

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 7/2/2024

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

*Title:

P16RZ00007 – ANDRADA WILMOT 180, LLC – S. WILMOT ROAD REZONING

*Introduction/Background:

The applicant requests a rezoning closure. The 359-acre rezoning from the RH (Rural Homestead) to the CR-5 (Multiple Residence - Small Lot Option) zone, located on the east side of S. Wilmot Road, approximately 754 feet south of E. Andrada Road. The rezoning was conditionally approved in 2016 and expires November 22, 2026.

*Discussion:

The applicant is requesting closure of the rezoning for construction of a utility-scale renewable energy system.

*Conclusion:

The proposed closure will revert the zoning to the RH zone.

*Recommendation:

Staff recommends APPROVAL of a rezoning closure.

*Fiscal Impact:

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*Board of Supervisor District:

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Department: Development Servces - Planning	Telephone: 724-8800
Contact: Donna Spicola, Planner II	Telephone: 724-9513
Department Director Signature:	for Date: 6-11-211
Deputy County Administrator Signature:	Date: Celizizozy
County Administrator Signature:	507 Date: 613/2024



TO: Honorable Steve Christy, Supervisor, District 4

- FROM: Chris Poirier, Deputy Director Public Works-Development Services Department-Planning Division
- DATE: June 11, 2024

SUBJECT: P16RZ00007 ANDRADA WILMOT 180, LLC - S. WILMOT ROAD REZONING

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY**, **JULY 2**, **2024** hearing.

- **<u>REQUEST</u>**: Proposal to close and revert zoning to the RH (Rural Homestead) zoning of an approximate 359-acre rezoning (Parcel Codes 305-23-018D, 305-23-026A, 305-23-027B and portion of 305-23-018A) from the RH (Rural Homestead) to the CR-5 (Multiple Residence-Small Lot Option) zone, located on the east side of S. Wilmot Road, approximately 754 feet south of E. Andrada Road.
- OWNERS: Andrada Wilmot 180, LLC Attn: William Kelley 2200 E. River Road, Suite 115 Tucson, AZ 85718
- AGENT: Diamond Ventures, Inc. Robert Tucker 2200 E. River Road, Suite 115 Tucson, AZ 85718
- DISTRICT: 4

STAFF CONTACT: Donna Spicola, Planner II

<u>PUBLIC COMMENT TO DATE</u>: As of the date of this report, staff has received no written public comment received.

STAFF RECOMMENDATION: APPROVAL OF CLOSURE

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located within the Maeveen Marie Behan Conservation Lands System (CLS) classified as Important Riparian Area.

TD/DS Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P16RZ00007

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JULY 2, 2024 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director Public Works-Development Services Department-Planning Division

DATE: June 11, 2024

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE

P16RZ00007 ANDRADA WILMOT 180, LLC – S. WILMOT ROAD REZONING

Andrada Wilmot 180 LLC, represented by Robert Tucker, request **closure** of an approximate 359-acre rezoning (Parcel Codes 305-23-018D, 305-23-026A, 305-23-027B and portion of 305-23-018A) from the RH (Rural Homestead) to the CR-5 (Multiple Residence-Small Lot Option) zone, located on the east side of S. Wilmot Road, approximately 754 feet south of E. Andrada Road. The rezoning was conditionally approved in 2016 and the rezoning expires on November 22, 2026. Staff recommends **CLOSURE**. (District 4)

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STAFF RECOMMENDATION

Staff recommends **CLOSURE** of an approximate 359-acre rezoning from the RH (Rural Homestead) to the CR-5 (Multiple Residence-Small Lot Option) zone for an 800-lot residential subdivision development with approximately 30 percent of natural open space. Andrada Wilmot 180, LLC, the owner of the four parcels within the rezoning site, requests closure of the rezoning.

REQUEST OF APPLICANT

A letter requesting closure of this rezoning case was submitted to "facilitate the approval of a Conditional Use Permit currently being processed" for construction of a utility-scale renewable energy system.

