
February 10, 2015

Pima County Board of Supervisors
c/o Clerk of the Board
130 W. Congress Street, 5th Floor
Tucson, AZ 85701

RE: P21-14-023 Fenster School – E. Ocotillo Dr: a request for a Type III Conditional Use Permit

Dear Board Members:

I, James Rau, live at 5260 North Sabino Drive. I oppose Sabino Recovery LLC's request for a Type III Conditional Use Permit.

I ask that you seriously consider the points I make here. I plan on speaking at the hearing next week. Please feel free to ask questions about the facts and opinions I note at that time and beforehand if you like. You can reach me through e-mail @ [REDACTED] or by phone at [REDACTED].

My thesis is that the combination of a) this *particular business venture* in b) *this particular location* will affect in a negative way our wonderful and currently peaceful neighborhood.

I present to you data regarding six factors I believe are relevant to the matter at hand – in two categories. Where applicable, I have attached the relevant data in appendix form. I provide my take of the data. I also provide recommendations in regards to 'special conditions' (should you grant the permit) to protect our neighborhood from likely adverse effects – specific to each factor. In some cases, I request that you supply the public with more information.

A) With regards to Sabino Recovery's particular business venture:

1 Relevant historic activity of Sabino Recovery board members.

This data suggests that the aim of this business venture may be to develop this particular property, get it licensed, and then sell it.

The Data: Jack O'Donnell was a "shareholder in Sierra Tucson and Miraval Resort until its 2005 sale to Steve Case" (The Lacey Jarrell Foundation website). This is a charity which Nancy O'Donnell set up after the death of her daughter.

Mr. O'Donnell said in the P&Z meeting that he independently expanded Sierra Tucson, I think doubling its capacity, before selling it. I don't know the specifics of Miraval, other than what is documented above. He owned it at one point. He sold it.

Also, I have not been able to identify any public information regarding just one of the partners, Thomas Isbell, specifically with regards to his current and historic business dealings.

Opinion: It seems most probable, more likely than not, that Sabino Recovery will develop the property, obtain the necessary licenses to operate and then sell it to the highest bidder – perhaps to a large corporate entity like CRC, which I believe currently owns and runs Sierra Tucson.

Recommended special conditions:

1. A sunset clause, so the business cannot be sold outright without going once again through the zoning process again.

Requests for further information:

1. Facts in regards to Mr. Thomas Isbell.

2 Sabino Recovery adamantly asserts that they have a unique, one-of-a-kind treatment program which will be superior to all other rehabs, locally and globally as well.

This data indicates that Sabino Recovery has at baseline a tunnel-vision -type corporate/marketing mentality – which could result in placing profits over treatment/quality concerns.

The Data: Sabino Recovery's written material includes their assertions that the program will be a "luxury, residential, inpatient behavioral health treatment facility" which will have a "peaceful healing environment unique to the treatment industry" (Conditional Use Permit Application, page 1 and Business Description, page 2)." It will "feel more like a destination spa or upscale resort." Rather than stating having patients, they will have "guests" who will be treated in a manner like "those offered at leading spas."

Mr. O'Donnell used very similar verbiage at the P&Z meeting on January 28 (Pima County audio recording). He stated that their program will be "dramatically different than Sierra Tucson." They will focus on "depression side, PTSD, traumatic grief, victims of traumatic crime, domestic abuse" and have a "nurturing model" with "yoga, dance, music therapy and equine therapy." They will have an "affluent population." The model is "35 days" in length.

The written application materials indicate that the program will treat "panic disorder, addictions, and co-occurring disorders." Specific treatments will include "individual therapy, group and family therapy, massage, acupuncture, EMDR, equine assisted psychotherapy and somatic therapy." Staffing "may include a medical doctor, psychiatrist, psychologist, psychotherapist, a nurse" and others.

Opinion: Each and every point Sabino Recovery makes about their “uniqueness” is in my view nothing other than corporate marketing.

You can go to any large for profit or not for profit rehab website and you will notice that the same diagnoses and treatments are mentioned. They also highlight their beautiful surroundings and the expansive staff they employ. I explored this matter locally and used the websites for Cottonwood de Tucson and Sierra Tucson. (See Appendix, pages 11 – 13.)

