduled (i.e. “on site”) during any given day, is approximately 71% of the quantities stated above as, while the resort is open seven days a week, most employees are only scheduled for five days a week ($5/7 = 71\%$). This being the case, the largest number of employees on-site, on any given typical day, is 71% of 715, or 511.
4. The resort provides full-cost bus passes for approximately 230 employees, and resort management indicates that 67 percent (153) of all of the employees using bus passes work during the first shift. This suggests that 21 percent (153 bus pass using employees/715 first shift employees) of first shift employees arrive and depart by bus and do not require a parking space which, in turn, suggests that 79 percent (404) of first shift employees arrive and depart the resort by way of a passenger vehicle.
5. It is expected that approximately 10 percent of those first shift employees who do not take the bus carpool with another employee. Based on this assumption, 5 percent (20) of those who do not take the bus will not require a parking space, and the remaining 95% (384) will need a parking space.
6. To accommodate a short overlap in shift arrival and departure times, a shift change parking requirement buffer of 10 percent (39 spaces) is recommended, resulting in a total recommended daytime shift parking requirement of $384+39 = 423$ spaces.

Evening Shift Requirement – 213 parking spaces

Utilizing the same logic as has been used to calculate a daytime shift parking requirement, with the exception that, for the evening shift, no carpool reduction has been taken, it has been concluded that evening shift resort employees parking demands can be accommodated with 213 parking spaces.



Appendices

Appendix F: Legal Descriptions For Historic Core, No-Build Zone and Performance Standard Zones



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APPENDIX F
ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
HISTORIC DISTRICT CORE

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
THENCE NORTH 68 DEGREES 26 MINUTES 48 SECONDS EAST, 1484.19 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 15, ARIZONA BILTMORE HOTEL, ACCORDING TO BOOK 376, PAGE 48, M.C.R.;
THENCE ALONG THE NORTH LINE OF SAID PARCEL 15, SOUTH 77 DEGREES 13 MINUTES 52 SECONDS EAST, 2.02 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 525.00 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 21 MINUTES 08 SECONDS, AN ARC LENGTH OF 49.05 FEET;
THENCE SOUTH 82 DEGREES 35 MINUTES 00 SECONDS EAST, 479.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 525.00 FEET;
THENCE CONTINUING EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13 DEGREES 36 MINUTES 05 SECONDS, AN ARC LENGTH OF 124.63 FEET;
THENCE DEPARTING SAID NORTH LINE, SOUTH 06 DEGREES 11 MINUTES 05 SECONDS EAST, 245.01 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 306.56 FEET;
THENCE SOUTH 43 DEGREES 37 MINUTES 09 SECONDS EAST, 198.04 FEET;
THENCE NORTH 17 DEGREES 18 MINUTES 35 SECONDS EAST, 39.67 FEET;
THENCE SOUTH 73 DEGREES 09 MINUTES 20 SECONDS EAST, 114.55 FEET;
THENCE SOUTH 16 DEGREES 50 MINUTES 40 SECONDS WEST, 207.68 FEET;
THENCE SOUTH 73 DEGREES 09 MINUTES 20 SECONDS EAST, 54.35 FEET;
THENCE SOUTH 13 DEGREES 29 MINUTES 46 SECONDS EAST, 157.61 FEET;
THENCE SOUTH 76 DEGREES 54 MINUTES 01 SECONDS WEST, 79.76 FEET;
THENCE SOUTH 13 DEGREES 05 MINUTES 59 SECONDS EAST, 27.97 FEET;
THENCE SOUTH 46 DEGREES 55 MINUTES 38 SECONDS WEST, 107.74 FEET;
THENCE SOUTH 16 DEGREES 31 MINUTES 02 SECONDS WEST, 182.13 FEET;
THENCE NORTH 73 DEGREES 05 MINUTES 56 SECONDS WEST, 355.61 FEET;
THENCE NORTH 16 DEGREES 54 MINUTES 04 SECONDS EAST, 104.64 FEET;
THENCE NORTH 73 DEGREES 27 MINUTES 17 SECONDS WEST, 77.42 FEET;
THENCE NORTH 16 DEGREES 39 MINUTES 06 SECONDS EAST, 11.06 FEET;
THENCE NORTH 73 DEGREES 20 MINUTES 54 SECONDS WEST, 9.00 FEET;
THENCE NORTH 16 DEGREES 46 MINUTES 18 SECONDS EAST, 75.72 FEET;
THENCE NORTH 72 DEGREES 55 MINUTES 04 SECONDS WEST, 17.03 FEET;
THENCE NORTH 17 DEGREES 34 MINUTES 46 SECONDS EAST, 127.52 FEET;



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THENCE SOUTH 73 DEGREES 02 MINUTES 33 SECONDS EAST, 18.51 FEET;
THENCE SOUTH 16 DEGREES 50 MINUTES 15 SECONDS WEST, 8.48 FEET;
THENCE SOUTH 73 DEGREES 09 MINUTES 45 SECONDS EAST, 44.40 FEET;
THENCE SOUTH 16 DEGREES 50 MINUTES 15 SECONDS WEST, 13.35 FEET;
THENCE SOUTH 73 DEGREES 09 MINUTES 45 SECONDS EAST, 6.05 FEET;
THENCE SOUTH 16 DEGREES 50 MINUTES 15 SECONDS WEST, 4.70 FEET;
THENCE SOUTH 73 DEGREES 09 MINUTES 45 SECONDS EAST, 42.22 FEET;
THENCE NORTH 78 DEGREES 15 MINUTES 23 SECONDS EAST, 6.58 FEET;
THENCE SOUTH 13 DEGREES 18 MINUTES 06 SECONDS EAST, 13.64 FEET;
THENCE NORTH 76 DEGREES 46 MINUTES 53 SECONDS EAST, 69.98 FEET;
THENCE NORTH 46 DEGREES 48 MINUTES 53 SECONDS EAST, 40.07 FEET;
THENCE NORTH 43 DEGREES 21 MINUTES 37 SECONDS WEST, 246.56 FEET TO THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 281,075 SQUARE FEET OR 6.4526 ACRES, MORE OR LESS.



W 1/4 COR SEC 11
FND C.O.P. BC IN HH

NW COR PAR 15
BK. 376,
PG. 48 M.C.R.

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

NW CORNER
BILTMORE
GATES

BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

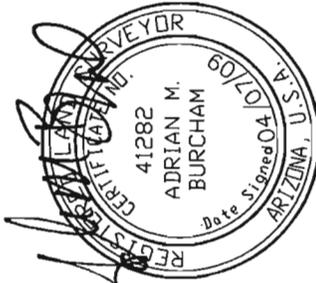
EXHIBIT "A"



24TH STREET
N00°04'59"W
2643.21'

N68°26'48"E
1484.16'

SW COR SEC 11
FND. C.O.P. BCHH
(P.O.C.)



EXPIRES 09/30/2010

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487 M.C.R.

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

*FOR CURVE AND LINE
TABLES SEE SHEET 2

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040

PHONE (602) 454-8230
FAX (602) 458-9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
HISTORIC CORE
LEGAL EXHIBIT

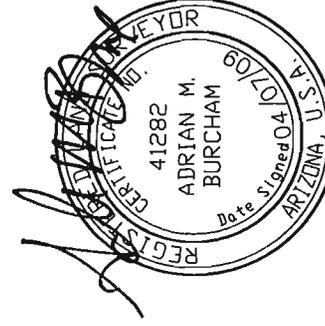
JOB NUMBER	08012-06
SHEET	1
OF	2

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.02	S77°13'52"E
L2	479.92	S82°35'00"E
L3	245.01	S06°11'05"E
L4	306.56	N47°00'00"E
L5	198.04	S43°37'09"E
L6	39.67	N17°18'35"E
L7	114.55	S73°09'20"E
L8	207.68	S16°50'40"W
L9	54.35	S73°09'20"E
L10	157.61	S13°29'46"E
L11	79.76	S76°54'01"W
L12	27.97	S13°05'59"E
L13	107.74	S46°55'38"W
L14	182.13	S16°31'02"W
L15	355.61	N73°05'56"W
L16	104.64	N16°54'04"E
L17	77.42	N73°27'17"W

LINE TABLE		
LINE	LENGTH	BEARING
L18	11.06	N16°39'06"E
L19	9.00	N73°20'54"W
L20	75.72	N16°46'18"E
L21	17.03	N72°55'04"W
L22	127.52	N17°34'46"E
L23	18.51	S73°02'33"E
L24	8.48	S16°50'15"W
L25	44.40	S73°09'45"E
L26	13.35	S16°50'15"W
L27	6.05	S73°09'45"E
L28	4.70	S16°50'15"W
L29	42.22	S73°09'45"E
L30	6.58	N78°15'23"E
L31	13.64	S13°18'06"E
L32	69.98	N76°46'53"E
L33	40.07	N46°48'53"E
L34	246.56	N43°21'37"W

CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	05°21'08"	49.05	525.00
C2	13°36'05"	124.63	525.00



EXPIRES 09/30/2010

BY	DATE
DESIGNED	ARM APRIL 2009
DRAWN	ARM APRIL 2009

ALPHA ENGINEERING

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**ARIZONA BILTMORE
HISTORIC CORE
LEGAL EXHIBIT**

JOB NUMBER	08012-06
SHEET	2
OF	2



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ARIZONA BILTMORE RESORT & SPA NO-BUILD AREA

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
THENCE NORTH 83 DEGREES 20 MINUTES 53 SECONDS EAST, 1240.45 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 15;
THENCE ALONG THE WEST LINE OF SAID PARCEL 15, NORTH 30 DEGREES 54 MINUTES 00 SECONDS EAST, 65.00 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC), AS RECORDED IN DOCUMENT NO. 90-212487, M.C.R.;
THENCE DEPARTING SAID WEST LINE AND CONTINUING ALONG SAID NORTH LINE SOUTH 59 DEGREES 06 MINUTES 00 SECONDS EAST, 416.49 FEET;
THENCE SOUTH 49 DEGREES 23 MINUTES 52 SECONDS EAST, 212.69 FEET;
THENCE SOUTH 37 DEGREES 30 MINUTES 00 SECONDS EAST, 228.52 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH 33 DEGREES 29 MINUTES 39 SECONDS EAST, 541.50 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02 DEGREES 44 MINUTES 44 SECONDS, AN ARC LENGTH OF 25.95 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTH LINE NORTH 16 DEGREES 54 MINUTES 44 SECONDS EAST, 230.94 FEET;
THENCE SOUTH 73 DEGREES 32 MINUTES 08 SECONDS EAST, 109.58 FEET;
THENCE SOUTH 15 DEGREES 06 MINUTES 30 SECONDS WEST, 3.99 FEET;
THENCE SOUTH 45 DEGREES 32 MINUTES 49 SECONDS WEST, 17.15 FEET;
THENCE NORTH 44 DEGREES 26 MINUTES 50 SECONDS WEST, 9.88 FEET;
THENCE SOUTH 49 DEGREES 07 MINUTES 18 SECONDS WEST, 21.65 FEET;
THENCE NORTH 72 DEGREES 17 MINUTES 13 SECONDS WEST, 5.81 FEET;
THENCE SOUTH 17 DEGREES 39 MINUTES 25 SECONDS WEST, 11.91 FEET;
THENCE SOUTH 70 DEGREES 42 MINUTES 18 SECONDS EAST, 1.85 FEET;
THENCE SOUTH 20 DEGREES 31 MINUTES 00 SECONDS EAST, 5.51 FEET;
THENCE NORTH 84 DEGREES 59 MINUTES 58 SECONDS WEST, 12.46 FEET;
THENCE SOUTH 08 DEGREES 32 MINUTES 33 SECONDS WEST, 14.62 FEET;
THENCE SOUTH 64 DEGREES 47 MINUTES 21 SECONDS WEST, 13.42 FEET;
THENCE SOUTH 25 DEGREES 12 MINUTES 39 SECONDS EAST, 14.55 FEET;
THENCE SOUTH 28 DEGREES 11 MINUTES 49 SECONDS WEST, 12.05 FEET;
THENCE SOUTH 61 DEGREES 48 MINUTES 11 SECONDS EAST, 13.08 FEET;
THENCE SOUTH 12 DEGREES 40 MINUTES 40 SECONDS EAST, 14.39 FEET;
THENCE NORTH 83 DEGREES 40 MINUTES 39 SECONDS EAST, 14.39 FEET;
THENCE SOUTH 75 DEGREES 19 MINUTES 05 SECONDS EAST, 9.97 FEET;
THENCE NORTH 16 DEGREES 45 MINUTES 40 SECONDS EAST, 3.00 FEET;
THENCE SOUTH 72 DEGREES 05 MINUTES 43 SECONDS EAST, 13.45 FEET;
THENCE SOUTH 16 DEGREES 45 MINUTES 40 SECONDS WEST, 1.33 FEET;



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THENCE SOUTH 72 DEGREES 21 MINUTES 37 SECONDS EAST, 32.42 FEET;
THENCE NORTH 16 DEGREES 45 MINUTES 40 SECONDS EAST, 44.63 FEET;
THENCE NORTH 48 DEGREES 30 MINUTES 56 SECONDS EAST, 32.48 FEET;
THENCE SOUTH 75 DEGREES 59 MINUTES 51 SECONDS EAST, 18.32 FEET;
THENCE NORTH 16 DEGREES 54 MINUTES 27 SECONDS EAST, 4.33 FEET;
THENCE SOUTH 75 DEGREES 59 MINUTES 51 SECONDS EAST, 61.59 FEET;
THENCE SOUTH 16 DEGREES 40 MINUTES 49 SECONDS WEST, 7.61 FEET;
THENCE SOUTH 73 DEGREES 19 MINUTES 11 SECONDS EAST, 1.41 FEET;
THENCE SOUTH 16 DEGREES 40 MINUTES 49 SECONDS WEST, 55.47 FEET;
THENCE SOUTH 73 DEGREES 19 MINUTES 11 SECONDS EAST, 20.25 FEET;
THENCE SOUTH 15 DEGREES 45 MINUTES 52 SECONDS WEST, 14.52 FEET;
THENCE SOUTH 73 DEGREES 19 MINUTES 11 SECONDS EAST, 17.35 FEET;
THENCE SOUTH 16 DEGREES 40 MINUTES 49 SECONDS WEST, 12.08 FEET;
THENCE SOUTH 73 DEGREES 19 MINUTES 11 SECONDS EAST, 20.43 FEET;
THENCE SOUTH 16 DEGREES 40 MINUTES 49 SECONDS WEST, 3.73 FEET;
THENCE SOUTH 73 DEGREES 19 MINUTES 11 SECONDS EAST, 3.93 FEET;
THENCE SOUTH 16 DEGREES 21 MINUTES 13 SECONDS WEST, 97.59 FEET TO A
POINT ON SAID ACDC NORTH LINE;
THENCE ALONG SAID NORTH LINE NORTH 88 DEGREES 31 MINUTES 26 SECONDS
WEST, 46.57 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE
NORTH, HAVING A RADIUS OF 541.50 FEET;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29
DEGREES 16 MINUTES 20 SECONDS, AN ARC LENGTH OF 276.65 FEET TO THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 58,144 SQUARE FEET OR 1.3348 ACRES, MORE OR LESS.



W 1/4 COR SEC 11
FND C.O.P. BCHH

CENTERLINE OF ARIZONA BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

EXHIBIT "A"

NW CORNER BILTMORE GATES

BILTMORE GATES
BOOK 202, PG. 47, M.C.R.

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

NORTH LINE
ARIZONA CANAL
DIVERSION CHANNEL

ARIZONA CANAL CENTERLINE
ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487, M.C.R.

N.T.S.

(A)

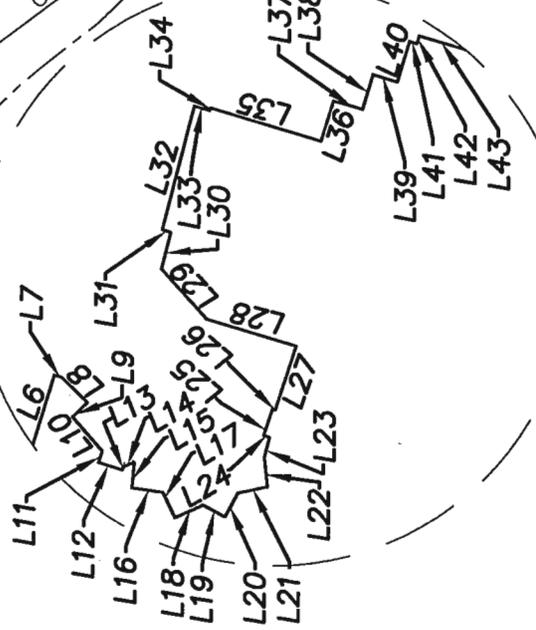
SW COR PAR 15
BK. 376,
PG. 48, M.C.R.

N83°20'53"E
1240.45'

(P.O.B.)

(P.O.C.)

24TH
STREET
N00°04'59"W
2643.21'



LEGEND

(A)

PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

(B)

PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

ALPHA ENGINEERING

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PHOENIX, ARIZONA 85040
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NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE
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A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
NO-BUILD AREA
LEGAL EXHIBIT

BY	DATE
DESIGNED ARM	MAY 2009
DRAWN ARM	MAY 2009

JOB NUMBER	SHEET	OF
08012-11	1	2

*FOR CURVE AND LINE
TABLES SEE SHEET 2

EXPIRES 09/30/2010

EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	65.00	N30°54'00"E
L2	416.49	S59°06'00"E
L3	212.69	S49°23'52"E
L4	228.52	S37°30'00"E
L5	230.94	N16°54'44"E
L6	109.58	S73°32'08"E
L7	3.99	S15°06'30"W
L8	17.15	S45°32'49"W
L9	9.88	N44°26'50"W
L10	21.65	S49°07'18"W
L11	5.81	N72°17'13"W
L12	11.91	S17°39'25"W
L13	1.85	S70°42'18"E
L14	5.51	S20°31'00"E
L15	12.46	N84°59'58"W
L16	14.62	S08°32'33"W
L17	13.42	S64°47'21"W
L18	14.55	S25°12'39"E
L19	12.05	S28°11'49"W
L20	13.08	S61°48'11"E
L21	14.39	S12°40'40"E
L22	14.39	N83°40'39"E

LINE TABLE		
LINE	LENGTH	BEARING
L23	9.97	S75°19'05"E
L24	3.00	N16°45'40"E
L25	13.45	S72°05'43"E
L26	1.33	S16°45'40"W
L27	32.42	S72°21'37"E
L28	44.63	N16°45'40"E
L29	32.48	N48°30'56"E
L30	18.32	S75°59'51"E
L31	4.33	N16°54'27"E
L32	61.59	S75°59'51"E
L33	7.61	S16°40'49"W
L34	1.41	S73°19'11"E
L35	55.47	S16°40'49"W
L36	20.25	S73°19'11"E
L37	14.52	S15°45'52"W
L38	17.35	S73°19'11"E
L39	12.08	S16°40'49"W
L40	20.43	S73°19'11"E
L41	3.73	S16°40'49"W
L42	3.93	S73°19'11"E
L43	97.59	S16°21'13"W
L44	46.57	N88°31'26"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	RADIAL
C1	25.95	541.50	02°44'44"	N33°29'39"E
C2	276.65	541.50	29°16'20"	

DESIGNED	ARM	DATE
DRAWN	ARM	MAY 2009

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 PHOENIX, ARIZONA 85040
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ARIZONA BILTMORE NO-BUILD AREA LEGAL EXHIBIT

JOB NUMBER	08012--11
SHEET	2
OF	2



EXPIRES 09/30/2010



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APPENDIX F
ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
PERFORMANCE STANDARDS
ZONE 1

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
THENCE NORTH 68 DEGREES 26 MINUTES 48 SECONDS EAST, 1484.19 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 15, ARIZONA BILTMORE HOTEL, ACCORDING TO BOOK 376, PAGE 48, M.C.R.;
THENCE ALONG THE NORTH LINE OF SAID PARCEL 15, SOUTH 77 DEGREES 13 MINUTES 52 SECONDS EAST, 2.02 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 525.00 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 21 MINUTES 08 SECONDS, AN ARC LENGTH OF 49.05 FEET;
THENCE SOUTH 82 DEGREES 35 MINUTES 00 SECONDS EAST, 479.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 525.00 FEET;
THENCE CONTINUING EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08 DEGREES 15 MINUTES 55 SECONDS, AN ARC LENGTH OF 75.73 FEET;
THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 50 MINUTES 55 SECONDS EAST, 154.05 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 43 DEGREES 00 MINUTES 00 SECONDS EAST, 80.14 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 207.39 FEET;
THENCE SOUTH 43 DEGREES 06 MINUTES 32 SECONDS EAST, 24.33 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 02 SECONDS EAST, 112.92 FEET;
THENCE SOUTH 42 DEGREES 23 MINUTES 53 SECONDS EAST, 184.08 FEET;
THENCE NORTH 44 DEGREES 43 MINUTES 41 SECONDS EAST, 22.69 FEET;
THENCE SOUTH 74 DEGREES 09 MINUTES 06 SECONDS EAST, 109.11 FEET;
THENCE SOUTH 15 DEGREES 50 MINUTES 54 SECONDS WEST, 38.63 FEET;
THENCE SOUTH 17 DEGREES 19 MINUTES 24 SECONDS EAST, 129.73 FEET;
THENCE SOUTH 76 DEGREES 52 MINUTES 58 SECONDS WEST, 19.70 FEET;
THENCE SOUTH 13 DEGREES 06 MINUTES 15 SECONDS EAST, 79.26 FEET;
THENCE NORTH 76 DEGREES 42 MINUTES 35 SECONDS EAST, 274.57 FEET;
THENCE SOUTH 12 DEGREES 17 MINUTES 43 SECONDS EAST, 83.82 FEET;
THENCE SOUTH 77 DEGREES 42 MINUTES 17 SECONDS WEST, 43.77 FEET;
THENCE SOUTH 13 DEGREES 36 MINUTES 08 SECONDS EAST, 15.09 FEET;
THENCE SOUTH 75 DEGREES 04 MINUTES 51 SECONDS WEST, 230.31 FEET;
THENCE SOUTH 12 DEGREES 39 MINUTES 56 SECONDS EAST, 93.56 FEET;
THENCE NORTH 76 DEGREES 43 MINUTES 01 SECONDS EAST, 230.75 FEET;
THENCE SOUTH 13 DEGREES 56 MINUTES 03 SECONDS EAST, 117.31 FEET;
THENCE SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 16.32 FEET TO A



