

MEMORANDUM

Date: September 25, 2023

To: Rex Scott
Vice Chair and Supervisor, District 1

From: Rory Juneman

Re: Thornydale Sumter Specific Plan – Responses to Neighborhood Concerns

In preparation for the October 17, 2023, Board of Supervisors’ Public Hearing on the rezoning request for the Thornydale Sumter Specific Plan, we are providing you with some responses to several of the common concerns brought up by several nearby neighbors. The concerns described below are taken directly from a neighbor’s letter and represent the concerns brought up during our outreach efforts. Our responses to the concern are shown in *italics*. If you have any questions or would like to discuss, please do not hesitate to contact me.

TRAFFIC

The calculations and traffic impact in the Traffic Study are based on traffic surveys performed in 2021 and 2022 - a time period when residents were advised to shelter at home and schools were closed until late August. This time period took place PRIOR to having all students and staff being back in school due to the COVID pandemic.

Response: The assertion that traffic counts occurred at a time when students were not back at school is inaccurate. The Thornydale-Sumter Residential Traffic Impact Study (“TIS”) used data mostly from 2022, with some data coming from 2021. Specifically, the intersection turning movement data collection occurred on March 24, 2022. See TIS, Appendix p. 38. The traffic volume counts are from the Pima Association of Governments’ Traffic Counts Interactive Map (link below). The PAG data used was from either 2021 or 2022, depending on the road. Please note that the PAG data consistently shows decreased traffic counts in year 2020, but all roads show traffic numbers increasing in 2021 and 2022 to pre-pandemic levels.

Mountain View High School (“MVHS”) returned to in-person teaching by March 2021. See “Tucson Schools Head Back to the Classroom this Month,” KOLD News 13, March 11, 2021 (stating that Mountain View High School had returned to a four-day in-person schedule, and other schools were returning five days a week). Furthermore, the MUSD spring break in 2022 was from March 14 to 18. Therefore, the TIS traffic data was collected at a time when schools had returned to in-person instruction.

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Link: <https://paq.public.ms2soft.com/tcds/tsearch.asp?loc=Paq&mod=TCDS>

As noted in the Staff Report, Thornydale is already over capacity. In fact, the daily vehicle counts increased from over 2,000, to more than 3,000 since November. Thornydale's capacity is 16,815 ADT. Per DOT, the current traffic count is 19,943, a daily overload of 3,128 - already 18% over capacity. A count that is even higher than it was in November when this project was rejected! If the expected project ADT of 1,860 is added to the 3,128, the total comes to 4,988, which would increase daily traffic load on Thornydale by nearly 30%.

Response: The above assertion relies only on one data point that does not provide the full picture of traffic in this area. Traffic counts for roadway segments (i.e., the area between intersections) are taken for an entire 24-hour period. The above Thornydale count is accurate, but was collected on Thornydale south of Linda Vista Blvd. The Thornydale traffic count taken north of Linda Vista Blvd. – where this project will be located – drops to 15,213. See TIS, p. 8. The above statement also ignores that the other surrounding roads will be under capacity with the Project, including Linda Vista, Sumter, and Shannon. See TIS, p. 21.

What is also ignored is that the Thornydale/Linda Vista intersection (the “Intersection”) currently performs at a high “level of service” (“LOS”) – and will continue to do so with the Project. In around 2020, the County improved the Intersection to include more turn lanes and signal re-timing. The result is that the intersection currently operates at LOS B. See TIS, pg. 13. The TIS also looks at future Intersection performance and shows that in 2025 without the Project, the Intersection will function at a LOS B. See TIS, pg. 23. The next page of the TIS shows that with the Project in 2025, the Thornydale/Linda Vista intersection still functions at an LOS B. It is also important to note that the LOS score is determined based on the morning and evening weekday commuter peak hours, typically the busiest time of the day.

In summary, the analysis of Thornydale traffic must be more nuanced than just looking at one specific traffic count for a portion of the road. There is no doubt that Thornydale needs to be widened, but the traffic on Thornydale currently flows smoothly during most of the day due to DOT's recent work at the Intersection. The Project will obviously add traffic to the area, but the current roadway network can handle this traffic such that it will not create additional negative impacts.

The expected increase in traffic is even before traffic is added from approved plans for a 50-acre residential and retail development at Tangerine and Thornydale, and the development currently under construction at Thornydale and Cortaro Farms.