I certainly am not critical of their need to market; they have a for profit business. But, that they are marketing at this point in time, with such extreme hyperbole, suggests to me that corporate profits will be the focus, not clinical and treatment-based quality matters.

3 Sabino Recovery also adamantly asserts that they will not be admitting any patients (‘guests’) with serious mental (psychiatric) illness.

This set of data again highlights their sole focus on marketing and the image they think is unique: “luxury, high-end, spa-like setting” implying to surrounding neighbors that there is nothing to fear.

But, in the end, they really describe an average rehab program. This means they will admit seriously mentally ill patients – who will at times walk or wander off, causing problems in the surrounding neighborhood.

The Data: Application data highlights that they “will not admit any individuals with a long-term history of psychiatric admissions” (Conditional Use Permit Application, Business Description, page 1) and “will not take any court ordered individuals, individuals with a history of violence or individuals with active suicidal ideation.”

Nancy O'Donnell was present and spoke at the meeting on January 12 at Fenster. In her opening remarks, she implied that their facility would not take persons with “serious mental illness.” (She was not present for the P&Z meeting.)

Jack O'Donnell stated at the P&Z meeting that persons would be coming to Sabino Recovery for “common issues of society” (Pima County audio recording).

Opinion: First, and of critical importance is, the terminology they use on the Conditional Use Permit Application, first page: “residential, inpatient (my underlining) behavioral health treatment facility.”

As I understand the usage of that word – in the context of current Arizona Department of Health Services licensing matters – Sabino Recovery will be applying not only for a residential-type license (“Behavioral Health Residential Facility”) but also for a medical facility-type license (“Behavioral

Health Inpatient Facility”), perhaps so that they can perform medical detoxification treatments.

Sabino Recovery has never in writing or verbally indicated whether in fact they will provide detox treatment and therefore be applying for a medical license from the State of Arizona.

Detox treatment is in some cases a very serious medical procedure performed on patients acutely requiring it. So, these persons would have serious medical and mental illness. Contrary to Sabino Recovery’s claims, patients would not simply be dealing with the “common issues of society.”

Moreover, all the diagnoses and treatments mentioned in their written materials are consistent with, in some cases, very serious mental health problems. Persons coming into their rehab for “addictions, and co-occurring disorders” will most likely have a serious drug or alcohol addiction and/or serious mental problems as well. Moreover, it is well accepted by rehab professionals that the addiction often masks underlying psychiatric complications. So, some diagnoses can only be made after the individual is in the program for a few weeks and clean and sober.

In my view, Sabino Recovery is underreporting, to an extreme degree, the severity of the mental illness – as a way to misinform both neighborhood residents and the board as well. This strategy of misinformation helps them avoid discussing matters which might get neighbors unsettled, anxious or even fearful about the extent of the problems their “guests” will in reality be dealing with.

That they assert they will not take persons with a history of violence or individuals with active suicidal ideation is not really that meaningful. It is expected that all rehabs, rather uniformly, will not admit persons with immediate and real suicide ideation and/or with a real history of any significant violence.

Recommended special conditions:

1. Sabino Recovery will never seek out a medical license.
2. Sabino Recovery will never seek out an out-patient license.
3. They will include in all marketing data and in their application for State of Arizona licensure that in fact they do not take persons with “serious mental illness.”
4. They will include in all marketing data and in their application for State of Arizona licensure that in fact they do not admit persons with “a long-term history of psychiatric admissions.”

Requests for further information:

1. Facts in regards to the specific licenses Sabino Recovery will seek out, now and in the future.

B) With regards to location (Fenster School and surrounding neighborhoods):

- 1 Published and public-in-domain data and the recorded statements of one board member's interaction with Mr. O'Donnell draws attention to the reality of rehab patient behavior, the real needs rehab facilities have for external public services, namely fire and law enforcement support, and how Sabino Recovery adamantly resists acknowledging that they will have patients who will be psychiatrically ill.***

The Data: I collected public-domain data regarding the extent to which public services play a role in local rehab facilities, namely, Cottonwood de Tucson and Sierra Tucson.