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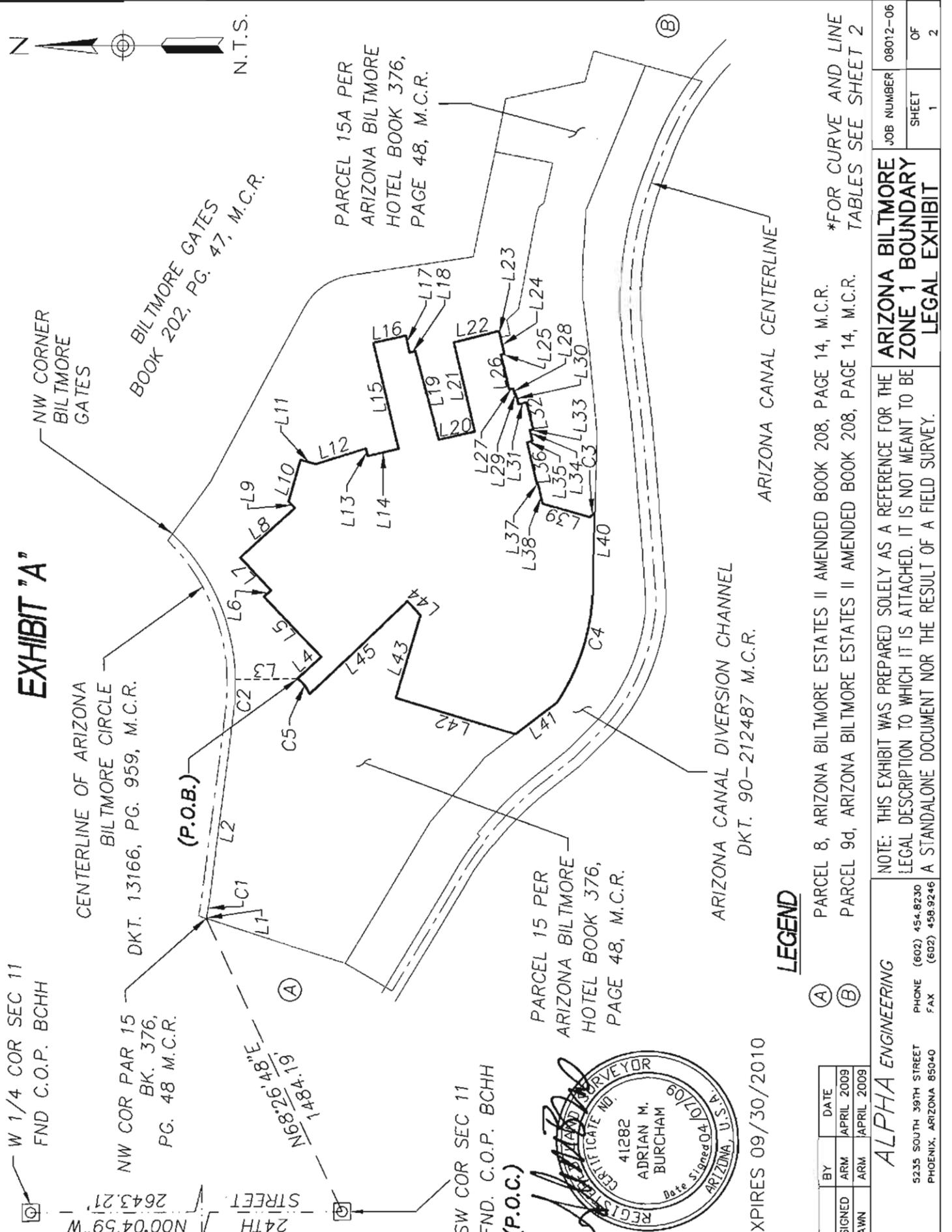
POINT ON THE SOUTH LINE OF SAID PARCEL 15;
 THENCE CONTINUING ALONG SAID SOUTH LINE SOUTH 76 DEGREES 49 MINUTES
 29 SECONDS WEST, 42.61 FEET;
 THENCE NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 8.79 FEET;
 THENCE SOUTH 76 DEGREES 48 MINUTES 11 SECONDS WEST, 89.49 FEET;
 THENCE SOUTH 12 DEGREES 49 MINUTES 26 SECONDS EAST, 10.75 FEET;
 THENCE SOUTH 77 DEGREES 54 MINUTES 07 SECONDS WEST, 16.50 FEET;
 THENCE SOUTH 13 DEGREES 25 MINUTES 50 SECONDS EAST, 3.20 FEET;
 THENCE SOUTH 76 DEGREES 34 MINUTES 10 SECONDS WEST, 25.58 FEET;
 THENCE SOUTH 13 DEGREES 10 MINUTES 31 SECONDS EAST, 21.49 FEET;
 THENCE SOUTH 76 DEGREES 46 MINUTES 03 SECONDS WEST, 69.75 FEET;
 THENCE NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 8.19 FEET;
 THENCE SOUTH 76 DEGREES 53 MINUTES 12 SECONDS WEST, 28.70 FEET;
 THENCE NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 13.92 FEET;
 THENCE SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 107.59 FEET;
 THENCE SOUTH 13 DEGREES 10 MINUTES 31 SECONDS EAST, 3.00 FEET;
 THENCE SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 51.92 FEET;
 THENCE SOUTH 16 DEGREES 02 MINUTES 57 SECONDS WEST, 122.69 FEET TO THE
 BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM
 WHICH THE RADIUS POINT BEARS SOUTH 43 DEGREES 59 MINUTES 21 SECONDS
 WEST, 145.50 FEET;
 THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
 06 DEGREES 57 MINUTES 00 SECONDS, AN ARC LENGTH OF 17.65 FEET TO A POINT
 ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC) PER
 DOCKET NO. 90-212487 M.C.R.;
 THENCE ALONG SAID NORTH LINE NORTH 88 DEGREES 31 MINUTES 26 SECONDS
 WEST, 193.22 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH,
 HAVING A RADIUS OF 541.50 FEET;
 THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32
 DEGREES 01 MINUTES 10 SECONDS, AN ARC LENGTH OF 302.60 FEET;
 THENCE NORTH 37 DEGREES 30 MINUTES 00 SECONDS WEST, 131.48 FEET;
 THENCE DEPARTING SAID ACDC NORTH LINE NORTH 16 DEGREES 51 MINUTES 00
 SECONDS EAST, 315.54 FEET;
 THENCE SOUTH 73 DEGREES 09 MINUTES 00 SECONDS EAST, 217.51 FEET;
 THENCE NORTH 46 DEGREES 38 MINUTES 01 SECONDS EAST, 48.83 FEET;
 THENCE NORTH 43 DEGREES 44 MINUTES 49 SECONDS WEST, 337.15 FEET TO THE
 BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST FROM
 WHICH THE RADIUS POINT BEARS NORTH 21 DEGREES 01 MINUTES 54 SECONDS,
 87.50 FEET;
 THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF
 32 DEGREES 30 MINUTES 17 SECONDS, AN ARC LENGTH OF 49.64 FEET TO THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 503,858 SQUARE FEET OR 11.5670 ACRES, MORE OR LESS.



EX 09/30/2010

EXHIBIT "A"



W 1/4 COR SEC 11
FND C.O.P. BCHH

24TH STREET
N00°04'59"W
2643.21'

NW COR PAR 15
BK. 376,
PG. 48 M.C.R.

CENTERLINE OF ARIZONA
BILTMORE CIRCLE
DKT. 13166, PG. 959, M.C.R.

(P.O.B.)

N58°26'48"E
1484.19'

SW COR SEC 11
FND. C.O.P. BCHH
(P.O.C.)



EXPIRES 09/30/2010

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

ARIZONA CANAL DIVERSION CHANNEL
DKT. 90-212487 M.C.R.

ARIZONA CANAL CENTERLINE

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

BILTMORE GATES
BOOK 202, PG. 47, M.C.R.

NW CORNER
BILTMORE
GATES

BY	DATE
ARM	APRIL 2009
ARM	APRIL 2009

ALPHA ENGINEERING

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(A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
(B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

LEGEND

*FOR CURVE AND LINE
TABLES SEE SHEET 2

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ARIZONA BILTMORE
ZONE 1 BOUNDARY
LEGAL EXHIBIT

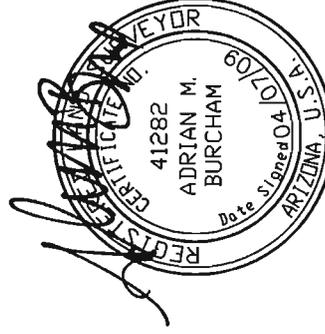
JOB NUMBER	08012-06
SHEET	1
OF	2

EXHIBIT 'A'

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.02	S77°13'52"E
L2	479.92	S82°35'00"E
L3	154.05	S00°50'55"E
L4	80.14	S43°00'00"E
L5	207.39	N47°00'00"E
L6	24.33	S43°06'32"E
L7	112.92	N47°00'02"E
L8	184.08	S42°23'53"E
L9	22.69	N44°43'41"E
L10	109.11	S74°09'06"E
L11	38.63	S15°50'54"W
L12	129.73	S17°19'24"E
L13	19.70	S76°52'58"W
L14	79.26	S13°06'15"E
L15	274.57	N76°42'35"E
L16	83.82	S12°17'43"E
L17	43.77	S77°42'17"W
L18	15.09	S13°36'08"E
L19	230.31	S75°04'51"W
L20	93.56	S12°39'56"E
L21	230.75	N76°43'01"E
L22	117.31	S13°56'03"E
L23	16.32	S76°49'29"W

LINE TABLE		
LINE	LENGTH	BEARING
L24	42.61	S76°49'29"W
L25	8.79	N13°10'31"W
L26	89.49	S76°48'11"W
L27	10.75	S12°49'26"E
L28	16.50	S77°54'07"W
L29	3.20	S13°25'50"E
L30	25.58	S76°34'10"W
L31	21.49	S13°10'31"E
L32	69.75	S76°46'03"W
L33	8.19	N13°10'31"W
L34	28.70	S76°53'12"W
L35	13.92	N13°10'31"W
L36	107.59	S76°49'29"W
L37	3.00	S13°10'31"E
L38	51.92	S76°49'29"W
L39	122.69	S16°02'57"W
L40	193.22	N88°31'26"W
L41	131.48	N37°30'00"W
L42	315.54	N16°51'00"E
L43	217.51	S73°09'00"E
L44	48.83	N46°38'01"E
L45	337.15	N43°44'49"W

CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	05°21'08"	49.05	525.00
C2	08°15'55"	75.73	525.00
C3	06°57'00"	17.65	145.50
C4	32°01'10"	302.60	541.50
C5	32°30'17"	49.64	87.50



EXPIRES 09/30/2010

DESIGNED	BY	DATE
DRAWN	ARM	APRIL 2009
	ARM	APRIL 2009

ALPHA ENGINEERING

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ARIZONA BILTMORE ZONE 1 BOUNDARY LEGAL EXHIBIT

JOB NUMBER	08012-06
SHEET	OF
2	2



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fax: 602.458.9246
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APPENDIX F
ARIZONA BILTMORE RESORT & SPA
PLANNED UNIT DEVELOPMENT
PERFORMANCE STANDARDS
ZONE 2

A PORTION OF PARCEL 15 OF "ARIZONA BILTMORE HOTEL" ACCORDING TO BOOK 376, PAGE 48 OF MARICOPA COUNTY RECORDS LOCATED IN A PORTION OF SECTIONS 11 AND 14, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 04 MINUTES 59 SECONDS WEST, 2643.21 FEET;
THENCE NORTH 68 DEGREES 26 MINUTES 48 SECONDS EAST, 1484.19 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 15, ARIZONA BILTMORE HOTEL, ACCORDING TO BOOK 376, PAGE 48, M.C.R.;
THENCE ALONG THE NORTH LINE OF SAID PARCEL 15, SOUTH 77 DEGREES 13 MINUTES 52 SECONDS EAST, 2.02 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 525.00 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 21 MINUTES 08 SECONDS, AN ARC LENGTH OF 49.05 FEET;
THENCE SOUTH 82 DEGREES 35 MINUTES 00 SECONDS EAST, 50.76 FEET;
THENCE DEPARTING SAID NORTH LINE, SOUTH 07 DEGREES 25 MINUTES 00 SECONDS WEST, 108.91 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 207.73 FEET;
THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 10.00 FEET;
THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 138.04 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 156.66 FEET;
THENCE SOUTH 41 DEGREES 58 MINUTES 35 SECONDS EAST, 219.20 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 00 SECONDS EAST, 174.30 FEET;
THENCE SOUTH 43 DEGREES 06 MINUTES 32 SECONDS EAST, 24.33 FEET;
THENCE NORTH 47 DEGREES 00 MINUTES 02 SECONDS EAST, 112.92 FEET;
THENCE SOUTH 42 DEGREES 23 MINUTES 53 SECONDS EAST, 184.08 FEET;
THENCE NORTH 44 DEGREES 43 MINUTES 41 SECONDS EAST, 22.69 FEET;
THENCE SOUTH 74 DEGREES 09 MINUTES 06 SECONDS EAST, 109.11 FEET;
THENCE SOUTH 15 DEGREES 50 MINUTES 54 SECONDS WEST, 38.63 FEET;
THENCE SOUTH 17 DEGREES 19 MINUTES 24 SECONDS EAST, 129.73 FEET;
THENCE SOUTH 76 DEGREES 52 MINUTES 58 SECONDS WEST, 19.70 FEET;
THENCE SOUTH 13 DEGREES 06 MINUTES 15 SECONDS EAST, 79.26 FEET;
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THENCE SOUTH 12 DEGREES 17 MINUTES 43 SECONDS EAST, 83.82 FEET;
THENCE SOUTH 77 DEGREES 42 MINUTES 17 SECONDS WEST, 43.77 FEET;
THENCE SOUTH 13 DEGREES 36 MINUTES 08 SECONDS EAST, 15.09 FEET;
THENCE SOUTH 75 DEGREES 04 MINUTES 51 SECONDS WEST, 230.31 FEET;
THENCE SOUTH 12 DEGREES 39 MINUTES 56 SECONDS EAST, 93.56 FEET;
THENCE NORTH 76 DEGREES 43 MINUTES 01 SECONDS EAST, 230.75 FEET;
THENCE SOUTH 13 DEGREES 56 MINUTES 03 SECONDS EAST, 117.31 FEET;

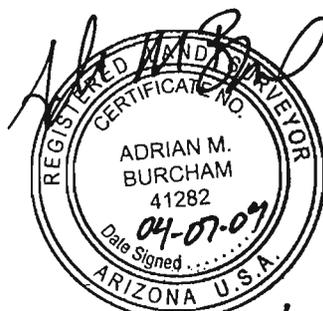


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a certified DBE
 www.alphaengineering.us

THENCE SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 16.32 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 15;
 THENCE ALONG SAID SOUTH LINE SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 42.61 FEET;
 THENCE NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 8.79 FEET;
 THENCE SOUTH 76 DEGREES 48 MINUTES 11 SECONDS WEST, 89.49 FEET;
 THENCE SOUTH 12 DEGREES 49 MINUTES 26 SECONDS EAST, 10.75 FEET;
 THENCE SOUTH 77 DEGREES 54 MINUTES 07 SECONDS WEST, 16.50 FEET;
 THENCE SOUTH 13 DEGREES 25 MINUTES 50 SECONDS EAST, 3.20 FEET;
 THENCE SOUTH 76 DEGREES 34 MINUTES 10 SECONDS WEST, 25.58 FEET;
 THENCE SOUTH 13 DEGREES 10 MINUTES 31 SECONDS EAST, 21.49 FEET;
 THENCE SOUTH 76 DEGREES 46 MINUTES 03 SECONDS WEST, 69.75 FEET;
 THENCE NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 8.19 FEET;
 THENCE SOUTH 76 DEGREES 53 MINUTES 12 SECONDS WEST, 28.70 FEET;
 THENCE NORTH 13 DEGREES 10 MINUTES 31 SECONDS WEST, 13.92 FEET;
 THENCE SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 107.59 FEET;
 THENCE SOUTH 13 DEGREES 10 MINUTES 31 SECONDS EAST, 3.00 FEET;
 THENCE SOUTH 76 DEGREES 49 MINUTES 29 SECONDS WEST, 51.92 FEET;
 THENCE SOUTH 16 DEGREES 02 MINUTES 57 SECONDS WEST, 122.69 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 43 DEGREES 59 MINUTES 21 SECONDS WEST, 145.50 FEET;
 THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 57 MINUTES 00 SECONDS, AN ARC LENGTH OF 17.65 FEET TO A POINT ON THE NORTH LINE OF ARIZONA CANAL DIVERSION CHANNEL (ACDC) PER DOCKET NO. 90-212487 M.C.R.;
 THENCE ALONG SAID NORTH LINE NORTH 88 DEGREES 31 MINUTES 26 SECONDS WEST, 193.22 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 541.50 FEET;
 THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32 DEGREES 01 MINUTES 10 SECONDS, AN ARC LENGTH OF 302.60 FEET;
 THENCE NORTH 37 DEGREES 30 MINUTES 00 SECONDS WEST, 228.52 FEET;
 THENCE NORTH 49 DEGREES 23 MINUTES 52 SECONDS WEST, 212.69 FEET;
 THENCE NORTH 59 DEGREES 06 MINUTES 00 SECONDS WEST, 320.17 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 27.02 FEET;
 THENCE SOUTH 74 DEGREES 00 MINUTES 00 SECONDS EAST, 344.05 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 108.83 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 52.00 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 30.00 FEET;
 THENCE NORTH 74 DEGREES 00 MINUTES 00 SECONDS WEST, 252.73 FEET;
 THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST, 128.01 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 725,105 SQUARE FEET OR 16.6461 ACRES, MORE OR LESS.



Ex 09/30/2010

W 1/4 COR SEC 11
FND C.O.P. BCHH

NW COR PAR 15
BK. 376,
PG. 48 M.C.R.

CENTERLINE OF ARIZONA
BILTMORE CIRCLE DKT.
13166, PG. 959, M.C.R.

EXHIBIT "A"

PARCEL 15 PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

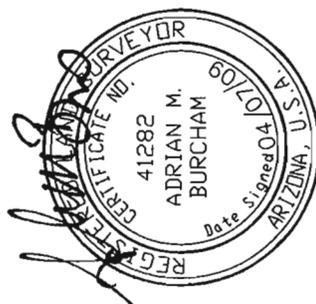
BILTMORE GATES
BOOK 202, PG.
47, M.C.R.

PARCEL 15A PER
ARIZONA BILTMORE
HOTEL BOOK 376,
PAGE 48, M.C.R.

24TH STREET
N00°04'59"W
2643.21'

N68°26'48"E
1484.19'

SW COR SEC 11
FND. C.O.P. BCHH
(P.O.C.)



EXPIRES 09/30/2010

LEGEND

- (A) PARCEL 8, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.
- (B) PARCEL 9d, ARIZONA BILTMORE ESTATES II AMENDED BOOK 208, PAGE 14, M.C.R.

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
PHOENIX, ARIZONA 85040
PHONE (602) 454.8230
FAX (602) 458.9246

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

ARIZONA BILTMORE
ZONE 2 BOUNDARY
LEGAL EXHIBIT

JOB NUMBER 08012-06	
SHEET 1	OF 2

*FOR CURVE AND LINE
TABLES SEE SHEET 2

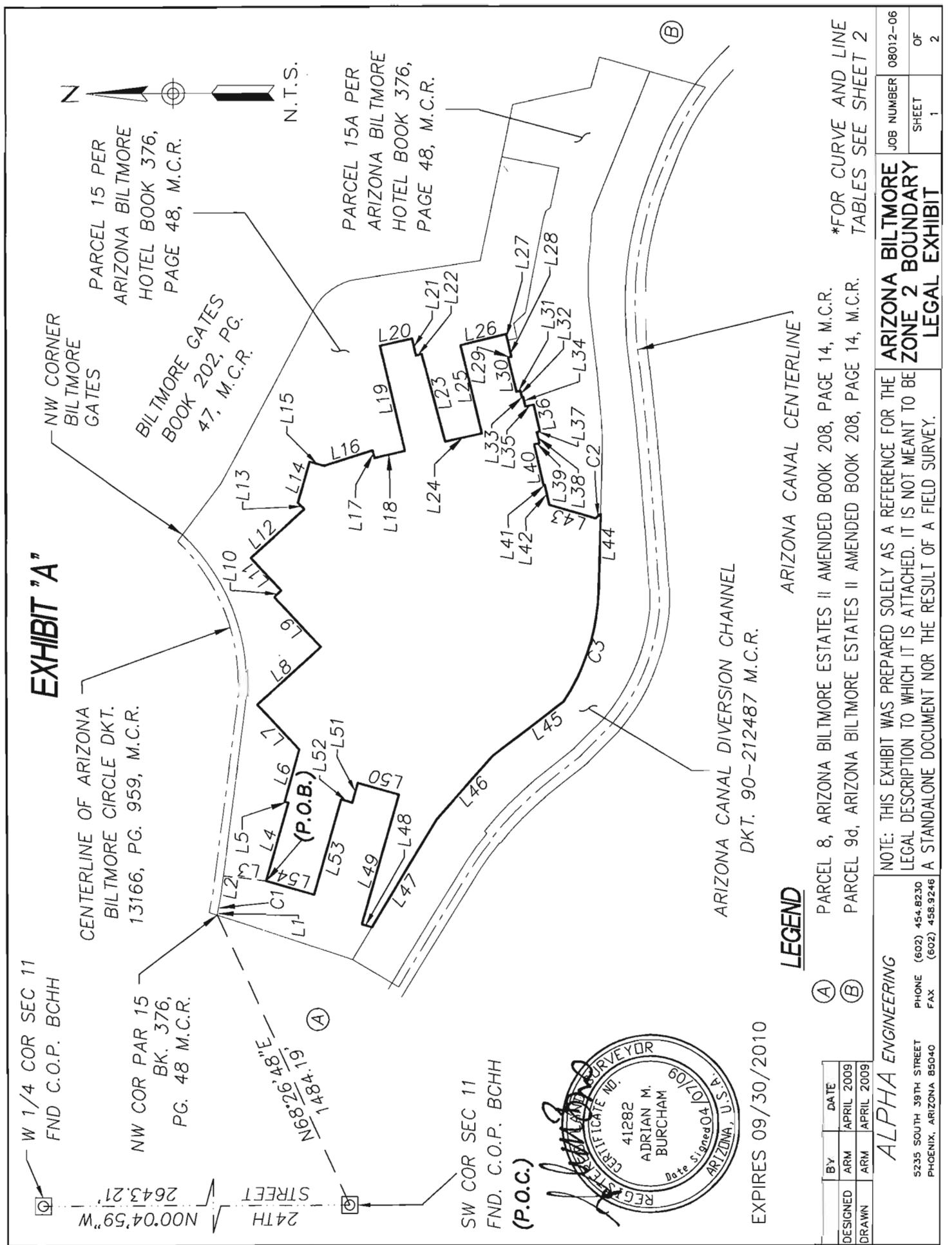


EXHIBIT "A"

