

November 6, 2008



CITY OF  
TUCSON

OFFICE OF THE  
CITY MANAGER

Mr. Francis Egan  
Eastbourne  
300 International Drive, Suite 135  
Williamsville, New York 14221

Dear Mr. Egan:

**Subject:** Letter of October 24, 2008 regarding changes to the Bridges Project

City staff has reviewed your letter (attached) requesting assistance that will permit your company to conclude your contract negotiations with Costco Wholesale for an anchor location within the Bridges project.

Your request that the timing of the \$2 million payment contribution as outlined in the Development Agreement be shifted from the time the development plan is submitted to the timing of the issuance of the Certificate of Occupancy to Costco or the first major anchor store to be constructed in the PAD commercial district may be justified given the current economic conditions. The City Attorney has determined that this would require an amendment to the Development Agreement approved by Mayor and Council. On this issue, please work directly with Ward 5 Council Member Steve Leal's office, as he was instrumental in coordinating this matter.

Your request that the Bridges project be relieved of the cost of the widening and improvements to 36<sup>th</sup> Street is a significant change to the Bridges Planned Area Development (PAD). Your request to revise the phasing and infrastructure triggers for this PAD District would necessitate processing a major amendment to the PAD that requires Mayor and Council approval. Major amendments to a PAD are processed pursuant to LUC sections 5.4.1 and 5.4.3, and are processed like a rezoning request. City staff recommends that any major amendments to the PAD related to triggers for infrastructure improvements be discussed with the other property owners in the Bridges project as well as City staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Hein", with a long horizontal flourish extending to the right.

Mike Hein  
City Manager

c: Mike Rankin, City Attorney  
✓ Albert Elias, Director, Urban Planning and Design  
Ernie Duarte, Director, Development Services  
Jim Gloek, Director, Transportation  
Hector Martinez, City Manager's Office

Attachment: Eastbourne Letter dated October 24, 2008



## EASTBOURNE

October 24, 2008

Mr. Mike Hein  
City Manager  
City Hall  
255 West Alameda Street  
Tucson, AZ 85701

Dear Mike,

Thank you for hosting our meeting on October 21<sup>st</sup> with Mayor Walkup, Council Member Steve Leal, and Mike Rankin. As we explained, we are at a critical juncture with the development of the commercial component of the Bridges project, particularly in the face of an economic downturn. We came to the City of Tucson's leaders requesting some assistance that will permit us to conclude our contract with Costco Wholesale for a 145,000 s.f. anchor location in Tucson.

Currently the Development Agreement with the City requires Tucson Retail to make a \$2.0 million contribution when it submits a development plan. As explained, we cannot pay the contribution under our Development Agreement while still carrying the risk that Costco may not (i) close escrow on the property and (ii) construct their building and open for business. Unfortunately, they will not guarantee either of these events in advance. Therefore, we have asked that the timing of the \$2 million payment be shifted from the time the development plan is submitted to the timing of the issuance of the Certificate of Occupancy to Costco or the first major anchor store to be constructed in the event Costco elects not to go forward with its building.


Additionally, we have requested that the Bridges project be relieved of the cost of the widening and improvements to 36<sup>th</sup> Street when the time comes for those improvements to be made. Currently the commercial portion of the Bridges is proceeding first, requiring, at a minimum, the construction of the publicly dedicated spine roads, the Kino Blvd. signalization and likely full improvements to Park Ave. The 36<sup>th</sup> Street improvements are triggered by residential development that will follow in the yet unforeseen future. We are seeking this financial relief in consideration of the sales tax revenue that is projected to well exceed – in the first year of Costco's operation – the cost of the 36<sup>th</sup> Street improvement work.

October 24, 2008

Page 2

These two accommodations will trigger the conclusion of our Costco contract and mark the beginning of site development submittals. Detailed necessary amendments to the underlying Development Agreement and PAD document will be forthcoming under separate cover to City Attorney Mike Rankin.

Sincerely,

A handwritten signature in black ink, appearing to read 'Francis E. Egan', with a stylized, sweeping flourish at the end.

Francis E. Egan

cc Mayor Walkup  
Council Member Steve Leal  
Michael G. Rankin, Esq.  
William Casale  
P. Eric Davis



CITY OF  
TUCSON

DEPARTMENT OF  
URBAN PLANNING  
& DESIGN

March 18, 2009

Jim Portner  
Principal  
Projects International, Inc.  
10836 E. Armada Lane  
Tucson, AZ 85749-9460

Dear Mr. Portner:

**Subject:** Interpretation Regarding Phasing and Timing of Associated Public Improvements for Subarea A: Commercial/Retail in the Bridges Planned Area Development (PAD-15)

Staff has reviewed your letter (see attached) requesting clarification regarding a change to the phasing sequence of Commercial/Retail Subarea A to allow development to proceed first in the area identified as Phase 2, the eastern half of Subarea A, instead of the originally identified area on the western half of Subarea A. Per your letter you are also requesting a change to the timing of associated public improvements tied to the original phasing for Commercial/Retail Subarea A.