I consider that this data set provides a framework for predicting what types of problems come up when managing patients in a rehab facility. Each of these facilities have as their core license, that for a Behavioral Health Residential Facility. This seems to be the same exact core license Sabino Recovery will have to request.

So, all three facilities are equal by this core license. (For the record, Cottonwood currently also has a medical license; Sierra also has an outpatient license and a hospital license (for 15 beds).

For Cottonwood (with a 56 bed capacity): Average number of requested interventions per month:

Pima County Sheriff (2010 – 2014):	1
Northwest Fire (2011 – 2014):	1

For Sierra Tucson (with about a 120 rehab and 15 hospital beds): Average number of requested interventions per month:

Pinal County Sheriff (2011 – 2014):	3
Golder Ranch Fire(2014):	7

(Note: Not all agencies were able to search back to 2010. I accepted what they offered.)

Some but not all agencies provided, for each run or visit, the problem type. They varied in nature. Generally the problem type was consistent across the two facilities and included suicide and death, assault or fighting, missing person, and sexual offenses.

Opinion: Rehab facilities admit patients with serious psychiatric complications. The severity of problems is at times extreme and results in serious acting out - which requires external help – calling 911 for aid.

So, a reasonable expectation is that our community will experience some fairly routine and new-onset commotion due to emergency vehicles being requested. There is only one direct route to Fenster's property – Ocotillo. This street is residential with houses lining it consistently between Sabino Canyon Road and the Fenster entrance.

Another real concern for me, relative to Sabino Recovery managing emergency situations, stems from statements Mr. O'Donnell made in response to a Board member's inquiries, during the P&Z meeting.

They were in regards to how Mr. O'Donnell's program would manage a situation where it was clear to staff that a patient was missing

Mr. O'Donnell stated that a role call would be taken and that there would be in place an "internal tracking mechanism." Staff would "find" the person.

Board member's 1st follow-up question: "What if somebody wanders off?"

Response: A comment about the "security measure."

Board member's 2nd follow-up question: "Once you know that they are not where they should be, how will you recover them?"

Response: "Go to the logical locations. Search the property."

Board member's 3rd follow-up question: "[I'll] ask it in a different way, have you enough staff to do the search?"

Response: "Yes."

It seems to me that Mr. O'Donnell was evading addressing the real issue and clinical challenge posed by the Board member. There will be times when staff is ethically and legally mandated to make the 911 call – as occurs given the data reported above.

Given his multiple years in rehab, it is astonishing that Mr. O'Donnell failed to state that when a patient is known to be missing, staff must immediately call for help – to protect the patient primarily but also to protect the surrounding community.

That he responded in the way he did, suggests to me, that the Directors are not properly orienting to the clinical task at hand perhaps due to their mislead reasoning that Sabino Recovery participants will simply be "guests" present for the "high-end, luxury, resort" amenities.

Recommended special conditions:

1. Sabino Recovery will call 911 when staff is clear that a patient is missing or unaccounted for.

2 Basic land-space data strongly suggests that this particular location is a bad fit for a rehab facility. It differs in a remarkable way from the land-space makeup for the existing rehab facilities in Tucson.

This data demonstrates that given the location of the buildings on Fenster property, there is no natural or manmade buffer protecting neighborhood residents from wandering patients and from noise likely to occur, just given the size of staff and the number of patients.

The Data: I provide you with aerial views of Sierra Tucson, Cottonwood de Tucson, and with Fenster property. Note that the views are equal in scale. (See Appendix, pages 14 -16.)

Opinion: In my view, Sierra Tucson has the ideal land-space makeup. Their buildings are in the middle of their large property. They have a private entrance off a main artery which I believe has no or very few residences. The land buffer is significant. So, here it seems to be the case that, due to the specific land-space makeup, there are no facility-based adverse effects in the area. The homes are too far removed.

Cottonwood's situation is not so ideal, but is still considered reasonable. They do have a private drive off a main artery which I believe is not residential. There are some homes in fairly close proximity, but they are very limited in number.

The Fenster property has not one of these ideal land-space features. They do not have a private drive off a main artery (this would be Sabino Canyon Drive). Rather, the only access is by means of Ocotillo which is lined with homes. Also, and most importantly, as this property is currently set up, the existing Fenster buildings are very close in proximity to a great many homes, west of the property line and south of it as well.