Response: The TIS includes an annual increase in background traffic of two percent, which factors in the area's future growth and its resulting traffic. Our team actually analyzed the Tangerine/Thornydale traffic study to ensure it falls within the two percent estimate, and it does. We also met with Pima County Department of Transportation (“DOT”) to discuss, and they are comfortable that the two percent annual increase is a sufficient estimate of future background traffic.

The site location hasn't changed. It is still one block from Mountain View High School, with 1800+ students and its inexperienced drivers. (See attached photos of traffic just at the intersection of Thornydale and Linda Vista). I recently witnessed a white sedan turning right onto Linda Vista, not yielding to students who had the white crossing signal.

The Specific Plan pins it's hopes of causing a low-impact on traffic on the widening of Thornydale. There are no designated funds for this. Further, it is our understanding that a bond issue is not even being planned to be put before voters until 2025. Even then, it may not pass.

Response: This location is an infill site, along a major road in an area where no new apartments have been built in 14 years. The fact that the Project is close to MVHS is a positive thing, as it will likely provide housing options for teachers and staff, or even families of students. All new development creates tradeoffs, and the tradeoff in this case is that much needed new housing will be provided, but that housing will increase traffic in the area. This is a reasonable tradeoff, and one that has happened for as long as there has been new development. The fact is that new traffic blends in with the existing traffic to become the new normal. While the passage of RTA Next will likely resolve most of the traffic issues in this area, if it fails this area will still function with the existing roadway system.

Construction of one-block bicycle and pedestrian paths by developer on Thornydale and Sumter will do little to mitigate traffic issues.

Response: While we believe this path will provide an alternative to local driving, it is true that we cannot be certain it will significantly mitigate traffic volumes in the area. What we are sure of is that the path will provide a safer pedestrian and walking route than what exists today - which is no route. The path will provide a benefit to the community that will only occur with this Project and rezoning.

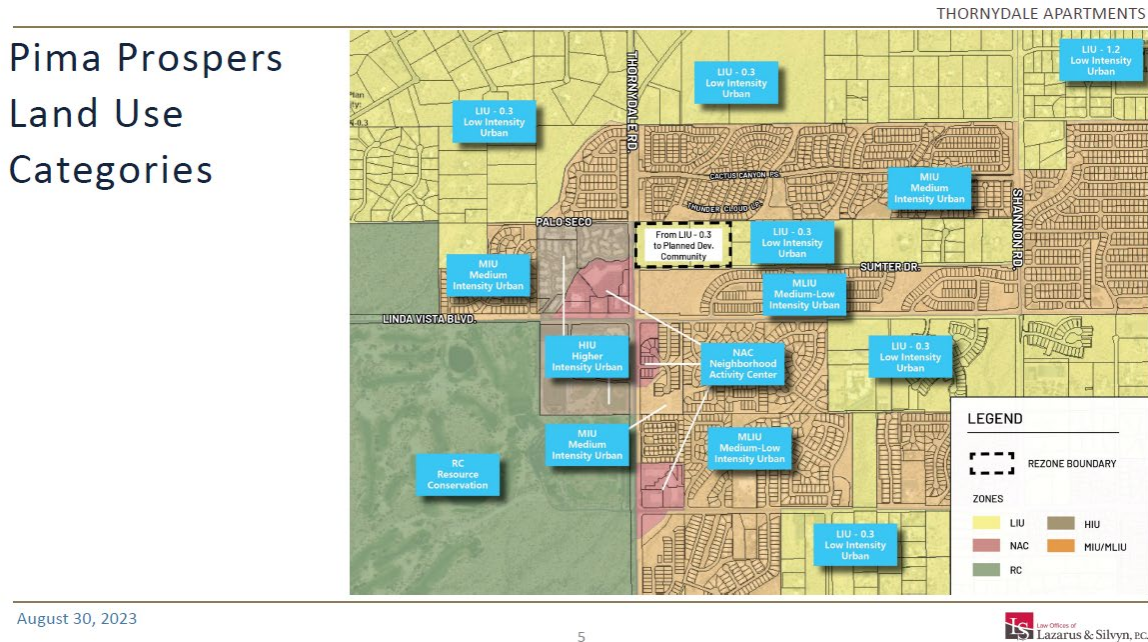
Additionally, the Staff Report cites the fact that Thornydale, as a major Route and Scenic Route, requires an exemption for any construction over 24 feet. We oppose making such an exemption as it could soon mean the end of the Scenic Route designation.

