



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director

A handwritten signature in blue ink, appearing to be "AMC", is written over the name "Arlan M. Colton".

DATE: February 4, 2015

SUBJECT: Co23-14-01 SISTER OF THE IMMACULATE HEART OF MARY
SPECIFIC PLAN (REZONING)

The above referenced Specific Plan (Rezoning) is within your district and is scheduled for the Board of Supervisors' **TUESDAY, FEBRUARY 17, 2015** hearing.

REQUEST: For a **specific plan (rezoning)** on the site.

OWNER: Sisters of the Immaculate Heart of Mary
3820 N. Sabino Canyon Drive
Tucson, AZ 85704

AGENT: Jim Campbell
Tucson Land and Cattle Co.
PO Box 14890
Tucson, AZ 85718

The Planning Center
110 S. Church Avenue, Suite 6320
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: Mark Holden

PUBLIC COMMENT TO DATE: As of January 29, 2015, staff has received one written comment in support of and eight comments in opposition to the proposed specific plan (rezoning) on the site. Reasons for opposition include the current volume of traffic on Sabino Canyon Road and additional traffic generated on-site; possible density, building height and general proximity of the project to existing neighborhoods; loss of wildlife habitat and open space; effect on the local water utility; and, the long-term care of and possible impact of construction on the retired sisters.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (TO BE INCORPORATED INTO THE SPECIFIC PLAN DOCUMENT) (9-0; Commissioner Bain was absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (TO BE INCORPORATED INTO THE SPECIFIC PLAN DOCUMENT).

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside the Maeveen Marie Behan Conservation Lands System.

CP/MH/ar
Attachments



Board of Supervisors Memorandum

Subject: Co23-14-01

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FOR FEBRUARY 17, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*
Development Services Department/Planning Division

DATE: February 4, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

SPECIFIC PLAN (REZONING)

Co23-14-01 SISTERS OF THE IMMACULATE HEART OF MARY SPECIFIC PLAN (REZONING)
Request of Sisters of the Immaculate Heart of Mary, represented by Tucson Land and Cattle Co., for a rezoning of approximately 63 acres from SR (Suburban Ranch zoning) to SP (Sisters of the Immaculate Heart of Mary Continuing Care Retirement Community Specific Plan) on a property located east of N. Sabino Canyon Road, approximately one-quarter mile north of E. River Road in Section 29, T13S, R15E. The proposed specific plan (rezoning) conforms to the Pima County Comprehensive Plan Co7-00-20 and Co7-08-03. On motion, the Planning and Zoning Commission voted 9-0 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS (TO BE INCORPORATED INTO THE SPECIFIC PLAN DOCUMENT)** (Commissioner Bain was absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS (TO BE INCORPORATED INTO THE SPECIFIC PLAN DOCUMENT)**.
(District 1)

PUBLIC HEARING SUMMARY (JANUARY 28, 2015)

Staff presented information from the staff report to the commission. Staff noted that the owner and agents requested a Comprehensive Plan amendment for the site in 2008 (Co7-08-03) and that the proposed specific plan meets the requirements of the amendment's rezoning policies: the site is restricted to a Continuing Care Retirement Community (CCRC); the specific plan process is the preferred method for implementing the development; there will be a buffer of single-story residential development abutting existing

neighborhoods; commercial and retail uses will be confined to the site's core; and, the eastern end of the site (about 20 acres) will be preserved as natural open space. The project proposes 477 units on the site, to 500 units maximum.

One of the agents, Brian Underwood of the Planning Center, addressed the commission and gave an overview of the proposed project. The superior of the Sisters of the Immaculate Heart of Mary in Tucson, Sister Alice Martinez, spoke to the commission and stated that they hoped to have the commission's support, and that the project would help take care of the retired sisters at the site.

A commissioner asked how commercial / retail facilities would be restricted to residents and guests only, and if there will be a security entrance onto the property. The agent, David Freshwater of Watermark Retirement Communities, Inc., responded that some commercial services (e.g., dining room, bank) are necessary within CCRCs for residents' use and people other than residents and guests would likely not go out of their way to use these services.

A commissioner stated that the property is very special to local residents, and asked if the hills and older buildings were being preserved. Mr. Freshwater responded that these elements would all be preserved. The commissioner noted that the term "aging in place" generally refers to people continuing to live and age in their own residence and that, with the exception of the retired sisters, this is not the case with this project. Mr. Freshwater responded that the CCRC seeks to provide engagement and a new sense of community for its residents.

