



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Staff Report Z-6-20-2
Optima 15615 PUD
September 22, 2020

Paradise Valley [Village Planning Committee](#) Meeting Date: October 5, 2020

[Planning Commission](#) Hearing Date: November 5, 2020

Request From: [C-2 PCD](#) (1.51 acres)

Request To: [PUD](#) (1.51 acres)

Proposed Use: Planned Unit Development to allow multifamily residential and commercial uses.

Location: Approximately 750 feet north of the northeast corner of 71st Street and Kierland Boulevard

Owner: Phoenix 71st Street, LLC

Applicant: Optima

Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Mixed Use (Commercial/Commerce Park)	
Street Map Classification	71st Street	Collector	35-foot east half street
<p>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES GOAL; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.</p> <p>The proposed Optima 15615 PUD supports increased intensity by proposing multifamily residential that is compatible in scale and intensity with the surrounding Kierland area and properties adjacent to the site. The development is located in a mixed-use corridor where adjacent properties are multifamily or commercial. The project site is also within a designated employment center. The concentration of people near employment uses promotes the sustainability of nearby commercial uses.</p>			

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPAL: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The Optima 15615 PUD proposes landscaping around all four sides of the building and a green roof. A detached sidewalk along 71st Street framed with two landscape strips will provide thermal comfort for pedestrians. The PUD also requires that a minimum of 75 percent of public and private pedestrian pathways be shaded.

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.

The proposed development will provide bicycle parking for both residents and guests. The project also connects to a bike lane along 71st Street and will support tenants who prefer using alternative modes of transportation to get to work or nearby entertainment.

Applicable Plans, Overlays and Initiatives

[Maricopa Association of Governments \(MAG\) Desert Ridge and Kierland Employment Center](#) – See background item No. 5 below.

[Tree and Shade Master Plan](#) – See background item No. 9 below.

[Complete Streets Guiding Principles](#) – See background item No. 10 below.

[Comprehensive Bicycle Master Plan](#) – See background item No. 11 below.

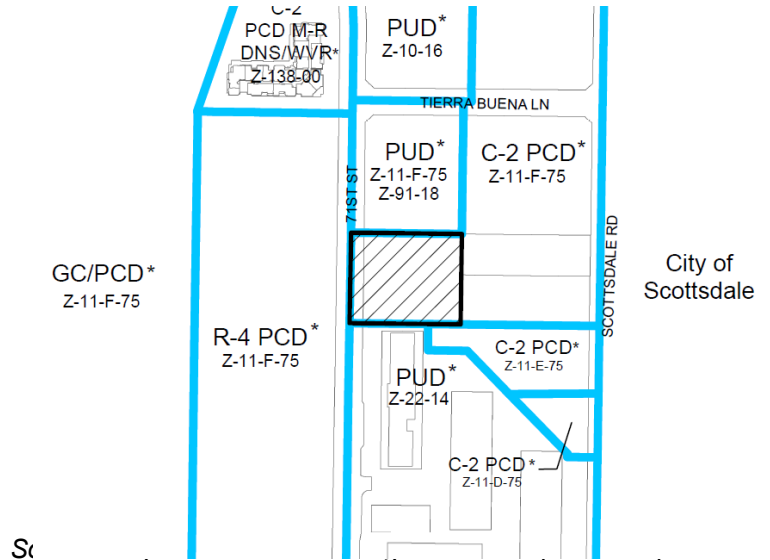
[Reimagine Phoenix Initiative](#) – See background item No. 12 below.

[City of Phoenix Housing Plan](#) – See background item No. 13 below.

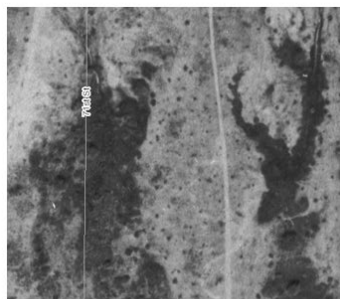
Background/Issues/Analysis

SUBJECT SITE

1. This is a request to rezone a 1.51 acre site located approximately 750 feet north of the northeast corner of 71st Street and Kierland Boulevard from C-2 PCD (Intermediate Commercial, Planned Community District) to PUD (Planned Unit Development) for multifamily residential and commercial. This PUD would permit multifamily residential with a maximum of 170 dwellings units and a maximum building height of 70 feet.



2. The subject site was annexed into the City of Phoenix on October 15, 1961. At that time the site and the surrounding area was undeveloped. This area was planned in 1975 as a Planned Community District (PCD) of 1,082 acres previously known as the Desert Springs PCD and now known as the Kierland PCD through Rezoning Case No. Z-11-75. Subsequently, the Kierland PCD went through several amendments since its original approval and the current C-2 PCD zoning designation on the site was established through Amendment F, Rezoning Case No. Z-11-F-75. The site is currently occupied by a two story office building with surface parking. Maricopa County Historical Aerials indicate that the first property to develop near the site was in approximately 1996 and the site began development in approximately 1998. The PCD Zoning District is intended to establish a development pattern for a larger area while permitting flexibility for specific developments and safeguards that adequate infrastructure needs are met for the area. The request is rezoning out of the Kierland PCD and will be required to provide updated infrastructure as needed and determined through the Planning and Development Department's site development process.



1976



1996

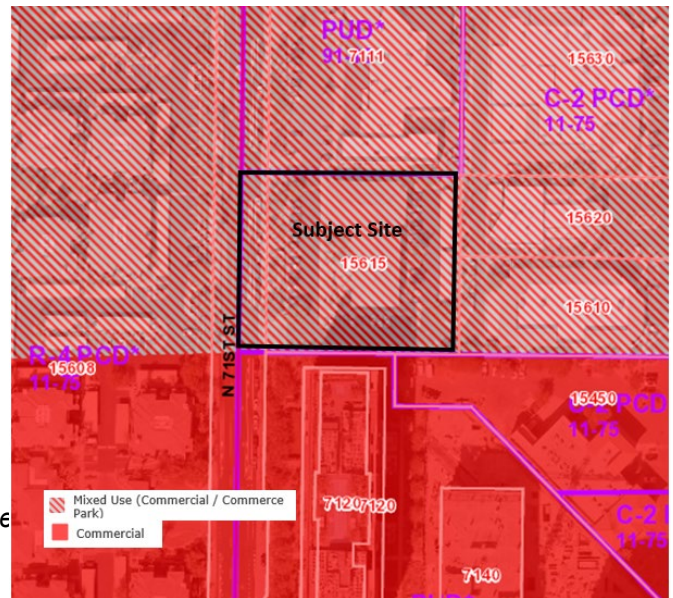


2018

Source: Maricopa County Historic Aerials

3. The General Plan Land Use Map designation within the site is Mixed Use (Commercial/Commerce Park). The proposed zoning district supports multifamily residential and commercial uses.

The General Plan Land Use Map designation surrounding the site is also Mixed Use (Commercial/Commerce Park) to the east, north and west. The General Plan Land Use Map designation to the south is Commercial.



Source: City of Phoenix

4. The subject site is located within the larger Kierland area, fronting on 71st Street and within a corridor that contains commercial, mixed use and commerce park uses. Additionally, the site is primarily surrounded by multifamily and commercial uses and is near the Kierland Commons mixed use outdoor shopping center with restaurants and retail. The site is also near the Westin Kierland Resort & Spa, golf course, offices and commerce park uses.

The site is adjacent to other developments that exceed 30-feet in height such as Embrey Kierland (70 feet), SGA Corporate Center (75 feet), LMC Kierland (70 feet), and The



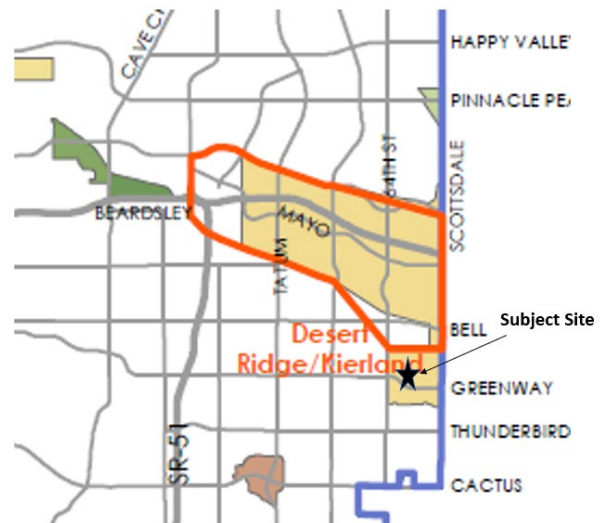
Source: City of Phoenix Planning and Development Department

Landmark Condominiums (62 feet). Overall, the Kierland area has seen substantial interest in redevelopment including the Kierland Optima, a multifamily and commercial development approved in 2014 through (Rezoning Case No. Z-22-14) with a permitted maximum building height of 120 feet and a maximum of 796 dwelling units that is directly to the south of the subject site.

DESERT RIDGE AND KIERLAND MAJOR EMPLOYMENT CENTER

5. The subject site falls within the boundaries of the Maricopa Association of Governments designated Desert Ridge/Kierland Major Employment Center and is adjacent to a City of Phoenix designated employment center.

A mix of housing types is encouraged in areas near employment centers and commercial corridors. The Desert Ridge/Kierland Major Employment Center profile provided by the Community and Economic Development Department identifies that the Kierland area is comprised of a highly educated, executive and professional workforce with a large inventory of Class A office space. Providing additional housing options in close proximity to the nearby workforce will add to the sustainability of established office space and commercial uses built around the Desert Ridge/Kierland Major Employment Center.



Source: City of Phoenix Planning and Development Department

SURROUNDING ZONING AND USES

6. North

The property to the north of the subject site is a proposed multifamily development zoned PUD (Planned Unit Development) through Rezoning Case No. Z-91-18-2.

South

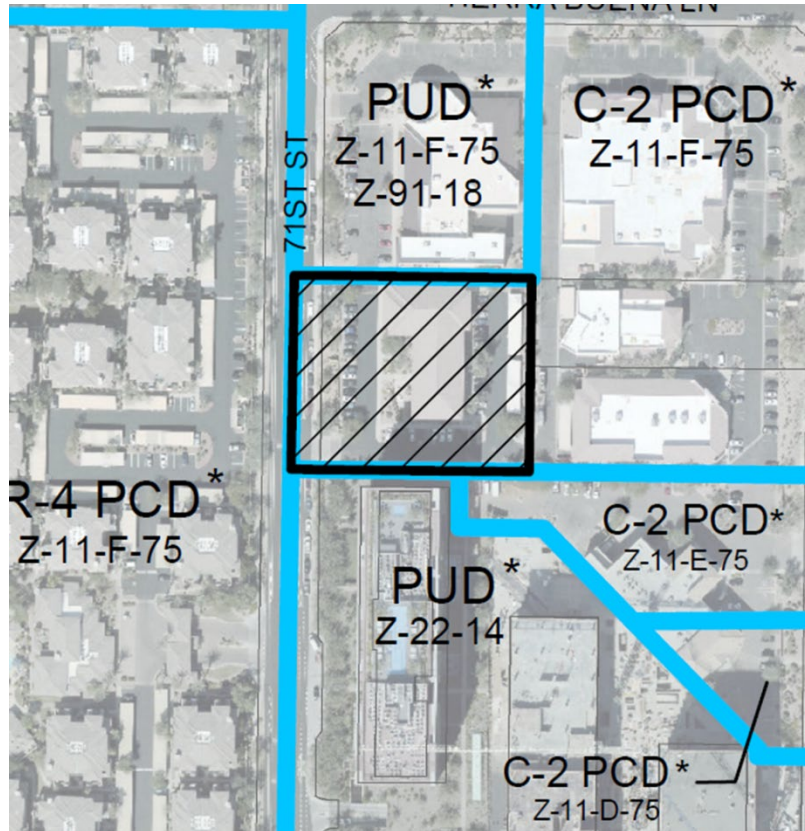
Directly south of the subject site is a multifamily development, Optima Kierland Center Phase 1, zoned PUD (Planned Unit Development) through Rezoning Case No. Z-22-14-2 and C-2 PCD (Intermediate Commercial, Planned Community District), pending PUD (Planned Unit Development).

East

Directly to the east of the subject site are commercial retail stores zoned C-2, PCD (Intermediate Commercial, Planned Community District).

West

Directly to the west of the site, across 71st Street, is a multifamily development zoned R-4 PCD.



Source: City of Phoenix Planning and Development Department

PROPOSAL

7. The proposal was developed utilizing the PUD zoning designation. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant writes a document proposing standards and guidelines that are tailored to the context of a site on a case by case basis.

