



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report Z-33-20-2**  
**(Optima Kierland Center Phase II PUD)**  
November 24, 2020

**Paradise Valley [Village Planning Committee](#) Meeting Date:** December 7, 2020

**[Planning Commission](#) Hearing Date:** January 7, 2021

**Request From:** [C-2](#) PCD (Intermediate Commercial, Planned Community District) (1.93 acres)

**Request To:** [PUD](#) (Planned Unit Development) (1.93 acres)

**Proposed Use:** Multifamily residential and commercial

**Location:** Approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard

**Owners:** Kierland Center, LLC

**Applicant:** Optima

**Representative:** Nick Wood, Snell & Wilmer, LLP

**Staff Recommendation:** Approval, subject to stipulations

<a href="#">General Plan Conformity</a>			
<a href="#">General Plan Land Use Map Designation</a>		Commercial	
<a href="#">Street Map Classification</a>	Scottsdale Road	Major Arterial	65-foot west half street (25-foot Phoenix) (40-foot Scottsdale)
<p><b>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</b></p> <p>The proposed PUD supports increased intensity by proposing a development that is compatible in both scale and intensity with the surrounding Kierland area and multifamily development adjacent to the site.</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.**

The development is located in a mixed-use corridor where adjacent properties are multifamily, office and commercial in nature. The subject site is also located within the Desert Ridge/Kierland designated employment center. The proposed uses in the PUD will support a higher concentration of people living near employment.

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; HEALTHY NEIGHBORHOODS; DESIGN PRINCIPLE: Establish design standards and guidelines for parking lots and structures, setback and build-to lines, blank wall space, shade, and other elements affecting pedestrians, to encourage pedestrian activity and identify options for providing pedestrian-oriented design in different types of development.**

The PUD proposes landscaping around all sides of the building and requires that all hardscape areas and public sidewalks be shaded at a minimum of 75 percent at maturity. The proposed design guidelines/standards require a uniform streetscape design along Scottsdale Road, which includes pedestrian pathways to Scottsdale Road, minimum 8-foot-wide sidewalks and landscape buffers comprised of trees and low planting material. All of these standards promote a safe and comfortable pedestrian environment.

**Applicable Plans, Overlays and Initiatives**

[Maricopa Association of Governments \(MAG\) Kierland Major Employment Center](#) – see background item No. 6

[Tree and Shade Master Plan](#) – See background item No. 10

[Complete Streets Guiding Principles](#) – See background item No. 11

[Comprehensive Bicycle Master Plan](#) – See background item No. 12

[Housing Phoenix](#) – See background item No. 13

[Reimagine Phoenix Initiative](#) – See background item No. 22

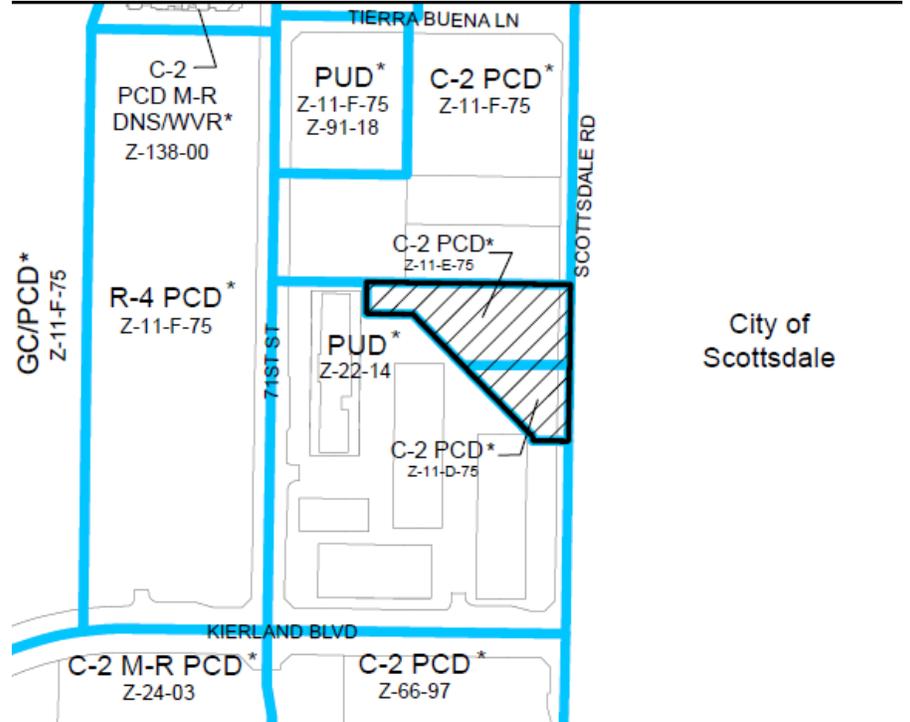
**Surrounding Land Uses/Zoning**

	Land Use	Zoning
<b>On Site</b>	Retail	C-2 PCD
<b>North</b>	Office	C-2 PCD
<b>South</b>	Multifamily Residential	PUD
<b>East</b>	Mixed Use-Office/Retail	C-3, City of Scottsdale
<b>West</b>	Multifamily Residential	PUD

## **Background/Issues/Analysis**

### SUBJECT SITE

1. This is a request to rezone a 1.93-acre site located approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard. The request is to rezone from C-2 PCD (Intermediate Commercial, Planned Community District) to PUD (Planned Unit Development) to allow a mix of uses including multifamily residential for a maximum of 288 dwelling units and/or intermediate commercial uses.



Source: City of Phoenix Planning and Development Department

2. The subject site consists of one parcel that is under the ownerships of Kierland Center, LLC. The site currently contains a retail furniture store, La Maison Interiors. The site was annexed into the City of Phoenix on October 15, 1961. At that time the subject site and the surrounding area vastly consisted of vacant land. 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. The current C-2 zoning designation was established through Amendments D and E, Rezoning Case Nos. Z-11-D-75 and Z-11-E-75. Maricopa County Historical Aerials indicate that the first property to develop near the site was in approximately 1997 and the subject site was developed in approximately 2006.

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 proposed PUD proposes to remove the property from the PCD, and the developer will be required to provide updated infrastructure as needed and determined through the Planning and Development Department's site development process. The subject site and the property to the south previously functioned as a singular property and were part of the Robb and Stucky Furniture Store development. The subject property was split from the adjoining parcel in 1999 and La Maison Interiors took over the northeast building around 2011. The developer is proposing to submit a lot combination rejoining these two lots back together after the case moves through the entitlement process.



Source: Maricopa County Historical Aerials

3. The General Plan Land Use Map designation for the subject site is Commercial. The proposed PUD supports multifamily residential and commercial uses, which is consistent with the General Plan Land Use Map designation.

The General Plan Land Use Map designation surrounding the site is Commercial and Mixed Use (Commercial/Commerce Park).



Source: City of Phoenix Planning and Development Department

4. The site is located within the larger Kierland area, adjacent to Scottsdale Road and within a corridor that contains commercial, mixed use, commerce park and industrial uses. Additionally, the subject site is near Kierland Commons and Scottsdale Quarter which are mixed use outdoor shopping centers with restaurants and retail. The subject site is also near the Westin Kierland Resort & Spa, golf course, offices and commerce park uses further to the north and west.



Source: City of Phoenix Planning and Development Department

5. As depicted above, the proposed PUD would allow for a maximum building height of 104 feet. The subject site is adjacent to other developments that exceed 30 feet in height such as Kierland Overture (68 feet), the Landmark Condominiums (62 feet), Paragon at Kierland Apartments (40 feet), Tierra Buena Lane (70 feet), Optima 15615 (70 feet) and LCG Kierland PUD (70 feet) with a maximum of 104 feet). Overall, the Kierland area has seen substantial interest in redevelopment for mixed use projects, including the Plaza Lofts at Kierland Commons, a multifamily condominium complex above ground floor retail approved in 2003 through Rezoning Case No. Z-24-03. This request was for a mid-rise overlay for a maximum height of 120 feet that is approximately 0.17 miles southwest of the subject site. Directly abutting the site to the south is Kierland Optima, a multifamily and office mixed use development approved in 2014 through Rezoning Case No. Z-22-14 with an allowable height of 120 feet and a maximum of 796 dwelling units.

## DESERT RIDGE AND KIERLAND MAJOR EMPLOYMENT CENTER

6. The subject site falls within the boundaries of the Maricopa Association of Governments designated Desert Ridge and Kierland major employment center and is in close proximity 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 center profile provided by City of Phoenix 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 the established office space and commercial uses in the Kierland area.



Source: City of Phoenix Planning and Development Department

## **SURROUNDING ZONING AND USES**

### 7. North

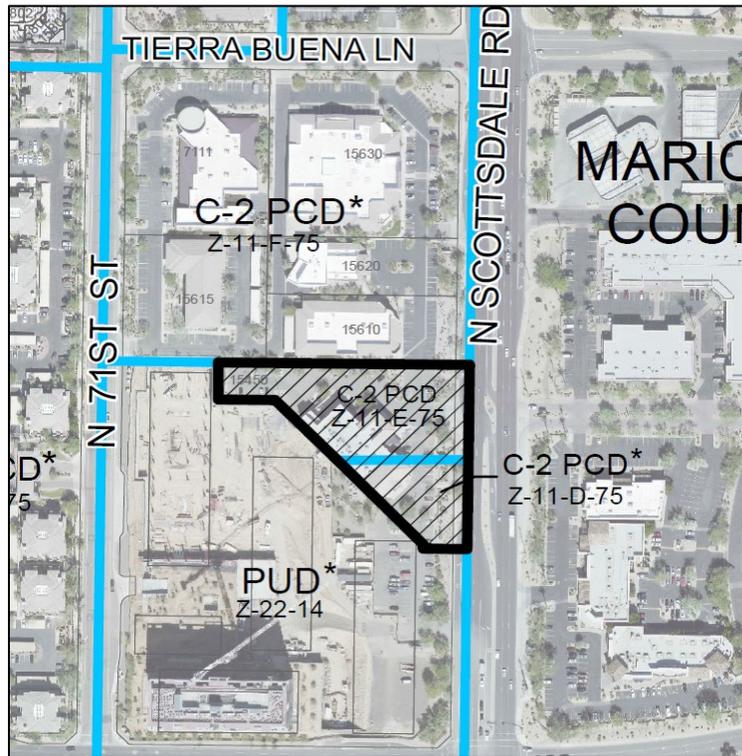
The properties abutting to the north of the subject site are office and retail uses both zoned C-2 PCD. To the northwest, Optima 15615 PUD is currently going through the public hearing process and proposes a multifamily development with commercial uses.

### South and West

Directly south and west of the subject site is a mixed-use development consisting of multifamily residential known as Optima Kierland Center zoned PUD (Planned Unit Development) through Rezoning Case No. Z-22-14. Optima Kierland Center permits a maximum of 87.5 dwelling units per acre (796 residential units), 234 hotel rooms, intermediate commercial uses and a maximum height of 120 feet.

### East

Directly to the east of the subject site is Scottsdale Road, a major arterial street. Across Scottsdale Road is a mix of uses including office and commercial, within the City of Scottsdale's jurisdiction.