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.02	S77°13'52"E
L2	50.76	S82°35'00"E
L3	108.91	S07°25'00"W
L4	207.73	S74°00'00"E
L5	10.00	N16°00'00"E
L6	138.04	S74°00'00"E
L7	156.66	N47°00'00"E
L8	219.20	S41°58'35"E
L9	174.30	N47°00'00"E
L10	24.33	S43°06'32"E
L11	112.92	N47°00'02"E
L12	184.08	S42°23'53"E
L13	22.69	N44°43'41"E
L14	109.11	S74°09'06"E
L15	38.63	S15°50'54"W
L16	129.73	S17°19'24"E
L17	19.70	S76°52'58"W
L18	79.26	S13°06'15"E
L19	274.57	N76°42'35"E
L20	83.82	S12°17'43"E
L21	43.77	S77°42'17"W
L22	15.09	S13°36'08"E
L23	230.31	S75°04'51"W
L24	93.56	S12°39'56"E
L25	230.75	N76°43'01"E
L26	117.31	S13°56'03"E
L27	16.32	S76°49'29"W

LINE TABLE		
LINE	LENGTH	BEARING
L28	42.61	S76°49'29"W
L29	8.79	N13°10'31"W
L30	89.49	S76°48'11"W
L31	10.75	S12°49'26"E
L32	16.50	S77°54'07"W
L33	3.20	S13°25'50"E
L34	25.58	S76°34'10"W
L35	21.49	S13°10'31"E
L36	69.75	S76°46'03"W
L37	8.19	N13°10'31"W
L38	28.70	S76°53'12"W
L39	13.92	N13°10'31"W
L40	107.59	S76°49'29"W
L41	3.00	S13°10'31"E
L42	51.92	S76°49'29"W
L43	122.69	S16°02'57"W
L44	193.22	N88°31'26"W
L45	228.52	N37°30'00"W
L46	212.69	N49°23'52"W
L47	320.17	N59°06'00"W
L48	27.02	N16°00'00"E
L49	344.05	S74°00'00"E
L50	108.83	N16°00'00"E
L51	52.00	N74°00'00"W
L52	30.00	N16°00'00"E
L53	252.73	N74°00'00"W
L54	128.01	N16°00'00"E

CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	05°21'08"	49.05	525.00
C2	06°57'00"	17.65	145.50
C3	32°01'10"	302.60	541.50



EXPIRES 09/30/2010

BY	DATE
DESIGNED ARM	APRIL 2009
DRAWN ARM	APRIL 2009

ALPHA ENGINEERING

5235 SOUTH 39TH STREET
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**ARIZONA BILTMORE
ZONE 2 BOUNDARY
LEGAL EXHIBIT**

JOB NUMBER	08012-06
SHEET	2
OF	2



Appendices

Appendix G: Traffic Impact Analysis Executive Summary

(Traffic Impact Analysis under separate cover)

Traffic Impact Analysis Executive Summary

Pyramid Project Management is proposing to expand the services of the Arizona Biltmore Resort and Spa located at 2400 East Missouri Avenue in Phoenix, Arizona. A vicinity map is illustrated in **Exhibit 1**. This project is a mixed-use development encompassing approximately 36 acres. Per the *Land Use Master Plan Buildout Data* provided, the Arizona Biltmore Resort and Spa will offer 1,151 hotel rooms, 25,553 square feet of spa/fitness center, 113,399 square feet of conference rooms, 40 residential (casa) dwelling units, 21,681 square feet of restaurant space, 7,591 square feet of retail space, 16,192 square feet of office space, as well as additional support space by 2030. This will be an increase of approximately 600 hotel rooms, along with an expansion of ballroom space by about 10,000 square feet. The site plan, with the driveways labeled for ease of reference, is illustrated in **Exhibit 2**.

The *Biltmore Traffic Impact Analysis* report addressed the traffic related impacts of the proposed redevelopment/expansion of the Arizona Biltmore Resort and Spa on the surrounding streets and intersections. The traffic impact study was prepared in accordance with the City of Phoenix *Traffic Impact Study Criteria*.

The following conclusions and recommendations have been updated since the completion of the *Biltmore Traffic Impact Analysis* to reflect the revised site plan received February 19, 2009.

- Approximately 2,150 trips per day are generated by the existing Biltmore Resort. A majority of these trips utilize Thunderbird Trail.
- 24-hour traffic counts conducted east of 24th Street along Arizona Biltmore Circle indicate a total volume of 4,161 vehicles per day. Many of these trips are considered cut-through traffic traveling between Lincoln Drive and the offices located near 24th Street.
- The existing intersections operate at acceptable levels of service (LOS D or better) under the existing conditions, with the exception of the westbound approach at the intersection of 32nd Street/Colter Street in the PM peak hour. This intersection experiences a poor level of service due to the large existing through volumes in the northbound and southbound directions along 32nd Street.
- Although the intersection of 24th Street and Arizona Biltmore Circle operates at acceptable levels of service during the peak hours, the southbound left-turn volumes exceed 300 vehicles in the AM peak hour warranting southbound dual left turn lanes with a protected left turn arrow. Southbound dual left-turn lanes could help attract additional office traffic which is currently cutting through neighborhoods to/from Lincoln Drive. This addition would not provide any improvement to delay or level of service during traditional hotel

operations. However, it would provide a significant improvement in operations during a peak event once the Resort has been redeveloped.

- Arizona Biltmore Circle along the frontage of the Biltmore Resort will be under construction to relocate a sewer line and other utilities. To help reduce neighboring office trips from using Arizona Biltmore Circle from Lincoln Drive it is recommended that Arizona Biltmore Circle be narrowed to a narrower cross section width of 24 feet (or smaller if allowable) along the frontage of the Biltmore Resort only. This will provide extra frontage landscape and detached sidewalks for the neighboring residents. Although it will not completely eliminate office traffic cut through to/from Lincoln Drive it will make it a less appealing route. Discussions with City staff indicate that the smaller roadway section is acceptable if approval can be obtained through the City of Phoenix Public Works (sanitation) and agreement can be obtained from the water department for a smaller roadway width.

Future Resort

- The proposed redevelopment/expansion will provide a redesigned main entrance to the front of the resort which will result in a smoother flow of traffic from Thunderbird Trail and minimize turns to and from Telewa Trail. All existing drives will continue to be utilized for access to the Arizona Biltmore Resort and Spa.
- In 2010, approximately 336 daily trips will be added to the surrounding roadway network.
- Upon full buildout in 2030, approximately 632 daily trips will be added to the surrounding roadway network (compared to the existing daily trips).
- In opening year 2010, all study intersections operate at acceptable levels of service, with the exception of the westbound approach to the intersection of 32nd Street and Colter Street. Poor levels of service during peak hours are not uncommon on local street approaches to major arterial roadways. The expected increase in traffic volumes along 32nd Street would decrease the number of acceptable gaps in traffic for east/west left turns, which would in turn increase delays to these movements and result in poor LOS at the intersection of 32nd Street and Colter Street during peak hours. Because there are alternate routes available to drivers, and these movements are expected to operate at acceptable LOS during non-peak hours, no mitigation is recommended.

Although the current and proposed southbound left-turn LOS is acceptable at the 24th Street and Arizona Biltmore Circle intersection, many vehicles avoid this intersection by traveling along Arizona Biltmore Circle from Lincoln Drive. One option to promote the usage of the 24th Street intersection would be the addition of a protected left-turn phase. Allowing the southbound left-turn to have permitted-protected control would improve the LOS of this movement. The effects of this potential improvement would be most evident during the PM peak hour, when the southbound left-turn volumes have a large conflicting (northbound

through) volume. It should be noted that this improvement to the 24th Street/Arizona Biltmore Circle traffic signal may necessitate the traffic signal controller, in addition to the traffic signal equipment, being upgraded to accommodate the protected southbound left-turn movement.

- In horizon year 2030, all study intersections operate at acceptable levels of service with the exception of the eastbound-westbound approaches to the intersection of 32nd Street and Colter Street, for the same reasons previously discussed. This level of service operates poorly in the existing condition and is not related to the changes proposed at the Arizona Biltmore Resort.
- Additional right-turn auxiliary lanes are not warranted at any of the signalized intersections evaluated in this study.
- In the buildout year of 2030, Access A will provide access to the parking garage and valet location for the ballrooms. In the buildout year, Access B will provide access to the spa parking facilities. The interim plan for the resort indicates that Access B will provide access to the new parking garage as well as the ballroom valet. If a deceleration lane was constructed at Access B during the interim horizon year it could be constructed within the Resort property, which could provide the additional right-of-way width required for this improvement. If the deceleration lane is constructed, it should occur prior to the recommended street narrowing.
- It is recommended that additional signage be added at the arterial streets to better direct resort and event traffic. For example, signs could be placed along 24th Street to direct people to travel south at 24th Street/Lincoln Drive and access the parking garage from 24th Street/Arizona Biltmore Circle. Additionally, signage on Biltmore Estates Drive could be used to direct patrons being dropped off or utilizing the valet to proceed straight into Access F.
- The site plan indicates that the future location of Access A (Go Down Way) will be relocated to align with the main access point to the Biltmore Square neighborhood to the north.
- The internal circulation and garage access concerns at Access B have been mitigated in the updated site plan.

Peak Event

- Approximately 2,314 daily trips could be added to the surrounding roadway network during a peak event.
- During a peak event in 2030, all study intersections operate at acceptable LOS with the exception of the westbound approach to the intersection of 32nd Street and Colter Street, for the same reasons previously discussed.
- Many of the peak event trips occur in a condensed time frame, and not over the course of an entire hour. The following provisions could help alleviate congestion during peak events:
 - During peak events it is recommended that the current policy for employee off-site parking remain in place. Trips are reduced by the off-site employee parking on the days of peak events.
 - It is recommended that traffic management brochures/letters be sent to event organizers, in an effort to help direct patrons to/from the event efficiently. These letters should indicate the locations that valets will be available at the event and the locations available for self-parking.
 - The continued shuttling of employees and patrons from remote parking locations is recommended when the resort anticipates exceeding its parking capacity.
 - Off-duty police officers could be employed to facilitate traffic entering and exiting large events by manually controlling traffic signals and/or directing traffic at 24th Street/Arizona Biltmore Circle and 24th Street/Missouri.

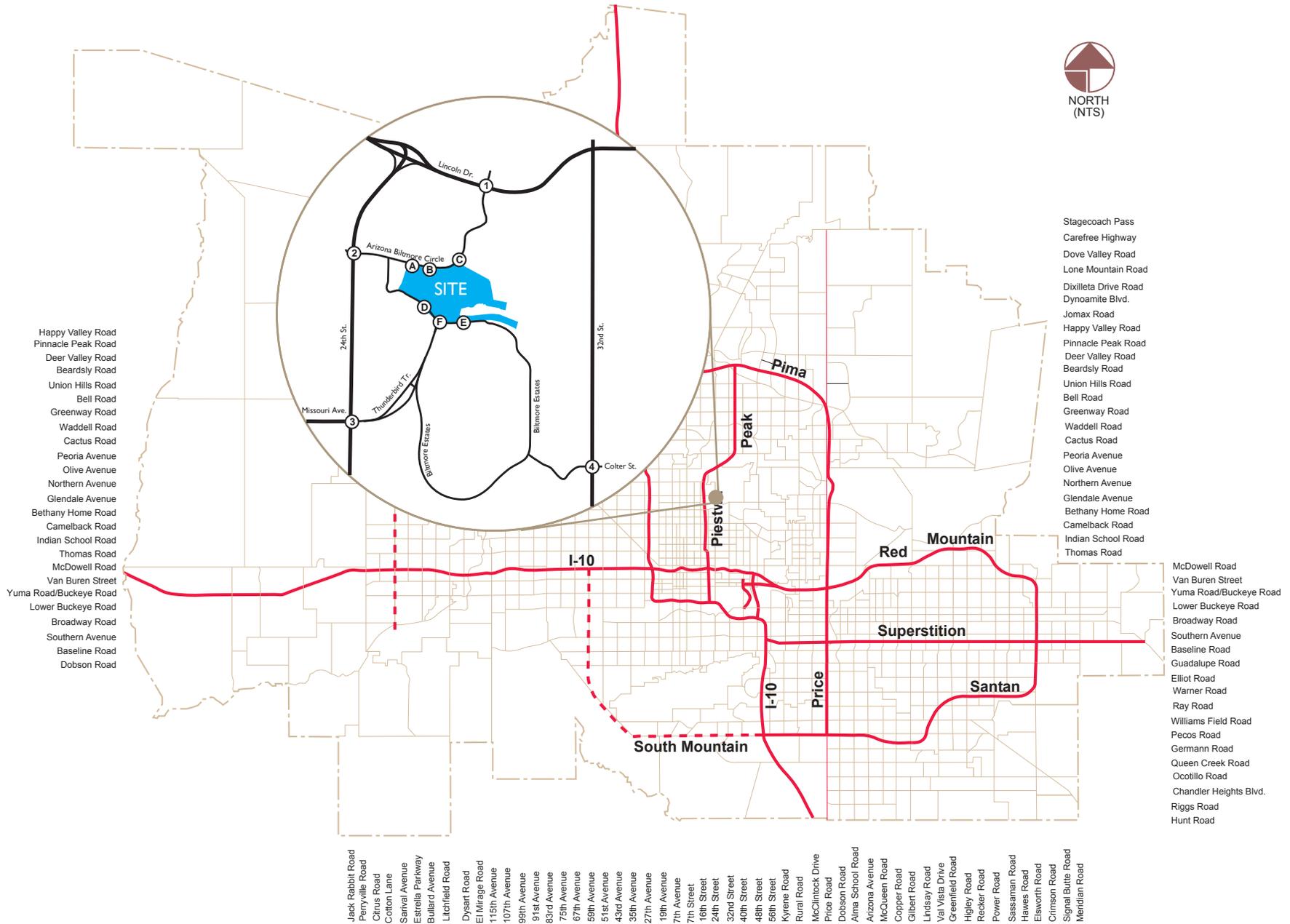
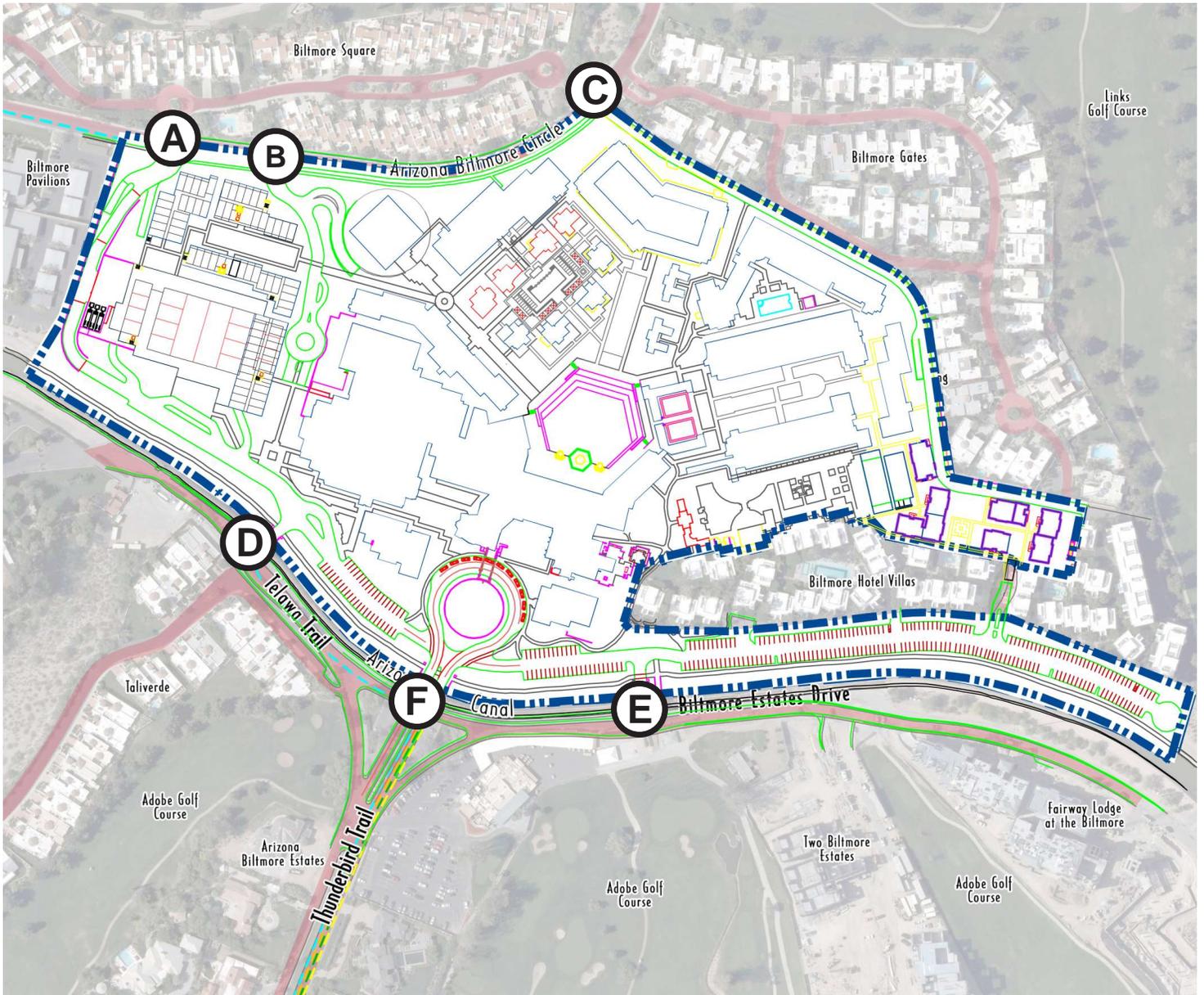


Exhibit I: Vicinity Map




 NORTH
 Not to Scale

Exhibit 2: Site Plan and Access



Appendices

Appendix H: Historic Preservation Overlay Zoning District and General Design Guidelines for Historic Properties

Chapter 8 HISTORIC PRESERVATION

Section 801. Title.

Section 802. Purpose.

Section 803. Definitions.

Section 804. Historic Preservation Commission.

Section 805. Historic Preservation Officer.

Section 806. Temporary restraint of demolition.

Section 807. Procedure to establish Historic Preservation District.

Section 808. Landmark designation.

Section 809. Procedure to remove HP zoning designation.

Section 810. Permitted uses; suffix "HP," "HP-L."

Section 811. Effect of HP zoning designation.

Section 812. Review process on application for certificate of no effect, or certificate of appropriateness.

Section 813. Demolition or moving of structures.

Section 814. Economic hardship.

Section 815. Phoenix Historic Property Register.

Section 816. Enforcement; violations; penalties.

Section 801. Title.

This chapter shall be known as the "Historic Preservation Ordinance of the City of Phoenix."

Section 802. Purpose.

A. It is hereby declared as a matter of public policy that the protection, enhancement and preservation of properties and areas of historical, cultural, archaeological and aesthetic significance are in the interests of the health, prosperity and welfare of the people of the City of Phoenix. It is further intended to recognize past needless losses of historic properties which had substantial value to the historical and cultural heritage of the citizens of Phoenix, and to take reasonable measures to prevent similar losses in the future. Therefore, this ordinance is intended to provide for the establishment of Historic Preservation Districts in order to:

1. Effect and accomplish the protection, enhancement and preservation of improvements and landscape features of landmarks, districts and archaeological resources which represent distinctive elements of the City's cultural, educational, social, economic, political, architectural and archaeological history.
2. Safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such districts.
3. Foster civic pride in the accomplishments of the past.
4. Protect and enhance the City's attraction to visitors and the support and stimulus to the economy thereby provided.
5. Promote the use of Historic Preservation Districts and properties for the education, pleasure and welfare of the people of the City of Phoenix.

- B. It is further declared that the purposes of this ordinance are:
1. With respect to an historic property and the properties in Historic Preservation Districts:
 - a. To retain and enhance those properties which contribute to the character of the Historic Preservation District and to encourage their adaptation for current use.
 - b. To assure that alterations of existing structures are compatible with the character of the Historic Preservation District.
 - c. To assure new construction and subdivision of lots in an Historic Preservation District are compatible with the character of this Historic Preservation District.
 - d. To recognize the value of Historic Preservation Districts and the contributions which they make to the cultural, educational and historical values of the City, and to encourage the maintenance and preservation of Historic Preservation Districts for future generations by appropriate changes to historic properties.
 - e. To retain and enhance historic properties in the City of Phoenix and to encourage their adaptation for current use.
 - f. To encourage the restoration of historic properties.
 2. With respect to archaeological resources:
 - a. To encourage identification of the location of both pre-historic and historic archaeological resources.
 - b. To assist with the preservation of these resources, within developments where appropriate, and with recovery of the resources where applicable.
 - c. To encourage recognition of the fact that archaeological resources found on public land are the property of all citizens, and are not private property. Archaeological resources found on City-owned lands are the property of the City.
- C. The adoption of this ordinance is declared to be in the public interest and is for a public purpose.

Section 803. Definitions.

Alter: Any architectural, mechanical or structural change to an historic property which requires a permit under the Construction Code of the City.

Archaeological resources: Any material remains of past human life, activities or habitation which are of historic or pre-historic significance. Such material includes, but is not limited to pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, skeletal remains, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the foregoing items.

Area: Two or more parcels of land, sites, houses, buildings or structures which may include streets and alleys.

Association: The direct link between an important historic event or person and a historic property. +2

Building Official: The person or his designee authorized to grant permits for construction, alterations and demolitions pursuant to the Phoenix Construction Code and to make interpretations thereof.

Certificate of Appropriateness: An official form of the City stating that proposed work on historic property is compatible with the historic character of the property and, therefore: 1) may be completed as specified in the Certificate; and 2) any building permits or other Construction Code permits needed to do with work specified in the Certificate may be issued by the City's Development Services Department; and 3) any other permits required by other City ordinances, such as Grading and Drainage may be issued. *2

Certificate of no effect: An official form of the City stating that proposed work on historic property will have no detrimental effect on the historic character of the property and therefore may proceed as specified in the certificate without obtaining further authorization under this ordinance, and authorizing the issuance of any permits required by the City Construction Code for said proposed work.

City at large: All land within the corporate limits of the City.

City Council: The Mayor and City Council of the City of Phoenix, Arizona.

Construction Code: The Construction Code of the City which regulates construction in the City and requires building permits, electrical permits, plumbing permits and other permits to do work regulated by the Construction Code.