PLANNING REPORT

The rezoning from the RH (Rural Homestead) to the CR-5 (Multiple Residence-Small Lot Option) zone was conditionally approved on November 22, 2016. Rezoning Ordinance 2017-5 was adopted on March 7, 2017. A five-year time extension to complete rezoning conditions and a modification (non-substantial change) of rezoning conditions was approved by the Board of Supervisors on February 7, 2023, subject to modified standard and special rezoning conditions. Rezoning Resolution 2023-15 was adopted on May 16, 2023.

The original rezoning site consisted of four parcels codes (305-23-018D, 305-23-026A, 305-23-

P16RZ00007 (Ref: P21SA00013)

027B and portion of 305-23-018A) totaling 359 acres. This closure request is for the entire rezoning site. The rezoning will expire on November 22, 2026. The conditions remain to be satisfied. The zoning code requires a public hearing to close a rezoning and cause the property to revert to its previous RH zoning classification (Section 18.91.100).

RH zoning does not comply with site's Low Intensity Urban 3.0 (LIU-3.0) comprehensive plan land use designation If the conditional use permit application currently under review is approved and the Renewable Energy Incentive District overlay is established, a utility-scale renewable energy system will provide a use that is in compliance.

The rezoning site is undeveloped, is relatively flat and contains widespread disturbance from grazing and is traversed by several washes. To the north of the rezoning site is undeveloped state-owned land located within the City of Tucson. Located within Pima County's Jurisdiction to the north, east and south of the site are unsubdivided RH zoned residential properties. To the west is RH zoned, undeveloped state-owned land and to the east is a 509-acre undeveloped RH-zoned Bureau of Land Management property.

The property is located within the Maeveen Marie Behan Conservation Lands System (CLS) classified as Important Riparian Area.

Closure of the rezoning does not preclude the possibility of future rezoning of the subject parcel.

TRANSPORTATION REPORT

No objection to closure.

FLOOD CONTROL REPORT

No objection to closure.

WASTEWATER RECLAMATION REPORT

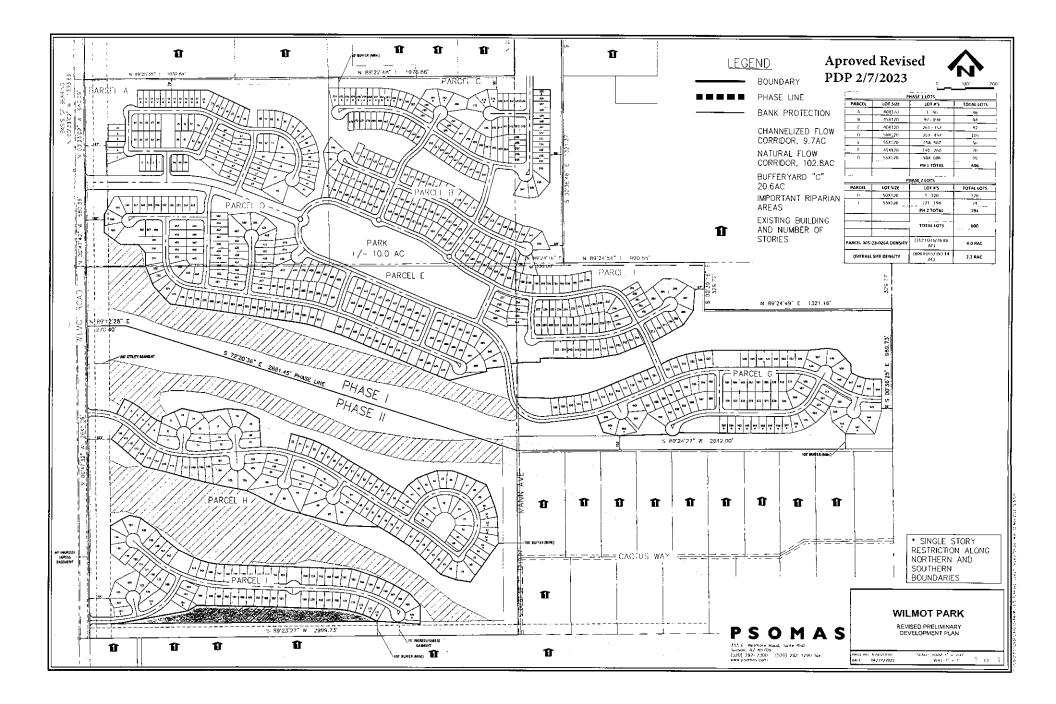
No objection to closure.