The proposed request to proceed first with development of the eastern half of Commercial/Retail Subarea A can be supported by the Bridge PAD. In Section C.3.6 it notes that the phasing matrix "is a best guess development scenario" of the various PAD subareas. And in the event that the timing is altered due to market opportunities and conditions the Developer will coordinate with the City at time of platting or development plan submittal to insure that the necessary provisions are met to provide the needed public improvements.

It is noted that the Developer has met with staff, i.e. UPD, DSD, and TDOT to discuss the impact of 'flipping' the commercial phasing for Subarea A. Staff indicated that the Park Avenue improvements as outlined in the PAD Public Improvement Matrix are not necessary until such time as the western half of Subarea A is developed. Nor would the full connecting spine roadway from Kino Parkway to Park Avenue be required until such time as the western half of Subarea A is developed.

Therefore, it is determined that this request is consistent with the intent of the Bridges PAD, and this change in the phasing and timing of associated public

improvements is a non-substantial change and is approved with the following as clarification for the submittal of any future development plans.

- Development of Commercial/Retail Subarea A will not be controlled by the term Phase 1 or Phase 2.
- If Developer proceeds to develop the eastern half of Subarea A first, then the public improvements required will be the completion of the identified Kino Parkway intersection; completion of the "Commercial Spine Road" from Kino Parkway to the commercial area as described in the PAD.
- Developer is to provide an updated Traffic Impact Assessment (TIA) with the development of the eastern half of Subarea A so as to verify the functionality of utilizing access to and from Kino Parkway only.
- A full connecting "Commercial Spine Road", from Kino Parkway to Park Avenue (both its public segment, together with the private segment through the shopping area) will be completed when the western half of Commercial/Retail Subarea is developed. However, based on TDOT's review of the updated TIA, some form of temporary access to Park Avenue may be required by TDOT at the time of any development plan review in the Subarea A.

Please note that a copy of this letter and a letter from the Bridges Design Review Board must be attached to any development plan submitted for Commercial/Retail Subarea A.

Sincerely,



Albert Elias, AICP  
Director of Urban Planning and Design

c: Ernie Duarte, DSD  
Patricia Gehlen, DSD  
Jose Ortiz, TDOT  
Andy Dinauer, TDOT  
Jim Mazzacco, DUPD  
John Beall, DUPD

Attachments: Applicant's Request Letter

March 12, 2009

Mr. John Beall  
Department of Urban Planning & Design (DUPD)  
CITY OF TUCSON  
149 N. Stone Avenue  
Tucson, AZ 85701

**RE: CLARIFICATION LETTER  
The Bridges Planned Area Development (PAD-15)**

Dear Mr. Beall:

Thank you for meeting with myself and Albert Elias to discuss The Bridges PAD and our impending submittal of the Development Plan for the first-phase of commercial development occurring on Block A (the major commercial block) within the project.

As we discussed, there are several PAD-related items of note pertaining to the Phase I commercial DP submittal, which will be comprised of a new Costco Warehouse and the associated site improvements (streets, utilities, etc.) attendant thereto. I have itemized these issues below

**Item 1: Phasing**

**Issue:** The PAD discussed Phase I of the commercial development as being the western half of Block A; the proposed Costco is sited on the eastern half of the Block.

**Explanation:** The PAD contains clear language (see Section C.3.6, page 90; attached for your reference) which states that the project phasing discussed therein was a “best guess” scenario and that any change in the ultimate phasing of the development would be appropriately coordinated with the City (at the time of platting or development plan) to insure the provision of needed public improvements.

**Resolution:** This issue was discussed with staff from DUPD, DSD, and the Department of Transportation (TDOT) at a meeting (8 July, 2008) with myself, the developer (Retail West Properties, LLC), and Costco representatives, all of whom agree that the aforementioned language in the PAD grants us the inherent flexibility to allow the eastern half of Block A to now proceed as Phase I of the commercial development thereon.

**Item 2: Associated Public Street Improvements**

**Issue:**

Given that the PAD had originally contemplated the western half of the commercial Block A as constituting Phase I, the public improvements matrix (see Section C.3.6.A, pp. 99 – 93; attached for your reference) indicated that the required Park Avenue street improvements would occur attendant to Phase I of the commercial development.