Demolish: Any act or process which requires a permit under Construction Code of the City and which destroys in part or in whole a house, building or other structure within an Historic Preservation District other than solely interior elements or demolition that does not alter exterior features or demolition that is not visible from outside the house, building or other structure. +1

Demolition approval: Authorization for removal of all or part of a structure which is located within an Historic Preservation District or an area under applications for historic preservation designation.

Design: The combination of elements that create the form, plan, space, structure and style of a property. +2

Development: Any modification, alteration, remodeling, new construction or excavation which requires a permit under the Construction Code of the City, or which affects the historical character of an historic property.

Feeling: A property's expression of the aesthetic or historic sense of a particular period of time. +2

HP: Historic preservation.

HP Commission: The Historic Preservation Commission of the City of Phoenix Commission.

HP district: Historic Preservation District of the Phoenix Zoning Ordinance.

Historic Preservation Commission: The Commission created by this ordinance.

Historic Preservation District: A zoning district in the form of an overlay zone, in which property retains the uses of and is subject to the regulations of the underlying zone, but which property is also subject to the provisions of the Historic Preservation Ordinance.

Historic Preservation Officer (of the City of Phoenix): The City official who administers this ordinance and maintains the Phoenix Historic Property Register.

Historic property: One or more parcels of land, sites, houses, buildings, structures, objects, or areas which have been zoned HP. *2

Integrity: The ability of a property to convey its significance. +2

Landmark: A structure or site which contains an outstanding or unique example of an architectural style, which contains or is associated with a major historic event or activity, which contains important, intact archaeological resources, which is a site or structure of unique visual quality and identification, or which is a site of general historic or cultural recognition by the community. A landmark shall also meet all criteria for designation as an HP district.

Location: The place where the historic property was constructed or the place where the historic event occurred. +2

Materials : The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. +2

Minor work: Any change, modifying, restoring, rehabilitating, renovating, surfacing, or resurfacing of the features of historic property which does not materially change the historic characteristics of the property.

Move: Any relocation of a structure on its site or to another site.

Owner: The owner as shown on the records of the Property Records Section of the Phoenix City Clerk's office on the date of the filing of an application.

Phoenix Historic Property Register: The list of contributing resources, including sites, structures, buildings, districts and objects within Historic Preservation Districts in the City of Phoenix as compiled and kept by the Historic Preservation Officer of the City of Phoenix.

Planning Commission: The Planning Commission of the City of Phoenix, Arizona.

Record owner: Same as "owner."

Remodel: Same as "alter."

Removal: Same as "move". *2

Replacement/reuse plan: A plan for redevelopment of a site within an HP district indicating a proposed development which shall be in accordance with existing zoning, adopted specific plans, and HP design guidelines. Such plans shall consist of a plot plan illustrating building locations, parking, walls and landscaping. They shall also include general elevation drawings of structures including roofs, doors and windows and other openings.

Setting: The physical environment of a historic property. +2

Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. +2

Date of Addition/Revision/Deletion - Section 803

*1 Revision on 4-15-1992 by Ordinance No. G-3513

+2 Addition on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

*2 Revision on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

Section 804. Historic Preservation Commission.

- A. **Creation of Commission; Members; Terms; Vacancies.** The Historic Preservation Commission is hereby created, to consist of nine members who are residents of the City at large, to be appointed by the City Council within sixty days of the adoption of this ordinance. The members shall serve for terms of three years, except that the members of the first Commission shall serve as designated by the City Council for the following terms: three members for one year, three members for two years; and three members for three years. Any vacancy shall be filled by the City Council within a reasonable time after the vacancy occurs, for the unexpired term. Members shall serve until their successors are appointed. The members of the Commission shall serve without compensation.
- B. **Qualifications of Members.** Members of the HP Commission shall be persons who have demonstrated special interest, knowledge or experience in historic preservation. At least one member shall be selected from each of the following: registered architect, real estate professional, archaeologist, historian.
- C. **Chairman, Vice-Chairman, Secretary, Rules.** The HP Commission shall elect its chairman and vice-chairman who shall have the power to administer oaths and take testimony. The Historic Preservation Officer or his designee shall serve as secretary to

the HP Commission. The HP Commission shall adopt rules of procedure for the conduct of its business.

- D. **Member's Failure To Attend Meetings, Successor.** If a member of the HP Commission fails to attend three consecutive regular meetings of the HP Commission, or fails to attend fifty percent or more of the regular meetings of the HP Commission during a calendar year, unless excused by the Chairman, the City Council may declare such member's seat vacant and appoint a new member to serve the balance of the unexpired term.
- E. **Powers and Duties.** The HP Commission shall work with City Council on matters of historic preservation; take the initiative in bringing people together on historic preservation issues; review proposed alterations to historic properties, historic districts and archaeological resources through the certificate of appropriateness process; and develop, maintain and from time to time amend, a plan for historic preservation in the City. The Commission shall establish and maintain a Phoenix Historic Property Register, survey historic properties including archaeological resources, recommend to the City Council designations for Historic Preservation Districts, and establish guidelines for evaluation of historic properties, districts including archaeological resources, provide public information and education on preservation, coordinate resources and provide technical assistance, develop criteria and review procedure, promote revitalization of the City through preservation and make recommendations to the City Council and citizens of the City regarding historic preservation. The HP Commission may also confer with other City, County, regional, State and national historic preservation boards and commissions. The HP Commission shall work with and assist departments of the City in matters affecting historic preservation. The HP Commission shall initiate plans for the restoration or rehabilitation of City-owned buildings, and shall advocate and recommend plans for the restoration or rehabilitation of privately owned buildings and the preservation of archaeological resources. The HP Commission shall discourage, and work with City departments to prevent, unwanted demolition of historic buildings and structures, and the destruction of archaeological resources.
- F. **Conflict of Interest.** Conflict of interest of HP Commission members is controlled by the Arizona Revised Statutes and judicial decisions on conflict of interest.

Section 805. Historic Preservation Officer.

- A. The position of Historic Preservation Officer is hereby created in the City Manager's Office to work under the direction of the City Manager. The Historic Preservation Officer shall: *1
 - 1. Perform administrative acts required by the Historic Preservation Ordinance, including giving notice, researching background material, preparing reports and recommendations, receiving and processing appeals, attending meetings of the HP Commission, and rendering such assistance to the HP Commission as is required.

2. Work with and assist departments of the City in matters affecting historic preservation.
3. In conjunction with policy as established by the Historic Preservation Commission, shall establish and maintain a program of incentives. The incentives shall be used to encourage owners of historic properties to obtain HP designation and to assist owners of designated property in recognition, restoration and maintenance of their historic, architectural or archaeological resources.
4. Issue certificates of determination of potential eligibility for Historic Preservation District designation. Upon receipt of an application for a certificate, the Historic Preservation Officer shall evaluate the property based on the criteria set forth in Sections 807.D., E. and 808 to determine whether the property could qualify for designation as a HP District or could qualify for inclusion in a HP District. A determination made by the Historic Preservation Officer pursuant to this section shall be advisory only and shall not limit future consideration of HP designation in accordance with the provisions of this chapter. Certificates shall be issued within thirty days of receipt of applications.
5. Perform such other acts as are required by this ordinance or by the HP Commission.

B. Duties of the Historic Preservation Officer may be delegated as necessary. +1

Date of Addition/Revision/Deletion - Section 805

+1 Addition on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

*1 Revision on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

Section 806. Temporary Restraint of Demolition.

A process is established for the review of proposed demolitions of structures which are located in areas where an application for HP designation is under consideration.

- A. It is the purpose of this ordinance to preserve structures of historic or architectural significance, but it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible HP designation.
- B. The following procedures are established to ensure a review of all proposed demolitions of structures within areas under application for HP designation.
- C. No demolition permit shall be issued by the Building Official within the designated areas unless a demolition approval is issued by the HP Officer, the HP Commission, or the City Council.
- D. These procedures shall apply to any building that is located within an area of an application for an HP District between such time as the application is initiated or filed and the time the action is taken on the application by the City Council.

- E. Procedures for review of applications for a demolition permit:
1. The Building Official shall refer all applicants for demolition permits within these areas to the HP Officer. Upon receipt of the application, the hp officer shall issue a demolition approval if: *2
 - a. It is determined that the building contains no historic or architectural significance and is not an essential contribution to other historic features in the area. *2
 2. Standards of review by the HP Officer shall include:
 - a. The architectural or historical value or significance of the structure or feature and its relationship or contribution to other historic value of the property.
 - b. The relationship of the exterior architectural features or landscape features to the remainder of the structure, site or property.
 - c. The relation of historic or architectural features found on the site to other such features within the surrounding area.
 - d. Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the property.
 3. If a demolition approval is not issued then the application shall be set for a public hearing and decision according to the following procedures:
 - a. The HP Officer shall review the application and shall conduct a public hearing within twenty days of receiving the application. Notice of the application shall be posted on the property at least ten days before the date set for the public hearing. The HP Officer shall review the application in light of the standards set forth in Section 806.E.5. below and the evidence presented at the hearing, and shall either grant or deny the application. *2
 - b. Any person aggrieved by the HP Officer's decision may, within five days of the action, appeal to the HP Commission. If appealed, the matter shall be set on the next available agenda of the Commission. Notice of the hearing shall be mailed to the applicant at least fourteen days prior to the hearing and shall be posted on the property at least ten days prior to the hearing. *2
 - c. The Commission's decision shall be final unless appealed by either the applicant or any aggrieved person within five days of the action. If appealed, the matter shall be set for a public hearing before the City Council at their next available meeting. The hearing shall be noticed and the property posted in accordance with Section 806.E.3.b.
 - d. In the event the initial hearing on an appeal to the HP Commission is not held within sixty days of the date the appeal was filed, the application shall be deemed approved. *2
 4. In the event a demolition approval is denied, no permit for demolition shall be issued for one year from the date of the HP Officer's initial hearing on the subject property unless a subsequent demolition approval has been requested and granted or until adoption of HP zoning for the property.
 - a. If HP zoning has not been placed on the property at the time of expiration of the one year, the HP Officer shall grant a demolition approval for the subject property.

- b. At the time of adoption of HP zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. Demolition approvals at that time shall be regulated by Section 813. Requests for demolition approvals shall be filed in accordance with the procedures of that Section.
5. Standards for granting demolition permit. A demolition permit shall only be granted if the applicant demonstrates:
 - a. That the building is of minimal historic significance because of its location, condition, modifications or other factors, and its demolition shall be inconsequential to historic preservation needs of the area; or
 - b. If the building is determined to have historic or architectural significance, that the denial of the demolition permit will result in an economic hardship to the property owner. Such hardship shall be determined in accordance with Section 814.
6. An application for a demolition permit shall be exempt from these demolition review requirements if the City Manager or designee notifies the HP Officer in writing that the building has been ordered to be demolished in whole or in part by the City Manager or designee, or by the City of Phoenix Rehabilitation Appeals Board to protect the public health, safety and welfare.
7. The provisions of this section apply to all areas of the city under application for HP designation on the effective date of this ordinance and to all areas of the city for which applications for HP designation are initiated after the effective date of this ordinance.
8. A demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.

Date of Addition/Revision/Deletion - Section 806

*1 Revision on 11-5-1997 by Ordinance No. G-4056

*2 Revision on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

Section 807. Procedure to Establish Historic Preservation District.

- A. Applications to establish Historic Preservation Districts shall be filed as provided by Section 506 of the Phoenix Zoning Ordinance.
- B. The Planning Department shall transmit the application to the Historic Preservation Officer of the City of Phoenix who shall compile and transmit to the HP Commission a complete report on the property in the application, including the location, condition, age, historical features and other relevant information, together with a recommendation to grant or to deny the application and the reasons for the recommendation.

- C. The HP Commission shall set a date for public hearing on the application. Notice of the hearing shall be mailed to the property owner and to the applicant at least thirty days prior to the hearing. The notice shall clearly state the implications of HP zoning to the property owner. Notice of the hearing shall be posted at least fifteen days prior to the hearing, on or near the property in one or more locations so that the notice is visible to persons living or working in the neighborhood and to persons passing through the neighborhood. *1
- D. Evaluation Criteria. The HP Commission shall evaluate each parcel of property and each parcel of property within an area that is included in the application for a demonstrated quality of significance in local, regional, state or national history, architecture, archaeology, engineering or culture according to the following criteria:
1. Significance. *1
 - a. Associated with the events that have made significant contribution to the broad patterns of our history; and/or
 - b. Associated with the lives of persons significant in our past; and/or
 - c. Embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
 - d. Have yielded or may be likely to yield information important in the understanding of our pre-history or history of the City of Phoenix.
 2. Age. *1
 - a. Are at least fifty years old; or
 - b. Have achieved significance within the past fifty years if the property is of exceptional importance. *1
 3. Integrity. Retain sufficient integrity of location, design, setting, materials, workmanship, feeling and association to convey their significance. +1
- E. The HP Commission shall, when applying the evaluation criteria in Section 807.D. above, draw the boundaries of an historic district as carefully as possible to ensure that: *1
1. The district contains documented historic, architectural, archaeological or natural resources; and *1
 2. The district boundaries coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines; and
 3. Other district boundaries coincide with logical physical or manmade features and reflect recognized neighborhood or area boundaries; and
 4. Other, non-historic resources or vacant land is included where necessary to create appropriate boundaries to assist in meeting the criteria in Section 807.D.1 through 3. *1
- F. Following the hearing, the HP Commission shall transmit to the Planning Commission the HP Commission's decision, report and recommendations.

- G. Upon receipt of the decision, report and recommendations of the HP Commission, the Planning Commission shall schedule a hearing on the application in the same manner and with the same notice requirements as are specified in Section 506 of the Phoenix Zoning Ordinance for public hearings on other zoning applications by the Planning Commission. Notice of hearings shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be designated HP and all property owners, as shown on the last assessment of the property, within six hundred feet of the property to be designated HP.
- H. The Planning Commission shall conduct a public hearing at which the property owner, parties in interest and citizens shall have an opportunity to be heard. After such public hearing, the Planning Commission shall make a report and recommendation to City Council.
- I. The City Council may set a public hearing on the application, or may adopt the Planning Commission's recommendations without holding another public hearing unless:
 - 1. The property owner, member of the public, or a City Council member, within seven calendar days after the Planning Commission announces its recommendations; either:
 - a. Objects in writing to adoption of the recommendation without a City Council hearing; or
 - b. Requests in writing that a public hearing be held; or
 - 2. The Planning Commission has recommended approval of the application and a written protest causing a three-fourths vote of City Council under Section 506 of the Zoning Ordinance has been filed.
- J. In the event that a public hearing before the City Council is to be held, the date, time and place of such hearing and the nature of the application shall be published at least once in a newspaper of general circulation in the City of Phoenix at least fifteen days before the hearing, and notice of hearing shall be sent first class mail to each real property owner, as shown on the last assessment of the property, of the area to be designated HP and all property owners, as shown on the last assessment of the property, within six hundred feet of the property to be designated HP. The date, time and place of such hearing and application shall be posted within the area included in the application so as to give at least fifteen days notice of such Council hearing. In the case of a continuance, at least seven days posting is required but no publication is required. *1
- K. If a public hearing is held by City Council, then City Council may do one of the following:
 - 1. Adopt the recommendation of the Planning Commission;
 - 2. Modify the decision of the Planning Commission and adopt it as modified; or
 - 3. Deny the application; or
 - 4. Remand the application to the Planning Commission or HP Commission for further proceedings.

- L. Designation of property by City Council as historic preservation shall be followed by City Council adoption of a supplemental zoning map adding the suffix "HP" to the zoning classification of the property.
- M. The HP Commission may elect to first transmit its decision, report and recommendations to the Zoning Hearing Officer.
 - 1. In the event the HP Commission elects to first transmit its decision, report and recommendations to the Zoning Hearing Officer, the proceedings, including any hearings by the Planning Commission and City Council, shall be governed by the provisions of Section 506 of the Zoning Ordinance.
 - 2. Notices of hearings held pursuant to this Section shall be sent first class mail to each real property owner, as shown on the last assessment of the property, of the area to be designated HP and all property owners, as shown on the last assessment of the property, within six hundred feet of the property to be designated HP. *1
- N. Before any of the required hearings before the Planning Commission and/or the City Council, any member of the public may express any issues or concerns they may have regarding an HP zoning application at meetings of the Village Planning Committee governing the area in which the application is being made, if the application is on the agenda of such committee. The proceedings of the Village Planning Committee, including meeting notice and posting requirements, shall be governed by the provisions of Section 506 of the Zoning Ordinance. +1

Date of Addition/Revision/Deletion - Section 807

+1 Addition on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

*1 Revision on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

Section 808. Landmark Designation.

A classification of historic preservation zoning, landmark, is created to recognize that there are some historic properties that possess historic or architectural significance, integrity, distinctive visual character and quality that is a level of exceptional significance among historic properties. Designation by this category gives public recognition of the importance of these properties.

- A. Landmark designation can occur for a property already within an HP district or in conjunction with designation as an HP district.
- B. Review and hearing procedures for designation as a landmark shall be as set forth in Section 807; and
- C. At the time of recommendation for landmark designation, the HP Commission shall adopt a set of findings documenting the uniqueness and significance of the subject building or site.

Section 809. Procedure to Remove HP Zoning Designation.

The procedure to remove the HP zoning district designation from property shall be the same procedure specified by this ordinance to establish Historic Preservation District zoning.

Section 810. Permitted Uses; Suffix "HP," "HP-L."

Any uses permitted by the existing zones over which Historic Preservation District zoning is superimposed shall be permitted. The property will be designated by its underlying zoning classification and any other overlay zone, plus the suffix "HP." Property designated by the HP suffix is subject to the Historic Preservation provisions of this ordinance, as well as being subject to those provisions of the Zoning Ordinance which are applicable to property in the underlying classification.

- A. Landmark designation shall be indicated by the suffix "HP-L" for the property affected by such designation.

Section 811. Effect of HP Zoning Designation.

- A. From and after the adoption by City Council of an application designating property with the Historic Preservation HP suffix, any removal or demolition of structures, or construction, alteration or remodeling of structures, or signs, or any landscaping on such property or development of archaeological sites are subject to the provisions of this ordinance. *2
- B. The owners of HP property shall maintain and preserve buildings, structures and sites at such a level that they are not a safety hazard to the occupants or to the public.
- C. The HP Commission shall adopt design guidelines which shall apply to the exterior features of structures in all HP districts. The guidelines are intended to offer assistance to property owners when building or modifying structures in the district, as well as to establish a set of standards to be used in reviewing proposals for certificates of appropriateness. The guidelines shall be a set of principles that give direction on how the parts and details of a building's scheme or plan should be assembled involving the following categories of work in historic districts or on historic structures:
 - 1. Rehabilitation of historic structures.
 - 2. Additions or alterations to historic structures.
 - 3. New construction on vacant land located in historic districts or adjacent to historic structures.
- D. Design guidelines may contain provisions which modify the standards for signs contained in Section 705 of the Zoning Ordinance. Such modifications may not change the safety or permit provisions of that chapter, but may specify size, height, placement,

numbers, materials and lighting of signs. Further, these guidelines may specify the location of off-street parking or loading spaces as contained in Section 702 of the Zoning Ordinance. If any of these provisions are to be contained in design guidelines, the guidelines shall be approved according to the procedures contained in Section 807.

- E. No building, permanent sign, or other structure within an HP District may be erected, demolished, moved, restored, rehabilitated, reconstructed, altered or changed in exterior appearance until plans for such activities have been submitted to and approved by the Historic Preservation Officer, HP Commission or City Council, and a Certificate of No Effect, a Certificate of Appropriateness, or a Demolition Approval is issued. Failure to comply with a stipulation, guideline or plan made a part of any of these approvals shall constitute a violation of this ordinance. An approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for any building or structure not in accord with the plan except that temporary facilities shall be permitted in conjunction with construction. No structure or other element specified on the plan shall be eliminated, or altered and provided in another manner, unless an amendment is approved in conjunction with the procedures for original approval. *2
- F. Nothing in this ordinance shall be construed to prevent ordinary maintenance or repair of any structure in the HP District, which does not alter or modify the historic character of the structure. Demolition of a structure without obtaining a demolition approval shall constitute a violation of this ordinance.

Date of Addition/Revision/Deletion - Section 811

*1 Revision on 6-19-1996 by Ordinance No. G-3938

*2 Revision on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

Section 812. Review Process On Application For Certificate of No Effect, or Certificate of Appropriateness.

- A. When a building permit or other permit is sought from the City to alter, remodel, move, build or otherwise develop or landscape property or archaeological sites in the HP District, issuance of the permit shall be deferred until after a Certificate of No Effect or a Certificate of Appropriateness is obtained from the Historic Preservation Officer, or the HP Commission.
- B. In the event work requiring a Certificate of Appropriateness is being performed without such a Certificate, the Historic Preservation Officer shall contact the person performing the work and ask that all work cease. If work continues, the Historic Preservation Officer shall ask that a Stop Work Order be issued by the Building Official. In the event work is being performed that is not in accordance with a Certificate of Appropriateness issued by the HP Commission, the Historic Preservation Officer shall ask that a Stop Work Order

be issued by the Building Official. The City may seek an injunction to enforce a Stop Work Order.

- C. The Building Official shall refer applicants for building permits located within an HP District to the HP Officer. The HP Officer shall hold a pre-application meeting with the applicant to review the request and determine whether a certificate of no effect or certificate of appropriateness is required. *2
1. The HP Officer shall issue a Certificate of No Effect if:
 - a. It is determined the proposed work is minor and clearly within adopted design guidelines, and
 - b. If modifications to the proposed work are requested by the HP Officer, they are agreed to by the applicant, and
 - c. In any case, the proposed work will not diminish, eliminate, or adversely affect the historic character of the subject property or its affect on the district.
 2. If a Certificate of No Effect is not issued, a Certificate of Appropriateness shall be required.
 3. The review and decision on certificates of appropriateness shall be conducted in the following manner:
 - a. The HP Officer shall review the application and shall conduct a public hearing within twenty days of the filing of an application for a certificate of appropriateness. Notice of application shall be posted on the property at least ten days before the date set for the public hearing. The HP Officer shall review the application in light of the standards set forth in Section 812.D. below and the evidence presented at the hearing, and shall either grant or deny the application, or grant it with stipulations. *2
 - b. Any person aggrieved by the HP Officer's decision may, within five days of the action, appeal to the HP Commission. If appealed, the matter shall be set on the next available agenda of the Commission. Notice of the hearing shall be mailed to the applicant at least fourteen days prior to the hearing and shall be posted on the property at least ten days prior to the hearing. *2
 - c. The HP Commission may uphold, reverse, or modify the decision of the HP Officer. The Commission's decision shall be final unless appealed by either the applicant or any aggrieved person within five days of the action. If appealed, the matter shall be set for a public hearing before the City Council at their next available meeting. The hearing shall be noticed and the property posted in accordance with Section 812.C.3.b. *2
 - d. In the event the initial hearing on an appeal to the HP Commission is not held within sixty days of the date the appeal was filed, the application shall be deemed approved. *2
- D. Standards for Consideration of a Certificate of Appropriateness:
1. The proposed work will be compatible with the relevant historic, cultural, educational or architectural qualities characteristic of the structure, site or district and shall

- include but not be limited to elements of size, scale, massing, proportions, orientation, surface textures and patterns, details and embellishments and the relation of these elements to one another.
2. Conformance with the guidelines approved by the HP Commission.
- E. Any person aggrieved by a decision of City Council on a Certificate of No Effect or a Certificate of Appropriateness may file a special action in Superior Court in accordance with the law, to have the court review that decision.
 - F. No change shall be made in the approved plans of a project after issuance of a Certificate of No Effect or a Certificate of Appropriateness without resubmittal to the Historic Preservation Officer and approval of the change in the same manner as provided above.
 - G. All certificates approved in accordance with this section expire one year from the date of issuance unless work is started within that time. *2

Date of Addition/Revision/Deletion - Section 812

*1 Revision on 6-19-1996 by Ordinance No. G-3938

*2 Revision on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

Section 813. Demolition or Moving of Structures.

