

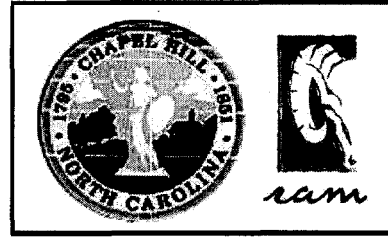
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ATTACHMENT 11

John Florian, VP Development NC
Ram Development Company
516 W. Peace St.
Raleigh, NC 27603

April 2, 2007

Planning Department
Town of Chapel Hill
405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27514



Downtown Economic Development Initiative – Energy Efficient Design Comment #2 Response

Energy efficiency and LEED comments have been addressed in the Development Agreement with the Town as follows:

Article XI LEED Design and Energy Efficiency

The Project shall be designed and constructed to be consistent with the requirements for LEED certification; provided, however, the Developer shall not be required to actually have the Project commissioned or certified. In order to accomplish this objective, the Developer shall provide to the Town documentation from the Developer's design professional (the "Design Professional") and LEED-certified professional that itemizes and scores the systems and improvements to be utilized in the Project, which, in aggregate result in at least 26 LEED points (i.e. the minimum number of points for basic certification).

By way of example, such systems and improvements may include: erosion and sedimentation control, access to alternative transportation, stormwater management, reduction of the heat island effect, water efficient landscaping, innovate wastewater technologies, potable water use reduction systems, zero use of CFC-based refrigerants in the HVAC and refrigeration systems, optimized energy performance systems, a construction waste management program, use of recycled content in building materials, use of regional building materials, use of rapidly renewable materials, use of certified wood, indoor air quality systems that meet or exceed the minimum voluntary standard established by the American Society of Heating, Refrigeration, and Air Conditioning Engineers ("ASHRAE"), carbon dioxide monitoring systems, use of low-emitting materials for adhesives and sealants, use of low-emitting materials for paints and coatings, use of low-emitting materials for floor coverings, use of controllable systems for perimeter spaces, use of thermal comfort systems for temperature and humidity control, daylight and vision glazing, and use of energy modeling in conjunction with the MEP engineering design of the Project.

In addition, the Developer shall provide to the Town documentation from the Design Professional that the Project Heating Ventilation and Air Conditioning System is designed to achieve a twenty percent (20%) improvement in energy efficiency as measured against the standard for energy efficiency currently established by ASHRAE.

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The Design Professional shall submit the required documentation during the plan review process as a condition precedent to the issuance of zoning compliance and building permits. In addition, the Design Professional and the Developer's LEED certified professional shall submit documentation within a reasonable amount of time after Substantial Completion of the Project indicating the LEED referenced systems and the systems to achieve a 20% improvement in energy efficiency have been incorporated into the Project.