Where the Optima 15615 PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

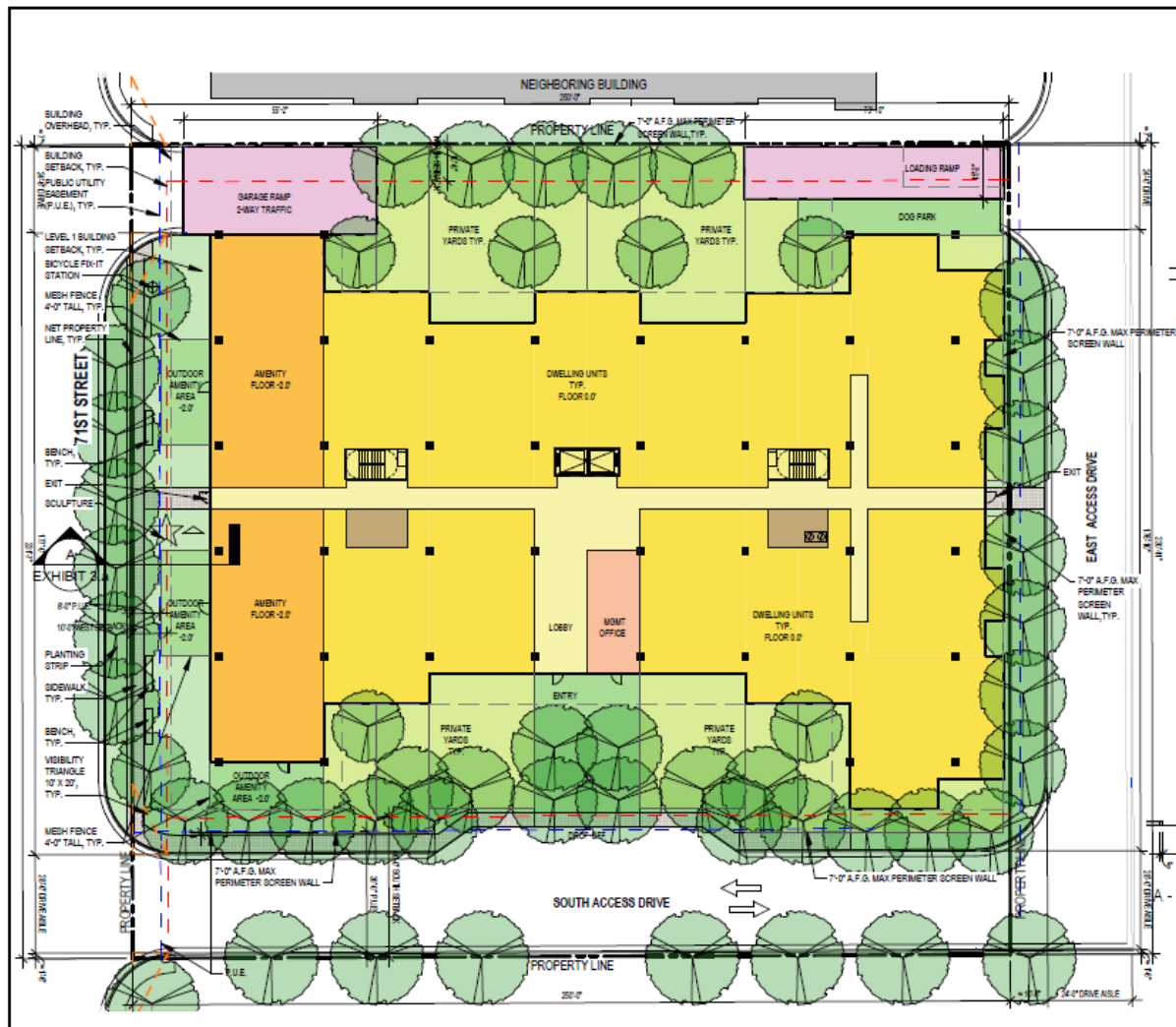
8. Below is a summary of the proposed standards for the subject site as described in the PUD Development Narrative date stamped August 20, 2020. The proposed standards were designed to allow for a multifamily residential development that continues enhancement along 71st Street for a more pedestrian and bike-friendly environment.

List of Uses

The Development Narrative proposes a number of permitted uses. The proposed uses consist of the permitted C-2 zoning uses found in Section 623 of the Phoenix Zoning Ordinance, with some prohibited uses. Additionally, multifamily residential is permitted with a maximum of 170 residential dwelling units.

Conceptual Site Plan

The development's main access point is along 71st Street. The architecture and landscape support the strong pedestrian connection to Kierland Commons along the east side of 71st Street by including shade, a bike fix it station, lush vegetation and hardscape. Along 71st Street the building will pull back to widen the landscape area at the ground level. The frontage will be activated by the development's interior amenity spaces, as well as by two outdoor amenity areas. The grade level also features a dog park amenity at the northeast corner of the site. The main lobby is located on the south side of the building, facing the existing private access drive. This location, along with the queuing space provided, will provide a place for rideshare services and smaller delivery vehicles on the site, keeping them off of 71st Street. All formal loading activities including trash, delivery, and move-ins will occur at the loading area located at the northeast corner of the site.



Source: Optima

Development Standards

The table below provides the primary development standards within the Optima 15615 PUD Narrative:

Development Standard Table:

a. Maximum Residential Unit Count:	Maximum Dwellings Maximum Density	170 dwelling units 113 dwelling units per gross acre
b. Minimum Lot Width/Depth		No Minimum
c. Minimum Building Setbacks		From Property Line
	North (Internal Property Line)	10 feet 6 inches
	West (71st Street)	10 feet
	South (Internal Property Line)	40 feet
	East (Interior Property Line)	0 feet
d. Minimum Landscape Setbacks		
	North (Internal Property Line)	0 feet
	West (71st Street)	10 feet
	South (Internal Property Line)	36 feet
	East (Interior Property Line)	0 feet
Exceptions: North Setback limited to the following: (i) garage ramps and their covers.		
e. Maximum Building Height		70 Feet
f. Maximum Lot Coverage		65 percent of Total Net Site Area
g. Open Space		20 percent of net area

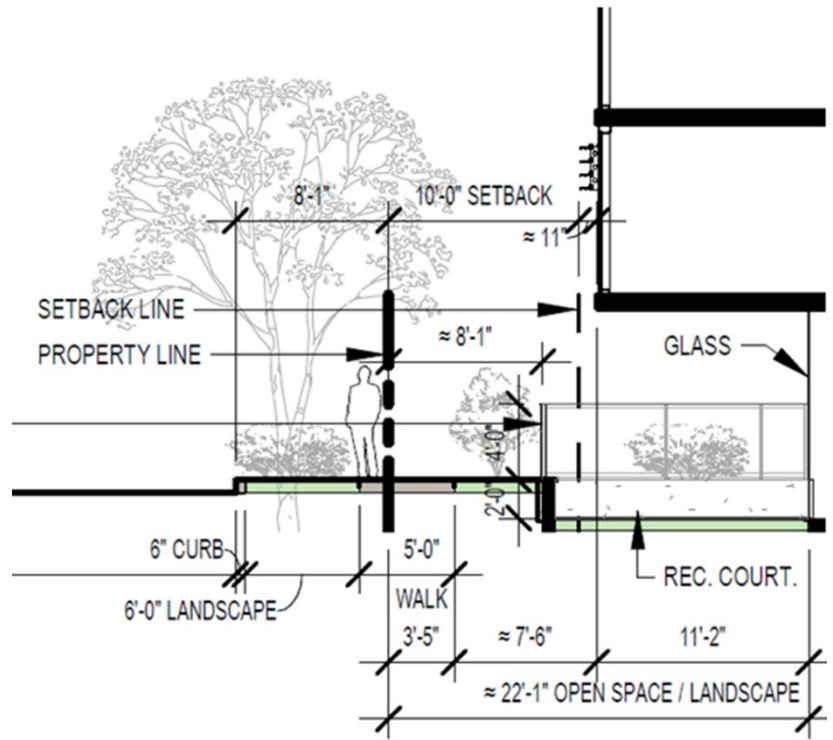
Landscape Standards

The PUD proposes landscaping along all four sides of the building with a minimum planting size of 4-inch caliper trees along the 71st Street frontage and perimeter property lines. The landscape setbacks will also include shrubs at a minimum of five five-gallon in size per tree and 75 percent living ground cover.

As stipulated, the streetscape along 71st Street will include a minimum 5-foot wide detached sidewalk and a minimum 6-foot landscape strip located between the sidewalk and back of curb and a minimum seven-foot, average eighteen-foot landscape strip located between the back of sidewalk and the building.

The view fence along 71st Street shall be limited to 4 feet in height. The second-floor cantilevers over this landscape area by eleven feet. therefore, the eleven-foot area under the cantilever cannot be counted toward the landscape setback area. A stipulation has been added to remove footnote

number 7 on page 9 of the development narrative. However, the landscaping will provide for a pedestrian friendly environment with a dense canopy to provide 75 percent shade at maturity along the sidewalk.



Source: Optima



Source: Optima

PUD Compatibility to Zoning Ordinance

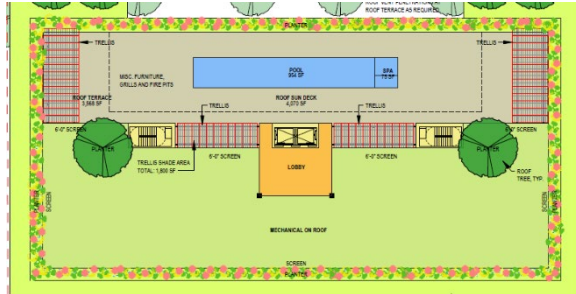
The PUD proposes building setbacks that are comparable or greater than what is permitted in Section 615 (R-3 Zoning District) of the City of Phoenix Zoning Ordinance. The R-3 Multifamily Residence District is the comparable zoning district. The southern building setback is 40-foot minimum compared to a 3-foot minimum required by R-3 standards. The western side of the building will include an enhanced frontage with detached sidewalks to provide shade at 75 percent of the frontage along 71st Street to increase pedestrian comfort and activity. The open space standards are greater, requiring a minimum of 20 percent net compared to 5 percent gross which is typically required for multifamily residential development. The PUD landscape setback proposed along the 71st Street frontage is comparable to the minimum requirement of the Phoenix Zoning Ordinance. However, minimum 4-inch caliper trees shall be planted on-site. Trees in the landscape strip along 71st Street shall be planted 20 feet on center or in equivalent groupings and be a minimum of 4-inch caliper. Five five-gallon shrubs shall be planted per tree.

Parking Standards

The development of the site shall, at a minimum, comply with Section 702 of the Phoenix Zoning Ordinance. One loading bay is required and shall be located within the building. The PUD proposes 0.25 bicycle parking spaces per dwelling unit and guest parking shall comply with Section 1307.H. of the City of Phoenix Zoning Ordinance.

Amenities

The PUD proposes amenities for the multifamily residential use that includes a fitness center, a dog park, roof deck pool and spa, and at least three other rooftop amenities.



Source: Optima

Shade

The proposed shade standards require that a minimum of 75 percent of shade cover be provided at maturity over public and private sidewalks. As stipulated, a minimum of 50 percent shade shall cover the roof top amenity courtyard area. Usable public space shall incorporate shading through the use of architectural or vegetative shade as outlined on Section 507 Tab A of the City of Phoenix Zoning Ordinance.

Lighting Plan

All lighting will be consistent with the standards of Section 704 of the Phoenix Zoning Ordinance Section 507.Tab A. II.A.8. of the City of Phoenix Zoning Ordinance and Section 23-100 of the City Code.

Design Guidelines and Standards

The site is located within the Kierland Master Association and therefore all development on the site is subject to the review and approval of the Kierland Master Association Design Review Committee design guidelines, in addition to the City's standards.

The final elevations and building plans submitted to the City shall include evidence of the enhanced provisions outlined on pages 13 through 20 of the development narrative which include the following:

- Exterior materials
- Color palette
- Private terraces
- Ground level units
- Screen walls
- Mechanical equipment
- Sidewalk treatment

Signage

Signage shall comply with Section 705 of the Zoning Ordinance, the existing Kierland Comprehensive Sign Plan and any amendments thereto. If developed with commercial uses, signage standards must comply with the commercial standards of the City of Phoenix Sign Ordinance.

Sustainability

The Optima 15615 PUD Narrative proposes several options to incorporate sustainability principals including recycling services, energy efficient constructions methods, reduced water use plumbing fixtures, vegetative courtyards, terraces and roofs, and bicycle parking among other features.

Phasing

The project will be constructed in one phase.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

9. **Tree and Shade Master Plan**

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. In addition, a vision in the master plan is to raise awareness by leading by example. The proposal includes landscaped pedestrian walking paths and green roofs. In addition, the proposal requires that 75 percent of shade cover at maturity be provided over all public and private pedestrian pathways.

10. **Complete Streets Guiding Principles**

In 2014, the Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, and connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The proposal includes an enhanced pedestrian environment along 71st Street with robust landscaping that will provide vegetative shade and thermal confront for pedestrians.

11. **Comprehensive Bicycle Master Plan**

The Comprehensive Bicycle Master Plan also supports options for both short-and long-term. Bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The proposal requires bicycle parking spaces be provided on the site for tenants and visitors as well as a bike fix it station along the 71st Street frontage for public use as recommended by stipulation No. 1.k.

12. **Reimagine Phoenix**

As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinances establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The provision of recycling is addressed in the PUD noting that

recycling receptacles and chutes will be provided in the refuse room and recycling services will be provided for tenants.

13. **City of Phoenix Housing Plan**

The goal of the City of Phoenix Housing Plan is to create or preserve 50,000 homes by 2030, and increase overall supply of market, workforce, and affordable housing. Phoenix is the 5th largest city in the country and continues to grow. New residents are drawn to Phoenix by our strong economy, relatively low cost of living, high quality of life, economic opportunity, and cultural attractions. Although Phoenix has experienced consistent population growth, the housing market has not grown at the same rate. An Up for Growth study found that between 2000 and 2015 Arizona underproduced 505,134 housing units. This underproduction has caused a housing shortage in Phoenix. The proposal will help to meet the goals of the housing plan by reducing the gap between housing units and number of people moving to the region.

COMMUNITY INPUT

14. Staff has received one letter of support and 16 letters of opposition at the time this staff report was written. Copies of the correspondence is attached to this report. Community concerns are as follows:

- Compromised view corridors
- Density
- Traffic
- Proximity of proposed building to existing Optima buildings
- COVID
- Traffic

INTERDEPARTMENTAL COMMENTS

15. The Street Transportation Department has proposed stipulations requiring that all streets within and adjacent to the development, shall be constructed with all mandatory elements. All improvements shall meet ADA requirements. No preliminary approval of plans shall be granted until a Traffic Impact Study/Statement is reviewed and approved by the City. These are addressed in Stipulation Nos. 2 and 3.
16. The Aviation Department has noted that the developer shall record notice to prospective purchasers the existence and operation characteristics of the Scottsdale Airport and shall provide documentation that Form 7460-1 has been filed with the FAA. This requirement is addressed in Stipulation Nos. 4 and 5.
17. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.