It is the intent of this ordinance to preserve the historic and architectural resources within HP Districts. However, it is recognized that there can be circumstances beyond the control of the owner, or situations involving public health, safety, and welfare which may result in the necessary demolition of a structure within an HP District. These situations include a building which constitutes a danger to the public health, safety and welfare, or which involves a resource whose loss does not diminish or adversely affect the integrity of the district, or which imposes an economic hardship on its owners.

- A. No permit shall be issued by the Building Official to move or demolish all or any part of a house, building, or other structure in an Historic Preservation District without a demolition approval authorized by the HP Officer, HP Commission or City Council. *3
- B. Requests for demolition approval shall be considered in the following manner:
 1. The Building Official shall refer applicants for demolition permits to the HP Officer. *3
 2. Within three days of receiving the application, the HP Officer shall make a determination if a demolition approval can be issued. Criteria used to make this determination shall be: *3
 - a. The structure is of no historic or architectural value or significance and does not contribute to the historic value of the property, and

- b. Loss of the structure would not adversely affect the integrity of the HP District or the historic, architectural or aesthetic relationship to adjacent properties and its demolition shall be inconsequential to historic preservation needs of the area.
3. If a demolition approval cannot be granted, the applicant for the demolition permit may request a public hearing. If filed, such application shall contain a completed request for Certification of Economic Hardship.
4. Upon receipt of a request for demolition approval hearing, the HP Officer shall review the application and conduct a public hearing within twenty days. Notice of the application shall be posted on the property at least ten days before the date set for the public hearing. The HP Officer shall review the application in light of Section 814 and Sections 813.B.2.a. and b. above, and the evidence presented at the hearing, and shall either grant or deny the demolition approval. *3
5. Any person aggrieved by the HP Officer's decision may, within five days of the action, appeal to the HP Commission. If appealed, the matter shall be set on the next available agenda of the Commission. Notice of the hearing shall be mailed to the applicant at least fourteen days prior to the hearing and shall be posted on the property at least ten days prior to the hearing. *3
6. The Commission's decision shall be final unless appealed by either the applicant or any aggrieved person within five days of the action. If appealed, the matter shall be set for a public hearing before the City Council at their next available meeting. The hearing shall be noticed and the property posted in accordance with Section 813.B.5.
7. In the event the initial hearing on an appeal to the HP Commission is not held within sixty days of the date the appeal was filed, the application shall be deemed approved. *3
8. The City Manager or designee shall give written notice to the HP Officer that a building located in an HP District is the subject of a proposed demolition pursuant to a legal hearing process. The City Manager or designee shall provide such notice at the same time that notice of a hearing on the demolition is given to the owner and any lienholders of the building. Upon receipt of such notice, the HP Officer shall give notice to any person who has requested to be notified of such pending demolition hearings. The HP Officer shall also place an item on each agenda of the HP Commission to discuss any demolition notices in an HP District. The notice provisions of this Section shall not apply if the City Manager or designee is entitled as a matter of law to order that a building be demolished in whole or in part without notice and hearing because the condition of the building is so dangerous, and harm to the public is so imminent that time will not permit a notice and hearing process. The City Manager or designee shall also give notice to the HP Officer in writing that a demolition order has been issued for the building by the City Manager or designee or by the City of Phoenix Rehabilitation Appeals Board because the building constitutes a danger to the public health, safety and welfare.
9. An application for a demolition permit shall be exempt from the demolition review requirements of Sections 813.A. and B. if the City Manager or designee notifies the HP Officer in writing as required in Section 813.B.8.

- C. If a demolition approval is not granted, then no demolition permit shall be issued for a period of one year from the date on which the request for demolition approval was denied by the Historic Preservation Officer, unless a subsequent demolition approval has been requested and granted pursuant to Section 813.B.2. of this ordinance.
1. Upon denial of a demolition approval, the HP Officer shall contact the property owner to determine what available assistance might be feasible to place the property into productive use.
 2. If a feasible rehabilitation plan or use is not found for the property, the HP Officer shall investigate methods of private or public acquisition of the property.
- D. For properties designated landmarks, the restraint of demolition shall be three years. Review upon request by the owner may be made after two years. Procedures shall be as follows: two years after denial of a demolition approval, if no feasible use or ownership is found for the structure, the owner may request of the HP Commission a waiver of all or a part of the balance of the restraint of demolition. Factors to be considered by the Commission shall include:
1. Efforts made by the property owner to make necessary repairs, to find an appropriate user, or to find a purchaser for the property, and
 2. Efforts made by the HP Officer to locate available assistance and make that known to the owner as well as the use which was made by the owner of that assistance.
- E. If a demolition approval is:
1. Granted on any basis other than that of economic hardship; or
 2. Denied, and the restraint of demolition under Sections 813.C. or 813.D. above has expired,
Then the Building Official shall not issue a demolition permit until a redevelopment or reuse plan for the property has been filed with the HP Officer. The plan may be filed at any time following denial of the demolition request and shall be in compliance with existing zoning, the General Plan and any adopted Specific Plan, and the HP design guidelines applicable to the property. Vacant or non-use shall not be responsive to this requirement. Upon notification from the HP Officer that an approved reuse or redevelopment plan has been filed, the Building Official may issue a demolition permit at any time within one year from the date of the expiration of the demolition restraint or the grant of approval for demolition by the HP Officer. If the applicant fails to obtain a demolition permit within the one-year period authorized above, the HP Officer may grant an extension of up to six months due to unforeseeable conditions preventing or inhibiting demolition. If demolition is not completed within the one year period, or any extension thereof, the Building Official shall not issue a demolition permit until the applicant has made a new application for demolition approval as provided in Section 813.B.
- a. The filing of a reuse or redevelopment plan shall not be required when demolition of the building in whole or in part will occur pursuant to an order of the City Manager or designee or the City Rehabilitation Appeals Board to protect the public health, safety and welfare.

- b. The requirement for filing a redevelopment or reuse plan shall be waived by the HP Officer if, following demolition, no historic feature will remain in the HP district and upon a finding that such requirement is unnecessary to assure compatibility with other HP designated properties in the vicinity.
- c. The HP Officer shall make a decision on a request for a waiver within three days of receipt of the request. The applicant or an aggrieved person may appeal the decision of the HP Officer within five days of the action. Upon receipt of an appeal, it shall be placed on the next available agenda of the HP Commission who shall conduct a public hearing. Notice of the hearing shall be mailed to the applicant at least fourteen days prior to the hearing and shall be posted on the property at least ten days prior to the hearing. At the hearing, the Commission shall either grant or deny the request. The Commission's decision shall be final unless appealed by the applicant or an aggrieved person within five days of the action. If appealed, the matter shall be set for a public hearing before the City Council on its next available agenda. Notice of the hearing shall be mailed to the applicant at least fourteen days prior to the hearing and shall be posted on the property at least ten days prior to the hearing. If a waiver is approved, the Commission shall, upon demolition or removal of the structure, initiate an application to remove the HP designation from the property. *3

- F. Any new development on the property shall be in conformance with the plan submitted in conjunction with the demolition approval. Any changes from the plan shall require a Certificate of Appropriateness.
- G. A demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.

Date of Addition/Revision/Deletion - Section 813

*1 Revision on 4-15-1992 by Ordinance No. G-3513

*2 Revision on 11-5-1997 by Ordinance No. G-4056

+2 Addition on 11-5-1997 by Ordinance No. G-4056

*3 Revision on 5-5-2004 by Ordinance No. G-4603, eff. 6-4-2004

Section 814. Economic Hardship.

Separate standards for obtaining certification of economic hardship are established for investment or income-producing and non-income-producing properties. Nonincome properties shall consist of owner occupied single-family dwellings and non-income-producing institutional properties.

- A. The basis to establish economic hardship for an income-producing property shall be that a reasonable rate of return cannot be obtained from a property that retains its historic features or structures in either its present condition or if its features or structures are rehabilitated. +1

- B. Economic hardship in regard to a non-income-producing property shall be found when the property owner demonstrates that the property has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.
- C. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
 - 1. Willful or negligent acts by the owner.
 - 2. Purchase of the property for substantially more than market value.
 - 3. Failure to perform normal maintenance and repairs.
 - 4. Failure to diligently solicit and retain tenants.
 - 5. Failure to provide normal tenant improvements.

Date of Addition/Revision/Deletion - Section 814

*1 Revision on 4-15-1992 by Ordinance No. G-3513

Section 815. Phoenix Historic Property Register.

- A. The Phoenix Historic Property Register is hereby established for the purpose of recording the historic sites, structures, buildings, objects and areas which exist in the City of Phoenix.
- B. The register shall consist of historic sites, structures, buildings, objects and areas and which are zoned "Historic Preservation District" by the City Council [which] shall forthwith be listed on the Phoenix Historic Property Register by the Historic Preservation Officer.

Section 816. Enforcement; Violations; Penalties.

Any violation of the provisions of this chapter is a violation of the Zoning Ordinance and is subject to enforcement and penalties prescribed by Section 1004 of the Zoning Ordinance.

**CITY OF PHOENIX
HISTORIC PRESERVATION OFFICE**

**GENERAL DESIGN GUIDELINES
FOR
HISTORIC PROPERTIES**



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CITY OF PHOENIX
HISTORIC PRESERVATION OFFICE

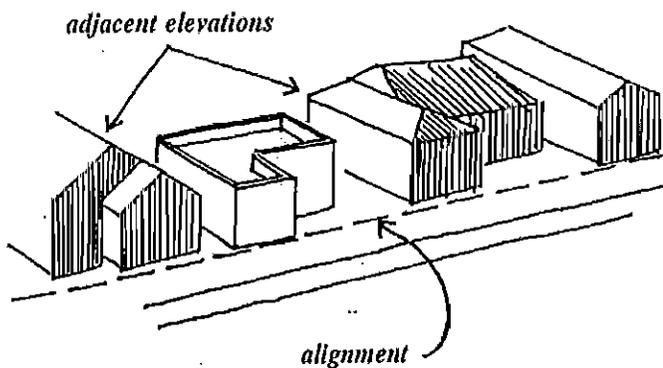
GENERAL DESIGN GUIDELINES FOR HISTORIC PROPERTIES

INTRODUCTION

These guidelines are intended to supplement the provisions of the Historic Preservation Ordinance in establishing the basis for determining the appropriateness of new additions and new construction attached or adjacent to properties listed on the Phoenix Historic Property Register.

Additional guidelines and specific advice regarding appropriateness and compatibility are provided in "*Historic Homes of Phoenix: An Architectural & Preservation Guide*." The Historic Preservation Office staff also is available for individual consultation. For more information, contact the Historic Preservation Office at (602) 261-8699.

DEFINITIONS



ADJACENT/ALIGNMENT

Addition

Any new exterior construction attached to the original historic building or structure.

Adjacent Elevation

The exterior walls of a new structure that will be located along the alignment of the primary historic building elevations, or generally parallel to any primary wall of the historic building within a distance of fifty (50) feet, and extend up to twice the height of the historic building.

Alignment

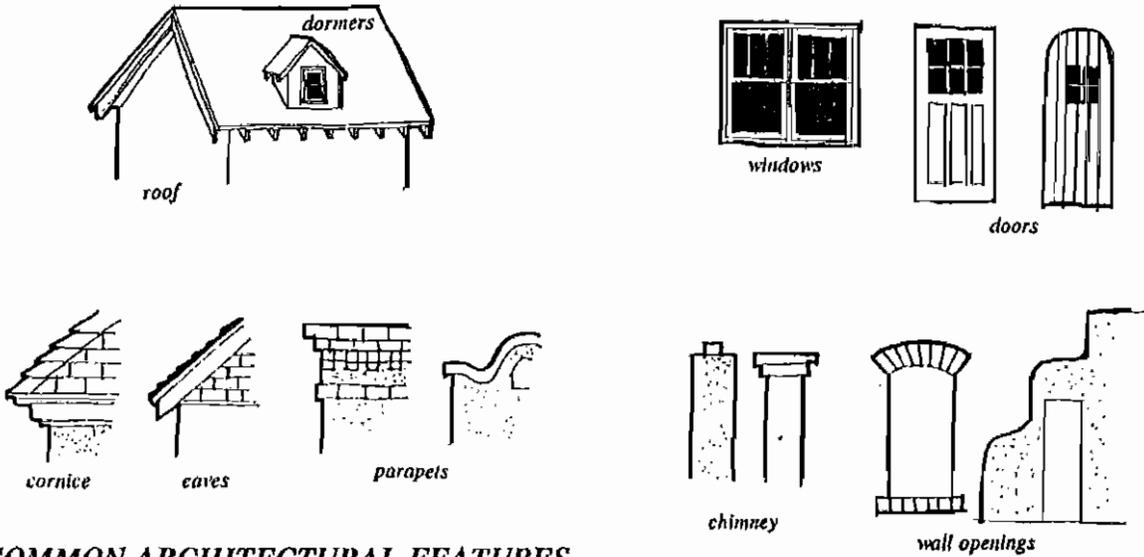
The linear or parallel placement of structures and/or primary facades within a row of adjacent properties, or along a streetscape.

Alter

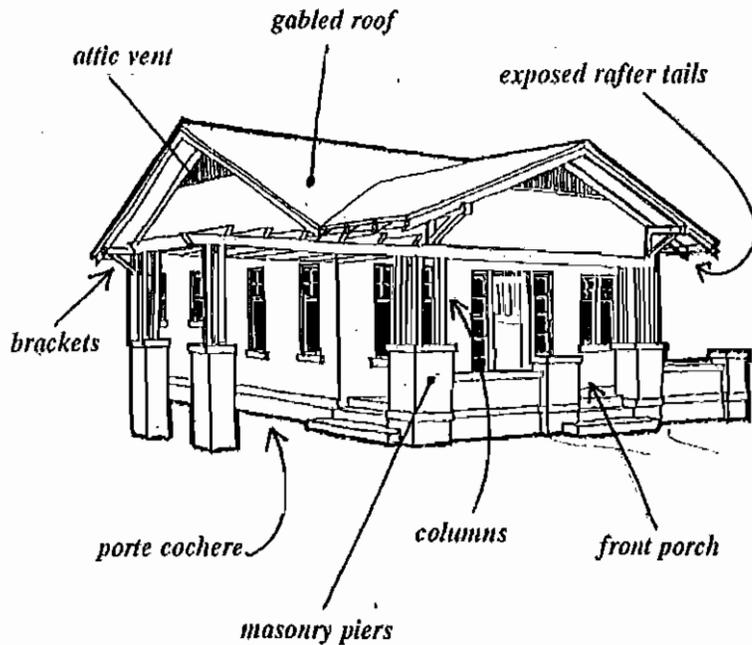
A change to an existing building or structure that modifies its original appearance.

Architectural Feature

Any distinct or outstanding part or characteristic of a building or structure.



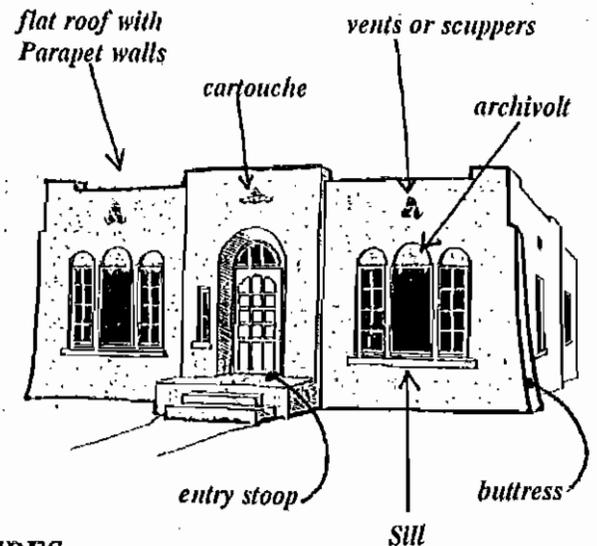
COMMON ARCHITECTURAL FEATURES



CHARACTER-DEFINING ARCHITECTURAL FEATURES

Character-Defining

A distinctive architectural feature or combination of features or qualities that distinguish a building from another.



Construction Technique

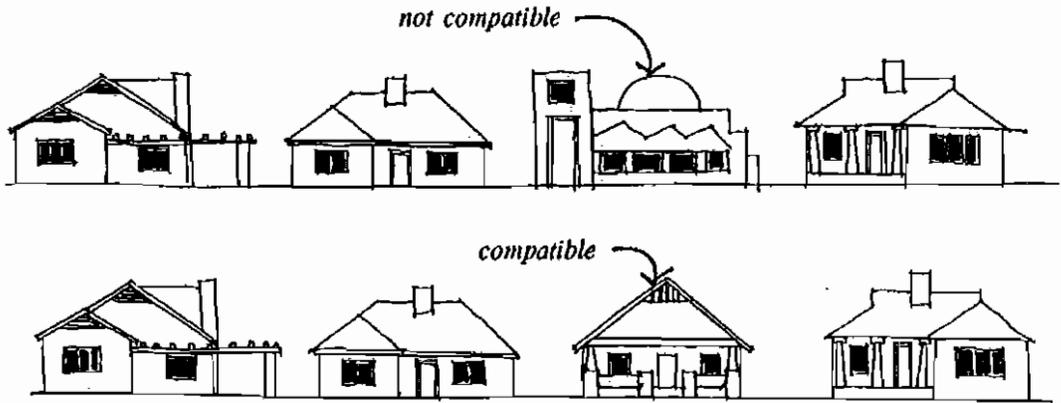
The method used to assemble the parts of a building or structure.

Color

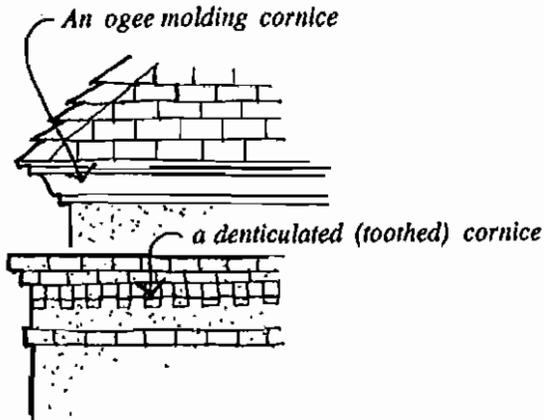
The combination of chromatic hues, values of light and darkness, intensity and saturation that create, define, ornament, or enhance the visual appearance of an exterior facade.

Compatible

In architecture, a material, element, quality or feature that is congruent or harmonious with existing historic materials, elements, qualities or features.



COMPATIBLE



CORNICE

Cornice

A horizontal element that crowns or completes a wall or defines the roof and wall.

craftsmanship

The combined effect of the quality of workmanship, skilled artistry or the conjunctive technique and appropriate installation and assembly of materials by which a building or structure is constructed or fabricated.

Design

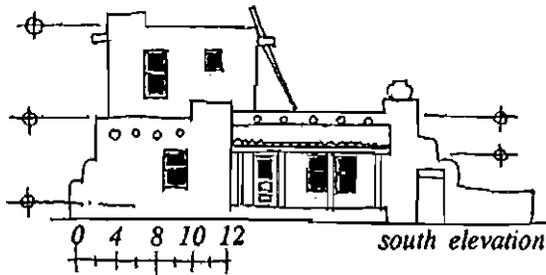
The arrangement of parts and details that are part of an overall plan that governs the form and function of a building.

Design Guidelines

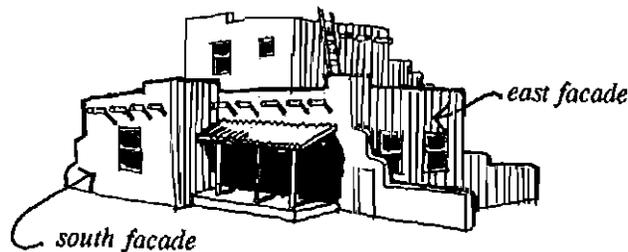
A set of guiding principles that give direction on how the parts and details of a building's scheme or plan should be assembled.

Elevation

A scale drawing of a front, side or rear of a building.



ELEVATION



FACADE

Facade

An exterior face or elevation of a building. A principal facade is sometimes distinguished from the other faces by the elaboration of architectural details.

Finishes

The characteristics of texture, gloss, sheen, coloration or patina, that can articulate the character and appearance of an exposed material or surface.

Form

The overall shape or outline of a building.

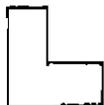
FORM



square



rectangular



"L" plan



"U" plan



"T" plan

Height

A measurement from ground level to the topmost point of a building or element.

Historic Building

A building over fifty (50) years old which meets Historic Preservation Office standards for integrity and historical significance.

Historic Fabric

Any original materials used in the construction of a historic building.

Hue

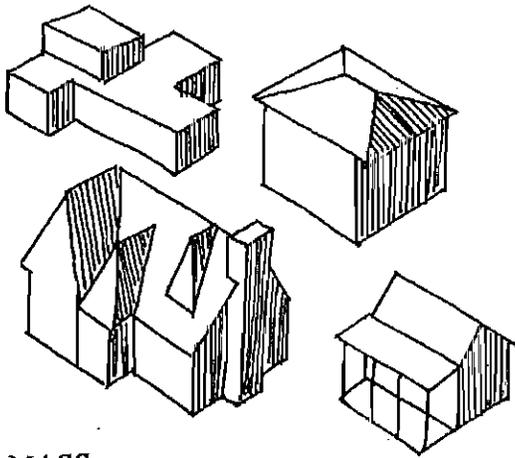
A particular shade or tint of a given color.