**Explanation:** This is/was based upon the original assumption that Phase I would comprise the western half of Block A. This is no longer the case. The arrival of Costco and their location in the eastern half of the Block effectively “flips” the commercial phasing, with the eastern half of Block A now comprising Phase I and the western half of Block A now comprising Phase II. The provision of the Park Avenue improvements will still be required at that time when the western half of commercial Block A is developed.

**Resolution:** At the aforementioned 8 July, 2008 meeting, TDOT personnel indicated that the Park Avenue improvements are not necessary until such time that the western half of the commercial property is developed. Development of the eastern half of Block A as Phase I will require the completion of the identified Kino Parkway intersection improvements, as well as the completion of the “Commercial Spine Road”, from Kino Parkway to commercial Block A, as described in the PAD. The developer is required to submit an updated Traffic Impact Assessment (TIA) with the Phase I (Costco) Development Plan, so as to verify the functionality of the Costco site utilizing access to and from Kino Parkway alone. The required TIA is being submitted with the Costco Development Plan (DP) package and the findings therein verify the functionality of the Costco operation.

**Item 3: Full Completion of the Commercial Spine Road Connection from Kino Parkway to Park Avenue.**

**Issue:** The PAD states that this entire connecting roadway, from Kino Parkway to Park Avenue (both its public segment, together with the private segment through the shopping center), will be completed in its entirety with Phase I of the commercial development.

**Explanation:** Once again, this was premised upon Phase I originally being the western half of the Block A site and the recognition that the major anchor therein (a planned retail/grocery supercenter) would draw significant traffic from both Park Avenue and Kino Boulevard. Neither the western half of Block A nor the planned major anchor therein is being developed at this time.

**Resolution:** At the aforementioned 8 July, 2008 meeting, TDOT personnel indicated that the full connecting roadway from Kino Parkway to Park Avenue would not be required until such time that the western half of Block A is developed. Access to/from the Costco (the new Phase I) can occur solely from Kino Parkway, as long as the TIA submitted with the DP demonstrates the adequacy and functionality of same. Some form of temporary access to Park Avenue may be required by TDOT at the time of DP review.

**Item 4: Design Review Committee (DRC) Approval**

**Issue:** The PAD requires that The Bridges DRC approval be obtained prior to any Development Plan or residential subdivision plat to the City.

**Explanation & Resolution:** The Bridges DRC has met several times over the past year and has now approved: 1) the Master Design Guidelines for The Bridges; 2) the Master Commercial Design Guidelines; and 3) the individual design package for Costco. Copies of the DRC approval letters have been transmitted to the CDRC by Mr. Mike Baruch, DRC Chairman.

\*\*\*\*\*

Thank you for your review of the above PAD-related items attendant to the Phase I development of commercial Block A within The Bridges project.

In the event that you confirm the facts and positions stated above, please provide a formal letter of concurrence on behalf of DUPD. So as to facilitate a smooth review process of the Costco DP through the Community Design Review Committee (CDRC), we intend to include a copy of this clarification letter and your concurrence/response with our submittal.

Best Regards,  
PROJECTS INTERNATIONAL, INC.