So, the surrounding neighborhoods have no buffer at all from the adverse effects of rehab which data demonstrates will include patients exiting treatment and walking off, patients being at times psychiatrically impaired and walking or wandering off unintentionally, and no buffer from sirens and fast moving public service vehicles when they are requested and dearly needed.

Recommended special conditions:

1. Sabino Recovery will install a physical barrier (a fence) 100 feet in and parallel to the property line on the west and south perimeters.

3 *Published academic and realtor-based data suggests that rehab facilities have a direct adverse effect on home values - due to the 'stigmatizing effect' of having that facility in the neighborhood.*

The Data: Claire R. La Roche, Bennie D. Waller, and Scott A. Wentland (2014) "Not in My Backyard": The Effect of Substance Abuse Treatment Centers on Property Values, The Journal of Sustainable Real Estate; Vol. 6, pgs. 63 -92.

Here is the link: <http://www.josre.org/josre-volume-6/>. It provides the entire article as well as the following abstract:

Residential treatment centers offer the most intense form of treatment for substance abuse and are often embedded in residential neighborhoods. As a result of the Patient Protection and Affordable Care Act, the number of treatment centers has been forecasted to burgeon.

We examine the external effect of residential rehab centers on nearby real estate. As addiction treatment centers are planned, a common response of nearby property owners is "not in my backyard" (NIMBY). Using a large MLS dataset from central Virginia, we estimate the impact of substance abuse treatment centers on nearby home prices and liquidity (as measured by time on market).

We find that a neighboring treatment center is associated with an 8% reduction in nearby home prices, and that this discount is magnified for treatment centers that specifically treat opiate addiction (as much as 17%).

Opinion: This 2014 publication is quite obviously – a very recent publication. MLS data was collected in Richmond Virginia over 10 years, from 2001 through 2011. So, this report is considered currently relevant. Richmond, Virginia is very similar to Tucson in terms of the population of the metropolitan area. Richmond is about 1.2 million; Tucson is about 1.0 million.

The findings make it very clear that rehab facilities negatively affect the value of nearby homes and do so in a very significant way. Losing eight percent on a \$600,000 home is a remarkably serious loss. The loss to the homeowner comes in at \$48,000.

Even taking into account that we live in the foothills area of Tucson, where the incomes tend to be relatively higher than other areas, having to give up nearly \$50,000 will nonetheless seriously hurt the homeowners whose home values are affected – simply because they happened to purchase a property close in proximity to Fenster. For the record, the property my wife and I own has this characteristic – as do many other homeowners, with property on the west and south flanks of Fenster property.

There may soon be evidence of this phenomenon: there are currently three properties for sale in the area west of Fenster, in our HOA area, Sabino Clusters.

I have made inquiries to local realtors about this matter. They inform that there is no localized data available – which would provide the statistics that the Richmond study provides. Yet, they mention that persons shopping for homes in the foothills area tend to be rather discerning about value related factors and rather diligent as well in making sure they identify all the relevant factors.

Some realtors have said that they are generally aware of the ‘stigmatizing’ role facilities like a rehab may have on property value. They would expect that consequently stigmatized properties would take longer to sell.

Requests for further information:

1. If the Board has in hand data relevant to decreased home value secondary to stigmatized property - please release it prior the meeting on February 17.

Summary of Recommended Special Conditions

1. A sunset clause, so the business cannot be sold outright without going once again through the zoning process again.
2. Sabino Recovery will never seek out a medical license.
3. Sabino Recovery will never seek out an out-patient license.
4. They will include in all marketing data and in their application for State of Arizona licensure that in fact they do not take persons with “serious mental illness.”
5. They will include in all marketing data and in their application for State of Arizona licensure that in fact they do not admit persons with “a long-term history of psychiatric admissions.”
6. Sabino Recovery will call 911 when staff is clear that a patient is missing or unaccounted for.
7. Sabino Recovery will install a physical barrier (a fence) 100 feet in and parallel to the property line on the west and south perimeters.