A commissioner asked how the CCRC design concept has changed since the Comprehensive Plan amendment. Mr. Freshwater responded that the design has become more refined and that the layout of the development and required number of units is better known, and that approaches to care have also changed and improved. The agent, Jim Campbell, addressed the commission and responded that the design had not changed much since the Comprehensive Plan amendment. The commissioner followed up with a question about any new traffic considerations since the amendment process; Mr. Campbell stated there were none.

A commissioner asked if acute care would be provided at the CCRC. Mr. Freshwater said that rehabilitation services would be provided at new site his company is constructing on River Road, but that acute care will ultimately be provided at the CCRC.

The commission opened the floor to the public. One speaker who lives in the neighborhood stated that he is in support of the project but thought the proposed density is too high, especially in light of the an earlier rezoning and development of high-density Avilla apartments on N. Sabino Canyon Road. Mr. Campbell responded that the proposed density included a combination of beds and units, 200 of which will be single beds in assisted living and memory care.

A commissioner asked why the proposed density is so high. Mr. Campbell stated that it was based on economics; Mr. Freshwater added that the proposed residential density was required to support the CCRC's amenities. The commissioner followed up with a question about the cost of staying at the community. Mr. Freshwater responded that independent living is estimated at \$2500-\$5000, assisted living is estimated at \$3500-\$5000, and dementia care is estimated at \$4000-\$5500 per month.

The commission moved to close the public hearing. Commissioner Cook made a motion to **APPROVE** the specific plan rezoning, subject to standard and special conditions; Commissioner Neeley seconded. Upon a voice vote, the motion to **APPROVE** passed (9-0; Commissioner Bain was absent) subject to the following standard and special conditions (to be incorporated into the specific plan document):

1. Not more than 60 days after the Board of Supervisors approves the specific plan, the owner(s) / developer(s) shall submit to the Planning Director the specific plan document, including the following conditions and any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. The property owner(s) / developer(s) shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies;
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies;
 - C. Provide development related assurances as required by the appropriate agencies; and
 - D. Submit a title report (current within 60 days) to Development Services evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
3. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050(B)(3), the more restrictive requirement shall apply.
4. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's development regulations shall be interpreted to implement the specific plan or relevant Pima County regulations.
5. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.

6. In the event the subject property is annexed, the property owner shall adhere to all applicable conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
8. The Pima County Regional Flood Control District (District) recommends the following conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. The area within the floodplain and erosion hazard setback of the regulatory watercourse shall be included in a private open space easement, except at utility, pedestrian and vehicular crossings.
 - C. Any required riparian habitat mitigation area should be located adjacent to this area and may be located in the easement.
 - D. The final design of the improvements shall meet District requirements for detention and retention.
 - E. A Final Integrated Water Management Plan consisting of Water Conservation Measures identified by the applicant in the Preliminary Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development.
 - F. Drainage improvements that collect runoff from the new development including water harvesting to satisfy the Final Integrated Water Management Plan (FIWMP) requirements may be included in the open space easement, where feasible.
9. The Pima County Department of Transportation (DOT) recommends the following conditions:
 - A. A Transportation Impact Study for the entire specific plan area shall be submitted for approval by DOT prior to approval of the first development plan for the specific plan site. The study shall be updated with the submittal of each phase of development.
 - B. Access onto Sabino Canyon Road will be limited to the two existing access points as shown in the specific plan approved at the public hearing. The northern access point will be a right-in / right-out only access.

10. The Pima County Regional Wastewater Reclamation Department (PCRWRD) recommends the following conditions:
- A. The owner(s) / developer(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the specific plan (rezoning) area until Pima County executes an agreement with the owner(s) / developer(s) to that effect.
 - B. The owner(s) / developer(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) / developer(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) / developer(s) shall time all new development within the specific plan (rezoning) area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) / developer(s) shall connect all development within the specific plan (rezoning) area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - E. The owner(s) / developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the specific plan (rezoning) area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) / developer(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

11. The Cultural Resources and Historic Preservation Division requests further documentation of existing historic buildings and structures to assess potential development impacts to cultural resources. An historic architect or historic archaeologist shall complete a cultural resources assessment of the standing structures and land use features such as the Stations of the Cross trail, which may be interpreted as a Traditional Cultural Place. The completion of Historic Property Inventory Forms may be included as part of the assessment of historic cultural resources. Consultation with the State Historic Preservation Office may also be required.
12. Upon the effective date of the Ordinance, the owner(s) / developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the specific plan site and Pima County may enforce this condition against the property owner. The owner(s) / developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