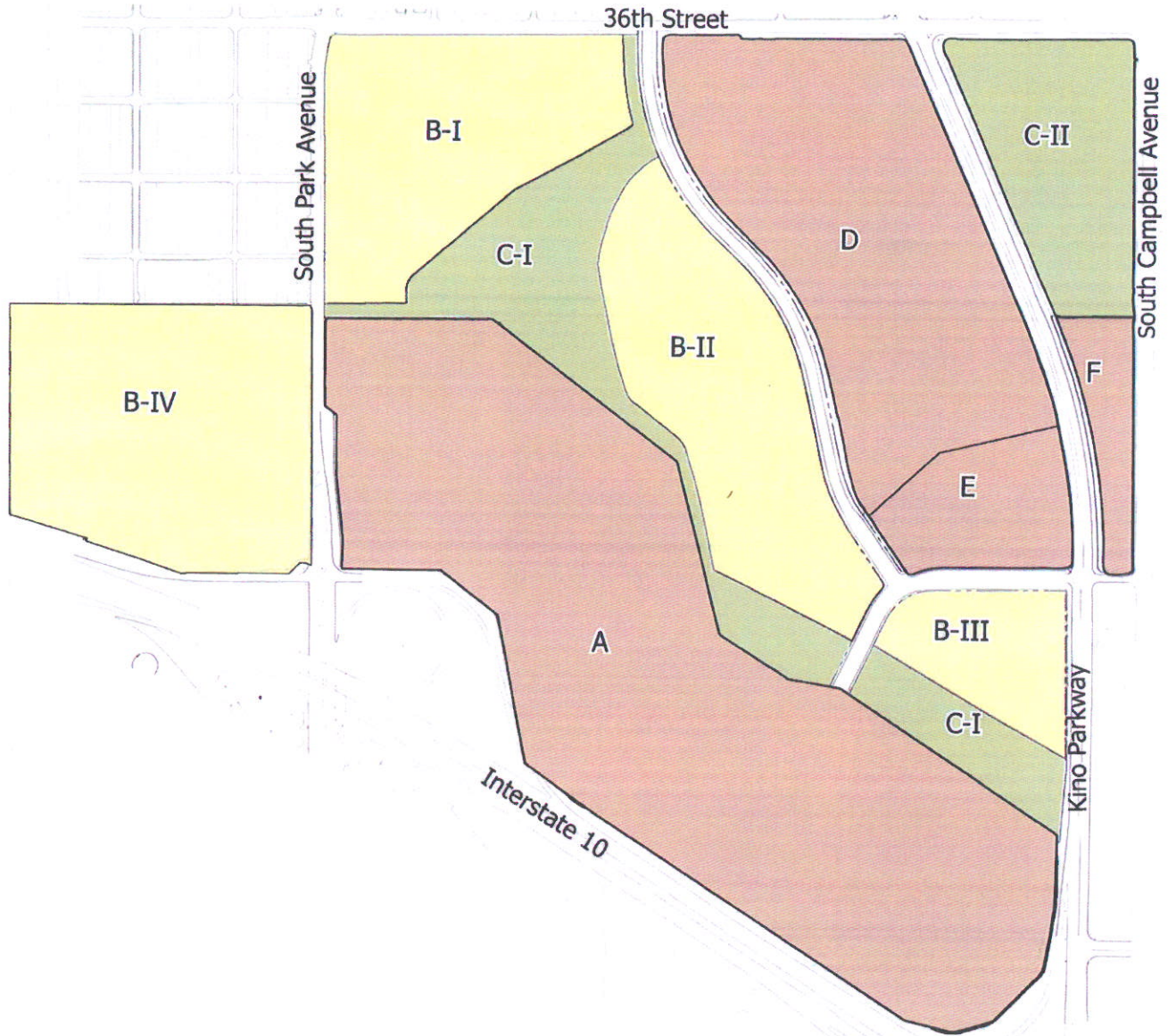


Jim Portner, Principal

att.



## The Bridges PAD — Preliminary Development Plan



### LEGEND

Sub-Area	Primary Use	Acreage
A:	Commercial/Retail	111.2
B-I:	Residential	30.0
B-II:	Residential	36.0
B-III:	Residential	11.4
B-IV:	Residential	40.0
C-I:	Open Space/Active Recreation	30.4
C-II:	Open Space	20.0
D:	Civic/Institutional (Research Park)	53.5
E:	Commercial (Hospitality/Office)	11.6
F:	Commercial/Retail	5.9
<b>Total</b>		<b>350.0</b>

### Base Zoning

<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span>	R - 3
<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span>	OCR - 1
<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span>	OS

### Project Applicants:

- 5151 East, LLC c/o KB Home Tucson, Inc.
- Eastbourne Investments, Ltd.

Note: Acreage/parcel lines are conceptual

one transit node is envisioned within the research park and another within commercial Sub-Area A. Given the inability to predict future timing and interest in transit service by either CatTran and SunTran, it is the goal of this PAD to make the project transit-ready, such that actual service can be initiated along already-designated on-site routes and without major reconstruction of any existing physical improvements.

### **C.3.6 Phasing, Construction and Maintenance of Streets**

The “phasing” of public street improvements (and all other public & utility infrastructure) will not occur under a conventional chronological program. In light of the fact that three distinct ownership interests will all be proceeding under their own individual construction programs, Table J (p. 91) has been developed to link particular public improvement projects to specific development blocks within the PAD. The public improvement projects defined in the matrix are not limited solely to public street improvements, but also include all necessary and attendant public infrastructure elements. Each project will be “triggered” by the respective development unit indicated in the matrix.

This matrix provides a straightforward method for the City of Tucson to identify and manage required public improvements and to insure that all needed improvements are linked to each development unit as it proceeds to construction, irrespective of its particular construction timing. It must be noted that this Table represents a best-guess development scenario of the various PAD sub-areas and is intended to depict the major development units that will most likely proceed first. In the event that this anticipated timing is altered, the Developer will coordinate appropriately with the City (at the time of platting or development plan) to insure the provision of needed public improvements.