Summary of Requests for further information

1. Facts in regards to Mr. Thomas Isbell.
2. Facts in regards to the specific licenses Sabino Recovery will seek out, now and in the future.
3. If the Board has in hand data relevant to decreased home value secondary to stigmatized property - please release it prior the meeting on February 17.

James Rau, Ph.D.
Neuropsychologist (Retired as of October, 2014)

APPENDIX

Refine Your Search

Locations —

☐ North America (3)

☒ **Arizona (3)**

☐ Phoenix (1)
 ☐ Tucson (2)

Specializations +

Treatment Philosophy/Options +

Activities +

Amenities +

Setting +

Price +

Aftercare Options +

Luxury Rehab Centers in Arizona

All Centers > North America > United States > Arizona

Cottonwood Tucson

Tucson, Arizona, United States

Located in Arizona's Sonoran Desert, Cottonwood Tucson provides innovative evidence-based holistic treatment in an environment characterized by respect.

Philosophy and Options:
Evidence-Based, Family Program, Gender-Specific

Price: \$31,500 (Per Month)
Setting: Desert

The Meadows

Phoenix, Arizona, United States

A premier addiction and trauma treatment center, The Meadows helps change the lives of individuals through the Meadows Model, 12-step, and holistic healing.

Philosophy and Options:
Family Program, Holistic, Spiritual Emphasis

Price: \$44,000 (5 Weeks)
Setting: Desert

Sierra Tucson

Tucson, Arizona, United States

Using an innovative treatment program called The Sierra Model, Sierra Tucson has been rated one of the region's top-ranking hospitals by U.S. News.