CP/MH/ar
Attachments

c: Sisters of the Immaculate Heart of Mary, 3820 N. Sabino Canyon Drive
Tucson, AZ 85704
Jim Campbell, Tucson Land and Cattle Co., PO Box 14890, Tucson, AZ 85718
The Planning Center, 110 S. Church Avenue, Suite 6320, Tucson, AZ 85701
Chris Poirier, Assistant Planning Director
Co23-14-01File



SPECIFIC PLAN REVIEW

PLANNING AND ZONING COMMISSION

STAFF REPORT

HEARING DATE	January 29, 2015
CASE	Co23-14-01 Sisters of the Immaculate Heart of Mary Specific Plan
SUBREGION	Catalina Foothills
DISTRICT	1
LOCATION	The property is located on the east side of N. Sabino Canyon Road, approximately one-quarter mile north of E. River Road
ACREAGE	63+/- acres
REQUEST	Specific Plan for a Continuing Care Retirement Community
OWNER	Sisters of the Immaculate Heart of Mary
AGENT	Tucson Land & Cattle Company, Jim Campbell

APPLICANT'S REQUEST

The applicant requests approval of the Sisters of the Immaculate Heart (SIHM) Specific Plan rezoning on about 63 acres to develop a Continuing Care Retirement Community, a planned senior care facility that allows residents to "age in place." The community provides independent living in stand-alone and apartment residences with options for assisted living and "memory care," with some basic healthcare, commercial and retail services available on-site.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed SIHM Specific Plan. The plan adheres to 2008 Comprehensive Plan amendment Rezoning Policy RP-114, and meets a number of Arizona Growing Smarter principles and Comprehensive Plan Regional Plan Policies (e.g., mixed use, various housing opportunities, walkability).

IF THE DECISION IS MADE TO APPROVE THE SPECIFIC PLAN, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL. THE FOLLOWING CONDITIONS MAY RESIDE WITHIN THE SPECIFIC PLAN DOCUMENT:

1. Not more than 60 days after the Board of Supervisors approves the specific plan, the owner(s) / developer(s) shall submit to the Planning Director the specific plan document, including the following conditions and any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. The property owner(s) / developer(s) shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies;

- B. Record the necessary development related covenants as determined appropriate by the various County agencies;
 - C. Provide development related assurances as required by the appropriate agencies; and
 - D. Submit a title report (current within 60 days) to Development Services evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications
3. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050(B)(3), the more restrictive requirement shall apply.
 4. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's development regulations shall be interpreted to implement the specific plan or relevant Pima County regulations.
 5. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
 6. In the event the subject property is annexed, the property owner shall adhere to all applicable conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 7. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
 8. The Pima County Regional Flood Control District (District) recommends the following conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. The area within the floodplain and erosion hazard setback of the regulatory watercourse shall be included in a private open space easement, except at utility, pedestrian and vehicular crossings.
 - C. Any required riparian habitat mitigation area should be located adjacent to this area and may be located in the easement.
 - D. The final design of the improvements shall meet District requirements for detention and retention.
 - E. A Final Integrated Water Management Plan consisting of Water Conservation Measures identified by the applicant in the Preliminary Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development.
 - F. Drainage improvements that collect runoff from the new development including water harvesting to satisfy the Final Integrated Water Management Plan (FIWMP) requirements may be included in the open space easement, where feasible.

9. The Pima County Department of Transportation (DOT) recommends the following conditions:
 - A. A Transportation Impact Study for the entire specific plan area shall be submitted for approval by DOT prior to approval of the first development plan for the specific plan site. The study shall be updated with the submittal of each phase of development.
 - B. Access onto Sabino Canyon Road will be limited to the two existing access points as shown in the specific plan approved at the public hearing. The northern access point will be a right-in / right-out only access.
10. The Pima County Regional Wastewater Reclamation Department (PCRWRD) recommends the following conditions:
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 - B. The owner(s) / developer(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) / developer(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) / developer(s) shall time all new development within the specific plan (rezoning) area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) / developer(s) shall connect all development within the specific plan (rezoning) area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - E. The owner(s) / developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the specific plan (rezoning) area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) / developer(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
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of Historic Property Inventory Forms may be included as part of the assessment of historic cultural resources. Consultation with the State Historic Preservation Office may also be required.