Response: The Zoning Code's Scenic Route regulations only apply within 200 ft. of the ROW/property line. Code § 18.77.040.D.2. The Project only has one building within 200 ft. of Thornydale that will be over 24 ft. in height. The Project's remaining three-story buildings are well beyond the 200 ft. Scenic Route zone. The request to allow one three-story building within this area is minor considering the vast majority of the Thornydale frontage will be preserved as natural open space. Also, the scenic route designation is made by the Board of Supervisors, and only the Board can "end" the Scenic Route designation; granting an exception cannot impact the designation.

AMENDMENT TO PIMA PROSPERS

The Specific Plan proposes a development that is out of character for the surrounding community, and therefore not in compliance with Pima Prosper. We object to the request to amend Pima Prosper. The amendment requirement was not presented as such during the public meetings held by the developer in 2022 or 2023.

Response: The comment regarding character is addressed below. Regarding presenting at the public meetings, we presented the following slide that shows the comp plan change at our neighborhood meetings and our presentation to the Planning and Zoning Commission:



Under Chapter 3 Use of Land, Pima Prosper Goal #1, Policy #1 states that development should "promote efficient growth in urban and rural areas COMPATIBLE with each area's specific scale, character and identity in areas where infrastructure is planned or in place." This project is NOT compatible with the character of the area. Nowhere are there three-story apartment buildings. Existing apartment complexes - Equestrian Luxury Apartments and Le Mirage (cited in the Specific Plan) - are two-story complexes. Le Mirage units are set back and not completely visible from Thornsdale.

While the Staff Report cites three previous rezoning cases (a three-story storage unit at Thornsdale and Overton P22SP00001; P18RZ00001, and PI 7RZ00006) none are similar nor comparable to this project, and planned residences are single- to two-story developments.

Response: The proposed Project is compatible with this area. It is important to note that "compatible" is not the same as surrounding development, it is "capable of existing together in harmony" with surrounding development. As noted above, there are already apartments in this area, with the last being built in 2008, so there is no argument that apartments are not compatible. The compatibility issue appears to focus one issue: three story apartments. There is

no question three-story apartments on the Property can coexist with the area, and any position otherwise ignores several important facts:

- *Our Project is asking for a maximum building height of 34 ft. The Property's existing zoning of Suburban Ranch (SR) has a maximum building height of 34 feet. In addition, the zoning districts of North Ranch (CR-4 and CR-5) to the north and Mountain Vista Ridge to the south (CR-4) all have a maximum height limitation of 34 ft. Our request for three stories not to exceed 34 ft. is not an outlier, but instead a common height allowed in the Zoning Code for the Project area.*
- *Three stories on this Project allows us to preserve 36 percent of the site as natural open space. That open space will benefit the Project's residents, its neighbors, and wildlife, not to mention helping preserve the wash areas. The tradeoff for building 10 additional feet is significant and makes the overall project more compatible with the area.*
- *The Project will not block any mountain views, or really block any view at all. The Project setbacks are so significant that the Project's buildings will not be obtrusive or in sight lines.*

From the county website - "Pima Prospers, the update to the long-range county plan, is the product of a nearly two-year planning process, including extensive community involvement and the engagement of all levels of government." These requested changes have been submitted without a reasonable time for the community and stakeholders to respond. We, the public, and county officials, either support and believe in the process to develop the plan, or we do not. If we keep making amendments to suit commercial interests, where will it end? It renders the document and the process meaningless.

Response: Minor changes to Pima Prospers are allowed by the Zoning Code and Pima Prospers because they allow for smaller-scale adjustments to the County's planning policies. If small-scale planning changes were only allowed to occur when Pima Prospers is updated (i.e., every ten years), then these rezonings could only occur every 10 years, a ridiculous outcome. Pima Prospers is an important planning document, but it is not perfect, and allowing incremental changes based on set requirements is reasonable.

ENVIRONMENTAL IMPACT

The project plan counts 187 saguaros onsite, 147 of which are greater than six feet, with six taller than 18 feet. The plan proposes to "mitigate" any loss by replacing the tall saguaros disturbed with ones that are four feet. Even following state and federal guidelines for their replanting, it only ensures that less than 60% are likely to survive. This at a time when, according to news reports, we're seeing a faster die-off rate.

Response: The Project meets the requirements of the County's Native Plan Preservation Ordinance, and we have included in the Specific Plan a best practices guide from Arizona Game and Fish regarding the transplanting of Saguaros, as suggested by the Coalition for Sonoran Desert Protection.