Materials

The physical substance that makes up the products used in the construction or ornamentation of the building.

Mass

The three dimensional qualities of a building that create its size and shape as seen from the outside.



MASS



MOTIF

Motif

A principal repeated element in an ornamental design.

New Construction

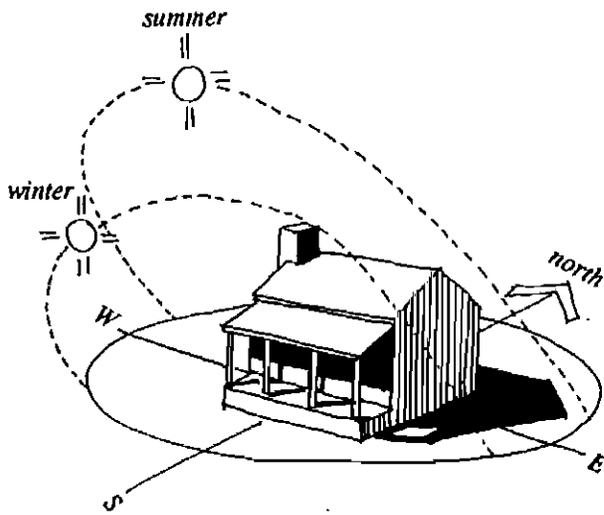
Any construction that is not an original part of the building or structure.

Neutral Material

Any building material that does not visually compete with either the historic material or the material used in new construction.

Opening

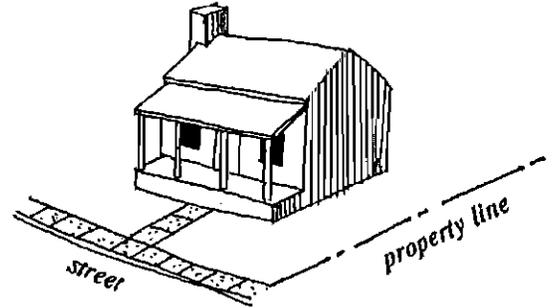
A space which permits freedom of view or passage such as a door or window.



solar orientation and compass orientation

Orientation

The placement of a building or structure on a site as it relates to the physical conditions of the site, such as its geography and manmade features, or a compass direction.

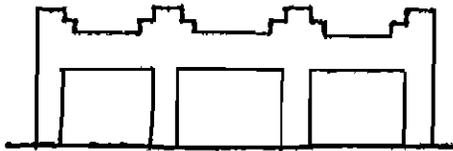


site orientation

ORIENTATION

Ornamentation

In architecture, every detail of shape, texture, and color that is deliberately exploited or added to attract an observer or define the characteristics of an architectural style.



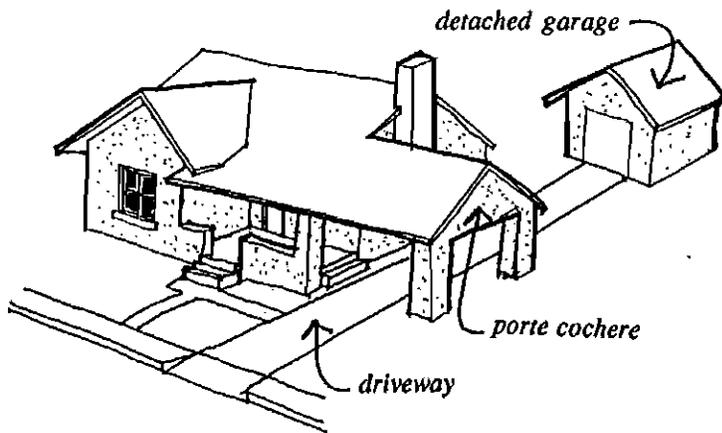
PATTERN

Pattern

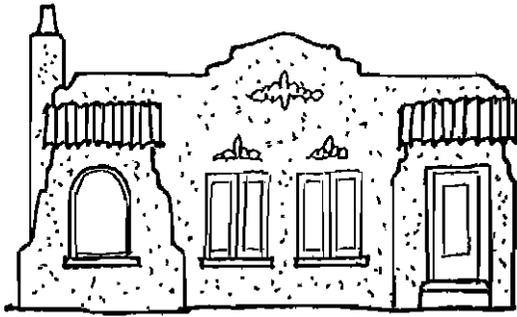
An arrangement of form, the disposition of parts or elements.

Porte Cochere

A roof projecting over a driveway supported by piers, columns, or arches.



PORTE COCHERE



PRIMARY ELEVATION

Principal Facade

The front face of a building usually containing its entrance.

Primary Elevation

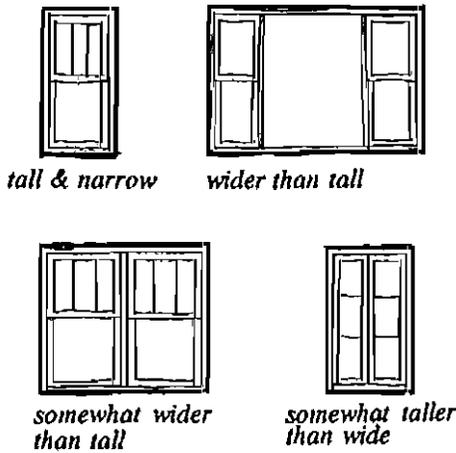
A scale drawing showing the exterior elements of the main front or principal facade of the building.

Projection

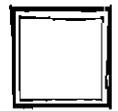
An object or building form that juts out beyond a surface.

Proportion

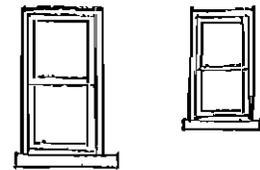
The comparative relation between parts or elements with respect to size, dimension, ratio and quantity.



PROPORTIONS



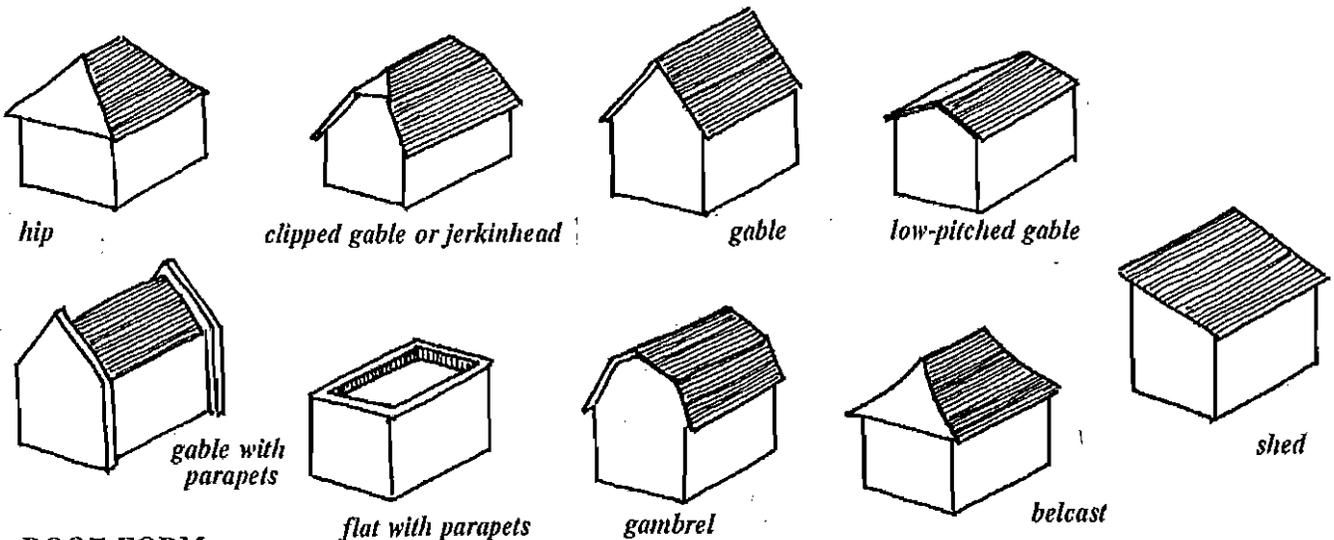
square (not common in historic buildings)



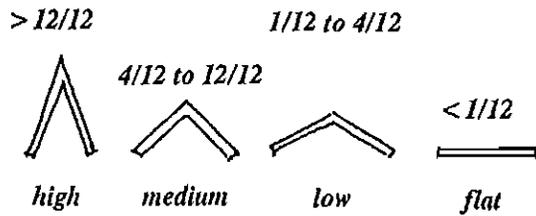
same proportions - different size

Roof Form

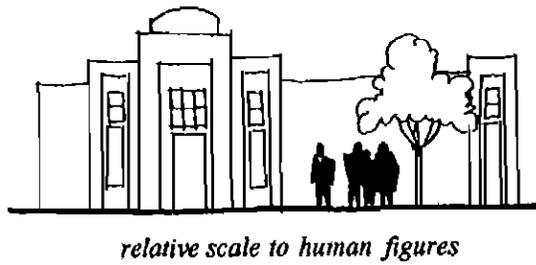
The shape, outline or configuration of the roof of a building.



ROOF FORM



ROOF PITCH



Roof Pitch

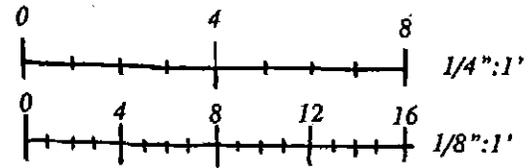
The steepness of the roof plane above horizontal. The slope of a roof is expressed as a ratio of the rise of the roof over the horizontal span. A 4/12 roof rises 4 feet in a 12 foot span.

Scale

The proportional relationship of size and shape of buildings and elements to each other and their site.

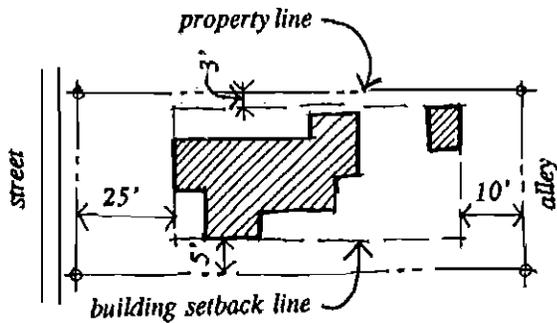
or

A scale drawing would be a proportional representation with a defined ratio between the actual building or element and the drawing.



architectural drawing scales

b) SCALE



SETBACK

Setback

The distance between a building's facade and the related front, side or rear lot line.

Setting

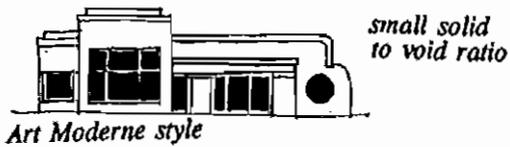
The physical surrounding environment in which a building is located.

Shape

The physical form of a building.

Size

The length, width and height of a building or building feature.



small solid to void ratio



Large solid to void ratio

SOLID TO VOID

Solid to Void

The relationship between openings (windows, doors, arches, spaces between walls, etc.) on the elevation of a building or buildings and the remaining wall surfaces.

Textures of stucco finishes



sand



orange peel



spatter and dash



cat's eye



spanish lace

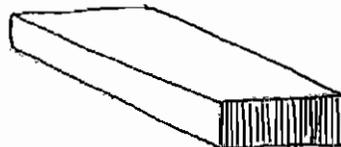


skip-trowel

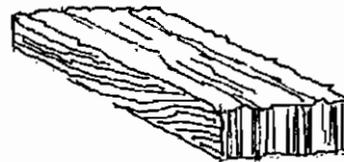
TEXTURE

Texture

The surface quality of any material or building product as it affects the appearance or tactile characteristics of a surface of a building.



smooth surfaced lumber (s4s)

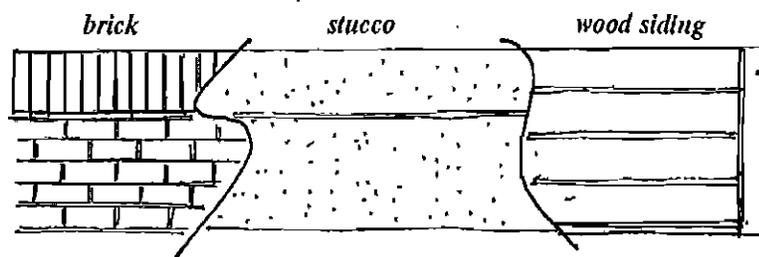


rough cut lumber

REHABILITATION

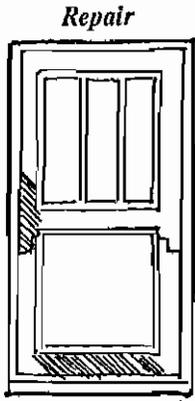
Historic preservation has a philosophical basis or ethic that guides the work of the field. In accordance with historic preservation principles, a successful rehabilitation is one that retains as much of the original historic materials as possible. It also preserves those historic architectural features that are the character-defining elements of a particular historic style or method of construction. To retain historic fabric, it is preferable to repair rather than replace significant architectural elements and historic materials. Repair should be done with the least degree of intervention possible. When the level of deterioration precludes repair, replacement should be done with matching or compatible materials. The following guidelines should be utilized when planning or undertaking the rehabilitation of an existing historic building:

- ☛ Rehabilitation of an historic building should minimize alteration to the existing materials, architectural finishes, form, and ornamentation of the building.
- ☛ Distinctive architectural features, finishes, materials, construction techniques and examples of skilled craftsmanship should be retained and preserved.
- ☛ Deteriorated historic architectural features and exterior materials should be repaired rather than replaced. Where repair is infeasible, replacement features should match the original component in design, material, color and texture.
- ☛ Previous additions that are indicative of changes to a building over time should be evaluated for architectural significance and retained if they relate to the historic nature of the building or its design.
- ☛ Features that are to be reconstructed should be reproduced according to physical evidence, and/or archival documentation, such as historic photographs or written descriptions. Reconstruction based on details found on similar historic structures, without other supporting documentation, should not be undertaken.
- ☛ Abrasive cleaning methods, such as sandblasting, are to be avoided as they can damage historic materials. Cleaning of buildings should be performed using the gentlest effective means possible.



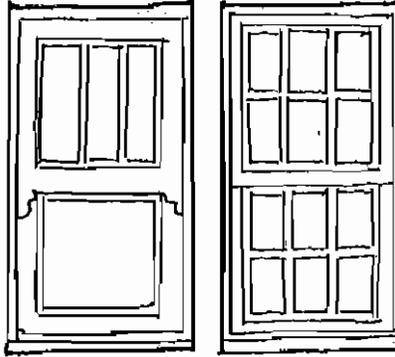
Original brick, stucco or wood siding should be repaired and retained. A change of siding material will significantly detract from the historic integrity of a property.

SIDING/WALL MATERIALS



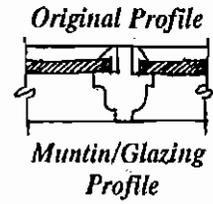
Repair or replace damaged members rather than replacing the entire window.

Original Window

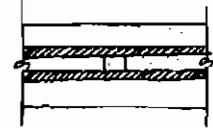


Bungalow Style

Inappropriate Colonial Revival Replacement

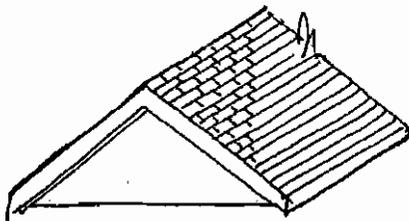


Inappropriate Replacement Profiles



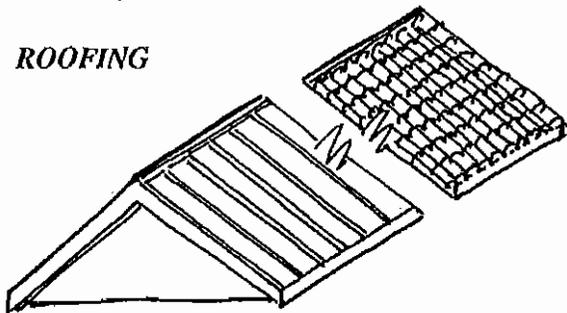
WINDOWS

- *Do not change pattern of windows if original must be replaced.*
- *Do not install replacement windows which have surface-mounted or internal muntins.*
- *Do not replace originals with sash members that are narrower.*

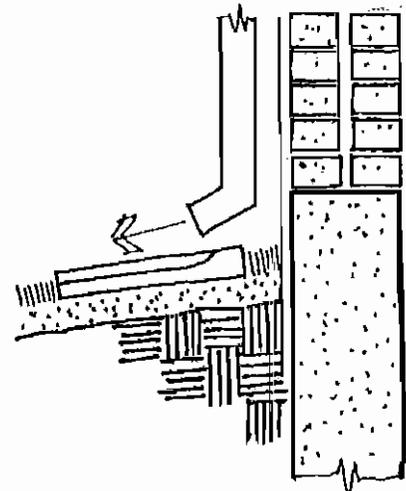


Original roofing should be retained or replaced in-kind. Shingles should not be replaced with metal or tile. Dimensional composition shingles that simulate weathered wood may be used as a lower cost alternative to wood shingles.

ROOFING



DRAINAGE

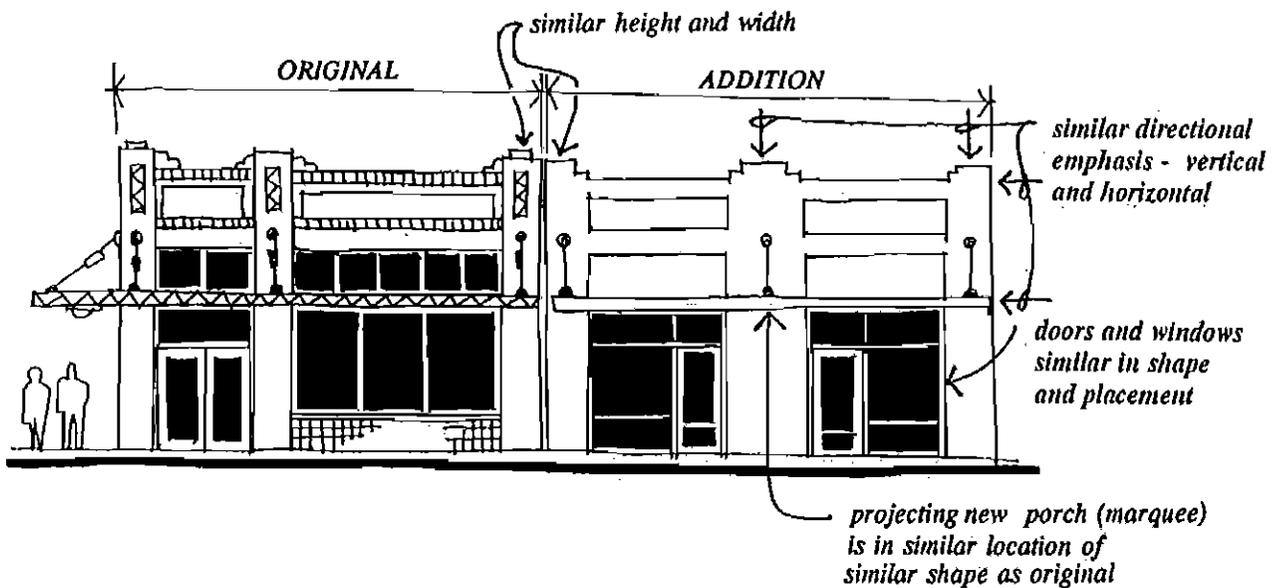


Rehabilitation should correct drainage problems by regrading or sloping earth away from foundation and use of downspouts and slash blocks.

ADDITIONS

When it is necessary to alter or expand an existing historic building, modifications should minimize the visual impact of the new construction on the historic building. The additions or alterations also should be compatible with the historic structure through similarities in size, shape, materials, building elements and detailing. Another historic preservation principle that guides changes made to historic buildings is that alterations or additions should be reflective of the time period in which they are built. Consequently, utilizing current construction methods and styling is encouraged and imitating or exactly copying the building of an earlier period is discouraged. In other words, new construction should not replicate the design of historic buildings. To expand or alter a historic building successfully, the new construction should follow the basic design vocabulary of the historic structure but be clearly distinguishable.

- ▣ Additions should be designed and located in a manner that results in new construction which is subordinate to the primary historic building. Additions or changes to the primary facades are discouraged. The location of the addition or alteration should conform with the setbacks, spacing, alignment and orientation of the historic building and/or historic buildings in its immediate vicinity.
- ▣ Additions should be similar in height and width to the historic building. Its form should correspond to the shape, ridgelines and cornice of the main roof. Doors and windows in the addition should be similar in shape and placement to the openings in the historic buildings. Together, the addition's shape, size and openings should create a directional emphasis (horizontal or vertical) that is similar to the historic building.



APPROPRIATE ADDITION

- ☛ Exterior materials should match or be compatible with the surface materials of the historic building. Compatibility is achieved by maintaining the spectrum of materials historically present, corresponding to the pattern of the unit size of the materials (i.e. bricks, blocks, siding, shingles) of the historic structure or continuing the visual and tactile texture exhibited by the historic materials.
- ☛ Projecting elements, such as dormers, porches or bays, should be similar in location, size, shape and type to those found on the historic buildings or in its vicinity in a historic district.

APPROPRIATE ADDITIONS



Conversion of attic space to living area with the addition of appropriately scaled dormers.



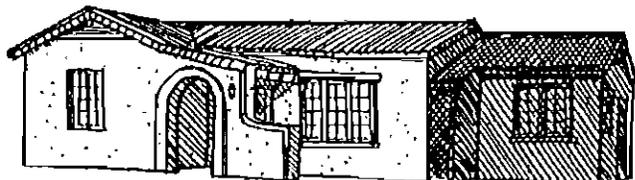
Subordinate rear addition using similar shape, window proportions and roof form.



Two-story addition remains subordinate due to location, size and use of similar roof form.