12. Upon the effective date of the Ordinance, the owner(s) / developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the specific plan site and Pima County may enforce this condition against the property owner. The owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

EXISTING LAND USE DESIGNATION AND ZONING

The subject property is the site of a chapel, convent, novitiate, retirement home, and administrative office owned and operated by the Sisters of the Immaculate Heart of Mary. The Sisters have been in Tucson since 1917. The novitiate was built in 1947 at the Sabino Canyon Road location for solitude, at that time on the far outskirts of the city. The convent, chapel and retirement house were built on the site in 1950. The existing structures are clustered on about 2½ acres on the western portion of the 60-acre site, with the remainder of the property being undeveloped. Of note, the southeastern part of property has a hill that rises over 200 feet in elevation with the Stations of the Cross Trail that winds to the top.

The Comprehensive Plan land use designations on the site are approximately 43 acres of Medium Intensity Urban (MIU), the area proposed for development, and 20 acres of Low Intensity Urban 0.5 (LIU 0.5), to be designated as natural open space. The land use designation on the 43-acre MIU area was amended from LIU 0.5 in 2008 as modified approval of a Comprehensive Plan amendment request (Co7-08-03) to Neighborhood Activity Center (NAC). The amendment area is covered under Rezoning Policy RP-114 (Appendix A) and many of the specific plan development and design standards are informed by those policies. Zoning on the site is currently SR Suburban Ranch.

SURROUNDING LAND USE DESIGNATIONS

North	Low Intensity Urban 1.2, Resource Transition
South	Low Intensity Urban 3.0
East	Low Intensity Urban 1.2
West	Low Intensity Urban 3.0 and 1.2, Medium Intensity Urban, Resource Transition

SURROUNDING ZONING/EXISTING LAND USE

North	CR-1 and CR-2 Single Residence / Undeveloped land, subdivided residential, Tucson Water reservoir site
South	CR-2 and CR-3 Single Residence / subdivided residential
East	CR-1 Single Residence / subdivided residential
West	CR-4 Mixed-Dwelling, SR Suburban Ranch, CR-1 Single Residence / Subdivided residential, church

The region is characterized by medium- to high-density subdivided residential development and undeveloped desert areas. Ventana Canyon wash is located about 350 feet west and northwest of the site and Tanque Verde wash is about ¾ mile to the south – both have Resource Transition (RT) land use designation and are Important Riparian Areas.

CONCURRENCY CONSIDERATIONS		
<i>Department</i>	<i>Concurrency Considerations Met:</i>	<i>Other Comments</i>
Transportation	Yes	Conditions recommended; secondary concerns (River Rd.)
Flood Control	Yes	Conditions recommended
Wastewater	Yes	Conditions recommended
Parks and Recreation	n/a	Recreation area plan required at development
Water	Yes	Metropolitan Water District

PLANNING REPORT

The Sisters have entered into this agreement with Tucson Land and Cattle Co. and the Freshwater Group - Watermark Retirement Communities. The Sisters will remain on-site as development progresses and will continue to utilize their existing retirement facilities. The final phase of the development, which will include the Sisters' facilities, will start at the Sisters' discretion. The agent and developer have offered to provide health care support to the Sisters in the new CCRC, which they declined, but the option will remain open.

The site underwent an amendment of the Comprehensive Plan land use designation in 2008, from LIU 0.5 to MIU. The applicant had originally requested the site be amended to NAC, with a plan to rezone the site to CB-1 Local Business zone for the proposed Continuing Care Retirement Community (CCRC). Staff determined that the proposed use was more in line with TR Transitional zoning and worked with the applicant to change the request to the MIU land use designation – this also helped to assuage neighbors' concerns regarding rezoning that could have allowed more intensive commercial uses on the site.

The Comprehensive Plan amendment enacted Rezoning Policy RP-114 (Appendix A) on the site. The policies restrict the use on the site to a CCRC and state that the Specific Plan process is the preferred method for implementation of the plan amendment on the site. The proposed CCRC is similar to Assisted Living Center as defined by zoning code – Comprehensive Plan policy notwithstanding, this is an allowed conditional use (Type 1) in CR-4 Mixed-Dwelling Type and CR-5 Multiple Residence zones, and a permitted use under TR Transitional zone (no restrictions) – these zones are in conformance with the site's current MIU land use designation.

The policies also require a 150-foot wide buffer of single-story residential development on the north, west, and south boundaries of the site; allow an internal core of CB-1 Local Business zone or similar commercial use and development standards, restricted to CCRC accessory uses for community residents and guests; and, restrict commercial core building heights to 39 feet maximum. The policies also limit development to the eastern portion of the property to protect cultural resources, steep slopes and viewsheds, and to preserve natural open space.