Source: City of Phoenix Planning and Development Department

## PROPOSAL

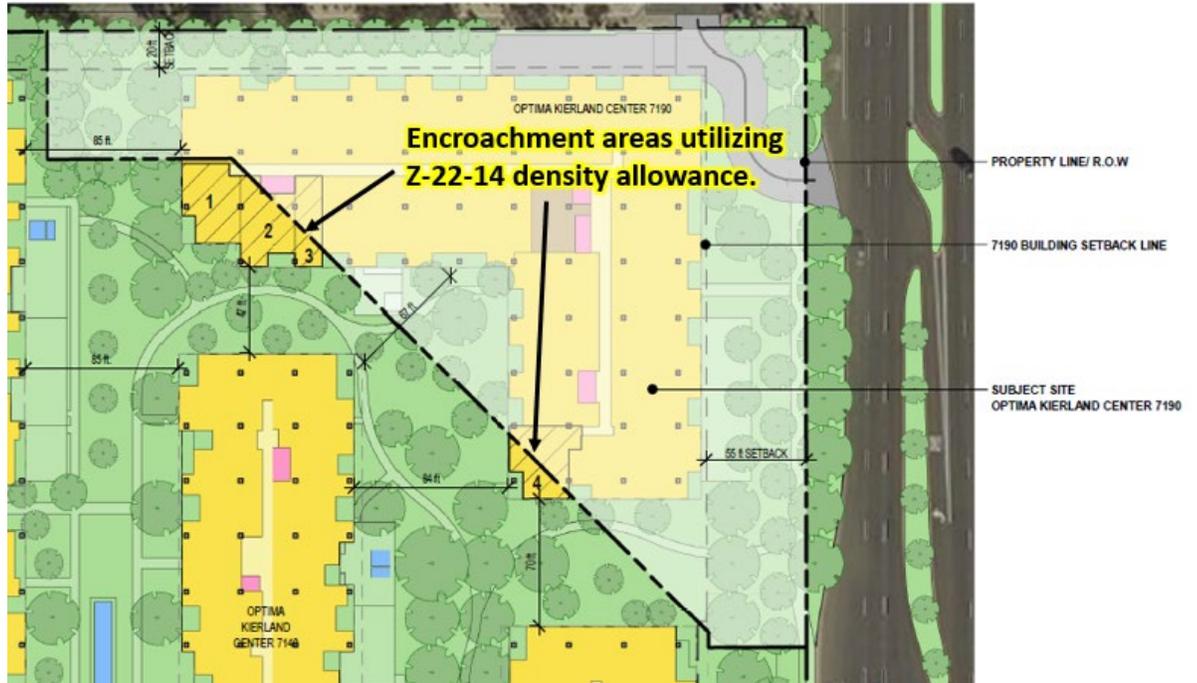
8. The proposal was developed utilizing the PUD zoning designation. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant writes a document proposing standards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

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

9. The proposed standards were designed to allow for a mid-rise multifamily residential development. The conceptual site plan depicts an integration of the current proposal with, the adjacent Optima Kierland Center Phase I, approved through Rezoning Case No. Z-22-14-2. The applicant has indicated that they intend to pursue a lot combination between the two parcels.

Like the Phase I development standards, the proposed PUD contains a 0-foot setback requirement along the property line that currently separates the two properties. Similarly, both PUDs contain density standards that accommodate the proposed building configuration shown below. During the site plan review process for the proposed development, the applicant will

need to demonstrate compliance with the development standards in both the Phase I and Phase II PUDs.



Source: Optima

### 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 such as; all special permit uses permitted in C-2, miscellaneous auto and boat uses, hospitals, pawn shops, veterinarian uses, and single-family residential. Additionally, multifamily residential is permitted with a maximum of 288 residential dwelling units.

**Conceptual Site Plan**

The development's main ingress/egress points are along Scottsdale Road. The conceptual site plan also illustrates that there will be a vehicular cross access point along the northern property line. The development proposes underground parking for residents and guests with a total of 447 parking spaces. The underground parking garage will tie into the existing Optima Kierland Center Phase I parking garage, which provides additional ingress/egress points off of 71st Street and Kierland Boulevard.



Source: Optima

**Landscape Enhancements**

The first-floor building frontage along Scottsdale Road will contain enhanced landscaping, 8-foot wide sidewalks, and a pedestrian plaza below a shaded trellis or building structure located at the southeastern portion of the site, and a pedestrian connection connecting the existing Optima to Scottsdale Road. These enhancements are depicted in the graphic on the previous page.

**Height**

The main building height is proposed at 104 feet maximum, with rooftop amenity structures, to include elevator lobbies, stair enclosures, janitors' room, enclosed amenities and restrooms, at 120 feet maximum and not to exceed 15 percent of the total rooftop area.

**Development Standards**

The table below provides a summary of the general development standards within the Optima Kierland Center Phase II PUD Development Narrative:

**Development Standard Table:**

<b>Development Standard</b>	<b>Proposed PUD</b>
Maximum dwelling units	288 units
Height (Maximum)	104 feet for main structure 120 feet for rooftop amenity structures comprising no more than 15% total rooftop area.
Building Setbacks (Minimum)	East (Perimeter) - 55 feet North (Perimeter) - 20 feet West (Interior) - 25 feet South (Interior) - 0 feet

Landscape Setbacks (Minimum)	East (Perimeter) - 55 feet North (Perimeter) - 20 feet West (Interior) - 25 feet South (Interior) - 0 feet
Lot Coverage (Maximum)	55%
Open Space (Minimum)	70% of net area

**Landscape Standards**

The PUD proposes landscaping along all sides of the building with a minimum planting size of 100 percent, 4-inch caliper Rio Salado Mesquite trees along Scottsdale Road. The landscape setbacks will also include three different shrub species, two different accent species, three different ground cover species with a minimum of 75 percent live ground cover.

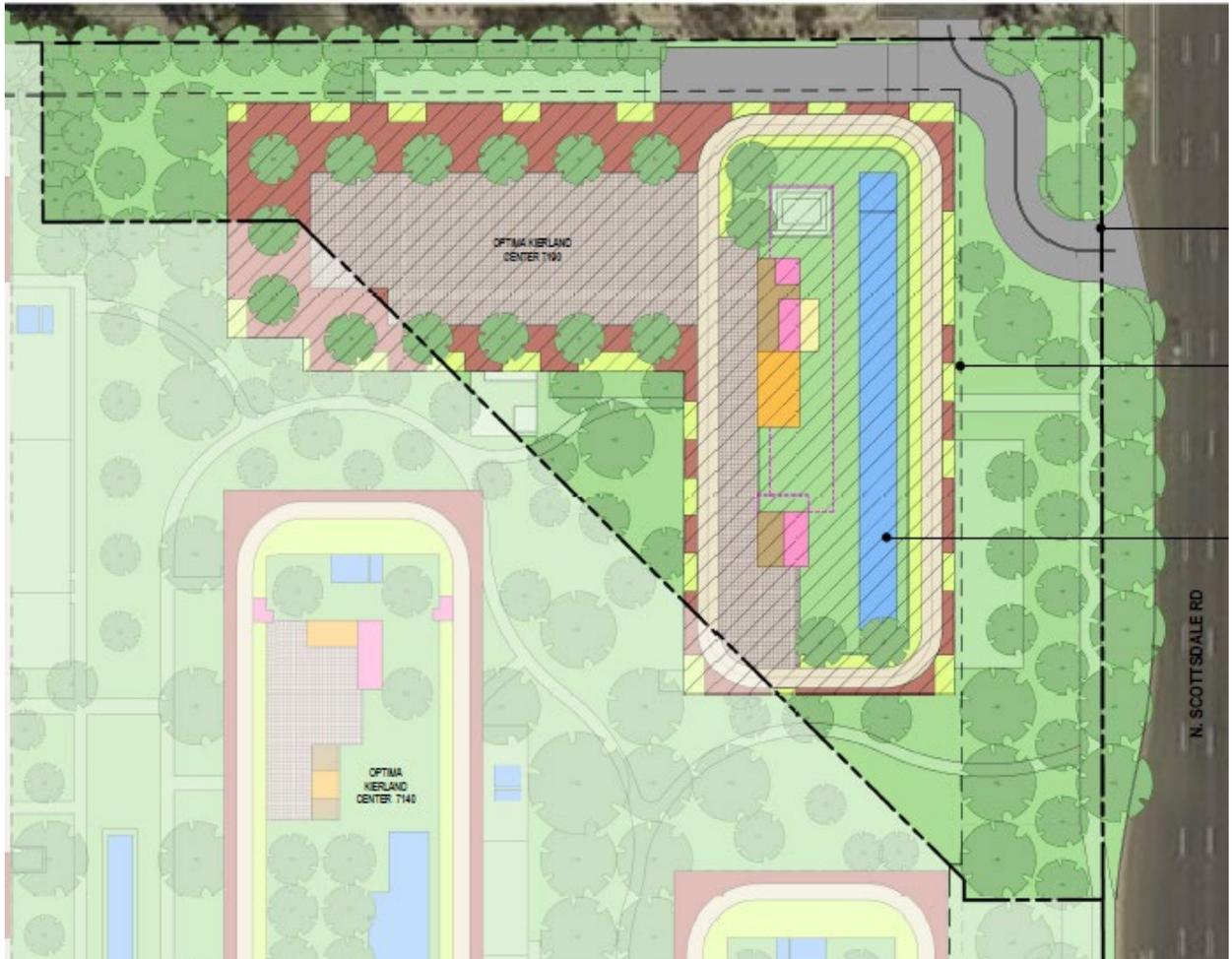
The building setback area along Scottsdale Road is intended to serve as a landscaped open space area. The landscaping will provide for a pedestrian-friendly environment with a dense canopy to provide 75 percent shade at maturity along the sidewalk.



Source: Collaborative Design Studio

### **Open Space**

The southeastern portion of the site will provide for a large open space pedestrian pathway that will connect to the site from Scottsdale Road. The PUD narrative proposes that a minimum of 70 percent of the net area be open space. The open spaces include passive and active landscape areas, shaded pedestrian pathways, pedestrian plaza and above grade open amenity areas. The open space standards exceed the minimum 5 percent open space area otherwise required for multifamily developments in the Zoning Ordinance.



Source: Optima

### **Parking Standards**

The PUD development narrative proposes a modified parking standard. These modified standards require the following ratios:

- Secured Parking: 1.4 per unit minimum required (404 spaces provided)
- Unsecured Parking: 0.15 per unit minimum required (43 spaces provided)
- Total Parking Provided: 1.55 per unit minimum required (447 spaces provided)

The Phoenix Zoning Ordinance requires that 1.5 parking spaces be required for dwelling units of 1 to 2 bedrooms and 0.5 spaces per unit be provided for guest parking. The parking standards being proposed are comparable to the requirements of the Zoning Ordinance. The PUD also proposes a minimum of 50 bicycle parking spaces be provided.

### **Amenities**

The PUD proposes amenities for the subject site that includes a pedestrian plaza at the southeastern portion of the site, minimum 8-foot wide pedestrian pathways within landscape setbacks, pool and spa, fitness center, outdoor fitness area, game room, party room, fire features, seating nodes and a dog park. This exceeds the standards of the Zoning Ordinance for multifamily development.

### **Shade**

The proposed shade standards indicate that shading will be incorporated throughout the site by way of landscaping or building structures. The Design Standards indicate that a minimum 75 percent of shade cover be provided at maturity over pedestrian pathways, both private and public. This exceeds the standards of the Zoning Ordinance for multifamily development.

### **Lighting Plan**

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

### **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 18 of the development narrative which include the following:

- Exterior materials
- Color palette
- Private terraces
- Mechanical equipment screening methods
- Sidewalk treatment
- Uniform street design
- Uniform open space design
- Architecturally vertical integrated landscape system
- Irrigation system
- Residential amenities

### **Signage**

Signage is proposed to meet the standard Zoning Ordinance requirements and will need to comply with the Kierland Comprehensive Sign Plan, unless otherwise approved through a comprehensive sign plan amendment.

### **Sustainability**

The Development Narrative proposes several options to incorporate sustainability principals including bicycle parking, open space and building design to provide shade, xeriscaping, and recycling. Vegetated courtyards, terraces and roofs also help to mitigate for the urban heat island effect and improves air quality.

### **Phasing**

The project will be constructed in one phase.

## AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

### 10. **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 enhanced landscape setbacks along the north, south and east and offers open space that exceeds ordinance standards. The proposal requires 75 percent shade cover at maturity be provided over all public and private pedestrian pathways.

### 11. **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 enhanced open space requirements that have pedestrian pathways that connect to Scottsdale Road where there is a major bus route. The proposal also includes an enhanced pedestrian environment along 71st Street with robust landscaping that will provide vegetative shade and thermal confront for pedestrians.

### 12. **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 that a minimum of 0.25 bicycle parking spaces per unit be provided on the site.

### 13. **Housing Phoenix Plan**

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant land in a more sustainable fashion.

## COMMUNITY INPUT

14. Staff has received one letter of support and 13 letters of opposition at the time this staff report was written. Copies of the correspondence is attached to this report. Community concerns include:
- Compromised view corridors
  - Density
  - Traffic
  - Proximity of proposed building to existing Optima buildings
  - COVID-19
  - 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 Public Transit Department has proposed decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisles surfaces be implemented. Additionally, it is recommended that all building entrances and exits, and all public sidewalks be connected utilizing the minimum possible distance and providing the most direct route. All cross access agreements shall incorporate a pedestrian pathway. Further, trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity. Development standards within the Development Narrative prescribe standards for pedestrian connectivity and shade.
17. 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. 5 and 6.
18. 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.
19. The Floodplain Management Division of the Public Works Department 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.
20. 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.