OSC - ENVIRONMENTAL PLANNING REPORT

No objection to closure.

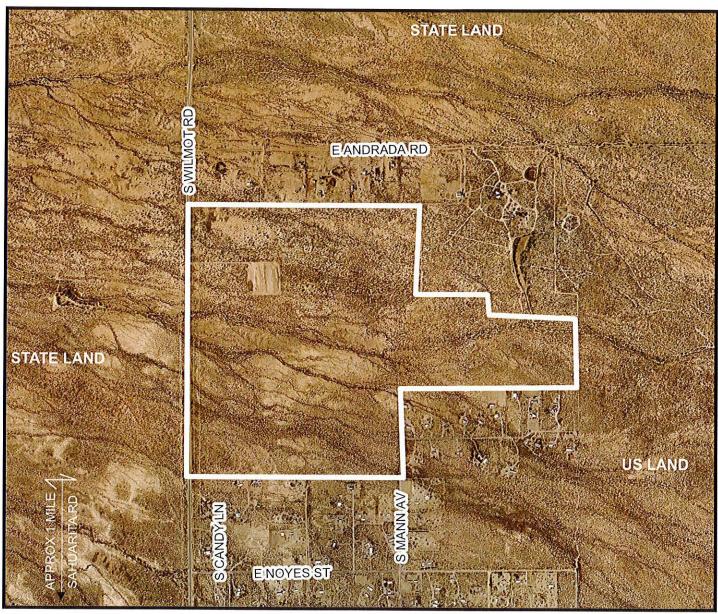
TD/DS Attachments

cc: Robert Tucker



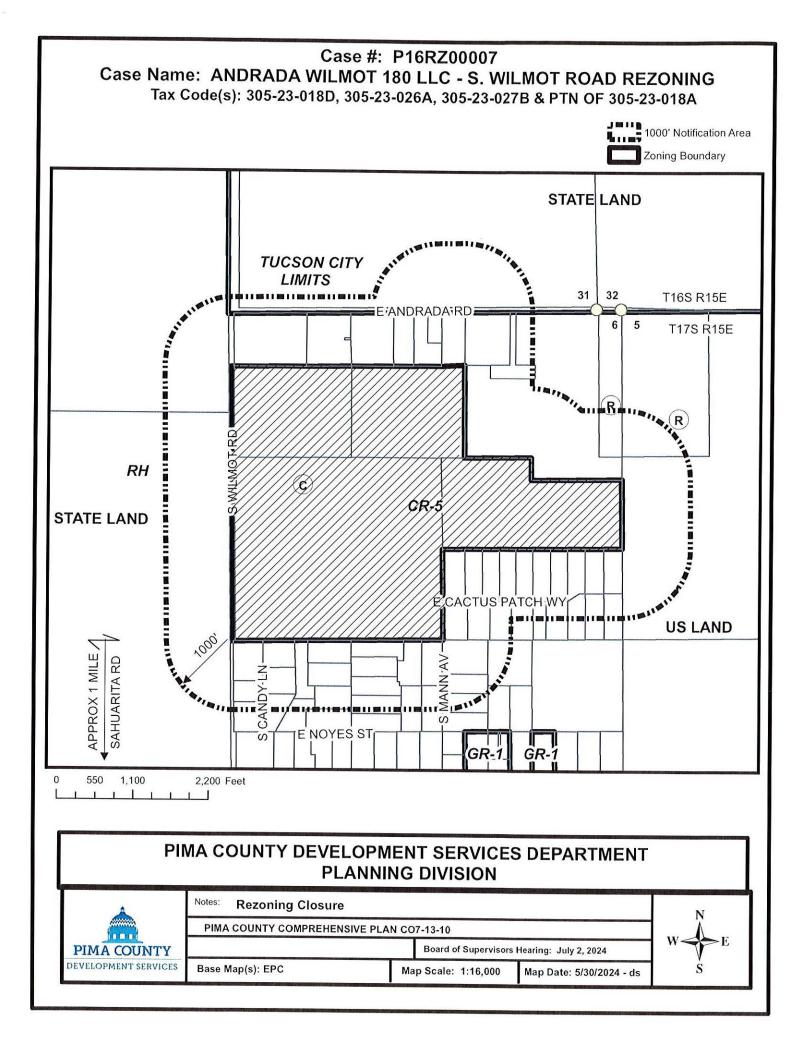
Case #: P16RZ00007 Case Name: ANDRADA WILMOT 180 LLC - S. WILMOT ROAD REZONING Tax Code(s): 305-23-018D, 305-23-026A, 305-23-027B & PTN OF 305-23-018A