The draft CCRC specific plan proposes single-story detached casitas and apartment-type "memory care" residential development in the 150-foot buffer zone (about 11 acres), with other assisted living residential, office and commercial use in the site interior (32 acres). Development will advance in four phases, with the fourth phase taking in the facilities currently in use by the Sisters – this phase will rehabilitate and reuse the chapel and convent buildings.

The draft CCRC specific plan also designates 20 acres on the east end of the site to remain undisturbed as natural open space – this includes the prominent hill with the Stations of the Cross trail. The site's hills are not identified protected peaks and ridges, but the entire site has a pre-development average cross slope (ACS) of 21 percent and 15 percent ACS with the exclusion of proposed natural open space (HDZ natural areas). Development on the site will be subject to the Hillside Development Overlay Zone (Chapter 18.61).

The vegetation on the undeveloped portions of the site is characterized as Sonoran upland and Sonoran riparian scrub. Predominant plant species include saguaro, foothill palo verde, triangle-leaf bursage, and brittlebush; there are also scattered patches of invasive non-native grasses (buffelgrass, fountain grass). The saguaros are densest on the site's hilly terrain; however, there is almost no new saguaro regeneration on the site, and the majority of the existing specimens have rodent damage. While the project would utilize one of the largest single remaining undeveloped parcels on Sabino Canyon Road, the design of many of the surrounding subdivisions has left large contiguous areas of open desert to provide for wildlife habitat and dispersal through the region.

The proposed development will meet a number of the Arizona Growing Smarter principles. The development will provide a range of housing opportunities for residents, and mixed use by providing medical, retail and other commercial services on-site. The development will provide on-site walkability and the existing hill trail will provide additional opportunity for low-intensity hiking. The development will be designed to complement and ultimately make use of the existing chapel and convent buildings, which will give the development a sense of place related to the site's original purpose. Finally, the property's most significant natural areas on the eastern side of the site will be preserved as natural open space – this will subsequently require a more compact building pattern along Sabino Canyon Road.

The draft specific plan also proposes various elements similar to Smart Growth principles (bufferyards, protection of privacy and character of existing neighborhoods, walk-able neighborhoods, use of infill and compact development) that are within the Land Use Element of the Pima County Comprehensive Plan Regional Plan Policies.

The draft specific plan has not proposed variances to the Native Plant Preservation (Chapter 18.72), Landscape, Buffering and Screening (Chapter 18.75), Roadway Frontage (Chapter 18.77) or Sign (Chapter 18.79) standards of the Pima County Zoning Code. Proposed off-street parking may be approved administratively through an individual parking reduction plan under the Off-Street Parking and Loading Standards (Chapter 18.75).

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM

The site is located outside of the Maeveen Marie Behan Conservation Lands System.

PREVIOUS REZONING CASES ON PROPERTY AND THE GENERAL AREA

There has not been a previous rezoning request for the subject property. The property is within the Agua Caliente-Sabino Creek Zoning Plan (Co13-61-13) and immediately abuts the Catalina Foothills Zoning Plan area (Co13-59-04) on the west side of Sabino Canyon Road.

Areas immediately surrounding the subject property under both zoning plans were rezoned from SR to various CR zones and subsequently platted. Of note, two sites totaling about 20 acres a quarter-mile south of the specific plan site at Cloud Road (Co9-13-16 and Co9-12-05, Sabino Canyon Gateway, LLC), and about 20 acres immediately west of the site (Co9-10-01, De Grazia Co.) were rezoned to CR-4, the former having generated a great deal of public comment.

AGENCY/DEPARTMENT COMMENTS

Regional Flood Control District

The Regional Flood Control District (District) reviewed the draft specific plan and subsequently met with the applicant to discuss the proposed drainage plan as required by Pima County Code (Chapter 18.90.050) and potential impacts to shallow groundwater areas that were not addressed. After meeting with the District, the applicant's engineer (Rick Engineering, January 6, 2015) submitted a letter providing additional information (included in application materials). While outstanding drainage issues can be resolved at the development plan stage, water supply issues remain unresolved. The District's comments are as follows:

Item 3 of the additional information states that drainage improvements have been shown on the Concept Plan in addition to the post development hydrology exhibit; however, no revised drainage exhibits were submitted with the letter. Although still unclear, the District concurs that the drainage items can be resolved at the development stage subject to provided conditions.

The site is impacted by a regulatory watercourse which should have been included in the open space area shown on the Specific Plan Map. Item 1 of the additional information indicates that the floodplain of the watercourse will be included in a private open space easement. This is acceptable to the District and will be made a condition.