21. 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. 7.

OTHER

22. [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.

23. 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 me be required.

**Findings**

1. The proposed development will result in more housing choices which will help to support the nearby employment center.
2. The proposed development is compatible with the existing land use pattern in the area and is designed to enhance a walkable environment along Scottsdale Road where there are other multifamily developments nearby 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 Kierland Center Phase 2 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 November 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: June 17, 2020
    - 2nd Submittal: September 3, 2020
    - 3rd Submittal: November 2, 2020
    - Hearing Draft: November 20, 2020
    - City Council adopted: TBD

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 applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.
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

November 17, 2020

**Team Leader**

Samantha Keating

**Exhibits**

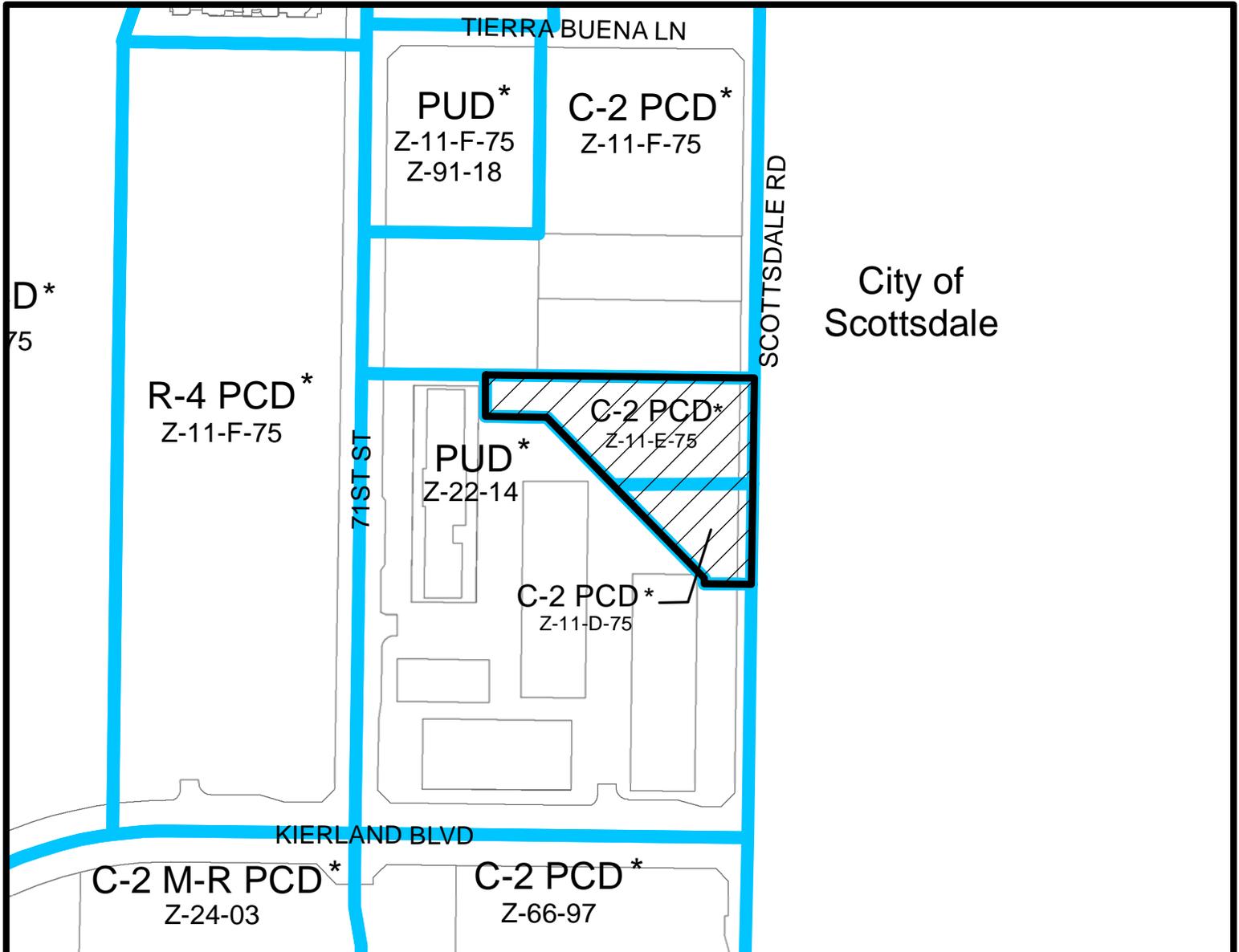
Zoning Sketch Map

Zoning Aerial Map

Community Correspondence (52 pages)

[Optima Kierland Center Phase II PUD](#) Development Narrative date stamped

November 20, 2020

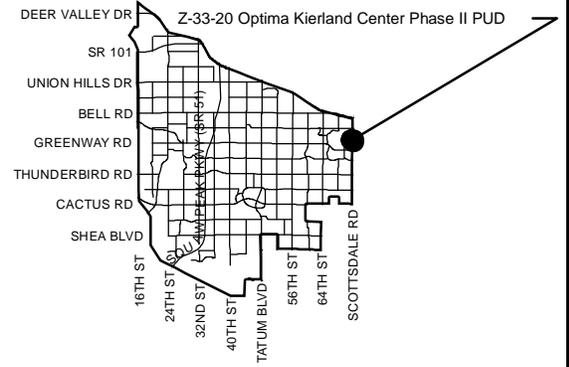


City of Scottsdale

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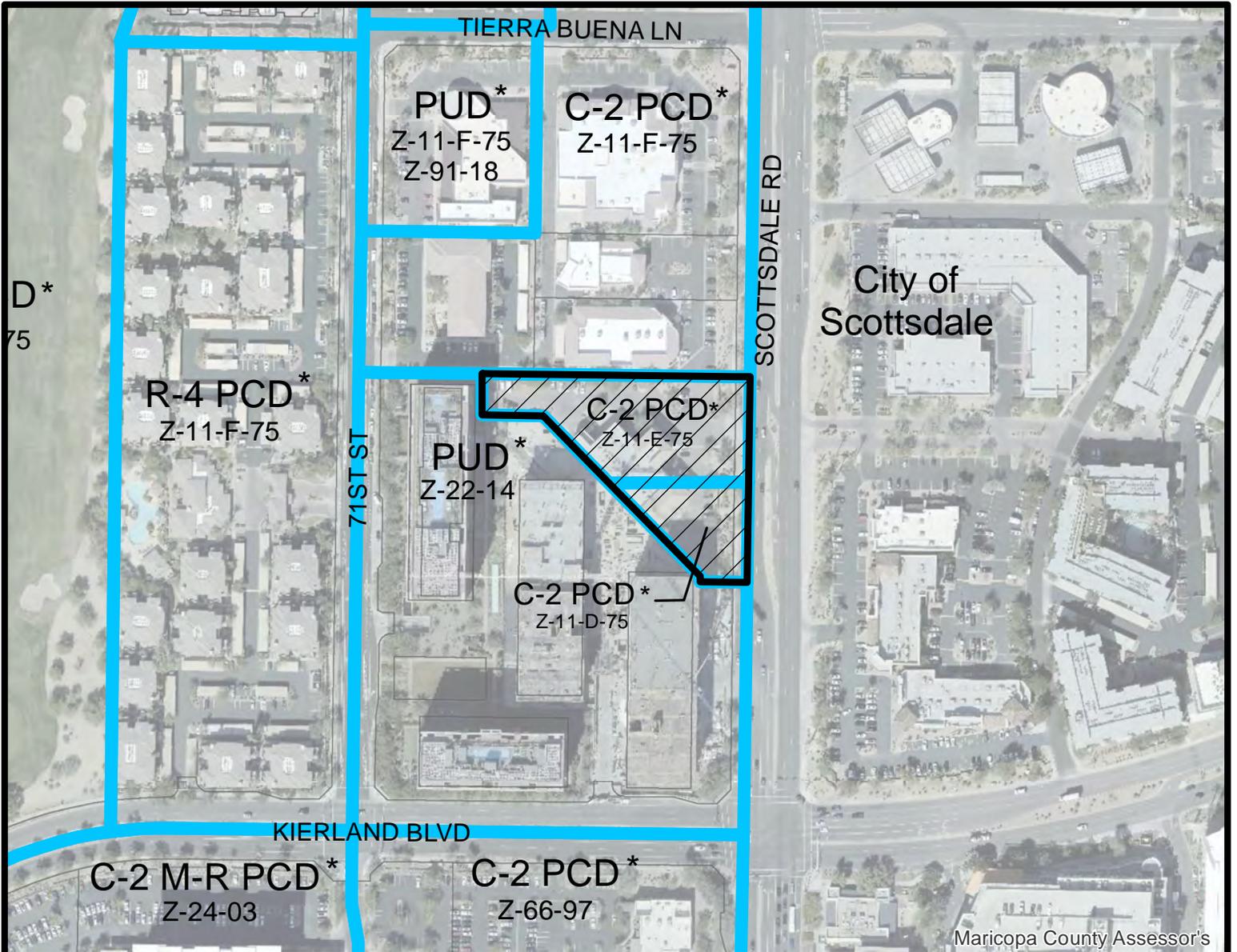


**PARADISE VALLEY VILLAGE**  
CITY COUNCIL DISTRICT: 2



<b>APPLICANT'S NAME:</b> Optima		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-33-20 Optima Kierland Center Phase II PUD		<b>FROM:</b> C-2 PCD ( 1.93 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>1.93 Acres</b>		<b>TO:</b> PUD ( 1.93 a.c.)	
<small>DATE:</small> 7/21/2020 <small>REVISION DATES:</small>			
<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 35-44</b>		<small>ZONING MAP</small> <b>L-12</b>	
<b>MULTIPLES PERMITTED</b>		<b>CONVENTIONAL OPTION</b>	
C-2 PCD		28	
PUD		288	
		<b>* UNITS P.R.D. OPTION</b>	
		33	
		N/A	

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



City of Scottsdale

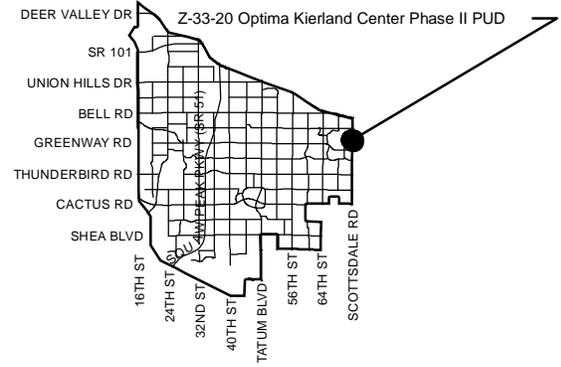
Maricopa County Assessor's



Miles



**PARADISE VALLEY VILLAGE**  
CITY COUNCIL DISTRICT: 2



<b>APPLICANT'S NAME:</b> Optima		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-33-20 Optima Kierland Center Phase II PUD		<b>FROM:</b> C-2 PCD ( 1.93 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>1.93 Acres</b>		<b>TO:</b> PUD ( 1.93 a.c.)	
<small>DATE:</small> 7/21/2020 <small>REVISION DATES:</small>		<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> QS 35-44	
<small>MULTIPLES PERMITTED</small> C-2 PCD PUD		<small>CONVENTIONAL OPTION</small> 28 288	
<small>* UNITS P.R.D. OPTION</small> 33 N/A			

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



August 19, 2020

Alan Stephenson  
David Simmons  
Phoenix Planning & Development Dept.  
200 W. Washington Street, 2<sup>nd</sup> Floor  
Phoenix, AZ 85003

**RE: Rezoning Case # Z-33-20-2 – Paradise Valley Village Planning Committee  
Informational Meeting**

Dear Mr. Stephenson and Mr. Simmons:

We represent Protect 7120 Optima, LLC, which is a group of approximately 90 homeowners' in the existing 7120 Kierland Boulevard Optima tower (the "Owners") directly west of the proposed 288 unit/10-story project in Case # Z-33-20-2. ***We are respectfully requesting staff to continue the proposed Paradise Valley Village Planning Committee ("VPC") from the August 31, 2020 date.*** The Owners have been in ongoing negotiations with the applicants and builder and were not aware of his plans to start the public hearing process for the case. We have also recently completed a full presentation to the KCA (Kierland Community Alliance) with 6 proposed changes to the application and we should have their response in a few weeks. We have organized a large group of original unit owners and coordination among this number of people in this short of time is not in the interest of the citizen outreach goals of the City. Until the applicant has addressed our concerns, we feel an informative VPC meeting is premature.