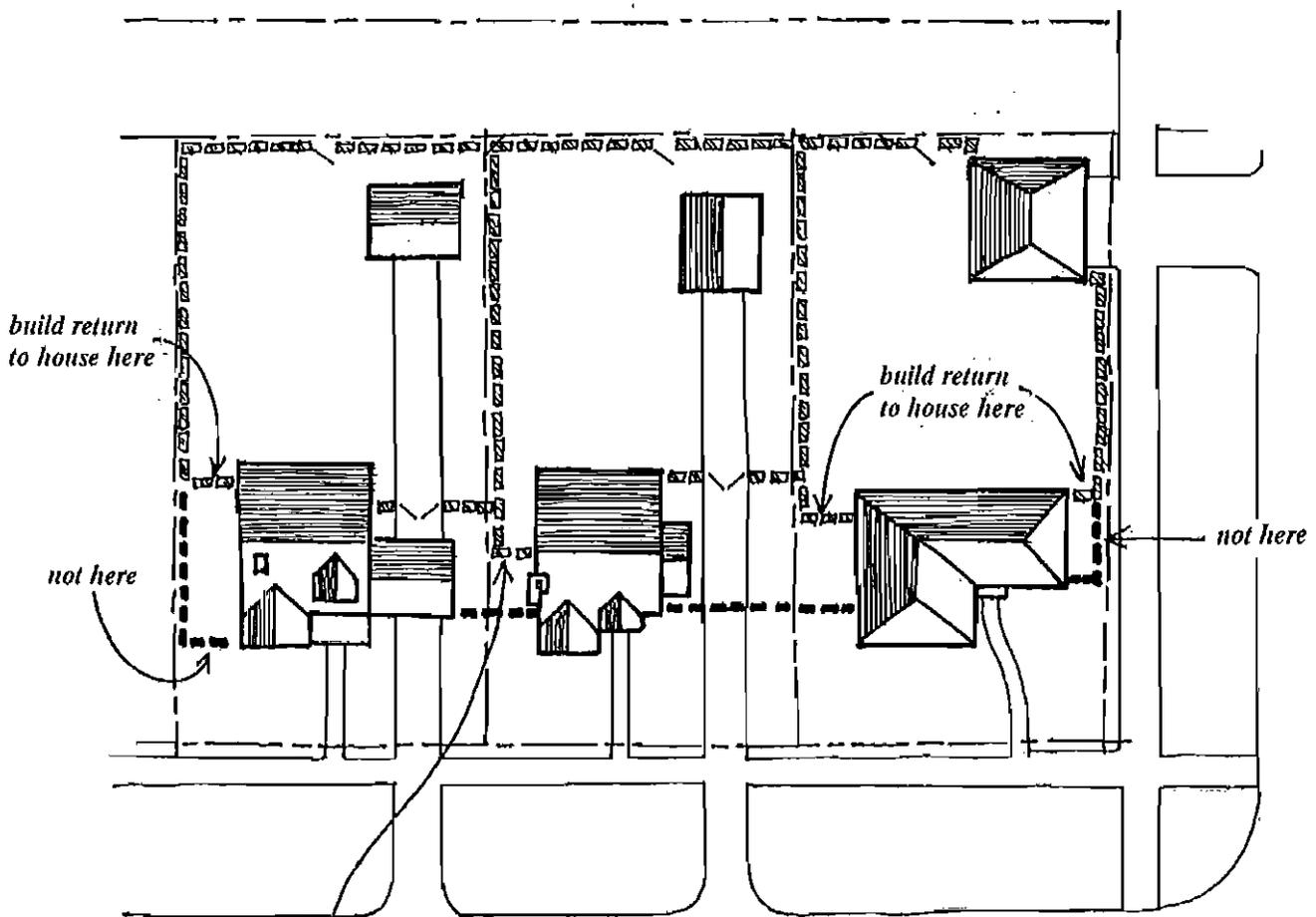
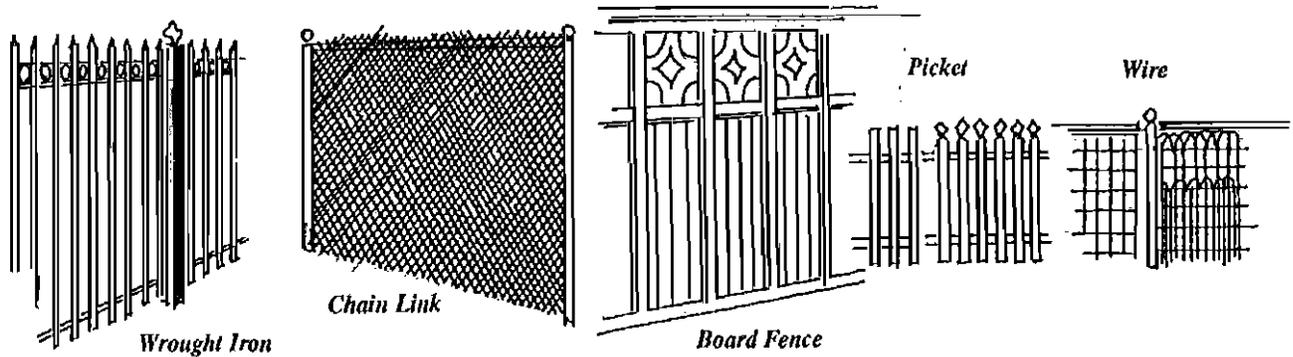
Addition of porte cochere or carport using similar roof form, scale and architectural features.



Subordinate addition using similar shape, proportions, roof form and architectural features is distinguished from original by construction off-set where the two structures join.

FENCES & WALLS

Fences are seldom seen in historic photographs of Phoenix, but when visible they are almost always constructed of wood pickets or wire fencing. A 1929 Home Builders Catalog includes wrought iron, ornamental iron and wire, wire, chain link, woven wood and board fencing. Stucco covered adobe and masonry walls were occasionally used.



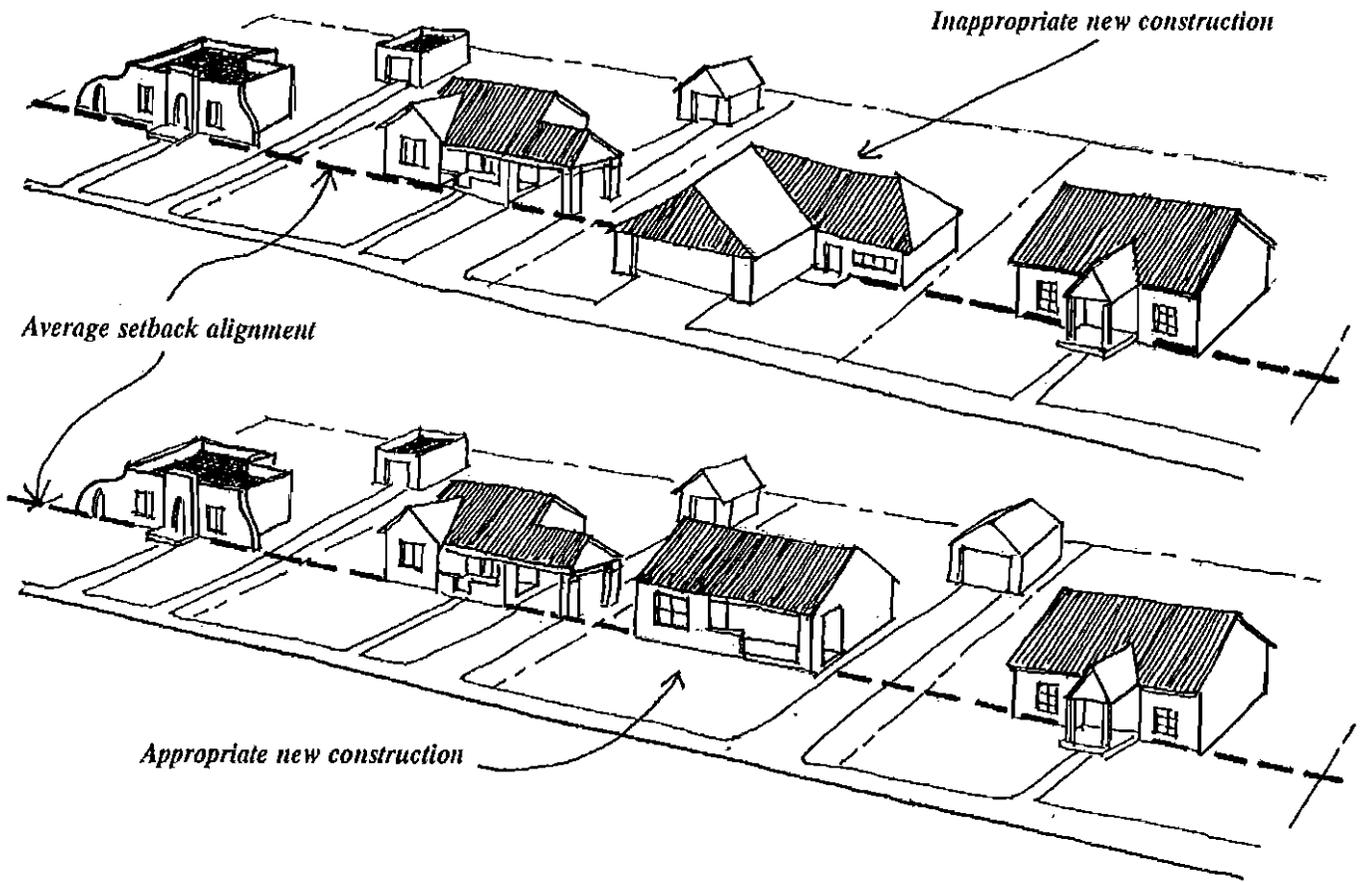
Wall return or gate should be set back from the front facade of the house to reveal windows, chimney or other architectural features.

NEW CONSTRUCTION

New construction, located on vacant land within historic districts or adjacent to historic buildings, is encouraged when appropriately sited and designed. New construction should be clearly discernible as "new" and reflect the technology, building materials and design ideas of the present era. However, like additions to existing buildings, the design of new construction should be compatible with and respectful of its historic setting. It is recognized that new construction can occur that is similar in scale to the pattern of historic building or, in selected circumstances, new construction may involve development that is of substantially greater scale. Consequently, two types of guidelines have been prepared to assist in the planning of new construction relative to historic buildings and areas.

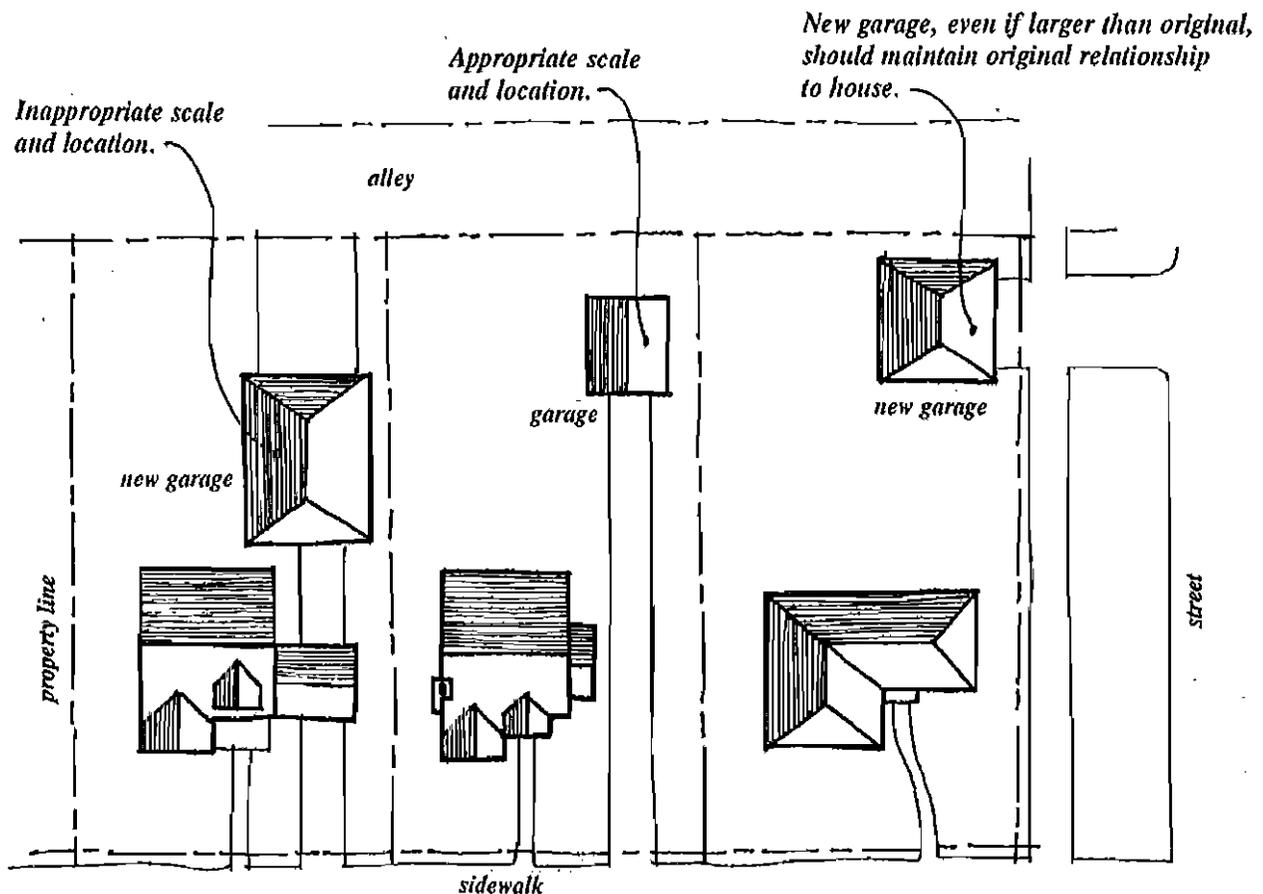
Similar Scale New Construction

- Within the historic residential areas, new construction should be similar in height, shape and materials to the historic structures in its vicinity. Where changes in size must occur, the visual impact of the new construction should be minimized by stepping back the new construction from the historic buildings.
- Building features, such as roof lines, window and door openings, porches, entrances, pergolas, porte cocheres or carports should resemble those related forms found on adjacent or surrounding historic structures.



SIMILAR SCALE, FORM & MASSING

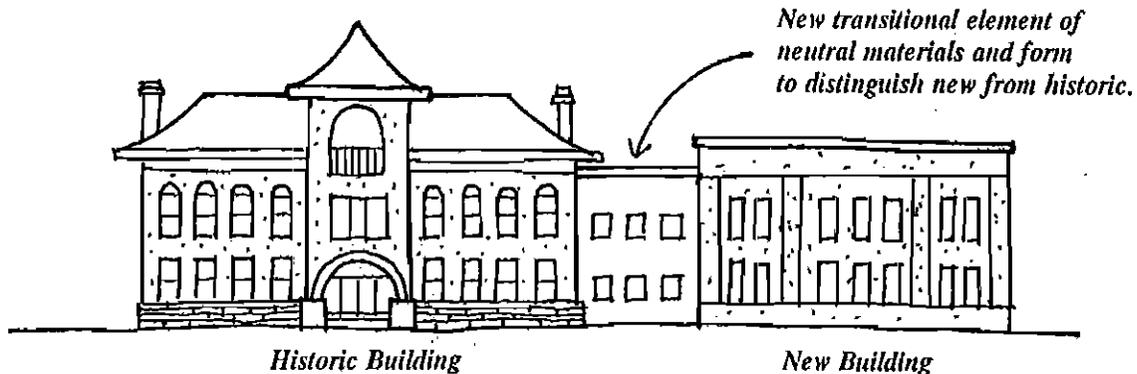
- Exterior materials should match or be compatible with the surface materials of the historic building. Compatibility is achieved by maintaining the spectrum of materials historically present, corresponding to the pattern of the unit size of the materials (i.e. bricks, blocks, siding, shingles) of the historic structure or continuing the visual and tactile texture exhibited by the historic materials.
- Building detailing or ornamental trim should be made of matching or similar material but simplified in design so as to be distinguishable as a product of its own time.
- Primary new structures should correspond with the setbacks, spacing, alignment and orientation of adjacent primary buildings.
- Secondary new structures, such as garages and outbuildings, should be subordinate to the size and appearance of the primary historic building and located on the rear of lots.
- Mechanical, electrical, solar or other exterior equipment should be located in the least visible place possible. Depending upon the location of this modern equipment, screening or boxing is encouraged. If the equipment is roof-mounted, it should be on a rear roof slope, behind the roof's midpoint. Ground mounting is also acceptable.
- Access ramps and other accommodations for those with disabilities should be located to minimize the loss of historic features and provide reasonably convenient access without being visually intrusive.
- New construction should be located and designed to accommodate distinctive natural or man-made site features.



Substantially Greater Scale New Construction

Achieving compatibility between historic building and new construction of substantially greater scale is dependent upon sensitive site planning and compatibility of the elevations of the new construction immediately adjacent to the historic buildings. For the purposes of these guidelines, the "adjacent elevations" of new construction, which the issues of compatibility should address, are defined as the adjacent exterior walls and treatments that extend twice the height of the historic building.

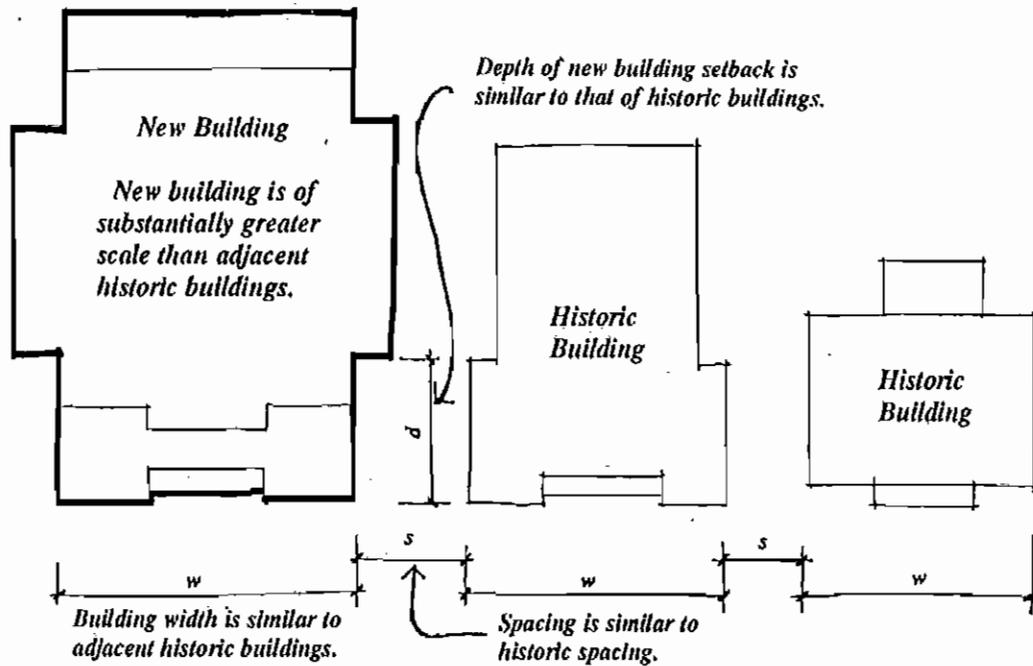
- ☛ The historic building should be a key element of the overall site plan and incorporated in a manner that maintains its visual prominence.
- ☛ New construction should be sited in a manner that retains the traditional placement and orientation of the historic building.
- ☛ The entrance location and primary facade of the historic building should be retained.
- ☛ The proportions of new construction should correspond to the width and depth of the historic building.
- ☛ The adjacent elevations of the new construction should be sheathed in an exterior material that matches or continues the proportional pattern of the unit size of the materials found on the historic building.
- ☛ The solid to void ratio of the historic building's openings and exterior walls should be repeated in the new construction.
- ☛ The size, shape and degree of articulation of the new construction's exterior walls should follow the pattern established by the historic building's construction.
- ☛ The pattern of architectural detailing of the historic building should be incorporated into the new construction in a simplified or abstracted form.
- ☛ The color of the exterior materials of the new construction should be the same or a complementary hue of the color of the historic building's exterior materials.
- ☛ Where the new construction abuts an existing historic building, a clear definition of the transition between the old and new should be established and maintained. The transitional element may be distinguished by its form or use of neutral materials that distinctly differentiates the new construction from the historic building.



SIMILAR SCALE NEW CONSTRUCTION



Adjacent Elevations



SUBSTANTIALLY GREATER SCALE NEW CONSTRUCTION



Appendices

Appendix I: Existing Site Coverage & Open Space Analysis

APPENDIX I: Existing Site Coverage & Open Space Analysis

Existing Conditions (February 2009)

Total Building Footprint:		Existing 430,409 sq. ft.
		<u>Site Coverages</u>
		<u>Existing</u>
Gross Site Area:	36 Acres	
*Net Area:	35.53 Acres	27.8%
*Net Area (excluding Canal ROW):	31.27 Acres	31.6%
*Net Area (excluding Canal ROW & ACDC area):	28.04 Acres	35.2%

* Net site areas exclude Arizona Biltmore Circle 1/2 street R.O.W.

Total Open Space:		Existing 868,447 sq. ft.
		<u>Open Space</u>
		<u>Existing</u>
Gross Site Area:	36 Acres	
*Net Area:	35.53 Acres	56.1%
*Net Area (excluding Canal ROW):	31.08 Acres	55.3%
*Net Area (excluding Canal ROW & ACDC area):	27.85 Acres	57.6%

* Net site areas exclude Arizona Biltmore Circle 1/2 street R.O.W.

Note: site curculation and surface parking areas (asphalt areas) do not contribute to lot coverage and/or open space calculations, therefore, the sum of the lot coverage and open space calculations will not add to 100%.

Source: LVA Urban Design Studio LLC; February 2009



Appendices

Appendix J: City of Phoenix Water Services Department Summary of Findings



City of Phoenix

WATER SERVICES DEPARTMENT
DISTRIBUTION & COLLECTION ENGINEERING DIVISION

Mr. David Morris
Ms. Miandra Cash
Kimley-Horn and Associates, Inc.
7878 N. 16th Street, Suite 300
Phoenix, AZ 85020

February 13, 2009

RE: Water Service Zone
Zoning Application Case Number: Z-71-08

Dear David and Miandra:

The intent of this letter is to respond to your inquiry regarding the development plans for the Arizona Biltmore Resort and Spa as expressed within the proposed Planned Unit Development dated December 31, 2009. The Water Services Department has reviewed the proposed Resort expansion and has worked to model the potential impacts of the Resort 2030 Plan.

The Arizona Biltmore Resort and Spa is located within the City of Phoenix's domestic water pressure zone 3B. Zone 3B is bounded by the Arizona Canal on the south and 24th Street on the west. The northern and eastern boundaries vary significantly but lie north of and east of the Resort property. The Resort is currently served by a public water line located in Arizona Biltmore Circle and within pressure zone 3B.

The area located south of the Arizona Biltmore Resort and Spa (and south of the Arizona Canal) is within a different pressure zone (Zone 2A). The domestic waterlines within this pressure zone serve buildings and residences south of the canal and do not serve or connect to the waterlines that serve the Arizona Biltmore Resort and Spa.