18. The City of Phoenix Floodplain Management division has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1320 L of the Flood Insurance Rate Maps (FIRM) dated June 14, 2019.
19. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development. However, there is potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.
20. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials. This is addressed in Stipulation No. 6.

OTHER

21. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonment may be required.

Findings

1. The proposed development is in conformance with several General Plan goals and policies that will result in more housing choices within an employment center which will help to support the nearby employment centers.
2. The proposed development is compatible with the existing land use pattern in the area and is designed to enhance a walkable environment along 71st Street where there are other multifamily developments nearby and bike lanes to encourage an active frontage.
3. The development will provide increased shade which will help to reduce the urban heat island effect.

Stipulations

1. An updated Development Narrative for the Optima 15615 PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped August 20, 2020, as modified by the following stipulations:
 - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:
 - 1st Submittal: January 24, 2020
 - 2nd Submittal: June 15, 2020
 - Hearing Draft: August 20, 2020
 - City Council adopted: TBD

- b. Page 9, Update Development Standards table to remove Tierra Buena Lane from the north building and landscape setback and change the west landscape setback from 20 feet to 10 feet.
 - c. Page 9, Remove footnote 7.
 - d. Page 10, Add the word “the” in the second sentence from the top of the development narrative.
 - e. Page 10, Add landscape setbacks to landscape standards table of the development narrative.
 - f. Page 12, Section D4: Fence and Walls, add “along 71st Street” in the second sentence related to 4-foot high fencing.
 - g. Page 12, Section D5: The roof top amenity area shall be shaded by 50 percent.
 - h. Page 24, Update west landscape setbacks in comparative zoning standards table.
 - i. Page 16, The landscape strip between the back of curb and sidewalk along the 71st Street frontage shall be a minimum of 6 feet. Add to Landscape Design Guidelines.
 - j. Page 16, The sidewalk along the 71st Street frontage shall be a minimum of 5 feet. Add to Landscape Design Guidelines.
 - k. Page 19, Sections E3, Add the bike fix it station to the Amenities Section.
2. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
 3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.
 4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
 5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a “No Hazard Determination” from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be

submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date.

6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

Writer

David Simmons

September 22, 2020

Team Leader

Samantha Keating

Exhibits

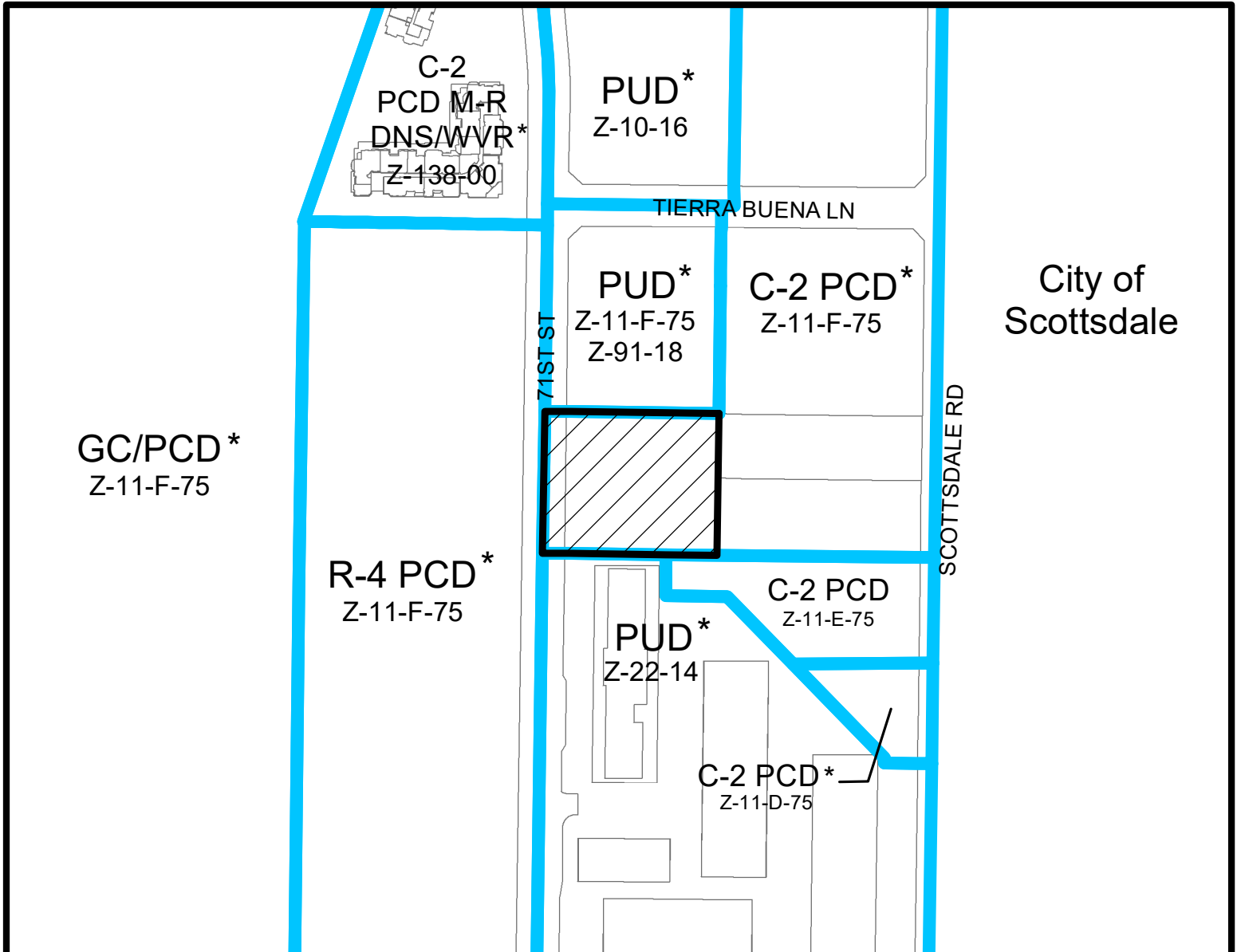
Zoning Sketch Map

Zoning Sketch Aerial Map

Community Correspondence (47 pages)

[Optima 15615 PUD](#) Development Narrative date stamped August 20, 2020

<https://www.phoenix.gov/pdd/pz/pzservices/pud-cases>



Miles

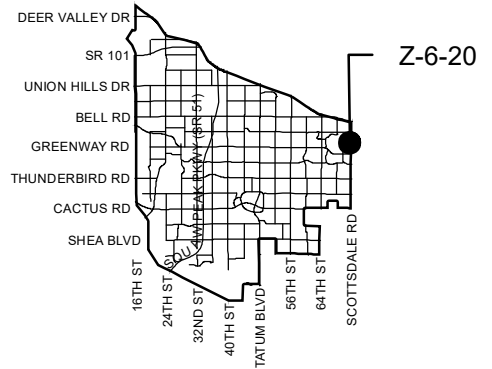
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PARADISE VALLEY VILLAGE

CITY COUNCIL DISTRICT: 2

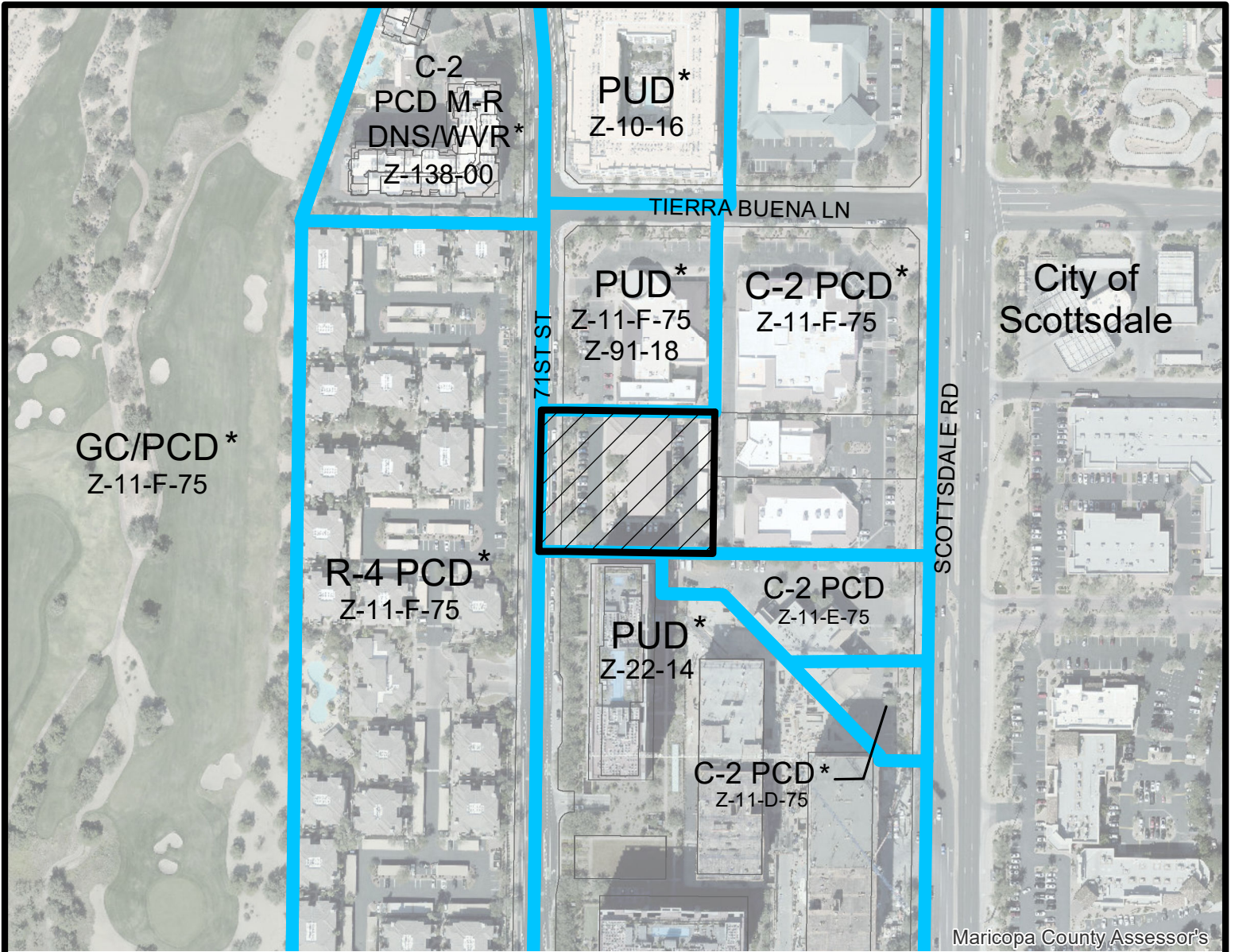


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

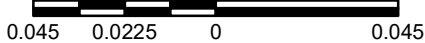


APPLICANT'S NAME: Optima		REQUESTED CHANGE:	
APPLICATION NO. Z-6-20		FROM: C-2 PCD (1.51 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 1.51 Acres		<small>DATE:</small> 7/20/2020 <small>REVISION DATES:</small>	
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 35-44		<small>ZONING MAP</small> L-12	
MULTIPLES PERMITTED		* UNITS P.R.D. OPTION	
C-2 PCD		26	
PUD		182	
CONVENTIONAL OPTION			
22			
182			
TO: PUD (1.51 a.c.)			

* Maximum Units Allowed with P.R.D. Bonus



Miles

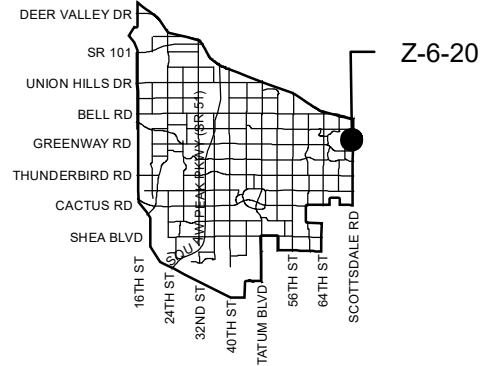


PARADISE VALLEY VILLAGE

CITY COUNCIL DISTRICT: 2



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: **Optima**

APPLICATION NO. **Z-6-20**

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

1.51 Acres

DATE: **7/20/2020**
REVISION DATES:

AERIAL PHOTO & QUARTER SEC. NO.
QS 35-44

ZONING MAP
L-12

REQUESTED CHANGE:

FROM: **C-2 PCD (1.51 a.c.)**

TO: **PUD (1.51 a.c.)**

MULTIPLES PERMITTED

C-2 PCD

PUD

CONVENTIONAL OPTION

22

182

*** UNITS P.R.D. OPTION**

26

182

* Maximum Units Allowed with P.R.D. Bonus

NELSEN PARTNERS, INC.
Austin | Scottsdale

June 1, 2020

—
15210 North Scottsdale Road
Suite 300
Scottsdale, Arizona 85254
480.949.6800

Mr. David Simmons
City of Phoenix Planning & Development Department
200 West Washington Street
Phoenix, Arizona 85003

Principals

Brad J. Nelsen, AIA, RAIA
Philip J. Crisara, AIA
George A. Melara, AIA
Erston Senger, AIA

RE: **Z-61-19-2**
Embray Kierland PUD

Directors

Helen Bowling, AIA
Jeff Brand, AIA
J. Scott Chasteen
Scott DeMont, AIA
Michael Martin, AIA
Stephen L. Oliva, AIA

Associates

Stephen Hunt, AIA
Tony Marco, AIA
Randy McManus
Janet Quan
Bob Newell, AIA

Dear, Paradise Valley Village Planning Committee Members;

I am writing to express my concerns for the Embray Kierland PUD project. I am the architect and designer for Kierland Commons and Scottsdale Quarter. I have been a tenant at Kierland Commons for the past 19 years and live within 2 miles of the site area. I also assist the KMA in doing architectural reviews for projects within the Kierland Master Association. I therefore speak with some knowledge of the area and its history and significance. In addition, we have done several master plan studies for the Cracker Jax site across the street in Scottsdale. My comments expressed are as a design professional that has worked very hard over several years to create a vibrant pedestrian friendly environment that contributes to the quality of living in the valley. Kierland and Scottsdale Quarter have become a major urban core and regional draw for the area, and have garnered a great reputation nationally. I know that much of this area and the airport will continue to see more re-development. My concerns are not with development, or height. My concern is that this project creates a new precedent that is not consistent with the Kierland Master plan. The following items are important issues that I would recommend that this Planning body seriously review as you consider this case. It would be my recommendation that the ownership go back to the drawing board and provide a project that elevates the area and contributes to the Kierland experience.