The first Optima tower built was the apartment tower along Kierland Boulevard. The Owner's tower, 7120, was the original (first) tower built in Optima Kierland with for-sale units. The remaining two (2) towers are currently under construction and almost complete. The initial design of the project (4 towers) was to layer the design to allow for views to the east and northeast for each of the three buildings that are constructed in a north/south manner. The apartment building is on the southern end of the project with unobstructed views to the south. A zoning case a couple of years ago was rejected by the City Council for the La Maison parcel because of impacts to the original Optima Kierland project. The reason for the denial was impacts to existing residents of Optima, view corridors, too much density and traffic concerns.

The Owners have been in discussion with Mr. Nick Wood and his client David Hovey for several months informing him of our group's issues to this proposal. The current proposal impacts the Owner's following concerns:



- The proposed ten-story building is almost exactly designed (L-shaped building) and as tall as the hotel and condominium building proposed by the previous owners of the La Maison property.
- The proposed building is actually closer to the 7120 Optima building and significantly more impactful than the previous denied zoning case proposal.
- The proposed case adds 288 new units and more than 288 parking spaces connected to the existing under-ground garage and creates an internal parking nightmare.
- The drawings for review are inaccurate as the bottom floor is designed with overhangs. Like the other Optima buildings, the upper floors cantilever above the bottom floor site plan so the design the site plan the VPC members are reviewing is not representative of the 'actual' building setback from the existing 7120 Optima building.

We are not opposed to a new Optima residential tower but have asked the applicant to increase the setback from our existing tower. We are not opposed to the applicant increasing the height of the building to make up for any lost units because of our request to increase the setbacks. The applicant continues to supply the public and unit owners misleading plans on the setback between the 7120 Optima building and their proposed building. We believe they can create an underground parking garage design that does not impact and creating underground traffic and parking conflicts between the existing garage and their proposed garage.

It is with these outstanding issues and a non-responsive applicant that we respectfully request the staff and VPC continue the case until a concerted effort is made by the applicant to address the concerns of the Owners most affected by their project. Please let me know as soon as possible, staff's position regarding this case. Thank you and I look forward to hearing from you.

Sincerely,

William E. Lally, Esq.

cc: Protect 7120 Optima LLC  
Paradise Valley Village Planning Committee Chairperson

## David O Simmons

---

**From:** Denise Finell <lunarjoy@yahoo.com>  
**Sent:** Wednesday, August 26, 2020 11:17 PM  
**To:** David O Simmons  
**Subject:** Rezoning Case Z-33-20-2 Paradise Valley Planning Commission

This rezoning will permit a very tall, large building in addition to the others already there to create a massive complex of buildings which will create a heat island in spite of all their efforts at minimizing this effect. Low desert trees on the ground and patio gardens hardly make up for tall trees shading lower buildings. ( I have read their information. The building is a problem. All they can do is try to minimize the negative effects.)

This huge mass of buildings is totally out of character with the Paradise Valley Character plan that shows this village to be open spaces, low desert flora, visible mountains and sky. The rezonings for buildings more that 30 feet high are destroying the character of Paradise Village that brought many residents to this area.

The Paradise Village Planning Commission should evaluate these rezoning requests against the character plan for this village. Nowhere in this plan does it indicate there would be areas similar to downtown New York City. Protect the current residents of this village against developers who have no real interest in the larger community.

These massive buildings will create a hotter environment, more pollution and a high density of people that will erode the quality of life in this area. Homes in the surrounding area will not appreciate as much as others further away. Current residents will be harmed by these massive buildings.

## David O Simmons

---

**From:** Len Harlig <len@lenharlig.com>  
**Sent:** Tuesday, August 18, 2020 7:03 PM  
**To:** David O Simmons  
**Cc:** PDD Paradise Valley VPC; Mayor Gallego  
**Subject:** Rezoning Case Number Z-33-20-2 ~ 7190 Kierland Optima

Madam Mayor, Mr. Simmons, members of PV VPC:

We are new residents at 7120 E. Kierland (Kierland Optima) and wish to comment on the proposed Rezone that would be required before the 7190 Application could move forward.

I was a planning and zoning commissioner for 8 years and a three-term county commissioner (similar in Idaho to the Board of County Supervisors in Arizona) in Blaine County, Idaho (home to the Sun Valley ski and summer resort), and in public service there for more than 40 years. There are a number of planning issues and concerns raised by this Rezone Application that should be carefully considered by all the planning and zoning agencies, and the City of Phoenix, before allowing the Application to go forward.

- The present Covid-19 pandemic that is affecting life in Arizona is also harming other states in the U.S.
  - The social distancing separation that prevents many of the residents of the surrounding buildings to Z-33-20-2 from attending public hearings, is reason enough to delay this Application until full public participation is possible.
  - Additionally, a large percentage of the people in the Kierland Optima complex had already left the area when this summer's higher temperatures hit, and before the Applicant's law firm had sent out notices to local residents; many property owners in the affected area are unaware of this Application, haven't seen its potential impacts, and won't be able to provide the public input that any good planning body or city council should want before making a decision on a development of this magnitude. At a minimum, this Application should be re-scheduled until the late fall when local residents have moved back to their homes here, can be properly and adequately noticed, and can fully participate in public hearings.
  - The health consequences of pandemics will change the way future buildings and developments are designed: to help prevent the transmission of disease; and increase the safety of its inhabitants. The 7190 Application is based on designs that were common before the pandemic hit and don't incorporate any of the building improvements that would lower the health and safety risks for future inhabitants of the building or the residents of other buildings in the complex.
- Comprehensive or Master or Specific Plans are the bedrock of all good planning entities. They guide future development that is consistent and acceptable to the citizens who have participated in their formation and provide zoning directions to future applicants
  - The Kierland Optima area does not have a Master Plan that would allow a structure like the one proposed by Z-33-20-2
  - If the Z-33-20-2 Application followed the underlying zoning of the area, it would not need a rezone.
  - Good planning is necessary to prevent material changes to any zoning district. Before any rezone is considered, a Master Plan for the area should be developed, with the participation of all affected and surrounding residents.
- The City of Phoenix is respected in Planning circles for its strong environmental and ecological commitments
  - My wife and I could have moved anywhere. We came to Phoenix because of its encouragement of green space, sound traffic and parking requirements, access to sunlight, and orderly growth.
  - We anticipate that Phoenix will continue to grow as more people come here for the many attractions that brought our family and ourselves here. Orderly growth will keep Phoenix an iconic destination. Unplanned rezones, waivers of existing ordinance requirements, and variances based solely on financial gain shake the confidence of future inhabitants.
  - Only through well-considered Master planning and continued commitment to the City's environmental and ecological goals and standards, will orderly growth inspire confidence in future residents and respect in present residents.

Thank you for the opportunity to comment.

Respectfully,

Carol and Len Harlig.

*Len Harlig*

7120 E. Kierland Blvd. #1005  
Scottsdale, AZ 85254

(208) 720-1043

## David O Simmons

---

**From:** Heidi Smith <heidibrakesmith@gmail.com>  
**Sent:** Sunday, August 30, 2020 5:31 PM  
**To:** David O Simmons  
**Subject:** Optima Kierland Center Phase II

David,

I would like to speak at the 8/31 Public hearing for this project - Z-33-20-2.

I would like to point out that the drawings have been revised. The information (site plan and elevations) circulated to the homeowners are not the same as the 1st Submittal on the PUD website.

I would like the applicant to explain and clarify the changes.

Thank you,

Heidi Brake Smith  
203-253-4944

# Snell & Wilmer

ONE ARIZONA CENTER  
400 E. VAN BUREN, SUITE 1900  
PHOENIX, AZ 85004-2202  
602.382.6000 P  
602.382.6070 F

Nicholas J. Wood  
(602) 382-6259  
nwood@swlaw.com

August 14, 2020

**Re: Informational Village Planning Committee Meeting Notification for the Property  
Located at 15450 North Scottsdale Road in Phoenix, Arizona**

Dear Property Owner or Neighborhood Organization Representative:

The purpose of this letter is to inform you that, on behalf of Optima, we have recently filed a rezoning request for the approximately 2.28-acre property located 15450 North Scottsdale Road (the "Property") (Exhibit A), **Rezoning Case Number Z-33-20-2**.

The City of Phoenix has scheduled an informal Village Planning Committee presentation to provide information about and discuss our case. The purpose of this letter is to invite you to that meeting to learn more about this proposal. The details of these meetings are included on the following page.

**Project Overview:** The property is currently occupied by an interior design studio, otherwise known as La Maison Interiors. The purpose of this request is to incorporate the Property into the larger Optima Kierland Center project and to establish development standards for the Property that are consistent with the Optima Kierland Center PUD.

This rezoning request will facilitate redevelopment of the Property from its existing use to a new, luxury multi-family residential community (the "Project") with a maximum of 288 dwelling units. The maximum proposed height for the Project is approximately 104 feet (10 stories).

The overall design concept for the Project is to sensitively integrate the new building into the existing Optima Kierland Center buildings by utilizing the same quality materials and integrating "on building" vegetative planting technology to provide visual excitement and dynamic visual interest. In addition to matching architectural features, the Project will also have consistent open spaces and amenities to the existing Optima Kierland Center. The Project also proposes the expansion of the underground parking garage for the Optima Kierland Center to provide uniform parking and site access for current and future residents.

Residential amenities will be located at the ground and roof levels of the Project. Conceptual project amenities may include a clubhouse, a rooftop pool and active and passive open space areas. The Project will maintain a minimum of 70 percent open space for the areas covered by the Optima Kierland Center and the Project.

# Snell & Wilmer

August 14, 2020

Page 2

Attached is a copy of the cover page of our application, conceptual site plan, and conceptual elevations for the Project.

A copy of the entire PUD Development Narrative containing the complete details of this request is on file with the City of Phoenix Planning and Development Department and should be available online at <https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>

Our request is currently in review with the City's Planning and Development Department staff. During this initial review period we would like to invite you to the Paradise Valley Village "Informational" meeting, the meetings have been scheduled as follows:

**Paradise Valley Village Meeting**  
**FOR INFORMATION ONLY**

**Date/Time:** Monday, August 31, 2020 at 6:00 p.m.

**Location:** Meeting will be held **virtually**.

To participate, see the instructions on the agenda available on the Public Meeting Notices websites.

**<https://www.phoenix.gov/cityclerk/publicmeetingnotices>**

You are welcome to participate in any of these virtual meetings to learn about the Project and the proposed zoning. Please confirm the Paradise Valley Village Planning Committee meeting details with the City of Phoenix Planning and Development Department before participating as they are subject to change. Hearing information may also be found on signs posted on the Property. Please be advised that the application will be presented to the Paradise Valley Village Planning Committee for information only. No vote will occur at this meeting. The Paradise Valley Village Planning Committee will review the case at a future meeting to provide a recommendation. This meeting and future meetings/hearings have not yet been scheduled. You should receive a subsequent notice identifying the date and location of the meeting/hearings when they have been scheduled.

Please contact me or my staff Senior Urban Planner, Noel Griemsmann, AICP at (602) 382-6824 or via e-mail to [ngriemsmann@swlaw.com](mailto:ngriemsmann@swlaw.com), should you have any issues participating in the virtual, applicant-hosted neighborhood meetings or have any questions about this proposal.

You may also learn more about this case and make your opinions known by submitting your questions and comments online at:

**<https://optima7190.azurewebsites.net/>**

Copies of any comments received by the applicant on this website and at the neighborhood meetings will be shared with City and made part of the case file.

# Snell & Wilmer

August 14, 2020

Page 3

The City of Phoenix Village Planner assigned to this case is David Simmons. Mr. Simmons can answer your questions regarding the City's review and hearing processes as well as the staff position once their staff report is complete. You may contact Mr. Simmons at (602) 262-4072 or via e-mail to [david.simmons@phoenix.gov](mailto:david.simmons@phoenix.gov).