AERIAL EXHIBIT



0 550 1,100 2,200 Feet

PII	МА С	OUNTY DEVELOI PLAN		T SERVICE	S DEPARTMENT	
	Notes:	Rezoning Closure				N
PIMA COUNTY DEVELOPMENT SERVICES			Ma	p Scale: 1:16,000	Map Date: 5/30/2024 - ds	W E S





Land Use Legend and Map

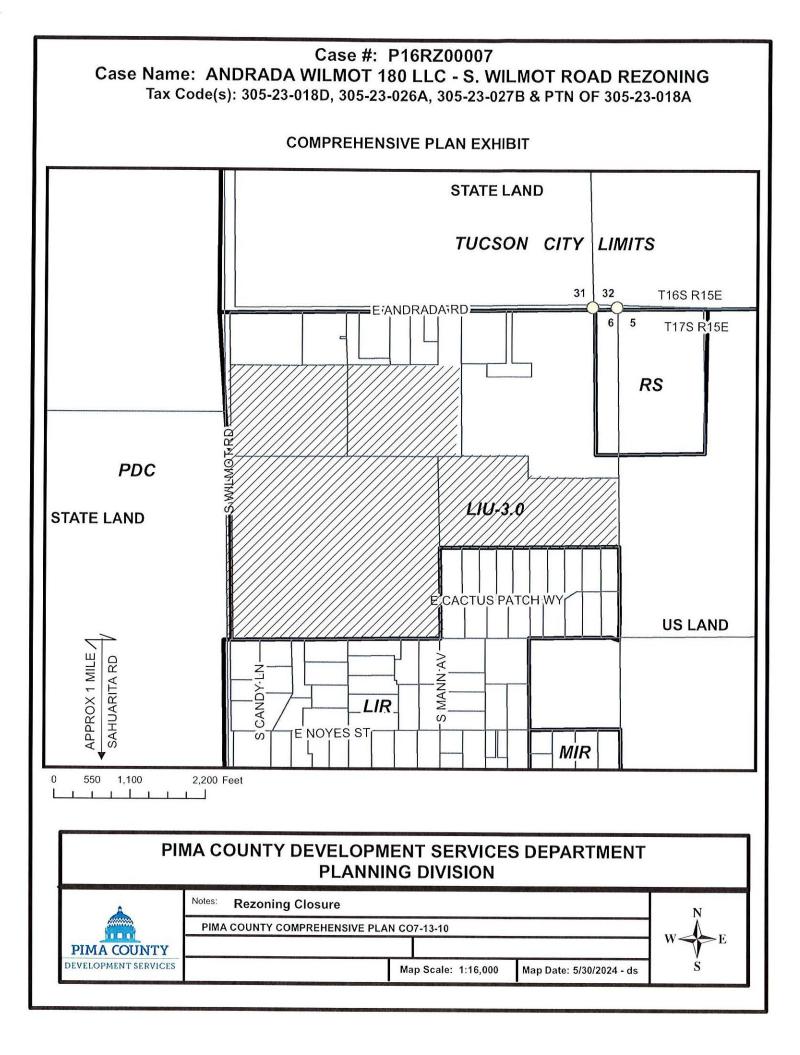
Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

Low Intensity Urban 3.0 (LIU-3.0)

- Residential Gross Density: Minimum- none; Maximum- 3.0 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 1.5 RAC; Maximum- 3.0 RAC



20231390292 RES 05/19/2023 11:08:17 AM Page: 1 of 8 Gabriella Cázares-Kelly Recorder OFFICIAL RECORDS OF PIMA COUNTY, AZ

RESOLUTION 2023-15

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE P16RZ00007 ANDRADA WILMOT 180, LLC – S. WILMOT ROAD REZONING; LOCATED ON THE EAST SIDE OF S. WILMOT ROAD, APPROXIMATELY 754 FEET SOUTH OF E. ANDRADA ROAD, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2017-05.