Philosophy and Options:
Bio-Medical, Experiential, Group Therapy

Price: \$47,500 (Per Month)
Setting: Desert





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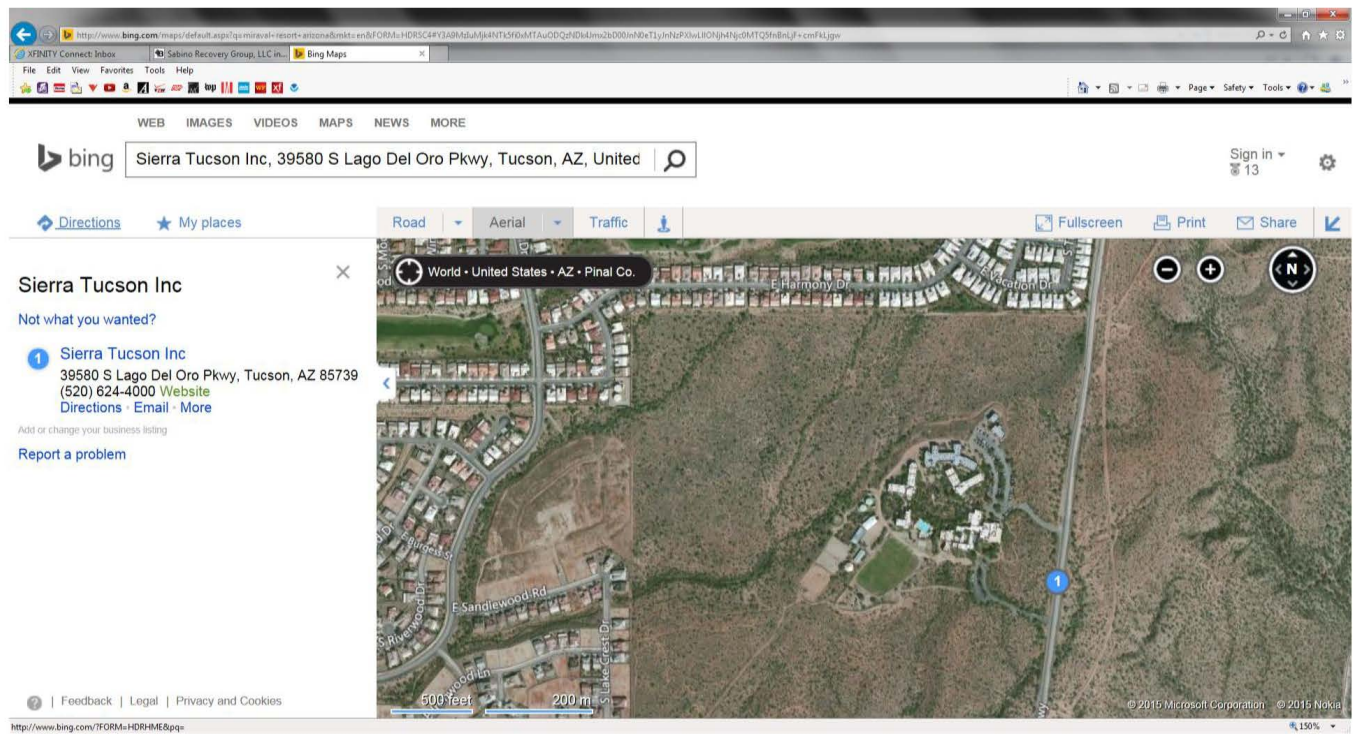
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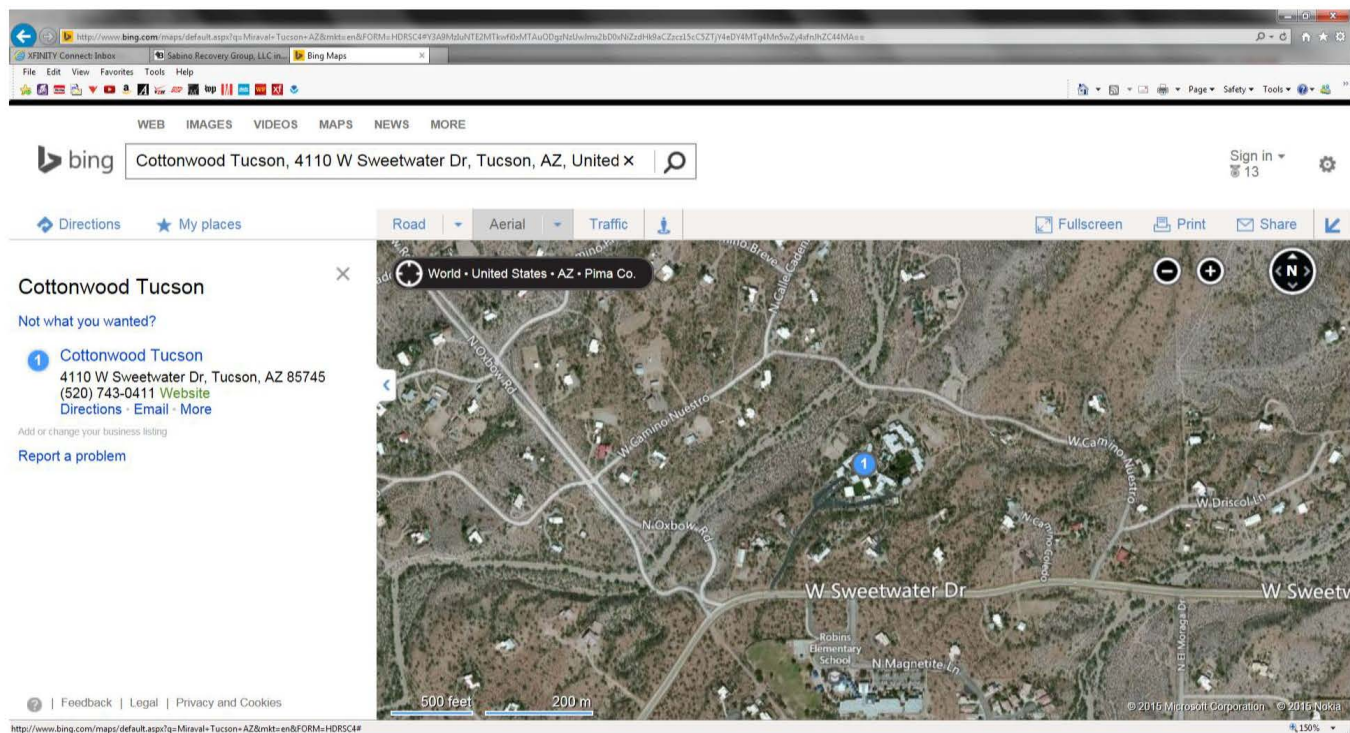
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