The Resort is located at the highest pressure area of pressure zone 3B. The City is able to provide domestic water service (including fire protection) to the Resort and the proposed build out associated with the PUD, as defined by the Planned Unit Development year 2030 Plan, as long as the necessary improvements are constructed as indicated by the Water Services Department. The Biltmore's water system will be designed in accordance with the City's minimum pressure and flow criteria without adverse impact to the residents within the same pressure zone. Additionally, expansion of the Biltmore will not impact residences in the same or adjacent pressure zones as each zone operates independently.

If you have any questions or require additional information, please contact me at 602-262-4978 or by email at aaron.d.laroque@phoenix.gov.

Sincerely,

Aaron Laroque
Civil Engineer III, Team Leader

cc: Ken Hoepfner, Pyramid Project Management
Alan Beaudoin, LVA Urban Design Studio
Nick Wood, Snell and Wilmer



Appendices

Appendix K: Citizen Participation Efforts and Summary

APPENDIX K:

Arizona Biltmore Resort & Spa Z-71-08 Citizen Participation Efforts and Summary

The Biltmore PUD team has undertaken extensive outreach, communication and review – perhaps at an unprecedented level.

The Arizona Biltmore Resort & Spa (Resort) is the primary landmark within its namesake surrounding area. The Resort is of great importance not only to the entire Biltmore area, but also the City of Phoenix and the Phoenix Metropolitan Area.

On July 22, 23, and 24 of 2008, applicant invited residents to review the initial Planned Unit Development proposals for the Resort. Because of the community's identification with the Biltmore, the notification area was expanded from the required 600 foot perimeter surrounding the PUD project area to include all property owners in the area bounded by Lincoln Drive on the north, Camelback Road on the south, 32nd on the east, and 24th Street on the west. In all, over 1,800 property owners were sent a notice of the Neighborhood Open House Meetings.

The meeting was held over three separate nights in order to accommodate the large number of property owners that were invited to attend. The format of all three meetings was an open house with no formal presentation. However, a PowerPoint presentation was shown as a continuous "loop" for those interested in a summary of the PUD document. Selected master plan maps were stationed around the room and augmented with appropriate personnel from the Project Team to provide information and answer questions.

The neighborhood open houses were held on Tuesday, July 22nd, Wednesday, July 23rd and Thursday, July 24th at the Arizona Biltmore Resort and Spa in the Frank Lloyd Wright Ballroom. Approximately 83 neighbors and property owners attended the meetings. The response to the project was mostly positive with many in attendance saying "it looks like a great project." The majority of neighboring property owners are eager to see improvements made to the hotel, and showed enthusiasm for the plan as well as the changes to the entrance and north bank of the canal.

On August 26, 27 and 28, 2008, the second set of Neighborhood Meetings was held to present the proposed Planned Unit Development (PUD) designation for the Arizona Biltmore Resort & Spa. The format of the three August meetings was the same as the meetings in July.

In total, approximately 35 neighbors and/or property owners attended the August meetings. The response to the proposed improvements was again mostly positive with many residents excited about the plans.

In addition to the required public meetings, the applicant spent six months meeting with three representatives of the Arizona Biltmore Estate Village Association (ABEVA) Board of Directors to negotiate changes to the PUD. The three ABEVA representatives were part of an ad hoc committee formed by the ABEVA Board in September of 2008. Committee members included Jasper Hawkins (past ABEVA Board President), Heather Litton (ABEVA Board Member) and Bill Mee (ABEVA Board Member) on behalf of ABEVA and Alan Beaudoin, Doug Cole and Nick Wood on behalf of the Resort. The ad hoc committee met 15 times from October 2008 through April of 2009. The revised PUD application reflects the significant efforts and accomplishments of the ad hoc committee. (List of ad hoc meetings follows this report).

A final Neighborhood Open House Meeting was conducted on March 9 2009. This meeting was coordinated by ABEVA to include all neighbors in the Biltmore area – Lincoln to Camelback, 24th Street to 32nd Street. This open house meeting was held to present the revised Planned Unit Development (PUD) plan for the Arizona Biltmore Resort & Spa. Residents were invited to the meeting via First Class mail and postings on the Association's and sub-Association's websites as well as physical postings in some communities. The mailing list of invitees for the March 9 Open House was generated by the ABEVA staff. The meeting was an open house format. Master plan exhibits were stationed around the room and manned with appropriate personnel from the Project Team and members of the ABEVA ad hoc committee to provide information and to answer questions.

The March 9th open house was held from 5:30 pm-8:00 pm at the Arizona Biltmore Resort & Spa in the Casa Grande meeting room. In total, 123 neighbors and/or property owners attended the meeting. The overall response to the proposed improvements was positive with many neighbors indicating they thought it was a "great project." Most of the ABEVA property owners indicated that they are eager to see improvements made to the Resort and showed enthusiasm for the proposed changes.

Summary

The Arizona Biltmore Resort and Spa's PUD has been well received by most residents, and the associations and groups that represent them. We will continue the ongoing dialog with surrounding property owners, ABEVA and individual homeowners associations to respond to questions and inquires as they arise.

ABEVA Ad Hoc Committee Activities

Sept. 15, 2008 Initial Jasper Hawkins (JSH) presentation to ABEVA Board. Discussed JSH Commentary on Biltmore PUD.

Sept. 24, 2008 Initial JSH presentation to Village Committee Sub Com / Announced formation of Ad Hoc Committee between ABEVA and the Resort.

Oct. 14, 2008 First Meeting of Ad Hoc Committee

Oct. 20, 2008 Second presentation to ABEVA Board - Discussion of negotiations to date.

Oct. 29, 2008 Second Meeting of Ad Hoc Committee

Nov. 12, 2008 Third Meeting of Ad Hoc Committee

Nov. 17, 2008 Third presentation to ABEVA Board - Discussion of negotiations to date.

Nov. 19, 2008 Fourth Meeting of Ad Hoc Committee

Dec. 1, 2008 Fifth Meeting of Ad Hoc Committee

Dec. 10, 2008 Sixth Meeting of Ad Hoc Committee

Dec. 15, 2008 Fourth presentation to ABEVA Board - Discussion of negotiations to date.

Jan. 19, 2009 Fifth presentation to ABEVA Board - Discussion of negotiations to date.

Jan. 21, 2009 Seventh Meeting of Ad Hoc Committee

Feb. 3, 2009 Eighth Meeting of Ad Hoc Committee

Feb. 5, 2009 Sixth presentation to ABEVA Board at Annual Meeting of Homeowners

Feb. 9, 2009 Ninth Meeting of Ad Hoc Committee (telephone conference)

Feb. 10, 2009 Tenth Meeting of Ad Hoc Committee (telephone conference)

Feb. 18, 2009 Eleventh Meeting of Ad Hoc Committee (telephone conference)

March 9, 2009 ABEVA sponsored Open House for all ABEVA Members (123 attended)

March 10, 2009 Twelfth Meeting of Ad Hoc Committee (telephone conference)

March 16, 2009 Thirteenth Meeting of Ad Hoc Committee (telephone conference)

March 26, 2009 Fourteenth Meeting of Ad Hoc Committee (telephone conference)

April 14, 2009 Fifteenth Meeting of Ad Hoc Committee



Appendices

Appendix L: Phoenix City Council Meeting Hearing Minutes (Reserved)



Appendices

Appendix M: Arizona Biltmore Resort PUD Conditions of Zoning Approval



City of Phoenix
Planning Department

To: Mayor and City Council Members

Date: June 24, 2009

From: Debra W. Stark, AICP
Planning Director

DWS

Subject: ITEM #7: Z-71-08-6 ARIZONA BILTMORE RESORT AND SPA PUD REZONING APPLICATION

OVERVIEW

The Arizona Biltmore Resort and Spa PUD rezoning application (Z-71-08-6) was reviewed by the Historic Preservation Commission May 18, 2009, the Camelback East Village Planning Committee on June 2, 2009, and the Planning Commission June 10, 2009.

The Planning Commission, Historic Preservation Commission and Camelback East Village Planning Committee all recommended approval with stipulations. This memo compiles all stipulations and adds additional stipulations regarding traffic management, landscape buffers, and typographical corrections. Staff recommends approval subject to the stipulations below.

STIPULATIONS

1. That the Grand Paseo Trail shall be constructed to the shared-use path standards found in Section 429 of the City of Phoenix MAG Supplemental Details, as approved or modified by the Parks and Recreation Department.
2. That the developer shall notify the following individuals by mail 15 days prior to any Zoning Adjustment, Architectural Appeals Board hearing, Design Review Board hearing or preliminary site plan meetings with the Development Services Department. The notice shall include the date, time and location of the meeting/hearing.
 - a. Chairperson of ABEVA Board of Directors
 - b. Chairperson of the Arizona Biltmore Hotel Villas Condominium Association Board of Directors
 - c. City of Phoenix Historic Preservation Officer

3. That the Arizona Biltmore Resort shall undertake the following actions to manage traffic during all Convention Meetings, Large Scaled Events (as defined in Volume II Appendix B).
 - a. Traffic control certified security personnel shall facilitate traffic entering and exiting the events by manually controlling the intersection of Thunderbird Trail and 25th Place for a period starting one half hour before and one half hour after the discharge of participants of the events. The intersection shall be monitored to promote movements in all directions at the intersection while avoiding blocking the intersection. Traffic control certified means an individual that has successfully completed an American Traffic Safety Services Association (15 Riverside Parkway, Suite 100, Fredericksburg, Virginia 22406-1022) approved course in "Temporary Traffic Control", or an equivalent training program and audit the Right-of-Way Training Class offered by the Street Transportation Department, as approved by the Street Transportation Department.
 - b. A sign shall be posted at the intersection of Thunderbird Trail and 25th Place to communicate a message which encourages conference participants to not block the intersection. The sign must be a minimum of 15 square feet in area, oriented in the outbound direction and directly or indirectly lit when posted during nighttime hours.
4. That the developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
5. That new building designs shall emulate the current McArthur/Biltmore style.

STIPULATIONS TO REVISE PUD NARRATIVE

6. That an updated Development Narrative for the Biltmore Resort and Spa reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped April 17, 2009, as modified by the following stipulations.
7. That the PUD Volume I narrative shall be modified as follows:
 - a. Page 44, Section 3.H, revise Fire Station 12 location to read "located at the southeast corner of 32nd Street and Glenrosa Avenue."
 - b. Page 50, Figure 17b, update map to include additional street and alley layers for northwest portion of property.

- c. Page 52, Table A-4, remove double asterisk in the Residential Keys Row of table and replace with single asterisk.
 - d. Page 132, Section B, second paragraph, revise first sentence to state "Based on the proposed 2010 Land Use Plan."
8. That the PUD Volume II narrative shall be modified as follows:
- a. Page B-5, Appeals, last sentence shall state "Those Requirements followed by an asterisk (R*) are appealed to the Design Review Appeals Board.
 - b. Page A-6, first asterisk * relating to table A.1 shall be deleted.
 - c. Page B-12, 1st dot point, second sentence relating to appeals of technical requirements shall state "A notice of this appeal shall be provided to the Chairperson of the ABEVA Board of Directors by the applicant."
 - d. Page B-12, 2nd dot point, first sentence relating to appeals of technical requirements shall state "an appeal will be heard within 30 calendar days from the date of submission of an appeal."
 - e. Page B-12, 3rd dot point, first sentence relating to appeals of technical requirements, delete reference to five calendar days.
 - f. Page A-25, revise figure A-1 to update the Historic District Core per attachment A date stamped June 5, 2009.
 - g. Page A-30, revise figure A-2 to update the Building Setbacks per attachment B date stamped June 5, 2009.
 - h. Page A-31, revise figure A-3 to update the Building Heights per attachment C date stamped June 18, 2009.
 - i. Page A-25, revise figure A-1 Historic District Core to have building #4 labeled "circa 1930-1940"
 - j. Page A-35, revise the Landscape Zones Plant Palette to include swan hill and fruitless olive.
 - k. Page A-35, revise the Landscape Zones Plant Palette to include date palms.
 - l. Page A-41, 3rd paragraph, revise 6th sentence to state "Date Palms shall be twenty (20) feet measured to the top of the pineapple."
 - m. Page A-41, 3rd paragraph, revise 6th sentence to state "and the palms at 20'

in height to the top of the pineapple.”

- n. Appendix C, Revise Appendix C regarding Building Height Standards per attachment C.
9. That the below language shall be added as a preamble statement on a blank page prior to the Table of Contents within the Development Narrative. This additional language and any modifications to the narrative made through the public hearing process shall be completed and a final written PUD Development Narrative and electronic PUD Development Narrative shall be submitted within 30 days of final City Council approval. The electronic version may be utilized for future amendments. The applicant shall consent to allow future electronic copies so long as the current development team is not held responsible for future amendment language.
 - a. A Planned Unit Development (PUD) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the zoning ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies zoning ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary such as but not limited to right-of-way abandonments.
 10. That the PUD Volume II narrative shall add a new design guidelines that addresses transitions and buffers along Arizona Biltmore Circle and the Biltmore Squares neighborhood. The following design elements shall be implemented for the third and fourth stories of the Spa Wing North building if it's façade lies within 75 feet of the north property line (adjacent to Arizona Biltmore Circle) and the Biltmore Squares subdivision. The design guideline shall be as follows:
 - a. *New Design Guideline – Landscape Guideline 1.2.10*
A landscaped buffer will be provided between the Biltmore Squares Subdivision and the north/northwest façade of the building. The buffer will be developed in accordance with Landscape Package D provided on page A-46 of this PUD, as may be modified for canopy tree placement and final design modifications by the Resort, with review by the ABEVA Board of Directors. The ABEVA Board of Directors will determine one of three possible locations for the landscape buffer canopy trees with consideration of south curb placement, street median placement, or north curb placement. In the event that the ABEVA Board of Directors does not provide a specific design choice within thirty (30) days of a request by the Resort to select a final design, only those portions of Landscape Package D that are located upon Resort property shall be required.

Rationale: The privacy of the Biltmore Squares residents must be protected through the use of the landscape buffer described above to restrict direct visual line of sight from Resort guests within a new adjacent hotel room building above the second floor level and the adjacent properties within the Biltmore Squares neighborhood. This design guideline is specifically intended to apply to the planned Spa North building.

11. That Exhibit A-1 of the PUD shall be modified as shown in revised attached Exhibit A-1 (updated 5-12-09) which establishes a “No-Build Zone” in front of the Arizona Biltmore and that a legal description of this new No-Build Zone be provided as Appendix F to Volume II of the PUD.
12. That as a result of the new No-Build Zone as shown on modified Exhibit A-1, the location of the proposed new front “Restaurant” is shifted 50 feet further east and the proposed new front “Conference” building is shifted 40 feet further west (other exhibits in Volume II of the PUD, including Exhibit A-2, A-3 and A-4 will also need to be modified to show the shifted locations of these buildings).
13. That the PUD Volume II narrative shall be modified to provide additional historic preservation protections for the original 1929 Biltmore block “Spa South Cottage.” The additional stipulations shall be as follows:
 - a. Page A-24, add in a new Section 4.e. entitled “Spa South Cottage – Conditions of Demolition” which will state that “It is the intent of this PUD to set conditions affiliated with any demolition of the Spa South Cottage as defined on Exhibit A-1 and as necessary to implement the development of the Spa South Wing as defined by the Arizona Biltmore Resort Master Plan.” This new section will stipulate that:
 - (1) The property owner of the Arizona Biltmore Resort will not request a demolition permit from the City of Phoenix and the City of Phoenix will not approve such a permit until the Development Services Department has authorized Final Site Plan Approval inclusive of the Spa South Wing and has obtained a building permit for the construction for the Spa Wing South building.
 - (2) At least 180 days before demolition of the Spa South Cottage, the property owner of the Arizona Biltmore Resort will explore and provide the Historic Preservation Office with plans for all reasonable preservation options for relocation of the existing Spa South Cottage, including on-site, off-site and options for salvage of the materials in the Spa South Cottage. The Historic Preservation Office shall determine which option is technically and financially feasible and likely to preserve the Spa South Cottage or the materials. The property owner shall

relocate the Spa South Cottage or salvage the materials pursuant to the option chosen by the Historic Preservation Office.

- (3) Prior to any demolition or relocation of the Spa South Cottage, the property owner of the Arizona Biltmore Resort will prepare documentation of the Cottage to meet Historic Preservation Office documentation standards.
14. That on Page A-24, a new Section 4.f. in the PUD Volume II narrative shall be added entitled “No-Build Zone.” This section shall state that “A no-build zone is hereby established as depicted on Exhibit A-1 and as legally defined within Appendix F. The intent of the No-Build Zone is to prohibit the erection of any Structure that would restrict visual access to the south elevation of the Historic Hotel. This provision shall not restrict vehicular circulation improvements, pedestrian circulation improvements, landscape improvements or water features within the no-build zone.”
15. That the PUD Volume II narrative shall add two new “design guidelines to ensure that any future landscape or hardscape changes in the new “No-Build Zone” are compatible with the historic character of the Arizona Biltmore. These include:
 - a. *New Design Guideline - Building Design / Construction Guideline 1.2.9*
All proposed improvements, including but not limited to, changes to driveways, parking, circulation, water features and landscape in the no-build zone as shown on Figure A-1, will maintain visual access to the south elevation of the Historic Hotel by restricting the development of Structures within the no-build zone. The Historic Preservation Office will determine the application of and compliance with this Design Review Guideline. (R*)

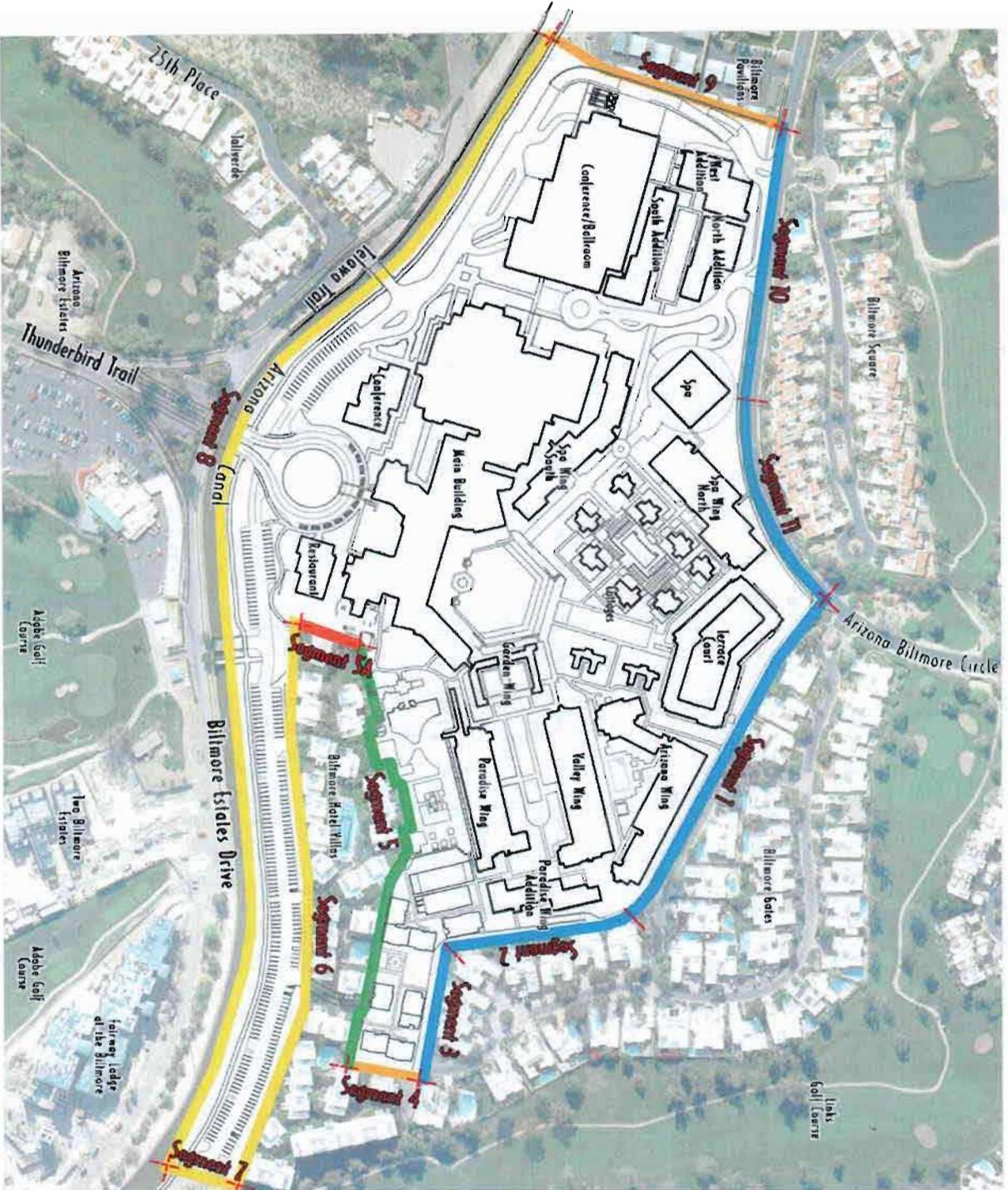
Rationale: To ensure that all changes to visual access to the south elevation of the Historic Hotel is protected for the guest arrival experience as defined from a vantage point located at the intersection of the Arizona Canal and the proposed new bridge crossing.
 - b. *New Design Guideline – Site Development Guideline 4.5.2*
All proposed improvements, including but not limited to, changes to driveways, parking, circulation, water features and landscape in the no-build zone as shown on Figure A-1, should maintain proportional compatibility with the south elevation of the Historic Hotel and the overall historic character of Arizona Biltmore by demonstrating contextual design relationships with the historic design elements, while promoting safe and efficient access and circulation. The Historic Preservation Office will determine the application of and compliance with this Design Review Guideline. (R*)

Rationale: To ensure that all changes to driveways, parking, circulation and landscape in the no-build zone are compatible with the historic character of the Arizona Biltmore.

16. That prior to Preliminary Site Plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.

Attachments:

- A. Updated Historic District Core Map Figure A-1 (1 page)
- B. Updated Building Setback Figure A-2 (1 page)
- C. Updated Building Height Figure A-3 (1page)



Building Subplots

- 0' from established Center line of Canal Right-of-Way Line
- 5' from Property Line
- 10' from Property Line
- 15' from Property Line
- 15' from Property Line
- Setback (Respective Applicable Laws apply)
- For an established right of way line

CITY OF PHOENIX

JUN 05 2009

Planning Department

Source: (A) Urban Design Studio

North

Scale: Not to Scale

Figure **A-2**

Revised: 3.23.09
 Revised: 7.9.09
 Revised: 11.5.09
 Revised: 7.2.08
 Revised: 6.28.08
 Date: 6.20.08
 Project #: 0811

Prepared by: Urban Design Studio, LLC

City of Phoenix

Arizona

EDS&A, A JV