The Board of Supervisors of Pima County, Arizona finds that:

- On November 22, 2016, in rezoning case P16RZ00007, the Pima County Board of Supervisors approved the rezoning of approximately 359 acres located on the east side of W. Wilmot Road, approximately 754 feet south of E. Andrada Road, as shown on Exhibit A, from the RH (Rural Homestead) to the CR-5 (Multiple Residence-Small Lot Option) zone, subject to standard and special conditions.
- On March 7, 2017, the Pima County Board of Supervisors adopted rezoning Ordinance 2017-05, recorded at Sequence #20170740733, rezoning the approximate 356 acres described in rezoning case P16RZ00007 and memorializing the standard and special conditions.
- 3. On March 24, 2022, the owner of the rezoning site applied for a five-year extension of the time limit and a modification (non-substantial change) of rezoning conditions #4C which requires construction of half of the future 150-foot arterial cross section including drainage infrastructure along the Wilmot Road frontage and the frontage of the rezoning site shall be built as an all-weather roadway, #4E which limits Wilmot Road access points to two (2) and #10 which requires adherence to the approved preliminary development plan with a maximum of 800 dwelling units as set forth in Section 3 in Ordinance 2017-05.
- 4. On February 7, 2023, the Pima County Board of Supervisors approved a five-year extension and a modification (non-substantial change) of rezoning conditions #4C, #4E and #10 subject to original and modified standard and special conditions.
- 5. Section 3 of Ordinance No. 2017-05, allows the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2017-05, are restated and modified as follows:

- 1. ----The owner 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.

P16RZ00007 (P21SA00013)

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D. Submit a title report (current to within 60-days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

- 21. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 32. A master block plat along with the studies and/or plans required by various departments shall be submitted prior to any individual subdivision plats.
- 4<u>3</u>. Transportation conditions:

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- A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east. Provision shall also be made for future access to Andrada Road, when and if constructed.
- B. The property owner shall dedicate 30 feet of right-of-way for Wilmot Road.
- C. The property owner shall construct half of the future 150-foot arterial roadway cross section including drainage infrastructure along the Wilmot Road frontage. The frontage of the rezoning site shall be built as an all-weather roadway.
- Đ<u>C</u>. The property owner shall notify all future home buyers of the lack of all-weather access in the vicinity of this project.
- ED. The property shall be limited to 2 3 (three) access points on Wilmot Road.
- E. The location and design of access points on Wilmot Road shall be determined at the time of Tentative Plat submittal and are subject to the Department of Transportation approval.
- F. An updated Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal.
- <u>G.</u> The property owner(s) shall construct any offsite improvements determined necessary by the TIS at the time of permitting, including but not limited to additional travel lanes and/or auxiliary lanes.
- H. Off-site improvements shall be constructed to all-weather standards. The development and any offsite improvements shall not create any adverse drainage impacts to upstream and downstream properties.
- I. Prior to Tentative Plat approval, written proof of coordination with the City of Tucson is required regarding any traffic impacts to their roadway system.
- J. The 75-foot easement along the southern boundary of the site may be required to be abandoned as determined by the Department of Transportation at time of subdivision plat submittal.
- 54. Regional Flood Control District conditions:
 - A. <u>Development shall provide</u> flow Corridors <u>that are</u> equivalent to the Flood Control Resource Areas as shown on the Pima Prospers Regional Hydrology Maps-shall be created in order to preserve flow conveyance and provide wildlife connectivity. Flow Corridors should minimize encroachment into the Important Riparian Area and shall remain <u>Natural</u> Undisturbed Open Space <u>within Common Area</u>. Flow Corridors are subject to review and approval by the District.
 - B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary as determined at the time development plan is submitted, provisions for permanent maintenance of these measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
 - B. All off-site improvements shall be constructed to all-weather standards. The development and any off-site improvements shall not create any adverse drainage

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impact to upstream or downstream properties.