Figure 38 (p. 93) illustrates the various public improvement projects anticipated in conjunction with this PAD, as well as the various commercial, residential, etc. development sectors within the Project. Table J (p. 91) then provides the aforementioned matrix and links the respective public improvement projects to each particular development block/sector.

#### **A. Public Improvement Projects: Scopes of Work and Completion**

Construction of each of the public improvement projects identified in Figure 38 (p. 93), and Table J (p. 91), are triggered by the development of each individual commercial phase, residential sector, etc. as per the matrix below. The Scope of Work and manner of funding for each improvement project is described in the ensuing text.

##### **1. Public Improvement Project #1 (Pima County Flood Control Project)**

Construction of central open space corridor, multi-use recreation area, and regional drainage & detention facilities. Construction of all detention facilities, pilot channels, and required culverts, both on-site

Construction Activity or Development Unit:	Triggers.....	Attendant Public Improvement Project(s) To Be Constructed By Developer in Conjunction With Same:
Pima County Flood Control Project	→	Public Improvement Project #1
Issuance of C of O for first 25% of residential units of first Sub-Plat	→	Public Improvement Project #1a
Development Of Commercial Phase I, and/or Sub-Area E	→	Public Improvement Project #2, #4
Development of Residential B-I	→	Public Improvement Project #2, #5
Development of Residential B-II and/or Sub-Area D	→	Public Improvement Project #3
Development of Residential B-III	→	Public Improvement Project #4

**Table J:**  
*Public Improvement Phasing*

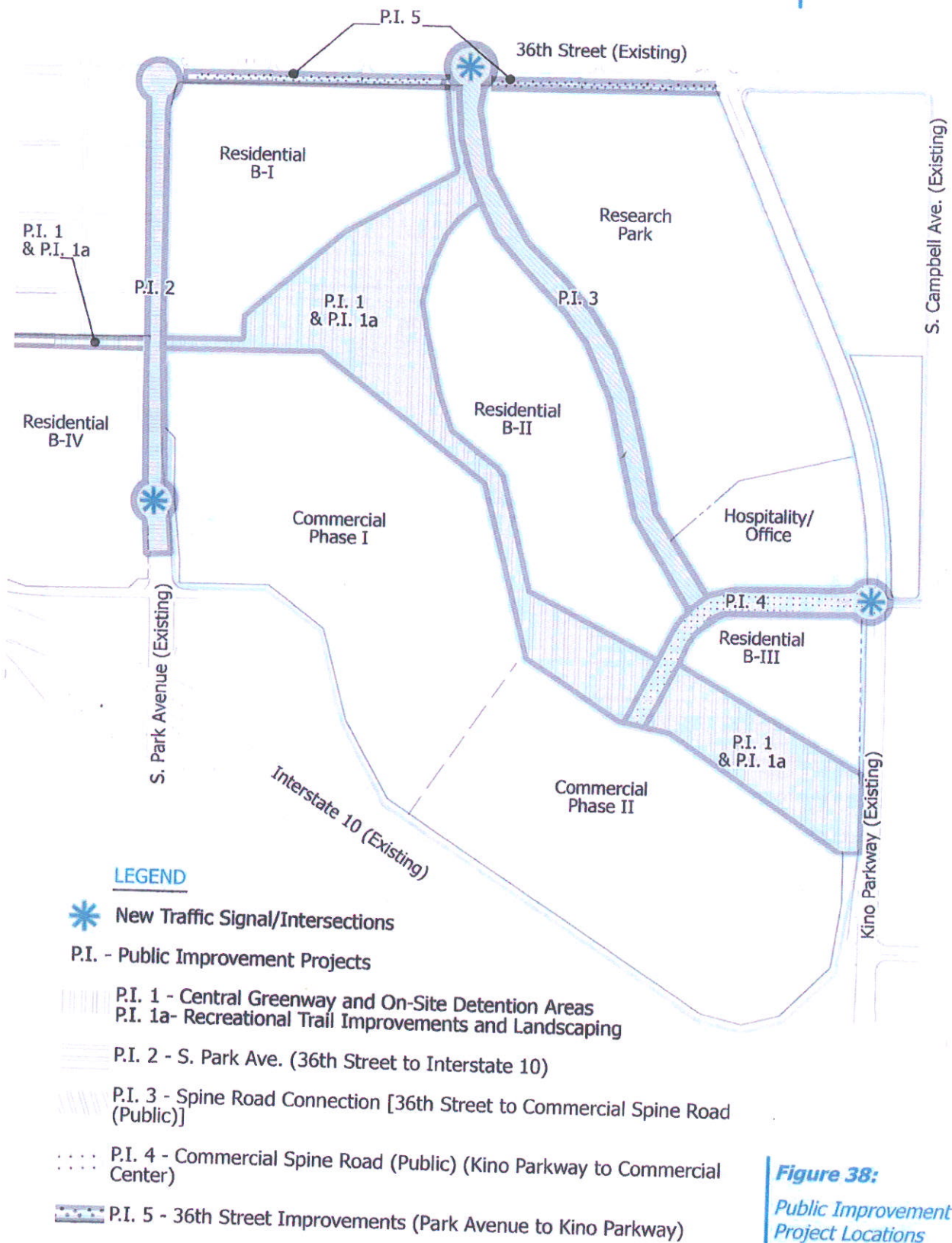
and/or beneath adjacent S. Park Avenue; development of the drainage basins for the PAD property by placement of excess fill material (excavated from the detention basin) over the balance of the site so as to avoid the substantial public expense of physically exporting same from the Site. The normal 35-acre grading limit per LUC will not apply to the PAD project. This work will not be a private project by the Developer, but instead be undertaken and administered by the Pima County Regional Flood Control District (RFCD) as part of a major public flood-control project. The Developer is working jointly with RFCD to ameliorate the historic flooding of the nearby Greater South Park neighborhood. This project will be funded via a joint development agreement between the Developers and RFCD and will proceed under the authority and auspices of RFCD. Required permitting activities will be completed by RFCD in coordination with City of Tucson Development Services Department.