There is Pima County Regulated Riparian Habitat associated with a non-regulatory watercourse located in the northwest area of the project. A habitat boundary modification was discussed in concept with District staff in 2009. Because a formal boundary modification has not yet been approved, current boundaries have been shown in the plan. If more than $\frac{1}{4}$ of an acre of disturbance within the effective boundaries is proposed at the time of development, a Riparian Habitat Mitigation Plan will be required. The District recommends that the mitigation area be adjacent to the regulatory watercourse. Item 4 of the additional information confirms that any riparian habitat mitigation will be located in proximity to the regulatory watercourse.

The first Preliminary Integrated Water Management Plan (PIWMP) submitted was incomplete. First, and most significantly, the water use projection was for over 50 acre-feet per year, a threshold that triggers greater analysis requirements, but this value could not be confirmed because a complete description of the methodology used was not provided. Based upon these comments, the applicant re-examined their method and resubmitted using the required Arizona Department of Water Resources (ADWR) water use calculator. This resulted in a lowering of the estimate just below the 50 acre-feet per year threshold. The applicant also submitted a revised Table B with their additional information. The additional information means that the PIWMP is complete and the lower use estimate is below thresholds requiring further analysis. However, despite the statement in Item 5 of the additional information that the ADWR method has been used and that the project does have access to renewable and potable water, the District's assessment of potential water demand differs from the applicant's assessment provided in items 5b and 5d in the additional information as follows:

1. The difference in the demand value provided by the applicant and the District's value is related to the assumption of the number of people per multi-family unit and people per single family unit. The applicant assumes a 1 person per unit, while the District assumes 1.3 people per unit to account for family, additional care workers, etc., and 1.5 people per household for single family dwellings. This assumption increases the estimated demand to above 50 acre-feet per year. The District also acknowledges that the exterior demand would be only common areas.

2. The additional information seems to confuse assured water supply with the purpose to this Policy, which is to promote the efficient utilization of the region's potable supplies while protecting groundwater dependent ecosystems. Metro Water District's inter-connection agreement with Tucson Water satisfies the assured water supply requirement, but the plan to use it only under emergency conditions results in increased demand on Metro Water's sources, which are located in groundwater dependent ecosystems. Since access to potable and renewable water by Metro Water is not utilized and the District assessment results in an estimated demand that exceeds 50 acre-feet per year, items 7-12 of Attachment A of the Site Analysis should be performed. Preferably, the inter-connection agreement with Tucson Water would be utilized to meet demand which would result in a potable and renewable supply, which does not increase demand within a groundwater dependent ecosystem.

As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:

1. The site is within the Metro Water District Obligated Service Area. Metro Water provides renewable and potable water only in emergency situations.
2. Per the ADWR Well Inventory, the Sisters' on-site well had water at 80 feet in 1983. While on the edge of the modeling area, per "Mason, Dale, 2014, *Technical Memo to the Tucson Groundwater Users Advisory Committee*, Modeling Results of the 2010 Supply and Demand Assessment Model Projection, Arizona Department of Water Resources", between the years 2010 and 2025 groundwater depth is predicted to change between minus 10 to plus 10 and be 151 to 200 feet below the surface by 2025.
3. The site is not located within a mapped subsidence zone.
4. The nearest Groundwater-Dependent Ecosystem is Ventana Canyon Wash, an intermittent stream located as little as 1/10 of a mile away downstream along the Regulated Riparian Habitat area associated with the site. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet per isopleth maps used by the District.

The District's WRIA finds that, under existing conditions, the proposed project will not have access to renewable and potable water. Based upon projections provided in the PIWMP, the scale of the project and the unknowns, including which wells will serve the project, and how water harvesting is to be accomplished, the proposed project may have adverse impacts on shallow groundwater areas.

Based upon the WRIA above and policies established by BOS Resolution 2008-72, the District is prohibited from recommending approval. It is also worth noting that the site plan concept has increased in intensity from the time of the comprehensive plan amendment at which time drainage and habitat concerns were also raised. However, the District has met with the applicant and has determined that contingent upon the conditions recommended below, compliance with the Floodplain Management Ordinance can be achieved. While not all the suggested language proposed by the applicant has been incorporated into the recommendations, they do represent a compromise.

Should the Commission recommend approval, the District requests that conditions 8A-8F (above) be added to the proposed plan.

Department of Transportation

Pima County Department of Transportation (DOT) has no objection to the draft specific plan.