1. **Land use issue-** This site needs to remain as a mix use development. Scottsdale Road is a major Arterial and to not have commercial uses on the ground floor is a terrible mistake. I have no problem with residential as an added use, but the site must have commercial use on the ground floor. Townhomes along Scottsdale Road is not a consistent or appropriate use. I would recommend that a stipulation be developed to address this issue or have the applicant revisit the ground floor area.
2. **Planning Issue-**The success of Kierland & Scottsdale Quarter is based on planning principles that emphasize the pedestrian experience and connectivity and having multiple uses within buildings and not just segregated uses. Broad sidewalks for bicycles and café's to spill out and the building to have a setting with adequately proportioned streetscapes are important. Recommend increasing landscape areas and sidewalks along private drives and access ways.
3. **The Context-**The Cracker Jax site across the street will be developed in Scottsdale with up to 136' mix use buildings, office, hotel, residential with a minimum of 30' setbacks from Scottsdale Road, a min. of 25% open space with commercial uses on the ground floor with a minimum of 15' sidewalks. This project by comparison will set the bar pretty low.
4. **Coverage Issue-** open space is critically important, allowing the building to breathe and be set back from the street to allow for enhanced pedestrian and

landscape is critically important. The sidewalk on the North side appears to be maybe 6' where the 3 parking spaces are located; this is totally inadequate, especially with today's social distancing awareness. The site plan does not contribute to the quality of the area; it maximizes every square inch and gives nothing in return to the community. There are no appropriate setbacks from Scottsdale Road, no significant open space or landscape concept expressed in the design. We need to ask what this development contributes to the built environment. The potential for this site could be great, but more open space is needed, therefore the density per acre should be adjusted to allow for this to take place or increase the height in certain areas as a trade-off.

5. **The Design Guidelines** are very generic, they set the bar pretty low, for Public Amenities they have at least 2 of the following: "bench seating, public art, dog waste station and decorative landscape containers." I would hope that in this area we could do better than that. All of those should be required at a minimum and more should be expected. This has become a highly desirable area to live in with all the shopping and restaurant and open space amenities around. The quality of materials should be increased and the focus should be on an architectural concept and not just trying to break up the façade by changing materials, this is a prescription for mundane uninspired design.

The redevelopment of the area is inevitable and necessary; the question for the Paradise Valley Village Planning Committee is about the quality and appropriateness of the developments, what do they contribute to the community. We need to expect and demand more, there are tradeoffs with height for more quality open space, or more inspired architectural expressions that enhance the way we live and connect in Kierland. This project needs to revisit some ideas of setbacks, open space, appropriate commercial ground floor uses with the attention to pedestrian connectivity and enhancing the living experience at Kierland. Thank you for your consideration.

Sincerely,
Nelsen Partners, Inc.



George A. Melara, AIA
Vice President / Managing Director

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

Delivered – Via Email

February 24, 2020

David Simmons, David.simmons@phoenix.gov
Paradise Valley Staff Planner & Committee
Paradise Valley VPC, ParadiseValleyVPC@phoenix.gov
City of Phoenix Planning and Zoning Department

Re: Application of Z-?
DCH 15615 N. 71st Street

Dear Paradise Valley Council,

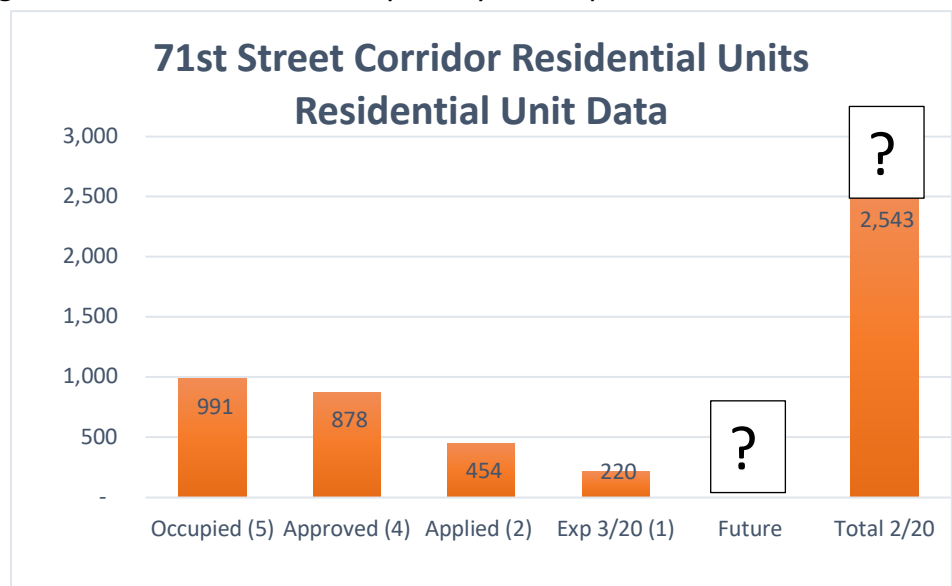
I am a homeowner at 7120 Kierland Blvd. I am not supportive of recently submitted DCH 15615 application for a 7-story residential building. This will be the 10th application for this area since 2014 and the increase in residential units and their impact has been approved individually, rather than collectively. We need to understand the collective impact of so many new residential units on the vehicular traffic, local infrastructure, and character of the neighbor.

Rather than approve these individual projects simply on their own merit, the PV Planning Council should review the 71st corridor applications as a defined area and make sure this it is not 'over-approving'. Without contextual clarity, every developer maximizes their unit

numbers to existing maximums. This will ultimately reduce open space, impact infrastructure, the and, importantly, increase traffic flow above and beyond what 71st Street (a Connector Street) can hold.

There are currently

5 occupied multi-storied communities in the N 71st Street area bordered by N Kierland Blvd, Scottsdale Road, the Westin Golf Club and Paradise Lane (the defined corridor). Within this



Heidi Brake Smith
 7120 E Kierland Blvd, Unit 708
 Scottsdale, AZ 85254
 203-253-4944

area, the projected increase of 7 new development applications (approved plus applied for plus expected next month) will more than double the number of residential units. A few parcels remain and we should expect them to follow shortly.

In the summary table, I highlight the dramatic change in residential units, starting with the 'base', the five buildings that are fully functional. A more detailed analysis with references, built date, and parking data from P&Z application is available upon request. All data has been sourced by through filed applications. This letter specifically focuses on the increase in **housing units** on 71st Street between Kierland Blvd and Paradise Lane. Since parking is tied to units in this area, we have not shown parking spaces in this letter.

Summary of Existing Residential Units, Construction and Applications

	Comm Bldg.	Occupied	Approved	Applied For	Exp 3/20 **	Total
Occupied	5	991				991
Approved & In Construction	2		356			356
Approved	2		519			519
Applied for	2			454		454
Expected	1				220	220
Base/Added Units		991	875	454	220	2,540
Cumulative Total			1,865	2,320	2,540	

** - Optima Tower Community expected to be filed in March 2020. NOTES: Data was collected from City of Phoenix Applications aka the Z-xx-xx files (9) and Assessment or Real Estate Data Files (2). Any changes in units from application to final buildout is not included in this table.

We already observe the daily stress of increased housing, construction, more vehicles, more support vehicles, etc. translate into needs for water, sewer, street maintenance, on-site and street parking and most importantly vehicular traffic.

Traffic patterns, necessitated by the desire to prioritize egress off of Scottsdale Road, will even multiply the traffic impact more. To date, it appears all applications have deferred egress to 71st, Paradise Lane, Tierra Buena and the alley ways, in an effort to keep traffic

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7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
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flow steady on Scottsdale Road. Added into the equation is the fact that 71st is currently utilized as a cut-through street in both directions to avoid the Scottsdale/Kierland traffic light. Seventy First Street was not designed to carry the transportation of over 2,500 resident units plus traffic diverted from Scottsdale.

I am acutely aware of the various proposals moving through the approval process. I have opined on various proposals over the past two years. The health of Kierland will be contingent on managing the density, open space, and level of light around these buildings. Traffic through this street will determine livability, and ultimately community value.

Before the Paradise Valley Board approves this application and similar ones in the defined area, the Council should understand the unintentional consequences that the applications before you make. I suggest that a moratorium be enacted immediately to review these issues thoughtfully and thoroughly, with community input.

In just a few years, the 71st Street corridor has been redeveloped into a residential community; the vision prioritizing residential and creating a vibrant community has materialized into a community with close with close to 1,000 units. Success like this encourages more redevelopment. Now, the Phoenix Planning Commission and the Paradise Valley Council needs to be mindful of eagerness to over build along 71st Street.

We encourage you to review, analyze and approve applications in a holistic approach, with a Master Plan for the street. Set a cap on residential units, lower building heights to keep light channels, understand vehicular flows, egresses and open space. Take the time to understand all the impacts this rapid increase in residential is putting on the 71st corridor and those who choose to live there.

Sincerely,

Heidi Brake Smith

Heidi Brake Smith

Owner – 7120 Kierland, Unit 708

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

Delivered – Via Email

May 31, 2020

David Simmons, David.simmons@phoenix.gov
Paradise Valley Staff Planner & Committee
Paradise Valley VPC, ParadiseValleyVPC@phoenix.gov
City of Phoenix Planning and Zoning Department

Re: Application – Z-6-20
DCH 15615 N. 71st Street

Dear Paradise Valley Council,

Application – Z-6-20 will be the 10th application for the N. 71st area since 2014 and will be presenting on Monday, June 1.

I first wrote to the Planning Council in a letter dated March 17th, 2020. The letter focused on increase in residential units and their impact with no apparent master plan in place. Before approving any more construction, the council needs to understand the collective impact of new residential units on vehicular traffic, local infrastructure, health and safety of residents' post-pandemic, and the character of the neighborhood.

My letter today focuses on the massing of two projects adjacent to our home at 7120 E. **(See drawing on page 4.)** Kierland Blvd and the combined impact on views and corridor views. I have prepared a site plan that combine the existing Optima parcel (4 residential buildings) with the site plans from two applications/upcoming applications: (1) DCH Optima (Appl A-6-20) parcel and (2) anticipated Optima filing for the 7190 lot. Optima has presented these 2 new parcels separately in order to camouflage the significant combined impact they will have if/when both are completed as currently drawn.

Since I live on the 7th floor of 7120, I will discuss the impact on my specific building from our unit. Every unit below me will be impacted similarly. Those units above will also be impacted depending their intersection with the building's 70.5' planned height.

The unique views are the main selling points of the 7120 north facing units (north and west or north and east). They were popular and there was a premium on them. With these new

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

buildings, *the only views left will be a very narrow 'view corridor' to the northeast. The northern and eastern units will effectively become interior units.* This is accomplished in the two applications/proposals before/coming you:

1. The application Z-6-20 will remove the entire northern view below the 8 floor Optima building. The width of the building of approximately 160 ft will be almost 2x times the 80 ft of 7120's northern side. The setbacks of the application of 10' to the east and west create a massive footprint. The existing alley ways are the only buffer. (Bldg. Stack 7, 8)
2. The proposed application of 7190 N Kierland will remove all eastern views of the McDowells. The L-shape design narrows the northeast view and closes the eastern view. (Bldg. Stack 5, 6, 7)

When we purchased our unit in 2017, Optima presented a clear layout of 4 buildings (7120, 7140, 7160, and 7180). Now, however, Optima is proposing additional development that will significantly infringe on us.

In 2019, the council wisely voted against DMB's plan to build a high rise that would block view corridors and snarl traffic. Ironically, the 7190 plan is very similar to the DMB plan that was before the planning commission in the past. The difference is in the architecture and material, but the massing is the same. And in the meantime, the developer has purchased the 15615 site. They are now replacing the 2-story commercial office with a 7-story residential building.

We now find ourselves listening to an Optima development team applying for two parcels separately. The impact is a one, two punch. The application before you now, affects the northern exposures. After that approval has been granted, they will apply for 7190 and take out the eastern views. The total effect is worse.

Optima provides separate site plans in their application but never connects them to one another. (I created the combined site plan drawing, not the applicant.) Optima emphasized in a public presentation that their plans protect and will even increase the value of our investment, but I strongly disagree. We have lost the single most important reason to own this unit – the views. This holds true for every owner in Stack 05, 06, 07, 08 below Floor 10.

Before approving any new applications in the defined N. 71st St area, the Paradise Valley PVC Board must review site plans, elevations, and importantly, **view corridors** from the buildings' base to the top.

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

Lastly, as I write this letter in my Covid-19 self-isolation, I believe the Board must consider the **health risks** to all Kierland residents of increased apartment density, especially in light of the death tolls in major cities worldwide. My comments on density in my March 17, 2020 letter are more relevant than ever.

I ask you to please review, analyze and approve applications in a holistic approach with a Master Plan in mind. By mandating lower building heights, we can protect light and view corridors. By mandating lower density, we can maintain a safe and healthy neighborhood.