You may also make your thoughts known by writing to the City of Phoenix Planning and Development Department, 200 West Washington Street, 2<sup>nd</sup> Floor, Phoenix, Arizona 85003, referencing the case number. Your letter will be made part of the case file.

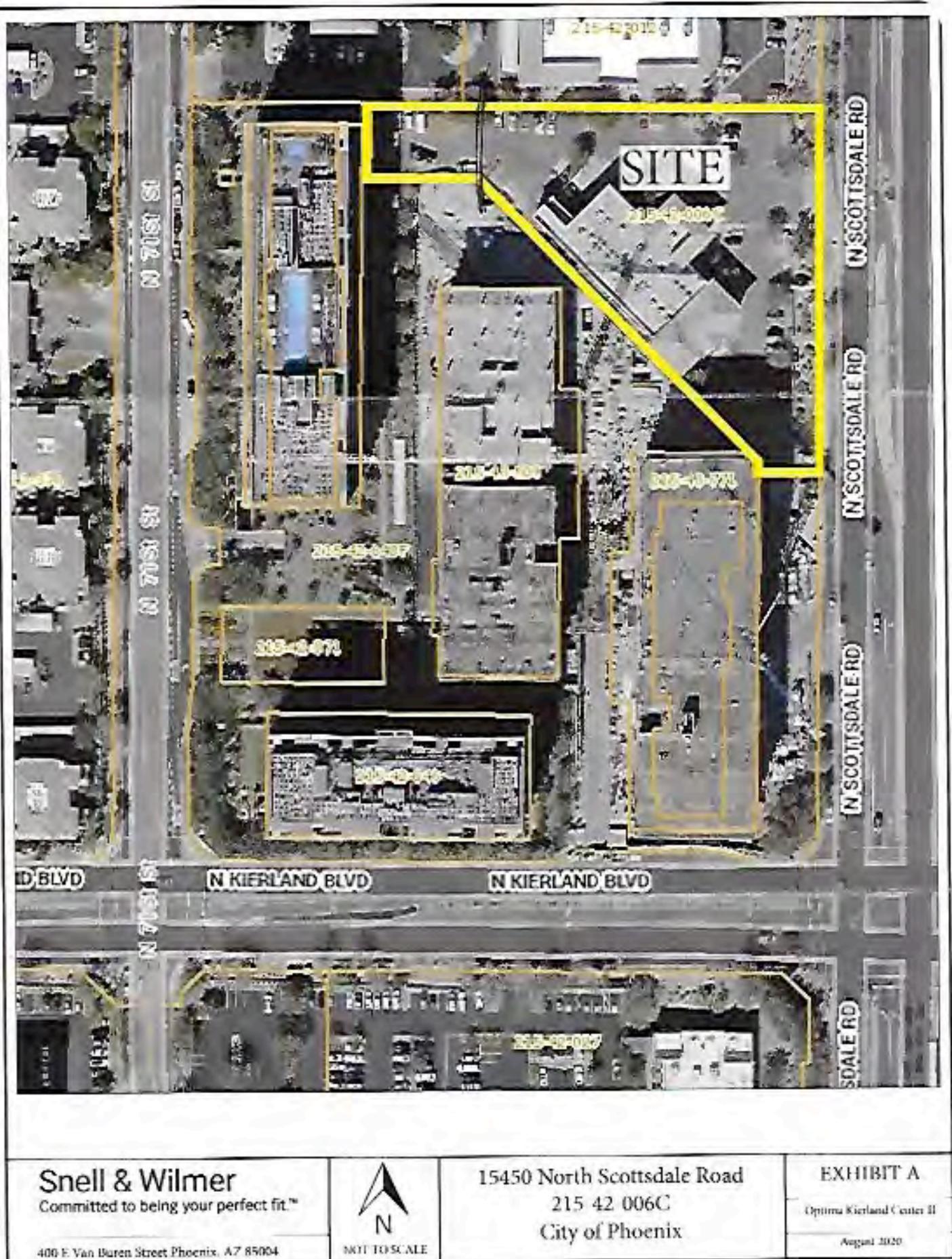
Again, I would be happy to answer any questions or discuss any comments that you may have regarding this proposal.

Sincerely,

Snell & Wilmer

A handwritten signature in black ink, appearing to read "Nicholas J. Wood". The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Nicholas J. Wood



**Snell & Wilmer**  
Committed to being your perfect fit.™

400 E Van Buren Street Phoenix, AZ 85004



NOT TO SCALE

15450 North Scottsdale Road  
215 42 006C  
City of Phoenix

**EXHIBIT A**  
Optima Kierland Center II  
August 2020



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## APPLICATION TO AMEND ZONING ORDINANCE

APPLICATION NO: Z-33-20

**PROPERTY LOCATION:** Approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard

**TO BE CHANGED:**

**FROM:** C-2 PCD

**TO:** PUD

**PROPOSED USE:** Multiple Family

**LEGAL DESCRIPTION:** See attached

**Ordinance #:**

**Ordinance Date:**

**Supplemental Map #:**

**CASE TYPE:** PUD  
**GROSS ACREAGE:** 2.28  
**CENSUS TRACT:**  
**DATE FILED:** 6/18/2020

**DSD #:**  
**VILLAGE:** Paradise Valley  
**Q.S. MAP:** 35-44  
**TAZ:**

**CASE STATUS:** Pending  
**ZONING MAP:** L-12  
**COUNCIL DISTRICT:** 2  
**FILING STAFF:** 078321

**OWNER:** Kierland Center, LLC  
**ADDRESS:** 7157 East Camelback Road, Suite C140 Scottsdale AZ 85254  
**OWNER EMAIL ADDRESS:**

**PHONE NO.:**

**APPLICANT:** Optima  
**ADDRESS:** 7157 East Rancho Vista Drive, Suite 109 Scottsdale AZ 85254  
**APPLICANT EMAIL ADDRESS:** richlem@optimaweb.com

**PHONE NO.:** (480) 874-9900

**REPRESENTATIVE:** Nick Wood, Snell & Wilmer, LLP  
**ADDRESS:** 400 East Van Buren Street, Suite 1900 Phoenix AZ 85004  
**REPRESENTATIVE EMAIL ADDRESS:** nwood@swlaw.com

**PHONE NO.:** (602) 382-6269  
**FAX NO.:**

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email [zoning\\_mailbox@phoenix.gov](mailto:zoning_mailbox@phoenix.gov) or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

**SIGNATURE:** *for Nick Wood*

**DATE:** 6/18/2020

**POST APPLICATION MEETING DATE:**

Zoning Hearing Officer

Planning Commission

City Council

FEE	FEE WAIVED	FEE DATE	RECEIPT	PURPOSE
\$4,359.60	\$0.00	6/18/2020		Original Filing Fee

(Additional Properties Attached)



*Optima  
Kierland  
Center  
6/12/2020*





WEST ELEVATION



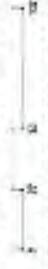
SOUTH ELEVATION

*changed  
base from  
not above*

*AREA OF CHANGE FROM 6/12/2020 PLAN*

**EXHIBIT 17**

- CONCEPTUAL ELEVATIONS



OPTIMA KIERLAND CENTER - 7190  
 7100 EMBURY DRIVE, SUITE 100, BIRMINGHAM, AL 35243-4603

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

Delivered – Via Email

August 23, 2020

David Simmons, [David.simmons@phoenix.gov](mailto:David.simmons@phoenix.gov)  
Paradise Valley Staff Planner & Committee  
Paradise Valley VPC, [ParadiseValleyVPC@phoenix.gov](mailto: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)

Dear David and the Paradise Valley Council,

The Applicant for Z-33-20-2 recently held a public meeting on July 22<sup>nd</sup>, 2020. It has scheduled a second public meeting for August 31<sup>st</sup>, 2020 for which we have received notice dated August 14<sup>th</sup>, 2020.

This last notice (8/14/2020) contains changes in the site plan and the elevations from the first package we received on 7/2/2020 and the narrative document on the Phoenix PUD webpage. I ask for further clarification regarding the changes and note the following:

**Exhibit 5 Site Plan Ground Floor** (letter dated 8/14/2020 with drawings dated 7/30/2020) shows a slimmed down ground floor plan (from the letter dated 7/2/2020 version with drawings dated 6/12/2020) with a decrease in building length (both north 'L' and south 'L'). It also has wall modifications (jogs) on the north facing side. The western ground floor edge appears to be more aligned to the eastern side of the 7140 building.

**Exhibit 16 Conceptual Elevations** (letter dated 8/14/2020) illustrates very minor changes on the ground level (a section of glass is removed) and no change to the floors 2-10. Therefore, the corridors (distances) between '7120 and 7190' and '7140 and 7190' have not been changed above the 2<sup>nd</sup> floor. The letter's narrative states no change in units at 228.

As discussed in my earlier letters, particularly my letter dated 7/28/2020 regarding a massing of the Optima buildings, the distances between these buildings should be generous enough so that we do not create a dark 'Canyon Effect'. When first examining the changes to the Site Plan, I had hoped to see the western wall of 7190 moved eastward, mirroring the

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

ground floor decrease. However, the Elevations show no change above the 2<sup>nd</sup> floor. So, why was the ground floor level changed? Why are the changes limited to the ground floor?

I suggest that the Applicant prepare a '5<sup>th</sup> floor' site plan with specific measurements to fully understand the distances between the buildings for the entire campus with greater transparency, especially as the developer updates the drawings.

While reviewing the Application, let me point out that the Cover Page for Optima Kierland Center Phase II and Exhibit 11 show the prospective (7190) building without the neighboring Optima buildings. Four similar buildings exist; please review the Phase II application within the existing context overall context.

PUD applications should improve the built environment. When we allow developers to modify existing zoning regulations, we should demand a superior product within context of existing conditions and pending applications.

Sincerely,

*Heidi Brake Smith*

Heidi Brake Smith

Owner – 7120 Kierland, Unit 708

Attachment – Letter of Notification re: August 31<sup>st</sup>, 2020 meeting

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](mailto:David.simmons@phoenix.gov)  
Paradise Valley Staff Planner  
Paradise Valley VPC, [ParadiseValleyVPC@phoenix.gov](mailto: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 22<sup>nd</sup>.

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 71<sup>st</sup> 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 71<sup>st</sup> (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 71<sup>st</sup> Street changes significantly from 7120 northward as 15615 where setbacks are reduced.

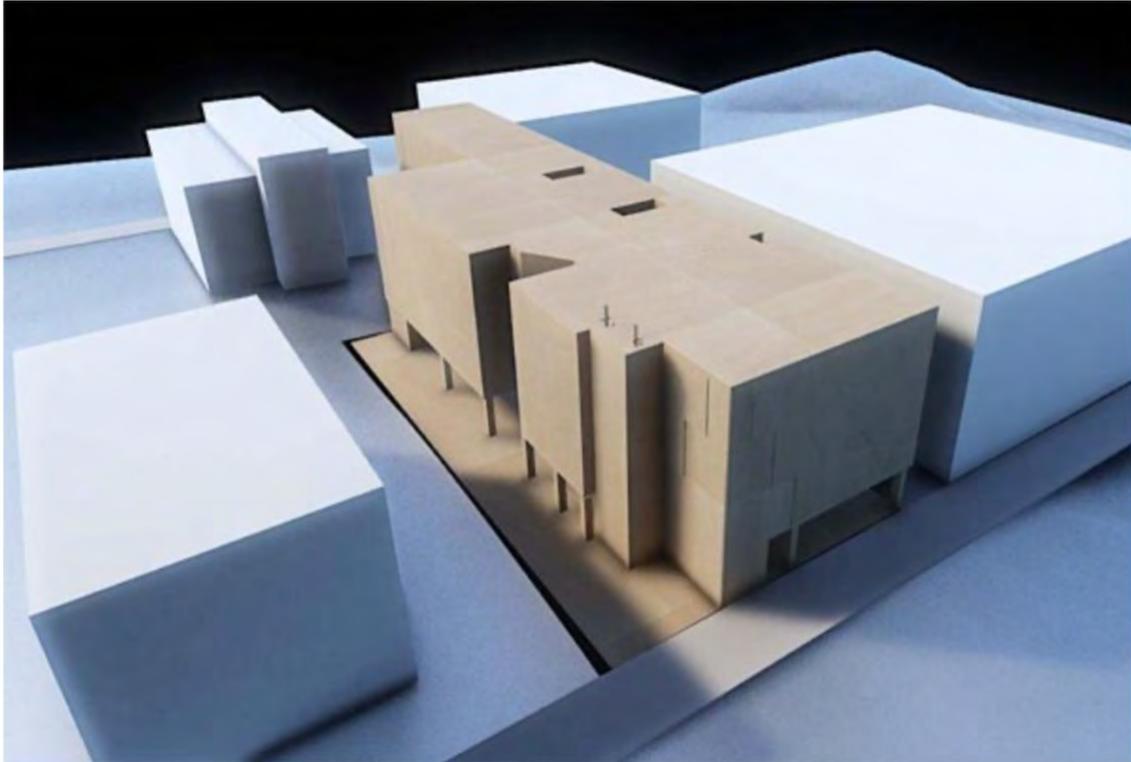
Optima's developer team continues to present these 2 applications separately in order to camouflage the significant combined impact they will have if/when both are completed as currently drawn. It is the task of the Phoenix Planning Department and the PV Village Planning Council to necessitate that these 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