DOT notes the following regarding roads in the vicinity of the specific plan site:

Sabino Canyon Road is a four-lane, urban principal arterial with approximately 150 feet of existing right-of-way. Its capacity is 35,820 ADT with current traffic volumes of 29,293 ADT between River and Kolb Rds., and 30,974 ADT between Cloud and River Rds. There is an existing left turn lane on southbound Sabino Canyon Rd. into the site.

River Road, west of Sabino Canyon Rd. and south of the site, is a two-lane, paved, county-maintained, urban minor arterial, and is designated a scenic major route per the Major Streets and Scenic Routes Plan. Its right-of-way width varies but the future right-of-way width is 150 feet. Its capacity is 13,100 ADT and the most recent traffic count (2012) is 15,613 ADT. The Sabino Canyon Rd. / River Rd. intersection has been widened to accommodate dual southbound right turn lanes and a dedicated northbound left turn lane onto Sabino Canyon Rd.

Cloud Road, east of Sabino Canyon Rd. and south of the site, is a two-lane, paved, county-maintained, scenic major route; its planned future right-of-way is 120 feet. Its capacity is 13,100 ADT and the most recent traffic count (May 2013) is 5,366 ADT. Dual westbound left turn lanes accommodate traffic entering Sabino Canyon Rd.

There are secondary transportation concurrency concerns due to roadway segments at overcapacity within two miles of the specific plan site. River Rd. between Sabino Canyon Rd. and Craycroft Rd. is functioning over capacity and no improvements are scheduled at this time.

Major roadway improvement projects in the vicinity of this draft specific plan include an extension of Sabino Canyon Rd. to connect to Kolb Rd. south of Tanque Verde Rd. – proposed improvements include two lanes of traffic in each direction, bike lanes, and a multiuse path along Sabino Canyon Rd. This project was part of the 20-year RTA plan approved in May 2006, and will be supported through City of Tucson, RTA and FHWA funds. The project is expected to start in mid-2015 and will take a year to complete. Also, improvements to Kolb Rd. north of Sabino Canyon Road are planned in 2017 using 1997 Transportation Bond funds, for a three-lane cross section.

The applicant is proposing a CCRC with direct access onto Sabino Canyon Rd. Access to the site will be generally in the same location as existing; however, upgrades to the access point will be designed during the development plan phase. Existing Tucson Water access on the site from Sabino Canyon Rd. will remain right-in / right-out access. The applicant is proposing a phased development with an estimated increase of 1,340 ADT anticipated.

The design of this site as a mixed-use facility will reduce off-site traffic by providing some goods and services on-site to the residents. Although 1,340 ADT will be a noticeable increase to local traffic, peak hour trips and directional split of traffic are anticipated to differ from that of the surrounding neighborhood. A preliminary traffic impact study was submitted with the draft specific plan, and an updated study will need to be completed at the time of the development plan with updates submitted with each phase of the development.

Should the Commission recommend approval, DOT requests that conditions 9A-9B (above) be added to the proposed plan.

Regional Wastewater Reclamation Department

The Department has no objection to the draft specific plan (rezoning) request, but requests that condition numbers 10A-10F (above) be added to the proposed plan.

Department of Natural Resources, Parks and Recreation

Pima County Natural Resources, Parks and Recreation staff has no objection to the draft specific plan. When a development plan is submitted for this project, a recreation area plan shall be submitted to meet the requirements of the Pima County Zoning Code for Development Plan submittals (Chapter 18.71.030), which includes trails and recreation features. Of note, the Sabino Canyon Road Greenway (G042) is listed in the *Pima Regional Trail System Master Plan* and is adjacent to the property – the greenway standard is 50 feet when next to a roadway and features a path and trail and vegetation.

Development Services Department, Green Building

The Green Building Manager notes that the Green Infrastructure principles stated in the draft specific plan's Land Use Proposal (Section II) are in alignment with the county's green building goals and policies. However, Development Standards (Section III) do not indicate how these principles will be implemented. Examples of possible approaches to implementing green infrastructure principles could include prescriptive or performance-based approaches.

An example of a performance-based approach could be a development standard that all CCRC buildings achieve the Energy Star® label. The Energy Star® label by definition indicates that the building has reduced energy consumption – this is common in production home builders and is also available for multi-family and congregate care facilities.