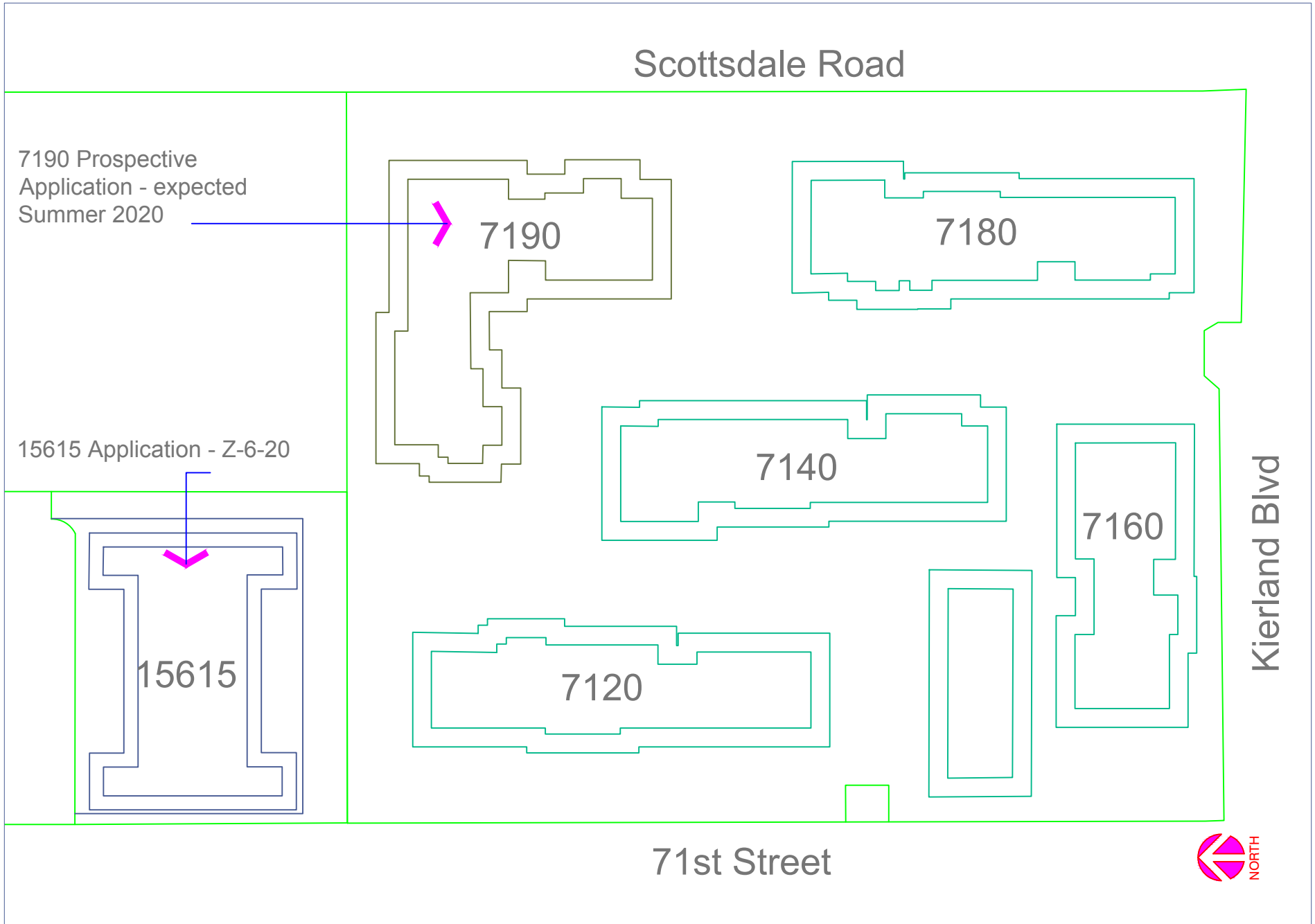
Sincerely,

Heidi Brake Smith

Heidi Brake Smith

Owner – 7120 Kierland, Unit 708

Current Optima Kierland Bldgs shown with new applications



Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

Delivered – Via Email

July 28, 2020

David Simmons, David.simmons@phoenix.gov
Paradise Valley Staff Planner
Paradise Valley VPC, ParadiseValleyVPC@phoenix.gov
City of Phoenix Planning and Zoning Department

Re: Request for Massing Model
Application – Z-33-20-2, 15450 (aka La Maison Interiors)
Application – Z-6-20, 15615

Dear Paradise Valley Council,

Application – Z-33-20-2 will be the 11th application for the N. 71st area since 2014. The applicant recently held a public meeting on July 22nd.

In my past letters, I asked you to review, analyze and approve applications in a holistic approach – in particular, these two adjacent proposals. Sadly, no Master Plan for N 71st was created. Today, the City of Phoenix Planning Department and the PV Village Planning Committee reviews application after application within Kierland without context.

There is an acute necessity to understand **massing** and **open space** in context with one another for the two applications before you now. The size and the mass of the buildings (existing and new) creates what I will call the ***Canyons of Kierland***. Elevations in 2D and site plans prepared by the applicant do not capture the relationships between these buildings.

The Phoenix Planning & Zoning Department should at a minimum require a 3D massing model for these applications and their adjacencies (Optima 7120, 7140, 7160, 7180). A massing model would

1. illustrate the distances in 3D between the existing and proposed buildings that the applicant was referring to in the July 22 public presentation. The impact cannot easily be understood in 2D.
2. highlight the heights of each building in relation to one another and the recent changes in height the applicant was referring to as shown in elevation.

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

3. highlight the relative distances of all Optima buildings as they rise from a smaller footprint and the setbacks. The base level site plan is disingenuous.
4. illustrate the grade changes that the developer refers to in the presentations between 7120 and the 15615 building and the impact on overall height
5. illustrate the distance between the southeast corner of the 15615 to the northwest corner of 7190
6. illustrate the expansive southern wall of 15615 to the northern wall of 7120
7. illustrate the difference in setbacks along 71st (east side of the street) between Kierland Blvd to Tierra Buena.

The massing model would highlight what elevations, site plans, and open space calculations do not; that the proximity of all these building (existing and 2 applications) is simply creating a canyon effect with limited sunlight. And that the pedestrian experience along 71st Street changes significantly from 7120 northward as 15615 where setbacks are reduced.

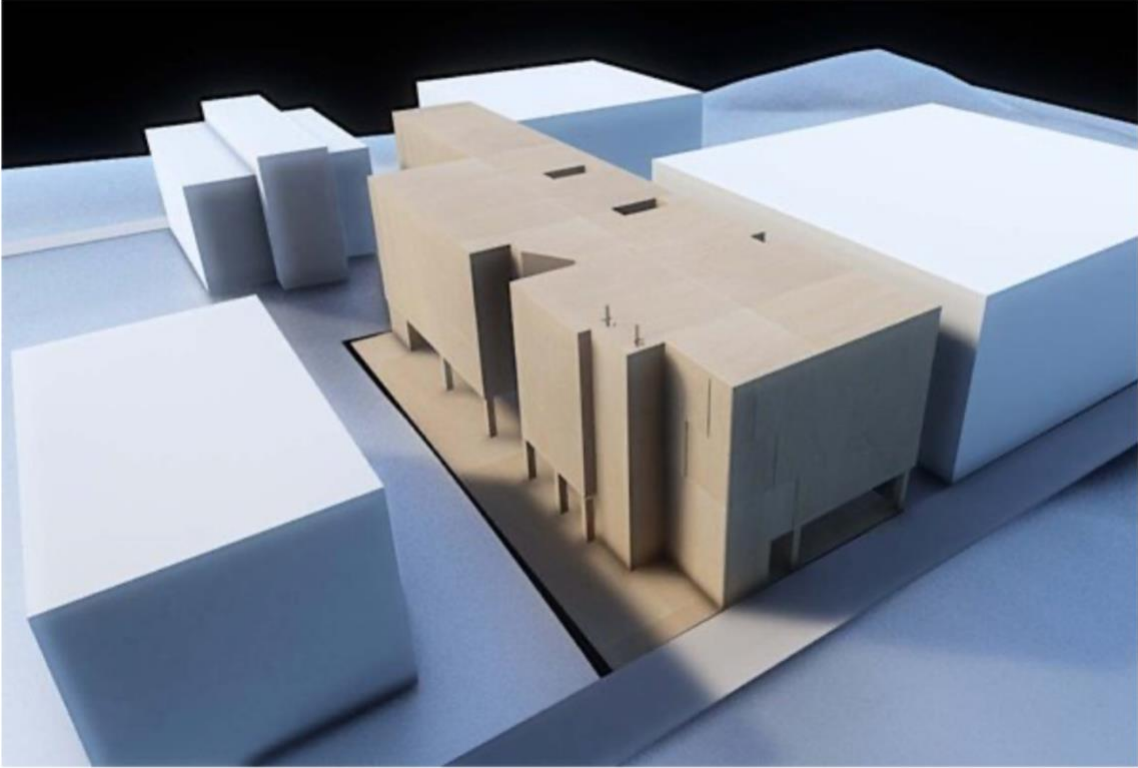
Optima's developer team continues to present these 2 applications separately in order to camouflage the significant combined impact they will have if/when both are completed as currently drawn. It is the task of the Phoenix Planning Department and the PV Village Planning Council to necessitate that these two projects are viewed in context within another as well as other applications. PUD applications should encourage architectural design in not only materials but in massing, varied setbacks, and streetscape that encourages the pedestrian experience. Right now, these 2 PUD applications together with the existing Optima campus do not accomplish these goals. A massing model would highlight these design and development weaknesses.

Sincerely,

Heidi Brake Smith

Heidi Brake Smith

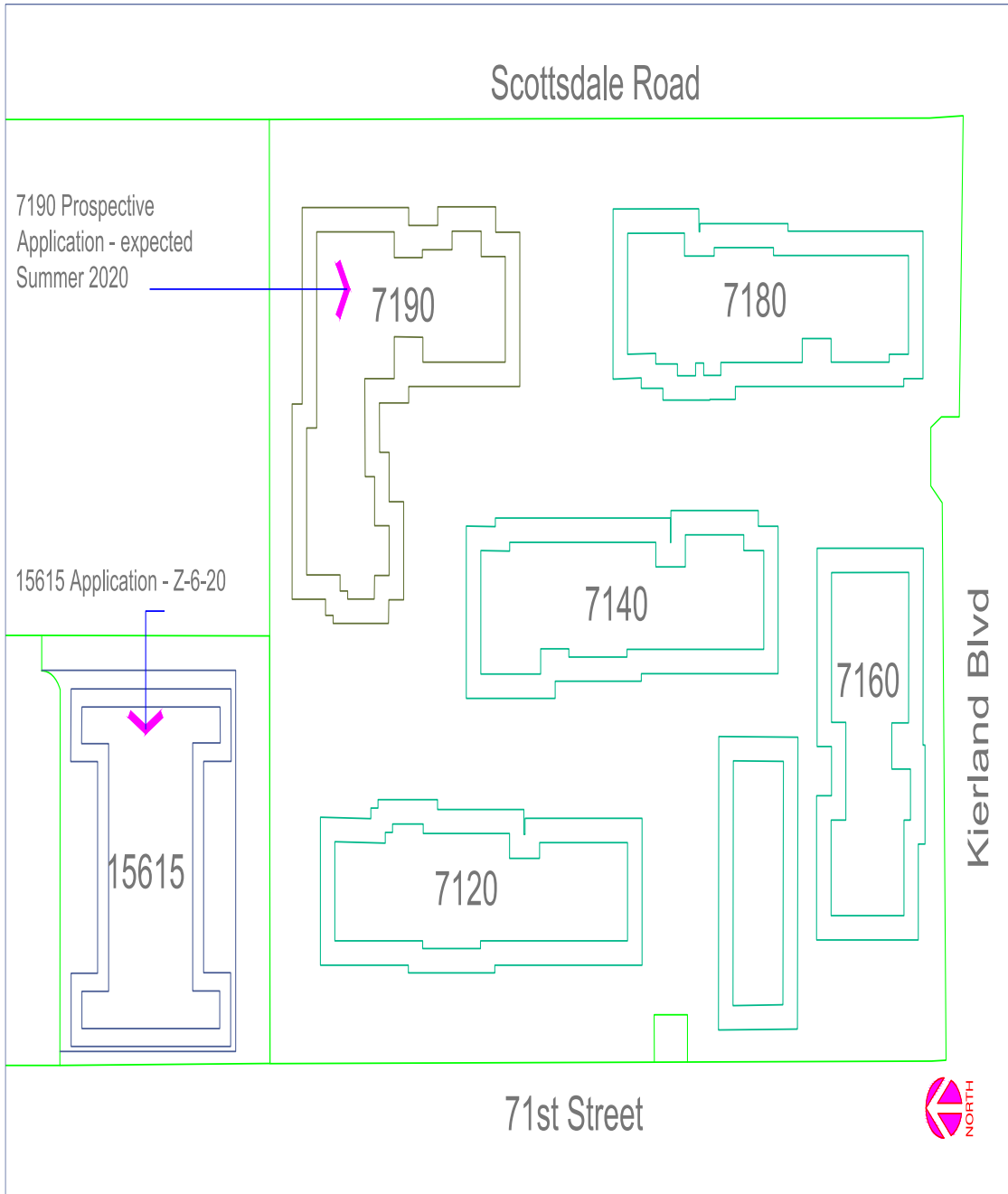
Owner – 7120 Kierland, Unit 708



A Massing Model –

Attachment to Letter regarding Applications Z-33-20-2 and Z-6-20

Current Optima Kierland Bldgs shown with new applications



David O Simmons

From: Heidi Smith <heidibrakesmith@gmail.com>
Sent: Monday, June 1, 2020 12:05 PM
To: David O Simmons
Subject: Re: Application Z-6-20 at 15615

David,

Thank you for your call.