#### **1.a Public Improvement Project #1a**

##### ***(Recreational Trail Components within Central Park Corridor)***

Following construction of the flood-control facilities (Public Improvement Project #1 above), the Developers will proceed, at their expense, with the construction of the associated recreational trail components and the landscaping/irrigation system for this planned multi-use area. In order to juxtapose trail and landscaping construction with normal residential construction practices (and recognizing that residential construction on this PAD site will occur well before commercial construction), the completion of Public Improvement Project 1.a will be tied to residential construction activity. The required trail and landscaping work within the central park corridor (including the El Paso and Southwest Greenway) will be finished no later than the time at which the certificate of occupancy is issued for the first 25% of units platted in the first residential subdivision.

- 2. Public Improvement Project #2**  
***(Widening of South Park Avenue from 36th Street to Interstate 10)***  
Construction of a new four-lane street, raised median, curb & gutter, sidewalks, lighting, and dual bike lanes as warranted by project traffic or as determined necessary in coordination with City Department of Transportation. Construction of new traffic signal at the main entrance to commercial center. Extension of all existing adjacent sewer, water, and dry-utility infrastructure (presently within S. Park Avenue right-of-way) as necessary to serve the commercial development.
- 3. Public Improvement Project #3** ***[Secondary Spine Road from 36th Street to Commercial Spine Road (Public)]***  
Construction of a new four-lane street, raised median, curb & gutter, sidewalks, lighting, and dual bike lanes to serve Residential Sector B-II and to provide secondary access to the research park and hotel site (see Appendix D, Figure 5, p. D-4). Construction of a new traffic signal or alternative intersection configuration may be required (e.g. pelican, Florida-T) at the roadway's intersection with 36th street. Extension of all existing adjacent sewer, water, and dry-utility infrastructure as necessary to serve the project. This street improvement project will be funded entirely by the Developer and, upon completion, be dedicated to the City of Tucson.
- 4. Public Improvement Project #4** ***[Construction of Commercial Spine Road (Public) from Kino Parkway to the Major Commercial Center]***  
Construction of full street cross-section as depicted in Appendix D, Figure 3, p. D-3. Construction of intersection improvements and signalization at Kino Parkway as warranted by the traffic study or as determined necessary in coordination with the City Department of Transportation. This improvement may require/feature a roundabout at the point of intersection with the secondary spine road; this aspect of the project will be determined in conjunction with the City at the time of final design. The overall scope of work will include the extension of all existing adjacent sewer, water, and dry-utility infrastructure (presently within 36th Street, Kino Parkway, and/or Campbell Avenue rights-of-way) as necessary to serve the Project. This street improvement project will be funded by the Developer and, upon completion, be dedicated to the City of Tucson.
- 5. Public Improvement Project #5**  
***(36th Street from Park Avenue to Kino Parkway)***  
Completion of the balance of a five-lane street cross-section (two travel lanes in each direction, with a continuous center left-turn lane) on 36th Street from Park Avenue to Kino Parkway. Street improvements to include curb & gutter, sidewalks on both sides, lighting, and bike. Extension of all existing adjacent sewer, water, and dry-utility infrastructure (presently within the 36th Street right-of-way) as necessary to serve the PAD site.