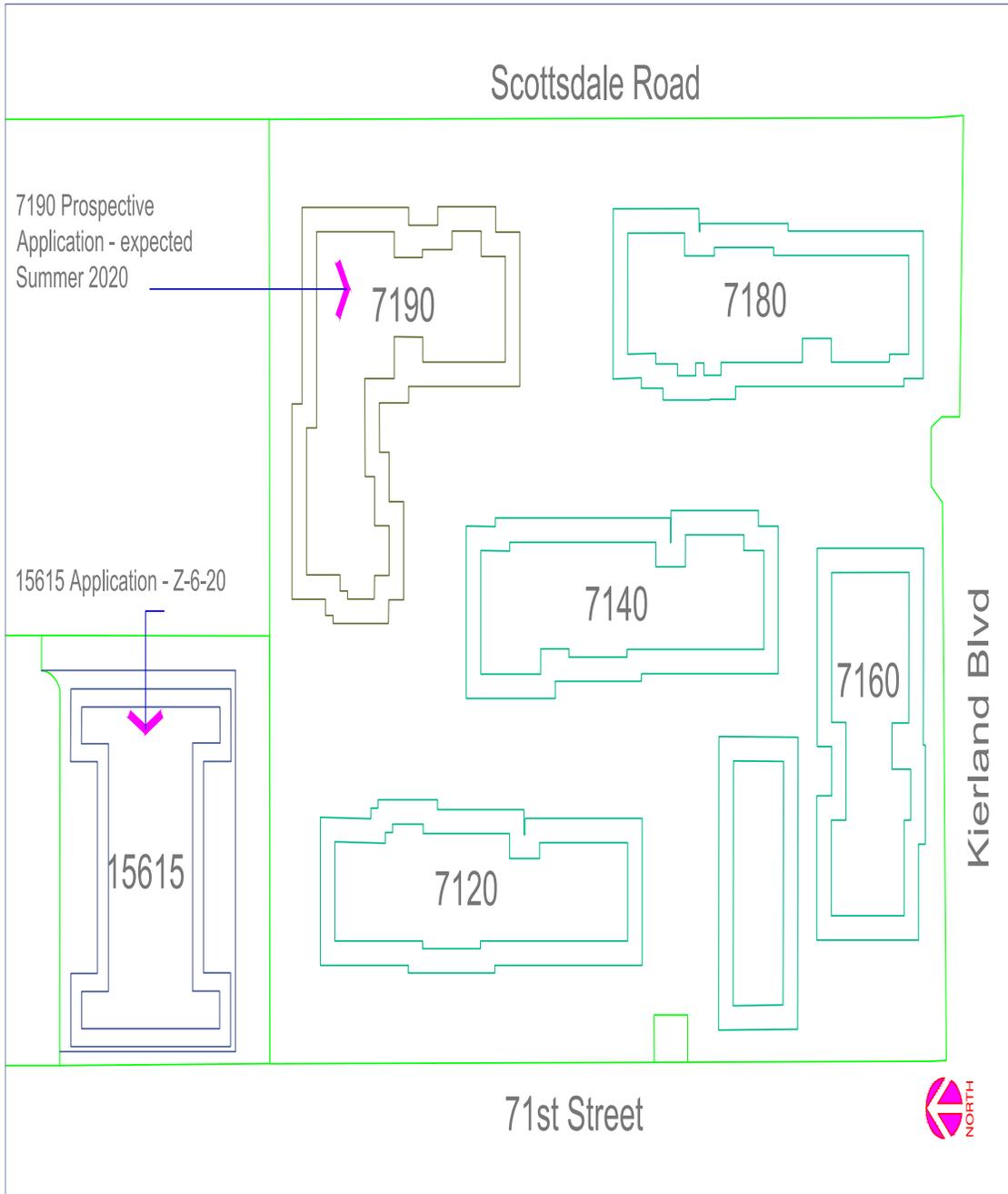
Owner – 7120 Kierland, Unit 708



A Massing Model –

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

# Current Optima Kierland Bldgs shown with new applications



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

Delivered – Via Email

September 21, 2020

David Simmons, [David.simmons@phoenix.gov](mailto:David.simmons@phoenix.gov)  
Paradise Valley Staff Planner & Committee  
Paradise Valley VPC, [ParadiseValleyVPC@phoenix.gov](mailto:ParadiseValleyVPC@phoenix.gov)  
City of Phoenix Planning and Zoning Department

Re: 2<sup>nd</sup> Submission and Changes Noted -  
Rezoning Application – Z-33-20-2, Optima Kierland Center Phase II

Dear David and Committee Members,

Optima held its second neighborhood meeting on September 17<sup>th</sup>, 2020 via Zoom for its application Z-33-20-2 – 2<sup>nd</sup> Submission. The visible changes since the first application appear to be solely at the base level. **However, (1) the cantilevered upper floors have not changed. The cantilevered corners and their support structures are located ‘off’ the applicant’s parcel as shown on Exhibit 5b. (See attached marked up site plan #1). And (2) the setbacks for the adjacent property lines (south = 0) are less than regulation would allow.** What are the regulations and/or trade-offs behind this revision?

I ask the Phoenix Planning Council/Department to clearly explain how the applicant can apply for a building whose upper floors are clearly outside the property line in two separate locations. And I ask the Phoenix Planning committees to explain why ‘0’ setbacks are permissible in residential multifamily zones.

These two applications before this Committee, if approved, cement the ‘Canyons of Kierland’ effect. To help illustrate my comments, I have attached a simple site plan (attachment 2) illustrating what the Optima campus will look like in plan-view. I have also marked a screenshot of pages 8 and 9 of the narrative detailing setbacks (attachments 3 and 4). These 6 buildings on three parcels will look like one with their similar materials, details, and articulation. Are they separate or one?

The recent 9/17 neighborhood meeting was not a discussion; it was the attorney’s presentation. Optima has conscientiously separated projects selectively picking which scenario to hold (standalone or similar) depending on page or paragraph. Their justification for the development is consistently stated as ‘better than those presented beforehand’.

## Heidi Brake Smith

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

A master plan for the 71<sup>st</sup> Street corridor from Kierland to Paradise Lane early on would have been ideal. A massing for 71<sup>st</sup> Street from Kierland to Tierra Buena would have been key when applications to the north were before you. Today we ask for (beg for!) a massing of the Optima-led projects. Without a true massing of all buildings we will really never understand the distances between all these new buildings from 7120. (See Campus attachment.)

Without no face to face conversations and contextual discussions, these plans are flying through the planning process with no real input and little to no pushback. We are frustrated. If the developer will not answer our questions, then the planning committee members and departments need to.

Together, Application 7190 (Z-33-20) and Application 15615 (Z-6-20) materially change the lifestyle experience that Optima sold its current residents at 7120. The Canyons of Kierland with these two new buildings become one giant mass. The sunny pictures on the Optima campus shown on the website and ads should be taken with more than a few teaspoons of salt!

Regards,

*Heidi Brake Smith*

Heidi Brake Smith

Owner – 7120 Kierland, Unit 708

Attachments –

- 1) Site Plan of Optima Kierland with 7190 and 15615 (Marked)
- 2) Optima Buildings (Existing Plus 2 Applications)
- 3) Selected Development Pages of Narrative (Pages 8 – 9)



DEVELOPMENT INFORMATION		
SUBJECT SITE - OPTIMA KIERLAND CENTER - 7190 15450 N. SCOTTSDALE ROAD PARCEL: 215-43-006C		
EXISTING ZONING	C-2/PCO	
PROPOSED ZONING	PUD	
LOT INFORMATION:		
GROSS LOT AREA OKC PUD 2-22-14-2:	(9.42 AC)	410,469 SF
GROSS LOT AREA OKC 7190:	(2.28 AC)	98,290 SF
GROSS LOT AREA COMBINED:	(11.70 AC)	509,759 SF
NET SITE AREA OKC PUD 2-22-14-2:		
NET SITE AREA OKC 7190:	(7.43 AC)	323,688 SF
NET LOT AREA COMBINED:	(1.78 AC)	77,799 SF
	(9.21 AC)	401,347 SF
NO. DWELLING UNITS OKC PUD 2-22-14-2:		
NO. DWELLING UNITS OKC 7190:	738	
NO. DWELLING UNITS COMBINED:	288	
	1,026	
OPEN SPACE CALCULATION		
7190 OPEN SPACE:	70.0%	
COMBINED OPEN SPACE:	72.6%	
SETBACK INFORMATION FOR PROPOSAL:		
EAST / N SCOTTSDALE ROAD:	50 MN	
SOUTH / KIERLAND BLVD:	20 MN	
WEST / N. 71ST STREET:	20 MN	
NORTH:	20 MN	
HEIGHT		
HEIGHT:	104'-0"	
NUMBER OF STORES:	10	
ALL PARKING SPACES PROVIDED IN UNDERGROUND GARAGE:		
	1,922 SPACES	
BICYCLE PARKING:		
	PROVIDED	

PROPERTY LINE/ R.O.W

7190 BUILDING SETBACK LINE

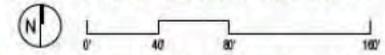
SUBJECT SITE  
OPTIMA KIERLAND CENTER 7190