I respectfully ask to be on the virtual call on Monday, June 1.
I will be speaking on Agenda #4, Z-6-20-2.
I am against the project as applied for.

Heidi Brake Smith
203-253-4944

On Mon, Jun 1, 2020 at 2:40 PM David O Simmons <david.simmons@phoenix.gov> wrote:

Ms. Smith,

Thank you for reaching out in regard to Rezoning Case No. Z-6-20-2, Optima 15615. Your opposition has been noted and added to the case file to be included as part of the public record. I have also forwarded your email to the applicant as well as to the members of the Paradise Valley Village Planning Committee so they are aware of your concerns. If you wish to speak at the virtual meeting, please submit a request to David Simmons, Paradise Valley Village Planner, via email at David.Simmons@phoenix.gov at least 6 hours prior to the start of the meeting. Please indicate the item(s) number on the agenda if you wish to speak. Staff will provide you further instructions on the process for public comment during the virtual meeting. Staff will make every effort to accommodate requests to speak submitted beyond the 48 hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than six business hours before the start of the meeting.

- I encourage you to virtually attend all public hearings moving forward. The Paradise Valley Village Planning Committee meeting is scheduled on June 1, 2020 at 6:00 PM. The meeting agenda has been posted outlining detailed instructions on how to access the meeting via telephone (land line or cell phone) and via the internet. <https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=eba80fdc1e42fc468b7ac77586dbe6f0f> [cityofphoenixpdd.webex.com]

The Planning Commission meeting is scheduled on **NA (Not yet scheduled)**. For more information, please see:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

The City Council meeting is scheduled on **NA (Not yet scheduled)** at 2:30 PM. For more information, please see:

<https://www.phoenix.gov/cityclerk/publicmeetings/city-council-meetings>

The staff report and applicants hearing draft are available for review on the City's website:

<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases> **(Staff report has not been drafted for the Optima proposal as of yet)**

Please let me know if you have additional comments or concerns.

Respectfully,

David Simmons, MA

Planner II* Village Planner

200 West Washington Street

3rd Floor

Phoenix, AZ 85003

602-262-4072

david.simmons@phoenix.gov



From: Heidi Smith <heidibrakesmith@gmail.com>

Sent: Monday, June 1, 2020 6:54 AM

To: David O Simmons <david.simmons@phoenix.gov>; PDD Paradise Valley VPC <paradisevalleyvpc@phoenix.gov>

Subject: Application Z-6-20 at 15615

David and Council Members,

Please see attached Letter to the Council dated 5/31/2020 regarding the Application of Z-6-20. This letter is focused on site planning and corridor views.

You already have in hand my letter dated 2/24/2020 that focused on density related matters.

Thank you,

Heidi Brake Smith

203-253-4944



15620 North Scottsdale Road • Scottsdale Arizona 85254

February 25, 2020

Mr David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003

RE: Nearby Business Owner Objection to Optima 15615 (Z-6-20) Zoning Change

Dear Mr Simmons,

I am the owner of Lumature a furniture store located at 15620 N Scottsdale Road, which is a property immediately east of the property requesting the proposed zoning change at 15615 North 71st Street (the "Property"), rezoning case number Z-6-20.

I oppose the following proposed setbacks in the zoning change application because they clearly violate the setbacks stated in the **Master Declaration Bylaws**:

South 40 foot Setback:

40 foot setback includes a 33 foot street and a 4 foot sidewalk, leaving only 3 feet of landscaping. Neighboring Optima building to the south has a 25 foot setback. **Master Declaration Bylaws** states 25 foot setback, paving set back 8 feet.

West 10 foot Setback:

10 foot setback including sidewalk and landscaping. **Master Declaration Bylaws** states 30 foot setback for 71st Street, as the Optima building to the south has used.

North 10.5 foot Setback:

Setback to Leon Group building is 10.5 feet. **Master Declaration Bylaws** states 25 foot setback.

East 0 foot Setback:

Building on property line. **Master Declaration Bylaws** states 25 foot setback.

Building plans shows the building surrounded by trees on all 4 sides.

There can be no trees when the building is built on the property line.

Building Height:

Proposed building height is 88.5 feet including rooftop elevator lobby - 7 floors.

Number of units: 182.

Parking provided: 238.

The building should be 5 floors. The Leon Building was restricted to 5 floors, and the 55+ Building was limited to 5 floors.

Kierland Master Declaration Bylaws states that neighboring properties must approve of any change of property setbacks and changes, and also that the **Kierland Master Association - Design Review Committee** must approve of any changes before approval by the City of Phoenix.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Kerzner', with a stylized flourish at the end.

Mark Kerzner
President/Owner
Lumature

480-326-6324
mark@lumature.com

**DeSanti Properties LLC
6203 N Hogahn Circle
Paradise Valley Az 85253**

February 27, 2020

Mr David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003

RE: Nearby Business Owner Objection to Optima 15615 (Z-6-20) Zoning Change

Dear Mr Simmons,

I am the owner of a furniture store located at 15600-15610 North Scottsdale Road, which is a property immediately east of the property requesting the proposed zoning change at 15615 North 71st Street (the "Property"), rezoning case number Z-6-20.

I oppose the following proposed setbacks in the zoning change application because they clearly violate the setbacks stated in the **Master Declaration Bylaws**:

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Sincerely,

A handwritten signature in black ink that reads "Rod DeSanti". The signature is written in a cursive, flowing style.

Rod DeSanti
Property Owner

DeSanti Properties
602-421-7589
roddeSanti@icloud.com

David O Simmons

From: Pat Simpson <psim338@aol.com>
Sent: Wednesday, July 22, 2020 1:52 PM
To: David O Simmons; PDD Paradise Valley VPC
Cc: ngriemsmann@swlaw.com; simpsonjohnp@gmail.com
Subject: Rezoning Concerns - Optima Kierland

Dear Mr. Simmons and Members of the Paradise Valley Planning Commission,

We are residents/owners at Optima 7120 unit 805, writing to you because we are concerned about 2 filed zoning cases (Z-33-20-2 & Z-6-20-2), both adjacent to the 7120 building.

The Kierland neighborhood is threatened by disparate rezoning proposals that would irrevocably compromise and diminish the character, personality and long term viability of the area. We are deeply concerned about negative consequences of haphazard development proposals which may result in...

- Excessive development density
- Disruptive / risky traffic patterns
- Pressure on infrastructure
- Parking issues
- Public safety

The development density of the proposed projects will put pressure on infrastructure and traffic flows, and will significantly impact the overall community viability.

We are very concerned about a dangerous precedent being set for the future with no Master Plan and protection for the value of the owners of the existing projects.

We respectfully request that the City of Phoenix immediately "pause" these two applications and develop a Plan for the Kierland Area, considering the long-term impact of projects on the infrastructure and living environment and taking into consideration the negative consequences development will have on existing parcels and the long term viability of the area.

Given the impact of the COVID19 pandemic, it appears that major zoning decisions are being made at a time when area residents/owners are distanced and distracted, and when the character of much of our day to day activities may be permanently changing. Making decisions of this type without giving residents/owners the opportunity to review and comment on them with the developers in person at a time like this doesn't seem right. Kierland has the opportunity to be a role model for future development in other areas around the state and the country if we move ahead with a strong well thought through master plan.

Respectfully,
Patricia and John Simpson
7120 E Kierland Blvd #805

**DeSanti Properties LLC
6203 N Hogahn Circle
Paradise Valley Az 85253**

February 27, 2020

Mr David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003

RE: Nearby Business Owner Objection to Optima 15615 (Z-6-20) Zoning Change

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Sincerely,

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Rod DeSanti
Property Owner

DeSanti Properties
602-421-7589
roddeSanti@icloud.com

July 10, 2020 – Delivered via email

**TO: David Simmons, David.simmons@phoenix.gov
Paradise Valley Staff Planner & Committee**

**Paradise Valley VPC, ParadiseValleyVPC@phoenix.gov
City of Phoenix Planning and Zoning Department**

**Jim Waring, council.district.2@phoenix.gov
City Council**

**RE: Application Z-6-20 (DCH 15615 N. 71st Street) and
Application Z-33-20-2 (15450 North Scottsdale Rd)**

Mr. Simmons, Mr. Waring, and Paradise Valley Village planners,

I moved to Optima Kierland because of its urban environment; however, Covid-19 has significantly blighted that landscape. A stroll to Kierland Commons became pointless as restaurants and stores shuttered (and even boarded their windows for a time); my building's amenities closed (and our fitness center has recently closed again); my neighbors distanced, declining to share elevators and stepping aside in hallways and public spaces; we all raced to wash our hands after touching an elevator button or garbage chute. The fact that this PVVPC meeting is being held remotely, rather than in person, underscores the changed environment.

Despite this deterioration in urban life, developers in Kierland appear determined to roll forward with projects based on outdated, pre-Covid-19 plans. Optima has two new high rise buildings scheduled to open this year, encompassing over 400 additional apartments, in addition to the applications referenced here. Two buildings by other developers are also well along in construction. Accordingly, I ask the PVVPC to prepare a Master Health and Safety Plan addressing Covid-19 and future virus threats before approving either Application Z-6-20 (DCH 15615 N. 71st Street) or Application Z-33-20-2 (15450 North Scottsdale Rd).

While some may believe that Covid-19 is a passing cloud, the data says otherwise. Arizona required 3 months to record its first 20,000 coronavirus cases, but less than three weeks for the next 20,000 infections to occur. Arizona's positive test rate, 25.9%, is currently the highest of any state in the country. Testing sites throughout Phoenix are so overwhelmed that our mayor recently begged for help on national TV. Eastern states now require Arizona residents to quarantine for 14 days upon our arrival.

After terrorist attacks brought down the Twin Towers on September 11, 2001, urban planning committees worldwide modified building codes for high rises. New provisions addressed design, construction, and emergency egress, requiring additional stairways, increasing the width of all hallways, and calling for luminous markings delineating exit paths. Safety concerns outweighed developer profits.

Covid-19 is our “9/11 crossroads” and we must treat it accordingly. Dense, high rise apartment complexes are potential epicenters of disease. A virus can spread much faster in a building with 200 apartments than in a single family home. Unfortunately, we do not yet know all the facts about the virus and how to contain it. Accordingly, there is no reason to permit developers to rush ahead of this learning curve with buildings based on pre-Covid-19 construction standards.

Proper protections and zoning are required to insure the long-term well-being of Kierland residents, neighboring communities, and the city of Phoenix. PVVPC must re-evaluate density inside multi-family buildings and open space requirements in the surrounding streets. Health experts need to be consulted, just as we consulted traffic experts to measure vehicular flow. We should see what modifications similar urban areas around the country might be taking and adopt the best practices for Paradise Valley Village.

Specifically, the PVVPC analysis should at least address these critical questions:

1. What building setbacks must be mandated to assure sufficient light and air to public spaces?
2. Can we add more elevators to prevent overcrowding?
3. Can elevator controls and garbage chutes be redesigned to be hands-free?
4. Should hallways and elevator landings be widened?
5. Does hallway ventilation need to be reviewed? HVAC systems?
6. Will 1 bedroom apartments have enough work space for the work-at-homer? If not, how many conference rooms and carrels must be offered to avoid overcrowded “in-building” gathering areas?

With four new buildings already scheduled to open in Kierland in 2020, we must slow down, assess the situation as residents move in (or not?), and develop a Master Health and Safety Plan before we approve the construction of any more buildings.

In the interests of public health, both our senators have called strongly for research and planning. Kyrsten Sinema said, “I think we should be designing our policy about how do we reduce the spread so fewer people are dying, fewer people are in the hospitals and fewer people are contracting the virus.” Senator McSally added “...we don't sit back and wait for government edicts. We each need to still take care of each other and do our part to stop the spread.”

There is no rationale for PVVPC to approve outdated, pre-Covid-19 projects that have the potential to denigrate Kierland from a vibrant, healthy community to a ghost town.

Sincerely,



Scott M. Smith
7120 E. Kierland Blvd - Apt. 708

David O Simmons

From: Scott Smith <camelotcapitals@gmail.com>
Sent: Monday, June 29, 2020 6:51 AM
To: David O Simmons
Subject: Comment letter for July 6 PVVPC meeting?

David,

I am a Kierland resident and would like to file a comment letter for the Paradise Valley Village Planning Committee meeting on July 6 on DCH Z-6-20 (15615 N 71st Street Parcel).

What is the deadline?

Do I just email my letter to you?

Do I have to apply to speak on the PVVPC conference call?

Thank you

Scott Smith

David O Simmons

From: Scott Smith <camelotcapitals@gmail.com>
Sent: Monday, August 3, 2020 8:23 AM
To: David O Simmons; PDD Paradise Valley VPC; Council District 2 PCC
Subject: Additional comments on Application Z-6-20 (DCH 15615 N. 71st Street) and Application Z-33-20-2 (15450 North Scottsdale Rd)
Attachments: WSJ 7.29.20 - post Covid buildings.docx

David,

Please add the WSJ article (below, attached and linked) to my comment letter, dated July 10, on these 2 proposals.

https://www.wsj.com/articles/what-buildings-will-look-like-after-the-covid-crisis-11596040879?mod=re_lead_pos2
[\[wsj.com\]](#)

I would also like to add to the file:

In a July 22nd neighborhood meeting, the Optima representatives replied to my question on Covid planning by stating that they had not made any changes to these 2 applications due to Covid-19.

Thank you,

Scott Smith

What Buildings Will Look Like After the Covid Crisis

Luxury real-estate developers are rethinking living spaces, staircases and even ventilation systems amid the coronavirus pandemic



ILLUSTRATION: CHIARA VERCESI

By
Katy McLaughlin
July 29, 2020 12:41 pm ET

- SAVE
- SHARE
- TEXT
-

[56 RESPONSES \[wsi.com\]](#)

Someday, years from now, a resident will wake up in their luxury condominium at developer Gregg Covin's The Cedars Lodge & Spa in Hendersonville, N.C. They'll make breakfast on the island in their big kitchen and sit on their heated balcony. They'll walk out of their private entrance and use an elevator that serves only three other units. They'll work out in a series of small exercise rooms and gather with friends at a restaurant in a glass atrium.