An example of a prescriptive approach could be a list of elements to be implemented, similar to the approach in Table B in the Preliminary Integrated Water Management Plan. For example, elements to reduce energy consumption might include: insulation levels will exceed code minimum by 10 percent; window U and SHGC values will exceed code minimum by 10 percent; all lighting will be Energy Star labeled; 75 percent of all windows will shaded between 10 AM and 2 PM; etc. Lists of elements that will reduce energy consumption are available on the web including the list of elements in the Net-Zero Energy Building Standard (<http://www.pima.gov/netzero/Documents/Net-Zero-Code-Final.pdf>).

Office of Sustainability and Conservation

The Cultural Resources and Historic Preservation Division reviewed the draft specific plan. Currently, several buildings in the southwestern area of the property, including the Novitiate, Prayer House, and original church and ranch house structures, may have been constructed in the 1920s and therefore are historic in age. Several historic and ceremonially important features, including shrines and trails, also exist on the property.

The results of a cultural resources survey report (*Cultural Resources Survey of the Sabino Canyon Rd./Flaming Sky Place SEC Project near Tucson, Pima County, Arizona*, P.A.S.T Cultural Resources Report No. 081910 by David Stephen, PhD, 5/8/2008) were included in the specific plan and were also submitted to the Division for review and concurrence. The report concluded that no significant prehistoric sites exist on the property and that no additional archaeological work is needed with reference to prehistoric cultural resources. The Division agrees with the results of the report regarding prehistoric sites.

The cultural resources survey report states that the buildings and features on the subject property are historic in age (constructed in the 1920s) but the report does not include a significant assessment of the historic buildings and features. During review of the 2008 Comprehensive Plan amendment on the site (Co7-08-03), the Division recommended further documentation on the existing historic buildings and land-use activities to assess any potential impacts of the development project on cultural resources.

The specific plan's Land Use Proposal includes statements that propose constructing new buildings in architectural styles that are complementary to and consistent with the existing historical architecture. Additionally, it is planned that the Stations of the Cross Trail will be incorporated into the overall plan on the subject property. These elements of the Land Use Proposal are positive parts of the plan as far as the cultural resources are concerned can serve to mitigate any negative effect the proposed construction may have on cultural resources.

The Division requests condition number 11 (above) to provide additional necessary information on the site's historic buildings and structures, and possible development-related impacts to those buildings and structures.

The Environmental Planning Division has reviewed the draft specific plan and has no comment.

US Fish and Wildlife Service (USFWS)

The only listed species that could be affected by the draft specific plan is the lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*). There are no known roosts on the site, so the effects would be from impacts to forage species, in this case saguaro cacti. Lesser long-nosed bats are known to forage in this area based on the USFWS hummingbird feeder monitoring project. The specific plan proposes to preserve in place or relocate within the property all saguaros within the project site. While there may be some effect from this, it will, in effect, result in no net loss of forage plants for the lesser long-nosed bat. Therefore, USFWS finds that the draft specific plan would have no significant effects to listed species, but emphasizes the need to follow the measures that have been included to conserve saguaros on the property and maintain wash corridors for wildlife, as telemetry studies indicate that lesser long-nosed bats travel between roosts and foraging sites using wash corridors.

Metro Water District

In a letter dated September 5, 2014, Metro Water District stated that the specific plan property is within the legal boundary of the Metropolitan Domestic Water Improvement District obligated service area. Potable water service will be supplied on demand. Any necessary onsite / offsite requirements for domestic and fire flow water supply will be determined when a development plan or application for water service is submitted, and will be the responsibility of the owner(s) / developer(s). System sizing will be based upon calculated demand for domestic and fire flow to adequately supply the area. If a development plan or application for service has not been submitted by September 5, 2016, Metro Water District will reevaluate the request and reissue a will-serve letter.

Rural/Metro Fire Department

The Rural/Metro Fire Department has reviewed the specific plan and requests that as the development continues into the plan stage, the owner(s) / developer(s) will be required to submit plans to their fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinklers, fire alarm systems and all other applicable fire code requirements. As of April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this project.

Public Comments

The applicant conducted 4 public meetings (one meeting with the complete and accepted draft specific plan is required by the Zoning Code) between December 18, 2014 and January 22, 2015; two earlier public meetings were held in August and September 2014, prior to acceptance of the draft plan.

Staff has received a number of phone calls and 7 written comments to date in opposition to the proposed CCRC. Reasons for opposition include increased traffic on Sabino Canyon Road, impacts to open space and neighborhood aesthetics, loss of wildlife habitat, and the long-term care of the remaining retired Sisters on the site.

Respectfully,



Mark Holden
Principal Planner

cc: The Planning Center
Tucson Land and Cattle Co., Jim Campbell
Co23-14-01 planning file