OPTIMA KIERLAND CENTER  
PUD 2-22-14-2

7190 BUILDING SETBACK LINE

**EXHIBIT 5.a**

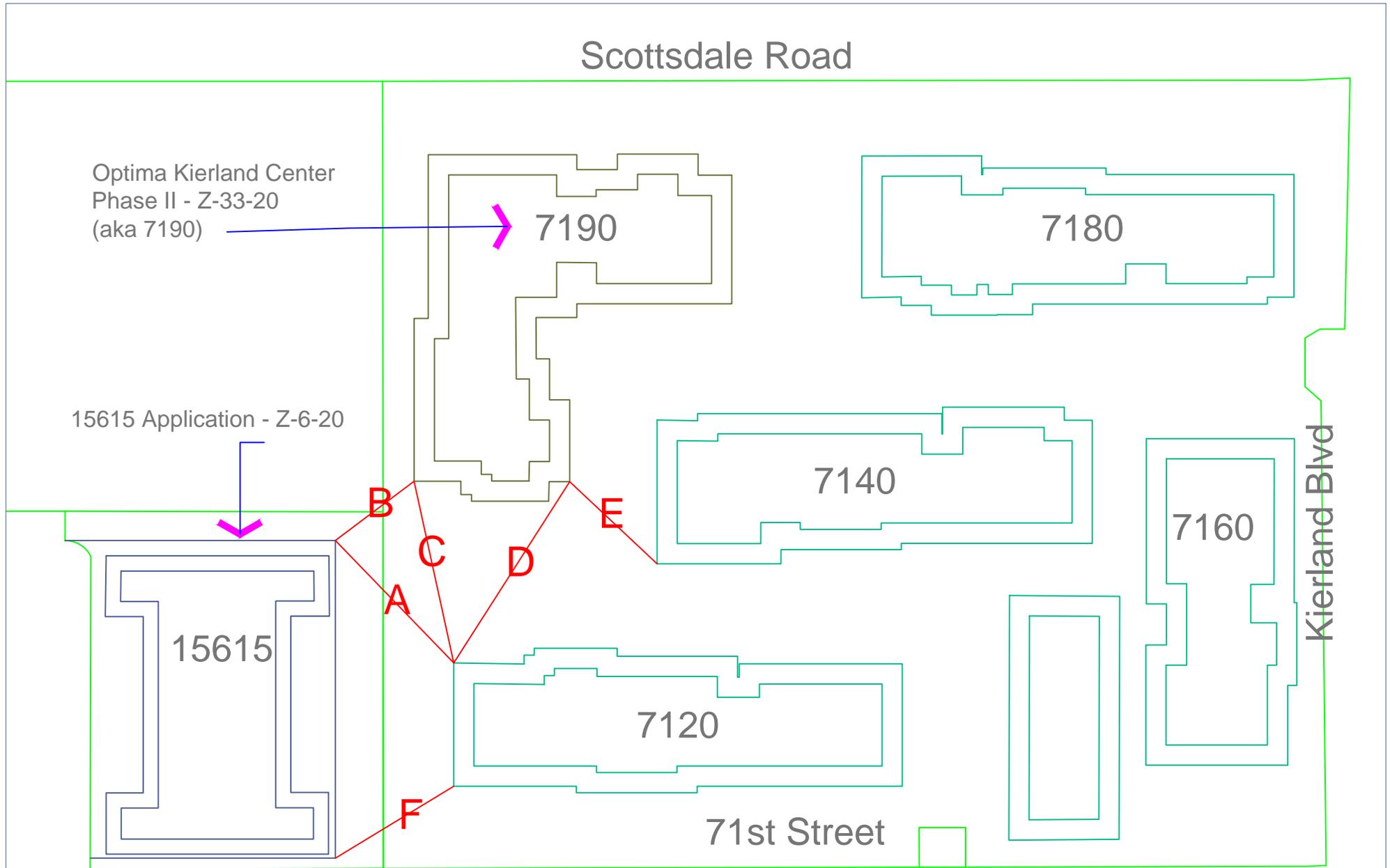
OVERALL SITE PLAN - TYPICAL RESIDENTIAL FLOOR



OPTIMA KIERLAND CENTER - 7190

7157 East Rancho Vista Drive, Suite 109, Scottsdale AZ 85251 480-874-9900

# Current Optima Kierland Bldgs shown with new applications Requested Distances (A,B,C,D,E,F) -



## D. Development Standards

### 1. Development Standards Table.

a.	Density and Number of Dwelling Units Permitted	288	
b.	Minimum Lot Width/Depth	No Minimum Standard	
c.	Building Setback Standards	East, Scottsdale Road Minimum Setback	55 Feet
		North, Perimeter Property Line Minimum Setback	20 Feet
		West, Internal Property Line Minimum Setback	25 Feet
		South, Internal Property Line Minimum Setback	0 Feet
d.	Building Separation	From the Existing 7120 Building	85 Feet
e.	Height <sup>2</sup>	Permitted Height <sup>3 4 5</sup>	104 Feet
f.	Lot Coverage	Maximum	55%

<sup>2</sup> Because of the integration of the underground parking garage into the larger Optima Kierland Center PUD, Case Z-22-14, and the need to maintain an even floor for the garage and ground level open space, the base elevation for establishment of “zero” for grade measurement for this PUD shall be set at the City of Scottsdale Coordinate System Elevation of 1,477.04’.

<sup>3</sup> The rooftop pool and amenities deck with running track will be installed up to five (5) feet above the structural deck. The permitted height excludes the rooftop pool and amenities deck and pool/spa surfaces and all enclosed amenity and restroom areas on top of the rooftop pool and amenities deck.

<sup>4</sup> The permitted roof height excludes the mechanical screen and support walls, shade awnings, roof trellises, elevator lobby and overrun, stair and penthouse enclosures, and raised planters and planting enclosures, all such features are limited to no greater than 25 feet in height and no more than 30% of the total roof area.

<sup>5</sup> Mechanical, electrical and utility equipment and enclosures shall be permitted to exceed the permitted height by 25% so long as such areas are limited to no greater than 30% of the total roof area and are architecturally integrated into the structure’s elevation.

## 2. Landscape Standards.

a. Streetscape (Scottsdale Road)	55-foot Landscape Setback
b. Perimeter Property Line (North)	20-foot Landscape Setback <sup>6</sup>
c. Interior Property Line (West/South)	None Required
d. Open Space <sup>7</sup>	Provision of Open Space at Grade Level of no less than 70% <sup>8</sup> of the total net lot area
e. Below Grade Landscaping	Landscape planters located below grade, if provided, shall include landscaping that is generally consistent with the “at grade” or “above grade” vegetation, with deviations as appropriate to respond to the growth challenges of such locations
f. Public Sidewalk Standard	8 feet in width, detached a minimum of 7 feet <sup>9</sup>

## 3. Parking.

### a. Automobile Parking.

Upon completion, this project and the existing Optima Center Kierland project will have a total of 1,922 parking spaces based on the proposed parking garage design.

This PUD requires that parking be provided, which may be in a shared garage with Optima Center Kierland, as follows:

- i. Secured Parking – 404 spaces provided, 1.4 per unit minimum required
- ii. Unsecured Parking – 43 spaces provided, .15 per unit minimum required
- iii. Total Parking Provided: 447 spaces, with 1.55 per unit minimum required

<sup>6</sup> Exception for entry drive and garage ramp which may be located in this setback.

<sup>7</sup> Open space is to be calculated as the total net Site area minus any enclosed building spaces at the base/ground level. Open space includes areas of landscaping, vegetation, hardscape, fountains, public art and/or related areas that are not enclosed by walls and roof.

<sup>8</sup> For calculation of total Open Space, the developer shall provide an overall calculation for both of (i) the areas covered by the Optima Center Kierland (Case No. Z-22-14) and (ii) this PUD. The total shall be inclusive of the area of both PUDs to illustrate 70% minimum open space is maintained across both projects.

<sup>9</sup> Allowed to taper below minimum to connect to existing sidewalks and driveway ramps.

## David O Simmons

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**From:** Heidi Smith <heidibrakesmith@gmail.com>  
**Sent:** Monday, October 26, 2020 10:57 AM  
**To:** David O Simmons  
**Subject:** Application – Z-33-20-2, Kierland Center Phase II

Dear David,

I received the Staff Notices dated 10/13/2020 for application Z-33-20-2. I also have reviewed the Agenda for the Paradise Valley Planning Committee for 11/2/20, where I can see that Kierland Center Phase II is no longer on the schedule.

I would like to understand the next steps for the applicant. Can you please assist me with the following?

1. Will this application, once amended, return to the PVVPC?
2. Could the applicant submit an updated PUD narrative (#3) for this application number?
3. Could the applicant pull the application as submitted and start the process over with a new design, effectively restarting the application?
4. Could the applicant pull the application and resubmit an application for a Major Amendment, effectively restarting the application?
5. Will the applicant need to present its revisions to the Neighborhood in any of the above scenarios?

Lastly, if a Major Amendment is prepared, does the applicant need to re-start the PUD process? How is this different from what we have experienced to date?

Thank you for all your efforts,

Sincerely,

*Heidi Brake Smith*

Heidi Brake Smith  
Owner – 7120 Kierland, Unit 708  
203-253-4944

## David O Simmons

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**From:** Alan Stephenson  
**Sent:** Monday, October 5, 2020 12:23 AM  
**To:** David O Simmons; Samantha Keating  
**Cc:** Joshua Bednarek  
**Subject:** FW: Protect 7120 Optima LLC Follow-Up

Fyi-

Alan Stephenson  
Planning and Development Director  
[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)  
(602) 262-6656  
[www.phoenix.gov/pdd](http://www.phoenix.gov/pdd)

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**From:** Kurt A. Jones <kajones@tblaw.com>  
**Sent:** Monday, September 28, 2020 2:59 PM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>  
**Cc:** 'hoyatrojan@aol.com' <hoyatrojan@aol.com>  
**Subject:** Protect 7120 Optima LLC Follow-Up

Alan, as you know, we represent Protect 7120 Optima, LLC and their continued interest and opposition to the proposed PUD as submitted to the City of Phoenix on the adjacent La Maison furniture store, Case # Z-33-20-2. Our client has advised us to follow up with you after his conversation with you and Councilman Waring on Friday afternoon. Our clients main concerns are as follows:

- 1) They are requesting the northwestern leg of the future tower to be moved east approximately 150 feet from the current applications location. Protect 7120 Optima LLC are not opposed to the new building being 11 or 12 floors (120 feet), as long as it is moved further away from the 7120 building.
- 2) They want the current grass area to be preserved as it is really the only useable open space within the Optima project. Optima has approval from one of the previous PUD cases to replace that grass area with an office building.
- 3) They want the new building to have vehicle access only from Scottsdale Road and not use the shared parking access off of 71<sup>st</sup> Street on the west side of the existing Optima complex. They also request not to connect the garages with the new PUD project.
- 4) They request not to share the existing parking garage with the new parking garage.
- 5) They are requesting to not have the new PUD join the existing PUD HOA.
- 6) Finally, the current PUD has a proposed building (tower) proposed across the current property line of the Optima complex and the old La Maison parcel. If the proposed PUD requires development standards and other land use calculations from the existing Optima development, then a major amendment to the existing PUD is necessary. That would require the applicant to obtain at least 50% of the current property owners within the existing PUD. Until he obtains these signatures, the City should not be processing the case and or scheduling hearings. If the applicant does not seek to include the existing PUD into the proposal, then at a minimum the building is going to have to be moved east and north onto the existing triangular La Maison parcel and a resubmittal of the entire case will be necessary.

Currently, Optima Kierland is now the most dense residential project in Arizona and the proposed PUD tower will be the most dense residential building at Optima Kierland. With such a dense new building proposed, the above requested conditions are very important to the Protect 7120 Optima LLC group. Please let me know when you have discussed

these issues with the applicant and what the City's next steps are on this case. Finally, since there are so many issues with this case, please advise when you believe the next hearing (PV VPC) will be held. Thank you and if you have any questions, feel free to reach out to discuss.

Thank you, Kurt Jones

Kurt A. Jones, AICP | Senior Planner | 602.452.2729



Seventh Floor Camelback Esplanade II | 2525 E Camelback Road | Phoenix, AZ 85016  
C 480.225.8937 | P 602.255.6000 | F 602.255.0103  
Offices: Alabama | Arizona | California | Florida | Michigan | Nevada | New Mexico

## David O Simmons

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**From:** Len Harlig <len@lenharlig.com>  
**Sent:** Friday, September 18, 2020 12:32 PM  
**To:** David O Simmons  
**Cc:** PDD Paradise Valley VPC; Mayor Gallego; Council District 2 PCC  
**Subject:** Rezoning Case Number Z-33-20-2 ~ 7190 Kierland Optima

Dear Mr. Simmons ~

On Wednesday, September 16, 2020, at 6:00 PM, the applicant for the referenced Rezone Z-33-20-2 scheduled a 60-minute **Neighborhood Meeting** (as part of PV VPC requirements). For the first 52 minutes of the 60 minutes, the applicant spoke and showed slides without providing any opportunity for other participation. This was not a 'meeting' as is intended by the ordinance; it was a filibuster orchestrated to avoid neighborhood interaction. The applicant used his time to compare a previous application by DMB (a wildly, over-dense development that violated every respectable planning concept and all relevant City codes) and which was wisely denied by the Phoenix City Council.

The applicant for Z-33-20-2 re-iterated its position that it wouldn't meet with individual persons or groups of objecting neighbors. He is only willing to meet with a single representative (or group) for all concerned neighboring residents. At the end of the presentation Wednesday night, it was obvious that any input from concerned neighbors would not get a fair hearing in the remaining 8 minutes. One person asked about when the applicant would break ground, hardly an opposition question. I understand the applicant's desire to reduce the number of individual meetings he would have to attend and I would be comfortable with his demand if the community wasn't in the middle of a pandemic and if so many of the Optima Kierland resident condo owners weren't out of the area, at present. The people most impacted by the rezone application should have at least as much time to coordinate a response as the applicant has had to prepare and submit the application. The application should not come before PV VPC for at least four months, until the entire **"Neighborhood"** can be available and adequately respond.