Hopefully, Covid-19 will be a distant memory. But every aspect of these homes will have been shaped by the pandemic.



Developer Gregg Covin had to rethink his design for The Cedars Lodge & Spa in Hendersonville, N.C., to meet new demands in a pandemic-rattled world, starting with bigger kitchens and more access to outdoor space.

PHOTO: CEDARS LODGE & SPA (RENDERING)

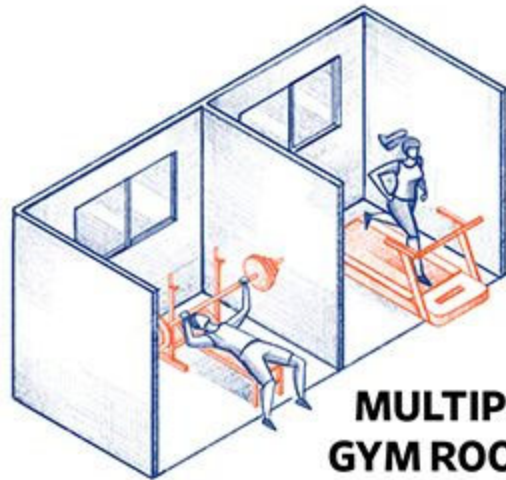
Mr. Covin tore up his original plan for a part-hotel, part-condo project with small kitchens, few balconies and large amenity spaces, and began redrawing the concept in March. “For sure, there are going to be long-term changes in behavior because of this,” said Mr. Covin, who still aims to break ground this year.

One of the trickiest parts of a luxury real-estate developer’s job is divining what buyers and renters will value—and pay top dollar for—in the three, four or even five years it takes to go from design to completion. Covid-19 has made that more complex, as developers try to tease out which parts of the pandemic experience will fade away and which will remain as part of the culture.

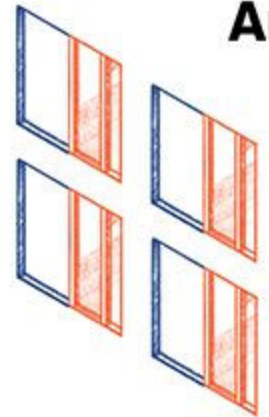
Some costs can be passed on to the renters or buyers who want the changes enough to pay more for them. Mr. Covin, for example, was originally planning units in the \$300,000 to \$500,000 range, but now

thinks buyers will pay \$350,000 to \$750,000 for larger units that can be used as second homes.

The New Features 1 And



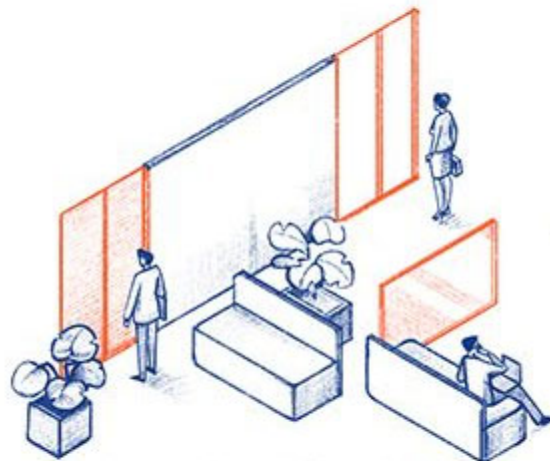
**MULTIPLE
GYM ROOMS**



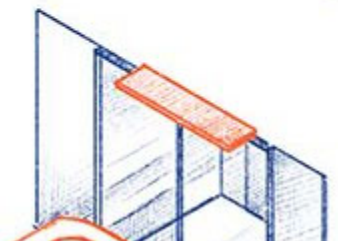
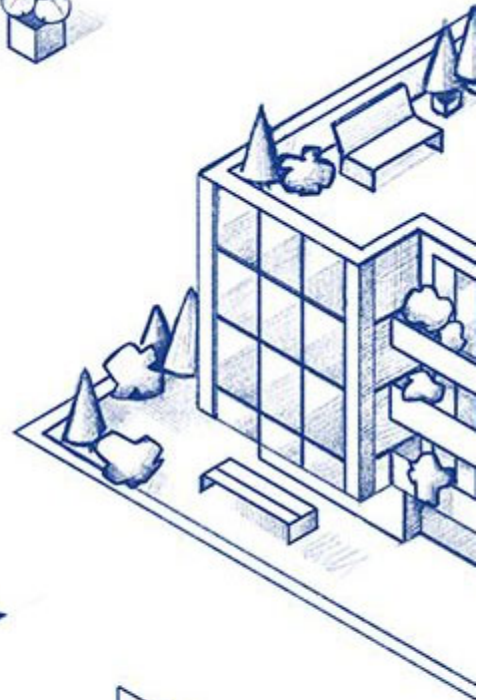
**WINDOWS
THAT OPEN**



**LOUNGES WITH
GLASS DIVIDERS**

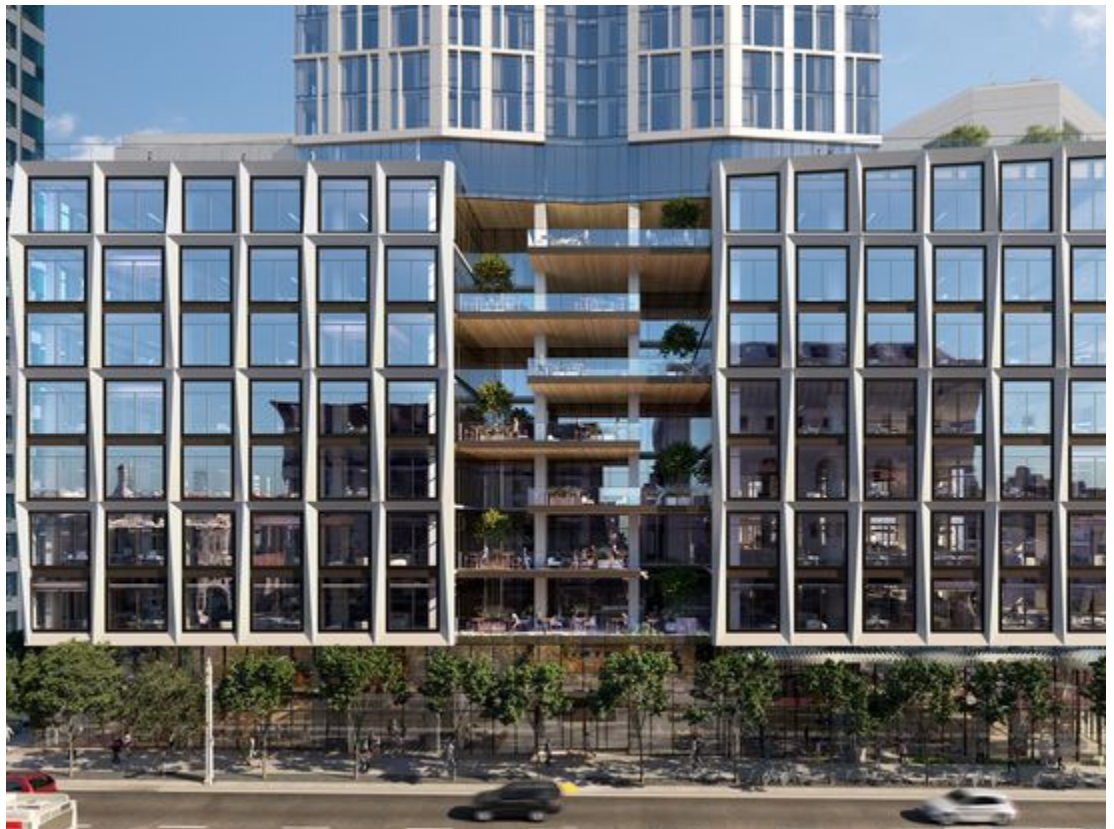


**MULTIPLE LOBBIES
WITH ELEVATORS**



Rental developers also are betting the postcrisis market will reward them for adding or installing specialized furniture that can make a small space seem larger so residents can work from home more comfortably. Other changes aimed at improving air quality or enabling distancing from other residents—such as re-engineering ventilation systems, adding elevator banks, or reconfiguring common areas—may help lower resistance to high-rise living, a lifestyle that has taken a beating in this crisis.

There is evidence already that the amenities and elements valued by the rental market have changed since the pandemic hit. Luke, a conversation-friendly real-estate chatbot that texts listings to apartment hunters in New York City, analyzed 30,000 messages from potential renters between December and February and compared them with those between March and May.

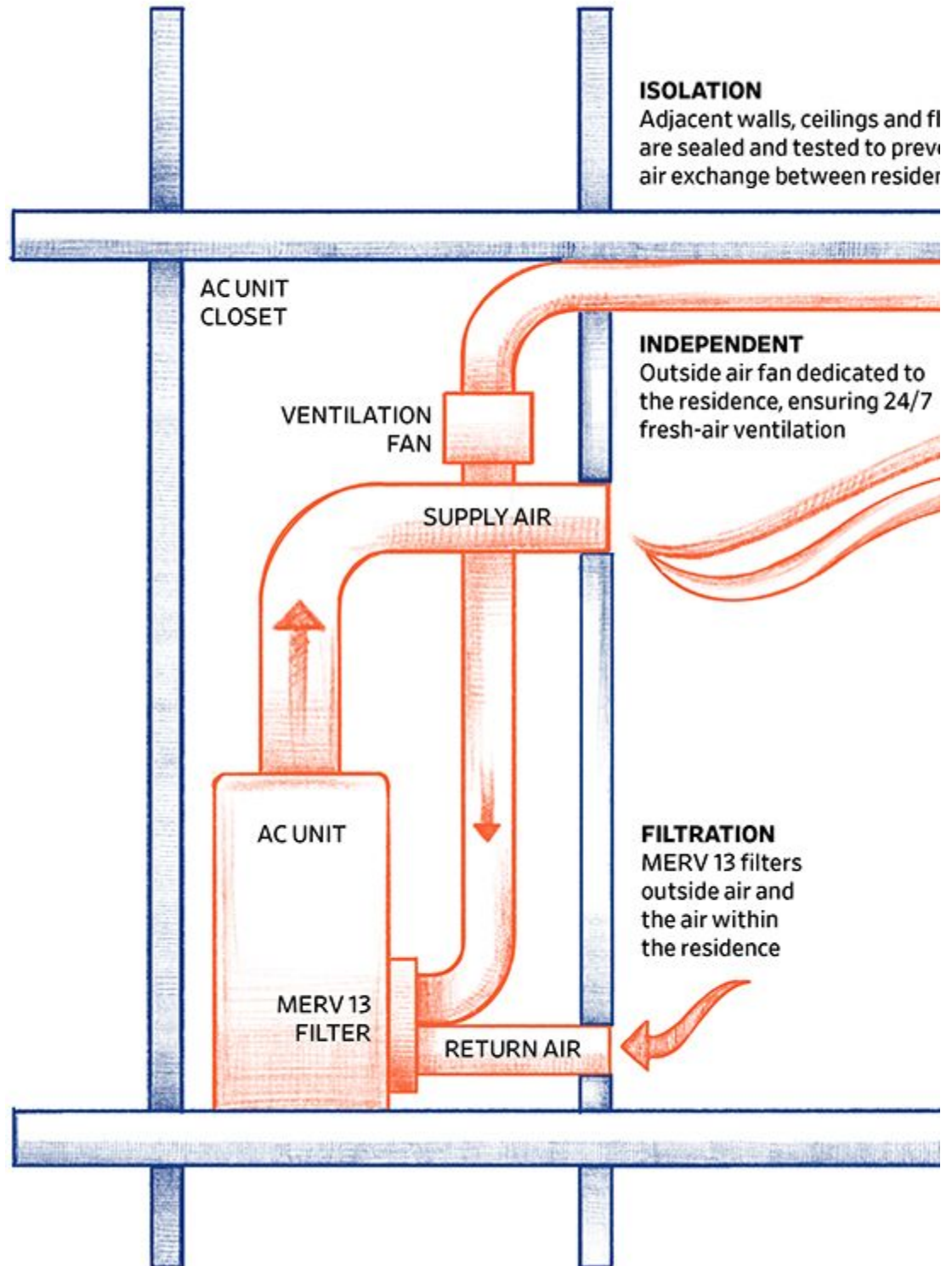


In San Francisco, the 30 Van Ness building, set to be completed in late 2023, will feature roomy, decorated staircases and partitioned common areas.

PHOTO: SCB/STEELBLUE (RENDERING)

The New York-based company found that requests for home offices rose from 0.5% of messages prepandemic to 3% once the pandemic hit. Private outdoor space requests jumped by 20%, while requests for in-unit laundry (a rarity in New York City) went up 17%. Interest in gyms plummeted. Requests fell by 10% for in-building gyms and by 50% for gyms nearby.

Breathing Easier With \



Ventilation systems are a major target for change, with developers looking to confine air circulation to units rather than through entire buildings.

ILLUSTRATION: CHIARA VERCESI; SOURCE: MEYERS+ ENGINEERS

SHARE YOUR THOUGHTS

Would you be interested in a property that has been “future-proofed” against infectious disease? Why or why not?

In San Francisco, 30 Van Ness, a 47-story multiuse building with 333 condos located a block from [Twitter \[wsj.com\]](#)'s headquarters, is slated for completion in late 2023, said Arden Hearing, executive general manager, West Coast, for Lendlease. Even with that distant time horizon, the pandemic prompted numerous design changes.

“Because of Covid, we’ve thought a lot more about stairs,” he said. To encourage residents to use them, and decrease elevator density, the project will now have stairs that are wider and carpeted, with art and natural light, he said.