**Figure 38:**  
Public Improvement  
Project Locations



CITY OF  
TUCSON

DEVELOPMENT  
SERVICES  
DEPARTMENT

April 12, 2011

Mr. Jim Portner, Principal  
Projects International, Inc.  
10836 E. Armada Lane  
Tucson, AZ 85749-9460

Dear Mr. Portner:

Subject: Clarification and Minor Amendment to the Bridges PAD: Regarding Phasing and Timing of Associated Public Improvements for Sub-Area B-IV

I have reviewed your letter (see attached) requesting clarification regarding a change to the phasing sequence of associated site improvements (trail, park improvements, etc) for the Central Park that is triggered by the issuance of certificate of occupancy for the first 25% of residential units of the first Sub-plat. Per your letter you are requesting that the PAD be modified to require that Public Improvement Project 1a ( the Central Park) be finished no later than at the time at which the certificate of occupancy is issued for the first 25% of units platted in the first subdivision within any portion of Sub-Area B-I or B-II adjacent to the park site (Sub-Area C-I).

Also noted in your letter is the clarification that the primary purpose of the Central Park is for the residents of the Bridges PAD as a private park, per the Development Agreement. Even though the underlying property is owned by a public agency, the park facility will be designed, constructed, and maintained by the owners/developers of the Bridges PAD. The Central Park was never a requirement of rezoning to the PAD of any public Parks agency (City or County).

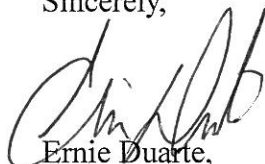
The proposed request that the residential development of Sub-Area B-IV be allowed to proceed without the requirement that the Central Park improvements be triggered by it can be supported by language found within the Bridge PAD. In Section C.3.6 it notes that the phasing matrix "is a best guess development scenario" of the various PAD subareas. And in the event that the timing is altered due to market opportunities and conditions the Developer will coordinate with the City at time of platting or development plan submittal to insure that the necessary provisions are met to provide the needed public improvements.

Furthermore, your proposal does not undermine the intent of the Bridges PAD: the El Paso Trail (which is clearly mentioned in the PAD as being a key part of the Central Park) will, in point of fact, be constructed nearly in its entirety in conjunction with the commercial (and now residential) activity that is formally underway at The Bridges; the Central Park site is physically distant from the Sub-

underway at The Bridges; the Central Park site is physically distant from the Sub-Area and has no contiguity with it, while the PAD was originally premised on providing the Park to adjacent or nearby subdivision residents; you will be providing a mini-park so as to address the recreational aspect of Sub-Area B-IV in full accordance with the prescriptions of the PAD; and your project will provide a pedestrian-connectivity path to the rest of the subdivision and to the El Paso Southwest Greenway regional trail.

Therefore, it is determined that this request is consistent with the intent of the Bridges PAD, and the rationale for the previously approved clarification regarding the phasing sequence for Commercial Sub-Area A. This change in the phasing and timing of associated public improvements is a non-substantial change and is approved. Please note that a copy of this letter must be attached to any development plan submitted for Sub-Area B-IV.

Sincerely,

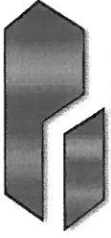


Ernie Duarte,

Director

Planning and Development Services Department

Attachments: Applicant's Request



PROJECTS INTERNATIONAL, Inc.

STRATEGIC GUIDANCE  
ENTITLEMENT PROCESSES  
LOCAL ADVICE & COUNSEL

10836 E. Armada Lane  
Tucson, Arizona 85749-9460  
520-850-0917  
jpartner@projectsintl.com  
www.projectsintl.com

**April 2, 2011**

Mr. Ernie Duarte, Director  
Development Services Department (DSD)  
CITY OF TUCSON  
201 N. Stone Avenue  
Tucson, AZ 85701

**RE: CLARIFICATION LETTER AND MINOR ADMENDMENT TO PAD  
C9-06-32 -- The Bridges Planned Area Development (PAD-15)**

Dear Mr. Duarte:

I have recently met with John Beall to discuss The Bridges PAD and our planned submittal of a tentative (and subsequent final) residential-subdivision plat for a portion Sub-Area B-IV of The Bridges PAD (the block lying west of Park Avenue).