By comparing each totally unacceptable aspect of the rejected DMB proposal (traffic, garbage removal, parking, deliveries, building height, density, setbacks, open space, etc.), to the 7190 project, the applicant claimed that it was somewhat less awful than DMB. The goals of good planning should not be based on applying for a slightly less awful project than one that was previously sought and denied. I was involved in planning for my county before I came to Phoenix. A neighboring rural county had an ordinance that limited *Confined Animal Feeding Operations* (CAFO) to a maximum number (based on pollution, odor, water availability, interference with neighboring uses, traffic on farm-to-market roads, etc.) of animals. An agricultural application came in for a 100,000 CAFO and it was 20 times the code limit; the application was denied. Two years later the same applicant came back with a proposal for a 90,000 CAFO, claiming it was 10 percent better than the first application; it too was denied. I'm not comparing condo developments with hog or cattle CAFOs, but the similarities in application presentations are hard to ignore.

The solution to the demands of the applicant to rezone the property in order to create an overly-dense, traffic-laden, height-burdened project would be to limit the project to the underlying zoning, not to change the zoning to create new problems for the neighboring streets and boulevards (all density increases traffic, but lower densities are less impactful than higher ones). The answer to the problem of creating a wall of too-high buildings is not to put up a 104-foot building that is only 16 feet shorter

than its next- door building (a height difference that won't be notable from a car going 45 mph past the buildings). In fact, everything from a planning perspective, in the area cries out for lower heights, less traffic, and less density.

The 7190 project, as it is being proposed, needs a significant haircut; the PV VPC can be a first-class stylist in making the 7190 project more presentable.

Thank you.

Len Harlig

*Len Harlig*

7120 E. Kierland Blvd. #1005  
Scottsdale, AZ 85254

(208) 720-1043

## David O Simmons

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**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

## David O Simmons

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**From:** Pat Simpson <psim338@aol.com>  
**Sent:** Sunday, August 30, 2020 9:37 AM  
**To:** David O Simmons  
**Cc:** PDD Paradise Valley VPC  
**Subject:** Seeking clarification regarding Application Z-33-20-2 Optima Kierland Phase II (La Maison)

Dear Mr. Simmons and the Paradise Valley Council,

Two weeks ago, as residents/owners at Optima Kierland 7120, we received notice of the public for Application - Z-33-20-2, Optima Kierland Center Phase II (AKA La Maison). There is a scheduled public hearing for this proposal on August 31.

We ask for clarification on the developer's submission, particularly with regard to:

**Site Plan** - The site plan presented shows the ground floor, which appears to be scaled back from former submissions. Yet it appears that floors 2 and above cover most/all of that scaled back ground floor, which will result in the building being much larger than the ground floor drawing makes it appear. This is not clear to a casual observer so we doubt most residents will note it. We would like to understand why the ground floor was changed, but not the floors above? Does this ground floor count as open space even though it is totally covered by the upper floors of the building and not available to the public? We are hoping the planning board will ask for clarification on the distances between the new and existing buildings, which appear to be creating a dark and closed in area.

**Master Plan for the Kierland area** - in the 2 years we have been living in Kierland we have observed significant development along 71 St. and would like to understand what type of a master plan the city has in place for the area to prevent haphazard development and an over-taxing of the area's infrastructure, and how this submission fits into it.

**Policy for zoning changes** - Does the city require a developer to show how granting them a change in a parcel's zoning will improve the environment, especially considering the other buildings already in place? From what we have observed, the granting of zoning changes is fairly liberal, and we think any developer receiving a zoning modification should be required to build something that enhances the area within the context of existing buildings and pending applications.

Thank you for your attention,

**Pat Simpson**

Owner - 7120 Kierland, Unit 805

July 10, 2020 – Delivered via email

**TO: David Simmons, [David.simmons@phoenix.gov](mailto:David.simmons@phoenix.gov)  
Paradise Valley Staff Planner & Committee**

**Paradise Valley VPC, [ParadiseValleyVPC@phoenix.gov](mailto:ParadiseValleyVPC@phoenix.gov)  
City of Phoenix Planning and Zoning Department**

**Jim Waring, [council.district.2@phoenix.gov](mailto:council.district.2@phoenix.gov)  
City Council**

**RE: Application Z-6-20 (DCH 15615 N. 71<sup>st</sup> 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. 71<sup>st</sup> 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

Sept 8, 2020 – Delivered via email

**TO: David Simmons, [David.simmons@phoenix.gov](mailto:David.simmons@phoenix.gov)  
Paradise Valley Staff Planner & Committee**

**Paradise Valley VPC, [ParadiseValleyVPC@phoenix.gov](mailto:ParadiseValleyVPC@phoenix.gov)  
City of Phoenix Planning and Zoning Department**

**Jim Waring, [council.district.2@phoenix.gov](mailto:council.district.2@phoenix.gov)  
City Council**

**RE: Application Z-6-20 (DCH 15615 N. 71<sup>st</sup> 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 71<sup>st</sup> 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

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.

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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

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**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](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

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[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)

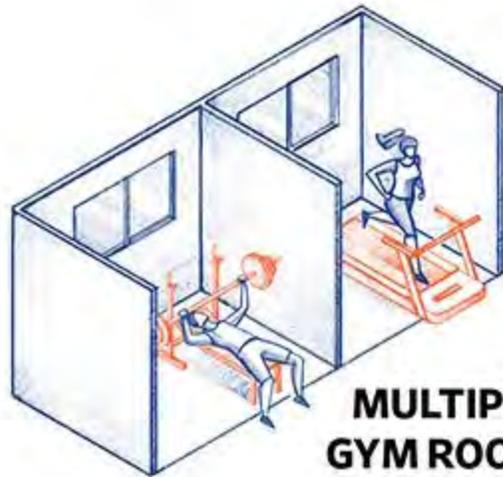
Mr. Covin tore up his original plan for a part-hotel, part-condo project with small kitchens, few balconies and large amenity spaces, and began redrawing the concept in March. “For sure, there are going to be long-term changes in behavior because of this,” said Mr. Covin, who still aims to break ground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

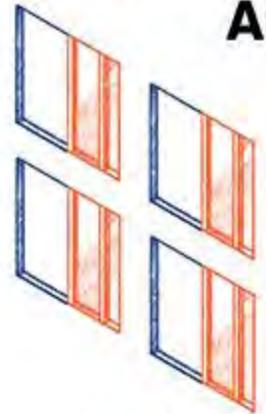
Some costs can be passed on to the renters or buyers who want the changes enough to pay more for them. Mr. Covin, for example, was originally planning units in the \$300,000 to \$500,000 range, but now

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

# The New Features 1 And



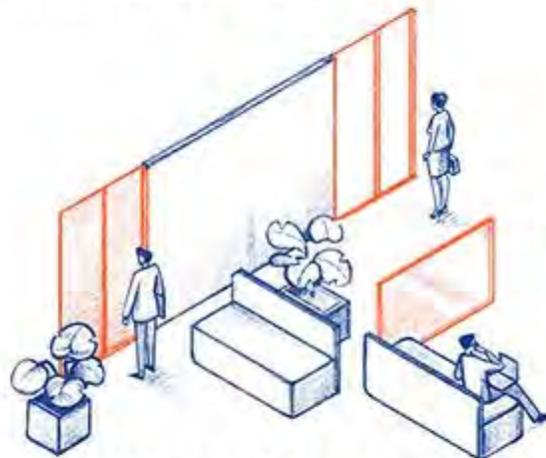
**MULTIPLE  
GYM ROOMS**



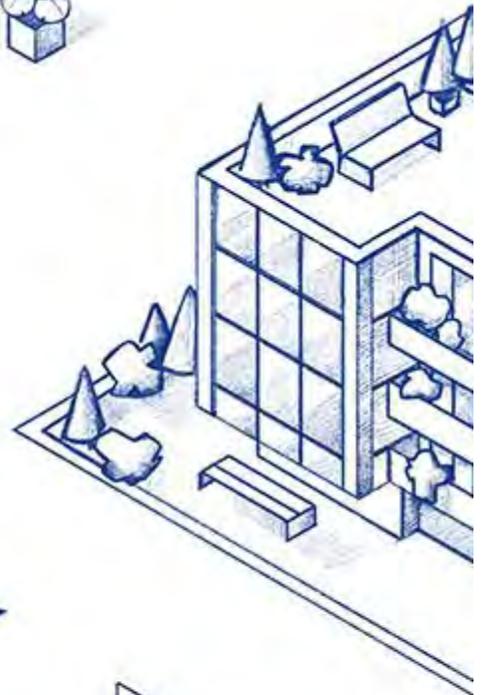
**WINDOWS  
THAT OPEN**



**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.

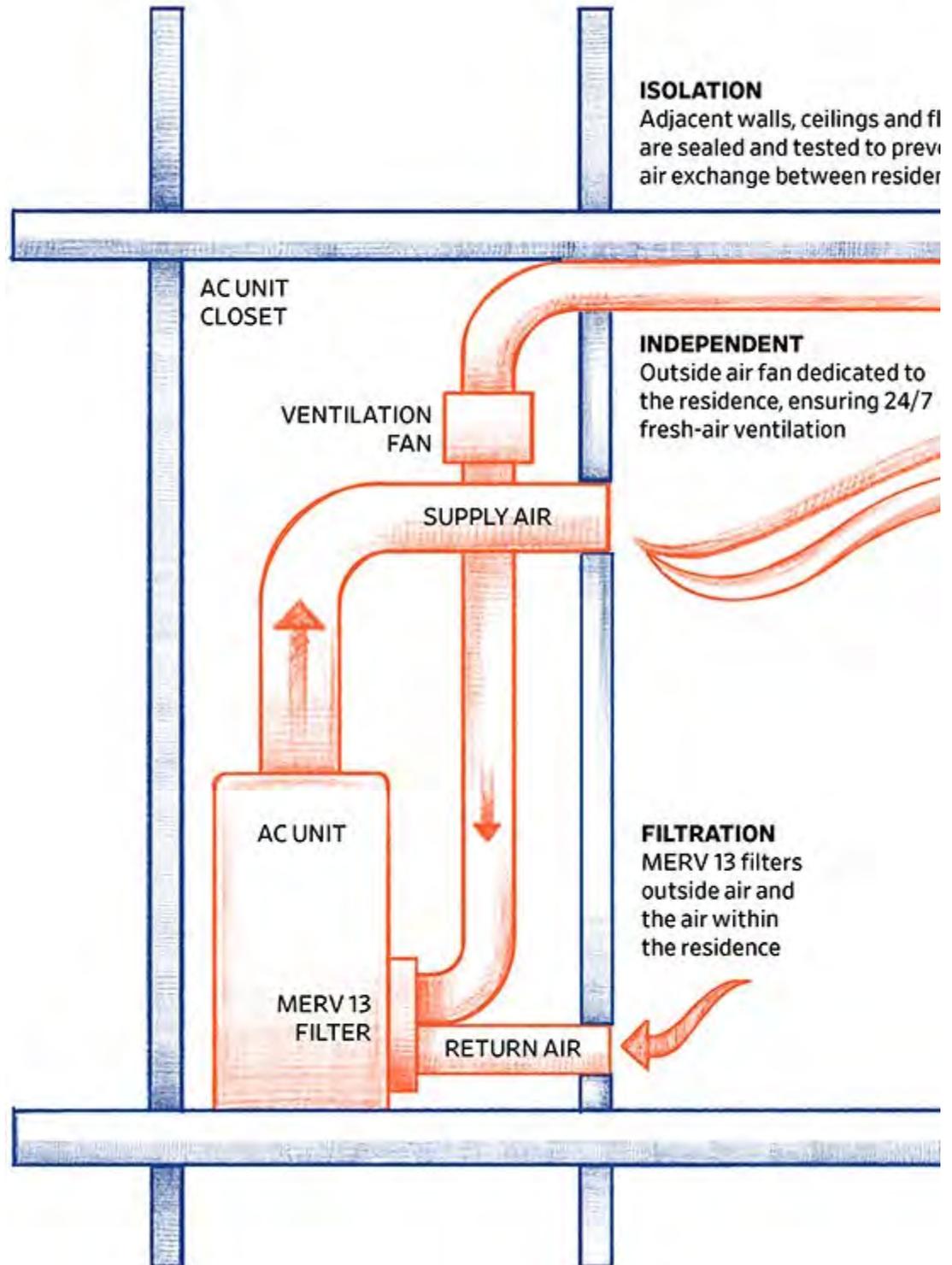


In San Francisco, the 30 Van Ness building, set to be completed in late 2023, will feature roomy, decorated staircases and partitioned common areas.

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

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SHARE YOUR THOUGHTS

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

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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

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**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. 71<sup>st</sup> 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

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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.

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