Until March 15, the amenity plan also featured an open 12,000-square-foot space for co-working by day and lounging by night. New blueprints, Mr. Hearing said, divide that space to include a music studio, a fitness area, art space, a cooking-and-dining area and a screening lounge.



Developer MaryAnne Gilmartin has decided to add upgraded air filters, create a separate entry for deliveries and install touchless features such as using phones to call elevators and open doors at 241 West 28th Street, a 480-unit Manhattan rental building set to begin construction later this year.
PHOTO: COOKFOX ARCHITECTS (RENDERING)

Some sections will have glass partitions, to give a sense of togetherness while creating physical separation. Many will exit to an outdoor area. The building also will include horizontal ventilation, with each residential unit having its own system, as opposed to the traditional vertical system that filters air throughout a tower, he said.

The HVAC upgrades alone will add several million dollars to the project, Mr. Hearing said. The investment is expected to differentiate the project from older buildings and help with marketability, he added.

In New York, MaryAnne Gilmartin, founder and chief executive of MAG Partners, plans to begin construction later this year on 241 West 28th Street, a 480-unit rental building in Manhattan's Chelsea neighborhood.



Developer John Farina's Ocean Delray will have 19 units, each with a private, air-conditioned garage and four with private elevators.

PHOTO: U.S. CONSTRUCTION (RENDERING)



Mr. Farina intends to incorporate similar elements for his planned 14-unit project, Echelon, in the design phase in Delray Beach. The new project will have double the number of elevators initially planned, to cut down on shared space.

PHOTO: U.S. CONSTRUCTION (RENDERING)

She said much of the original plan should play well in the postcrisis era, citing its two towers connected by a garden, allowing for shorter and less-crowded elevator rides than with a single tower, and more outdoor space. Still, the crisis has inspired her to upgrade air filters, create a separate entry for deliveries, and add touchless elements that let residents use their phones to call elevators and open doors.

At Echelon, a 14-unit project in the design phase in Delray Beach, Fla., developer John Farina had planned four elevators. In early April, he changed to eight elevators, so that no resident would have to share an elevator with more than two other units.

David O Simmons

From: Larsen, Vickie <VLarsen@bokf.com>
Sent: Wednesday, July 22, 2020 9:59 AM
To: David O Simmons; PDD Paradise Valley VPC; ngiesmann@swlaw.com
Cc: vickie.larsen@me.com
Subject: Application Z-6-20 (DCH 15615 N. 71st Street) and ApplicationZ-33-20-2 (15450 N. Scottsdale Rd)

July 12, 2020

Mr. Simmons, Mr. Waring, and Paradise Valley Village Planners,

**RE: Application Z-6-20 (DCH 15615 N. 71st Street) and
Application Z-33-20-2 (15450 North Scottsdale Rd)**

I am a Member of "Protect 7120 Optima, LLC", a newly formed nonprofit created by the Owners of 7120 Optima to Protect the Property Values, Quality of Life, and Overall Living Environment of the 7120 Optima building and surrounding Kierland area. Our group consists of 15 Owners in 7120 Optima, but our primary issues have been supported by nearly 100 7120 Optima Owners who have signed a Petition supporting our concerns.

Our Primary Concerns are 2 filed zoning cases ([Z-33-20-2](#) & [Z-6-20-2](#)) both adjacent to the 7120 Building that will significantly adversely affect the Property Values, Safety, Living Environment, Quality of Life and Destroy the "Nature" of the Kierland area.

The issues we are Most Concerned about are as follows:

1) Request that the City and KCA support us and propose that the City of Phoenix immediately "pause" these two applications due to:

A) a lack of a **General Plan** for the Kierland Area and a thorough analysis on the long-term impact of projects to the infrastructure and living environment taking into consideration the "Negative" consequences each Parcel will have on existing Parcels; and

B) the Impact of Covid 19 has prevented the 7120 Owners from meeting as a group to discuss these large, impactful projects, and many homeowners are not in Arizona, do not participate in zoom calls, and do not understand the proposed projects implications to 7120 Optima. The outline and exhibits presented to the City and 7120 Owners are misleading, do not clearly identify the impact on 7120 Optima, and are being intentionally presented at a time when the 7120 Owners are distracted and concerned

with their life and safety. Covid permits the developer to "divide and conquer" us at a time when we should be having open, transparent dialogue on these important issues. The density of these buildings and safety of the occupants due to Covid 19, and likely future similar pandemics, should be considered.

The Kierland neighborhood is threatened by a rezoning proposal that would irrevocably compromise and diminish the Character, personality and livability of the Area

We are Deeply Concerned about the negative consequences of misguided development proposals including....

Excessive development density

Disruptive Traffic Patterns

Pressure on Infrastructure

Parking

Public Safety

The project is Transforming our Community into another "Downtown Phoenix" with overcrowded spaces dominated by looming towers

Its development density will put pressure on infrastructure, traffic flows and significantly impact the overall community aesthetics

Dangerous precedent for the future with no Master Plan and Protection for the Value of the Owners of the existing projects

Thank you for your consideration.

Best Regards,

Vickie Larsen

7120 E. Kierland Blvd #803

Scottsdale, AZ 85254

The company reserves the right to amend statements made herein in the event of a mistake. Unless expressly stated herein to the contrary, only agreements in writing signed by an authorized officer of the Company may be enforced against it.

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

Delivered – Via Email

September 7, 2020

David Simmons, David.simmons@phoenix.gov
Paradise Valley Staff Planner & Committee
Paradise Valley VPC, ParadiseValleyVPC@phoenix.gov
City of Phoenix Planning and Zoning Department

Re: Application – Z-33-20-2, Optima Kierland Center Phase II
(aka 15450 or La Maison Interiors)
Application – Z-61-19-2 15615

Dear David and the Paradise Valley Council,

The Applicant for Z-33-20-2 recently held two public meetings; one on July 22nd, 2020 and a second on August 31st, 2020. After the applicant's lengthy presentation and a few comments from the public, Mr. Nick Woods, attorney for the applicant, responded with a summary statement that the 7120 homeowners are solely fighting for their views. I beg to differ. Below, please find my open letter to Mr. Woods.

Dear Mr. Woods,

No, Mr. Woods, this is not only about views; it is much more nuanced than that.

Scott and I were quickly attracted to the Optima lifestyle that a glass-cladded multi-story building offered early on. I describe our home as an elegant tree house with sunlit spaces and interesting, everchanging vistas; we never feel confined. We don't need artwork or wall-hangings; we have floor to ceiling windows. Our home sits upon a beautiful landscape grounds that extends vertically to our built-in terrace planters filled with plants mirroring the gardens below. The contemporary architecture with its reflective quality blends beautifully.

While we embraced the **glass house** concept, we acknowledged its weaker characteristics early on. We analyzed exposures to understand impact – i.e., where do we need blackout shades. We discussed the benefits of every direction - north, south, east, and west and the

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

distances between the forthcoming buildings (7160 and 7180). And of course, we discussed what floor we would prefer.

Units at Optima are 'framed' by the sales team as **interior** (facing other Optima buildings and looking down at gardens) and **exterior** units (those facing the golf course, the Kierland shopping centers, and directions north and east). Building shade in interior units becomes a significant factor throughout the day depending on the floor; this would not work for us. Why bother purchasing in 7120 to be inside a shaded canyon. Did we really want to be so close to 7140? So, we limited our search to exterior units. Eventually, we purchased an exterior unit with multiple exposures preferring open sky and light.

After we settled in, we joined the 7120 developer/homeowner interests to successfully fight off the DMB application which would diminish Optima Kierland's award winning concept. We understood that the building height, the massing and the ill-conceived concept proposed by DMB would hurt the Optima Kierland design narrative – too big, too close, and too ugly.

When Optima's ownership team purchased 15615, I was initially pleased. I thought that they were purchasing the site to protect the Optima concept and their reputation. We (on 7 northwards) were sadly wrong upon seeing the renderings. Only those with higher floors with special interests or 'deals' which we were not privy to would be treated differently.

Today we understand that two new buildings will be built on these respective parcels. We will lose all the characteristics that made our 'exterior facing tree house' home special. We will lose all the benefits of our 'exterior' unit as we are 'boxed in' to the north by 15615 and to the east by 7190.

This Public Planning Process through the PVVPC and City Council are sadly the last opportunities for us to affect any changes in the massing and the setbacks. The developer and their team repeats (and repeats) that they are doing us a favor; that we should be thankful. They push their PUD process along presenting a narrative and renderings showing each building stand-alone – just check out on the illustrations on either application (i.e., Z-33-20n Exhibit 10, 11, and cover page and Z61-19-2 Exhibit 18). But the current design needs to be reviewed not only on its own stand-alone merits but **in context** with what is already completed and what has been approved, but not yet built.

Please take the time to understand the impact the next two buildings will have on the existing Optima Kierland campus. Do not allow the beauty and benefits of Optima's design to become the Canyons of Kierland. Please help us create a better and more desirable campus for the residents. Understand that precedence being set.

Heidi Brake Smith
7120 E Kierland Blvd, Unit 708
Scottsdale, AZ 85254
203-253-4944

No Mr. Woods, this is not only about views. It is so much more.

Sincerely,

Heidi Brake Smith

Heidi Brake Smith

Owner – 7120 Kierland, Unit 708

Sept 8, 2020 – Delivered via email

**TO: David Simmons, David.simmons@phoenix.gov
Paradise Valley Staff Planner & Committee**

**Paradise Valley VPC, ParadiseValleyVPC@phoenix.gov
City of Phoenix Planning and Zoning Department**

**Jim Waring, council.district.2@phoenix.gov
City Council**

**RE: Application Z-6-20 (DCH 15615 N. 71st Street) and
Application Z-33-20-2 (15450 North Scottsdale Rd)**

Mr. Simmons, Mr. Waring, and Paradise Valley Village planners,

Thank you for the opportunity to participate in the PVVPC meeting last week. The transparency of the committee process is a credit to our community.

I was, however, disappointed by the consistent denigration of the Protect 7120 residents' group and my fellow 7120 homeowners by Mr. Wood, Optima's lawyer. Protect 7120 has already garnered the support of almost half the homeowners in our building. We will undoubtedly garner more support as residents return for the winter and feel the impact of Optima's two newly-completed buildings on its Kierland campus. If Protect 7120 is a "splinter" group, as Mr. Wood caustically noted, we are a rather large splinter. I thank the PVVPC for recommending that Optima meet in good faith with our representative, Jim Riggs, and hope that the committee further supports this suggestion.

My fellow 7120 homeowners are concerned about the long-term health and safety of our neighborhood, not simply the views. While Optima has modestly shifted the 7190 building, which we do appreciate, it is still set to rise just 85 feet from the windows of our home. As a baseball fan, I note that 85 feet is less than the distance from home plate to first base. I ask the committee members to picture a diamond: the current 7120 high rise running from home plate to third base, the combination of 7140, 7160 and 7180 (all already built) blocking the first base line, the proposed 7190 running from first to second, and the proposed 15615 building taking up the infield from second to third. How much sunlight and air flow would the pitcher's mound see? Just like a pitcher peers in for signs, our future neighbors will be able to peer into our windows and note what we're serving for dinner. Why can't we shift 7190 and 15615 at least to the outfield grass?

I recognize that Optima's colorful marketing slides show plenty of bright green space, but they are one-dimensional renderings. A three dimensional, massing model of Optima's entire proposed six building campus would be needed to highlight the shadows falling on the public

spaces and sidewalks, as well as on all apartments except those on the highest floors. Optima did not market these apartments as “interior/courtyard” units, but now effectively plans to wall many of them off. In addition (as my wife Heidi has noted in a separate letter), setbacks, sidewalk width, and public space calculations - issues squarely within the purview of the PVVPC - still remain.

While Mr. Wood correctly pointed out that Arizona law does not protect the views of property owners, the law also does not protect the profits of developers. Optima Holdings can well afford to modify construction plans to create a Kierland campus that is not so vehemently opposed by so many of its very own customers. While the fine print in Optima’s contracts gives the developer the right to build these towers, it does not preclude other options. Why not turn one of the two sites, or even a portion of a site, into a public park that would benefit all Kierland residents?

Given the Covid crisis, and the likelihood that building codes will change as a result (as pointed out by a PVVPC member), I ask the PVVPC to delay approval of these two projects for at least 6 months. The 71st Street corridor already has 2 Optima towers opening this summer and 3 high rise projects by other developers under construction – all five approved based on pre-pandemic construction plans. I have also reached out to the Urban Planning department at ASU concerning a possible Covid-related study.

Finally, we need to see if demand for dense, high rise housing remains robust post-Covid before we so dramatically increase the apartment stock. Right now, we won’t gather in the same room, pass each other in a narrow hallway, or ride in the same elevator; most office workers stay at home; and travel is severely limited. The worst case for Kierland residents would not be the loss of views but rather the construction of hundreds of vacant units whose primary occupants might turn out to be transient, AirBnB-type guests.

Yes, this letter is motivated by selfish considerations, as, I would emphasize, are Optima’s two proposals. I simply ask the PVVPC to ensure that all stakeholders in Kierland have the opportunity to be heard in person, not via Zoom. We can work together to create a brighter, safer, and healthier campus.

Thank you,

Scott Smith

David O Simmons

From: Scott Smith <camelotcapitals@gmail.com>
Sent: Tuesday, September 8, 2020 1:05 PM
To: David O Simmons
Cc: PDD Paradise Valley VPC; Council District 2 PCC
Subject: RE: Application Z-6-20 (DCH 15615 N. 71st Street) and Application Z-33-20-2 (15450 North Scottsdale Rd)
Attachments: PVVPC app Z-6-20 and Z-33-20-2 - follow up letter - Scott Smith.docx

Please add to the application files - letter attached as well

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Scott Smith