- C. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table A found in Attachment A Preliminary Integrated Water Management Plan Requirements in the Site Analysis Rezoning Packet such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- D. First Flush retention will be distributed throughout the site instead of being directed and located within a detention basin to supplement landscaping irrigation and to reduce stormwater runoff volumes.
- 65. Regional Wastewater Reclamation conditions:

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- A. The owner shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with owner to that effect.
- B. The owner acknowledges and agrees that there is no existing treatment facility for this development in the Southlands Service Basin and that the Corona de Tucson WRF was not designed to provide service for these downstream parcels. Any connection to the Corona de Tucson WRF will require augmentation of the treatment capacity.
- C. The owner acknowledges and agrees that in order to be served by the Corona de Tucson WRF, a conveyance system must be constructed by the owner. Pima County shall decide whether this system will be conveyed to public ownership or operated as a private sewer system by the owner.
- D. The owner shall prepare a study of the sewer basin at his or her sole expense for the purposes of determining the routing and sizing of all off-site and on-site private or public sewer facilities necessary to provide both conveyance and treatment capacity and service to the rezoning area, and/or for the purpose of conceptual phasing of a pump station. The owner shall fund, design and construct the necessary wastewater collection, conveyance and treatment facility improvements necessary to serve the rezoning area, as determined by the basin study.
- E. If Pima County allows the conveyance system to be public, the rezoning area may be sewered using public sewers, if and only if the owner meets the following conditions:
 - The owner may fund, design and construct 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 Pima County Regional Wastewater Reclamation Department.
 - 2) Upon approval of the basin study, the owner shall enter into a master sewer service agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system and their timing.
 - 3) A sewer master sewer service agreement must be approved by the Pima County Regional Wastewater Reclamation Department prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit.
 - 4) Should the rezoning area be serviced to the Corona de Tucson Wastewater Treatment facility, the owner shall provide all weather, unrestricted vehicular access to all new public sewer manholes within the rezoning area. The owner shall obtain all necessary public sewer easements within the rezoning area prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit at his/her own expense.
- F. No more than 90 days before submitting any tentative plat, development plan, sewer

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improvement plan or request for building permit for review, the owner shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development. ronmental Planning conditions:

76. Environmental Planning conditions:

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A. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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 rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

<u>Invasive N</u>	<u>Ion-Native</u>	<u>Plant</u>	Species	<u>Subject</u>	<u>to Control</u>

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitalis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains
	lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Oncosiphon piluliferum	<u>Stinknet</u>
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamaríx spp.	Tamarisk

- 87. Cultural Resources condition: Archaeological field inspections (submitted with the Site Analysis Appendix C) resulted in a finding of cultural resources on the subject property. The reports did not include a Significance Assessment of sites--However, it appears that the sites may not be eligible for listing in the NRHP. Formal review and submittal of survey report(s) to Office of Sustainability and Conservation will be required at the time of <u>Site Construction Permit review</u>, the master-block plat.
- 98. Parks and Recreation conditions:
 - A. Construct the Wilmot Road Greenway G053 trail using the Pima County Greenway cross-section.

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- B. With the submittal of a subdivision plat, a recreation area plan shall be submitted and meet the requirements of the Pima County Zoning Code, Section 18.69.090.
- C. Construct internal, non-vehicular circulation that will link the residential development blocks.
- 40<u>9</u>. Adherence to the <u>revised</u> preliminary development plan (Exhibit B) as approved at public hearing. A maximum of 800 dwelling units is allowed.

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- 44<u>10</u>. The planning and development of the subject site shall occur such that transportation, wastewater, recreational, and other major infrastructure, and the protection of riparian areas and other natural resources are integrated and coordinated.
- 12<u>11</u>. Parcel code 305-23-0260<u>A</u> shall be developed at an average density of four residences per acre per the comprehensive plan amendment resolution 2009-240. The density calculation is based upon lot area.
- 43<u>12</u>. A mix of housing types shall be provided to insure a diverse community. Residential densities shall support multi-modal transportation opportunities including public transit even if such transit facilities are not currently in close proximity.
- 4413. The subject site shall be surveyed for presence of the Pima pineapple cactus and its habitat. Surveys shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish and Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services prior to master block plat approval. If Pima Pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game and Fish Department's Heritage Data Management System.
- 15<u>14</u>. The owner shall provide a 50-foot bufferyard and one row of single-story homes along the northern boundary and a 100-foot bufferyard and one row of single-story homes along the southern boundary of the subject properties and abutting the Mann Avenue frontage in adherence with the preliminary development plan.
- 1615. No recreation areas, parks, playgrounds, bike paths, or walking trails shall be located within the perimeter bufferyards.
- 4-7<u>16</u>. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning 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.
- 48<u>17</u>. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act 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 any rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Section 2. The time limit in Section 3 of Ordinance 2017-05, is amended and extended as follows:

1. Conditions 1 through 48 <u>17</u> shall be completed by November 22, 2021 <u>2026</u>.

Section 3. The rezoning conditions may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

P16RZ00007 (P21SA00013) Page 5 of 8 {91125 - 01079857 / v 1}

Passed and adopted, this <u>16th</u> day of _____

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May

__, 2023.

Adelta S. Grijalia

MAY 16 2023

Chair, Pima County Board of Supervisors

ATTEST: Cler 20122110

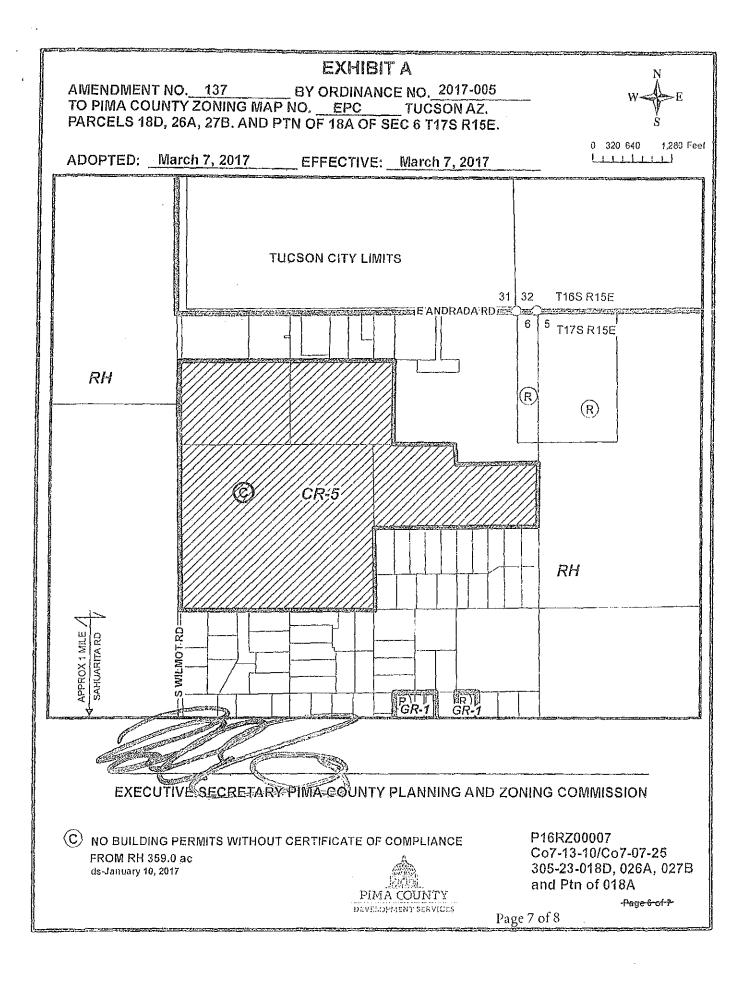
APPROVED AS TO FORM:

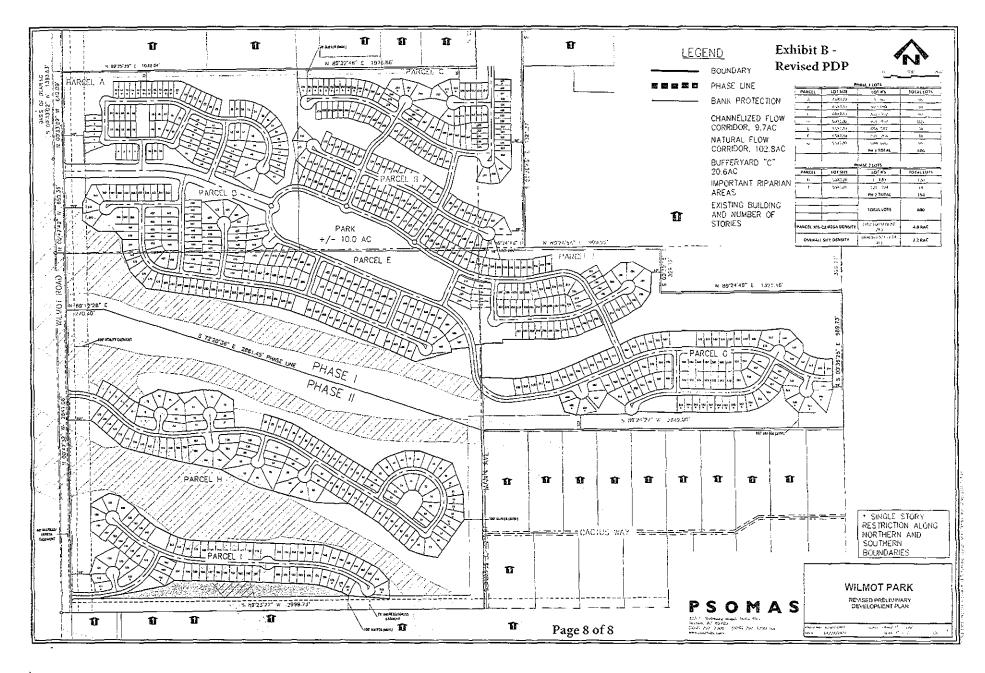
Deputy County Attorney Jacob Kavkewitz

APPROVED:

Executive/Secretary Planning and Zoning Commission

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2200 East River Road, Suite 115 Tucson, AZ 85718-6586 www.diamondventures.com (520) 577-0200 Phone

April 29, 2024

Donna Spicola, Senior Planner Pima County Development Services 201 North Stone Ave. Tucson, Az 85701

Subject: Closure of Zoning for P16RZ00007, Andrada Wilmot 180, LLC – S. Wilmot Rezoning (Wilmot Park)

Dear Donna,

In order to facilitate the approval of a Conditional Use Permit currently being processed for the above-listed property, we request that this zoning case be closed.

Property Owner:	Andrada Wilmot 180, LLC 2200 E. River Road, Suite 115 Tucson, AZ 85718 William H. Kelley <u>bkelley@diamondven.com</u> (520) 577-0200	
Applicant:	Andrada Wilmot 180, LLC 2200 E. River Road, Suite 115 Tucson, AZ 85718 Robert Tucker <u>rtucker@diamondven.com</u> (520) 577-0200	
Property:	Approximately 360 acres of land comprised of Tax Parcel numbers 305- 23-026A, 305-23-018D, 305-23-018A & 305-23-027B	
Ownership:	Andrada Wilmot 180, LLC	
	 Diamond Ventures, Inc., Manager & Member Diamond Equity Pool VIII, LLC, Member 	

Please let me know if you have any questions or need any additional information.

Thank you,

Its:

Andrada Wilmot 180, LLC

By: Diamond Ventures, Inc., An Arizona corporation

Manager By: William H. Kelley, Chief Financial Officer



2200 East River Road, Suite 115 Tucson, AZ 85718-6586 www.diamondventures.com (520) 577-0200 Phone

May 10, 2024

Donna Spicola, Senior Planner Pima County Development Services 201 North Stone Ave. Tucson, Az 85701

Subject: Authorized Representative For Closure of Zoning for P16RZ00007, Andrada Wilmot 180, LLC – S. Wilmot Rezoning ("Wilmot Park") & Closure of Zoning for Co9-11-08, Andrada Investors, LLC ("Hook M")

Dear Donna,

Please accept this letter as authorization from Diamond Ventures, Inc., as Owner, to authorize Robert Tucker as our Representative for the zoning closures for both Wilmot Park and Hook M.

Please let me know if you have any questions or need any additional information.

Thank you,

Andrada Investors, LLC By: Diamond Ventures, Inc., An Arizona corporation

Its: Manager

By:

William H. Kelley, Chief Financial Officer

Andrada Wilmot 180, LLC

By: Diamond Ventures, Inc.,

An Arizona corporation

Its: Manager

By:

William H. Kelley, Chief Financial Officer