Additionally, the Staff Report indicates that "the entire site is designated as a Special Species Management Area {SSMA}" and that it is "within the Priority Conservation Area (PCA) for the Cactus ferruginous pygmy owl" which is considered a threatened species by the Audubon Society <https://www.audubon.org/field-guide/bird/ferruginous-pygmy-owl> and the Center for Biologic Diversity {see attached posted press release}. <https://biologicaldiversity.org/w/news/press-releases/cactus-ferruginous-pygmy-owls-proposed-for-renewed-endangered-species-act-protection-2021-12-21/>

The Pima County Multi-Species Conservation Plan, in its very first paragraph of its introduction states:

"Following the 1997 listing of the cactus ferruginous pygmy-owl {Glaucidium brasilianum cactorum) as a federally endangered species, the Pima County Board of Supervisors initiated the Sonoran Desert Conservation Plan {SDCP}. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources {Pima County 2000a}."

[https://web.cms.pimagov/Us.erFiles/Servers/Server6/File/Government/Office%20of%20Sustainability%20and%20Conservation/Conservation%20Science/Multi-species%20Conservation%20Plan/MSCP Final MainDoc w Cover.pdf](https://web.cms.pimagov/Us.erFiles/Servers/Server6/File/Government/Office%20of%20Sustainability%20and%20Conservation/Conservation%20Science/Multi-species%20Conservation%20Plan/MSCP%20Final%20MainDoc%20w%20Cover.pdf)

The U.S. Fish and Wildlife Service Report (cited in the Staff Report) has similar concerns for the area and that "The species potentially impacted are the lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), a recently delisted species under the Endangered Species Act and the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), a species formerly listed under the Endangered Species Act and recently proposed for relisting under the ESA and a species proposed for relisting under the ESA, and a species proposed for coverage under Pima County's Multi-Species Conservation Plan (MSCP).

In its 2022 Staff Report, Development Services previously stated that "The western parcel of the project site was identified as a highest-priority 'Habitat Protection Priority' acquisition under the 2004 Bond Program." This plan does not treat it as such.

Response: The Project will fully comply with the Conservation Land System guidelines, and therefore County Staff states the Project "is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS." In addition, the Project has the support of the Coalition for Sonoran Desert Protection.

The developer proposes to offer 39.1 acres of Natural Open Space {NOS} off-site to mitigate loss of this natural space. This does not benefit the existing neighborhood, residents or existing wildlife.

Response: The 6.48 acres of onsite mitigation land will benefit the surrounding neighbors and wildlife by providing open space and drainage area. The offsite mitigation land is designed to

benefit the community as a whole, and 39.1 acres of additional open space, preserved in perpetuity, will do just that.

LATE DOCUMENT POSTS

Although the Specific Plan was submitted to the county in May, neither the developer nor his representatives made time to meet with residents until three weeks before a vote in August. In fact, the developer, or his representatives, only recently reached out to the North Ranch HOA one week before the Planning and Zoning Commission meeting. This does not show due diligence nor transparency with area residents.

***Response:** This Project has been before the neighbors since July 2022 – well over a year – and we have made every effort to communicate with the neighboring property owners. To imply that we have rushed this through the process is simply not factual.*

Regarding the most recent Specific Plan submittal, the Project team went to the public at the time it knew that County staff had completed its review of the Specific Plan. Our team submitted the updated Specific Plan application on May 9, 2023. The Specific Plan went through two rounds of comment reviews by staff (as is the standard process), and the Project team made two revisions to the document based on staff comments. We received the final second round of comments from DOT on July 13, 2023, and we made our last re-submittal on July 21, 2023. We mailed our neighborhood meeting notice out on July 24, 2023, and conducted our neighborhood meeting on August 7, 2023, three weeks before the Planning and Zoning Commission meeting. Based on this, the Project team diligently presented the Specific Plan update to the surrounding neighbors.

CONCLUSION

The proposed Specific Plan has a request to amend Pima Prosper, has at least 12 conditions that are required as part of permitting, and traffic data that is misleading.

Judging from the last-minute submissions and amendments, this is not a well thought out, plan or design for this location. It is the wrong project for this location. With all of these issues, it seems the county and residents are being asked to bend over backward to accommodate this ill-conceived project. We ask the commission to reject the amendment request, any rezoning requests and the application.

***Response:** This Project is the result of hundreds of hours of planning and engineering, much of which was done in response to neighborhood concerns. The Project has reduced density and units, reduced heights, removed buildings, increased open space, and increased setbacks all in an effort to address neighborhood concerns. The 12 conditions proposed by County staff are common – all rezonings have conditions – and an indication of the effort this Project team has made to mitigate the impacts of this Project. This is a thoughtful project being built in an area of the County that needs additional multifamily housing. It is fair for neighbors to not want change next to them, but it is not fair to call our efforts ill-conceived or not well thought out.*