As John and I discussed in detail, there are several PAD-related items of note pertaining to Sub-Area B-IV and the associated site improvements (trails, park improvements, etc.) that are contemplated in the PAD attendant to its development. Mr. Beall indicated that I should summarize these various issues in a PAD clarification letter to your attention; I have itemized these matters below.

**Item 1: Mini-Park**

**Issue:** Section C.2.4.C.1.ii (Pg. 71) and Figure 28 (p. 69) of the PAD stipulate the provision of a mini-park with the residential development of Sub-Area B-IV.

**Explanation:** The PAD language cited above cites the criteria for the mini-park and provides details as to its area, attendant amenities, etc.

**Resolution:** Attached is a conceptual sketch of the proposed mini-park we intend to provide in accordance with this PAD requirement. This will be integrated into (and more fully detailed on) the tentative subdivision plat that is ultimately submitted to DSD. Beyond the formal mini-park improvements (ramada, benches, play equipment), we will



also provide a pedestrian path linkage proceeding north and south from the mini-park site. This will provide pedestrian connectivity for the subdivision residents to both the mini-park and to the El Paso Southwest Greenway regional multi-use trail.

### **Item 2: El Paso Southwest Greenway Regional Multi-Use Trail**

**Issue:** Section C.2.4.C.1.b.i (Pg. 72) and Figure 29 (p. 73) of the PAD describe the trail improvements required in proximity to Sub-Area B-IV. These include both a segment of the El Paso Southwest Greenway regional multi-use trail, as well as the provision of a necessary trail easement along the western boundary of the subdivision.

**Explanation:** The PAD language stipulates that the El Paso Southwest trail will be comprised of the full regional-trail cross-section (i.e. a 12' multi-use path combined with a separate 8' pedestrian/walking path) and be contained within a minimum 50' wide trail corridor. Also, a 30' wide trail easement is stipulated along the entire western boundary of the block. No physical trail improvements are required attendant to the easement; these will be constructed by others in the future so as to provide a linkage between the El Paso Southwest trail and the Julien Wash trail to the south.

**Resolution:** The subject property (Sub-Area B-IV) is comprised of Blocks 10 & 11 on the recorded final plat for The Bridges (Bk. 65 @ Pg. 2). Block 10 is the actual residential-development area. Block 11 is a 50' wide corridor along the entire north boundary of the residential area; this has already been dedicated (by the plat) to Pima County for its regional El Paso Southwest Trail. The same final plat also granted the required 30' trail easement along the western boundary. While Block 10 provides the real property for the El Paso trail, the construction of the physical trail improvements and attendant landscaping remain a developer responsibility. As you are aware, more than one (1) mile of the El Paso Southwest Trail will already be constructed in the near future by the developer of Tucson Marketplace on the east side of Park Avenue. The portion of the Trail along the Sub-Area B-IV subdivision will be detailed on the tentative plat and attendant landscape plans for the residential project.

### **Item 3: Central Park Improvements**

**Issue:** Section C.2.4.C.1.a.i (Pg. 71), together with Figures 28 (p. 69) & 29 (p. 72) of the PAD, discuss the provision of recreational/park improvements within Sub-Area C-I. These improvements, referred to as the "Central Park", are described further in Section C.3.6.A.1.a (p. 91), wherein they are identified as "Public Improvement Project 1a" under the PAD's larger discussion of construction phasing.

**Explanation:** Section C.3.6.A.1.a (p. 91) ties the provision of the Central Park improvements to residential construction, stipulating that the regional trail and on-site park improvements must be completed no later than the time at which the certificate of occupancy is issued for the first 25% of residential units within the first residential subdivision. This Section, and the attendant stipulation, is explicitly premised upon the notion that residential construction would be the first development activity within The Bridges PAD area. Although not explicitly stated in the PAD, it was always the clear intent of the developer to proceed with residential Sub-Area B-I (east of Park Avenue and adjacent to the Central Park Sub-Area C-I) as the first residential project within the PAD.

With these realities in mind, the construction of the Central Park improvements attendant to “the first residential subdivision” made practical sense, since the park area would be adjacent to the first subdivision and the amenities would be immediately accessible, convenient to, and needed by its residents.

Due to the unforeseen national economic conditions of the past several years, most of the original development presumptions that underlied The Bridges PAD are no longer applicable or accurate. As you are aware, no development activity whatsoever occurred at The Bridges for more than two years after its approval. When activity ultimately did commence, it was on the commercial Sub-Area A (Costco and Wal-Mart), not in the residential sub-areas. Now that residential activity is finally ready to proceed, the most favorable area to develop is Sub-Area B-IV, not Sub-Area B-I. This is due to the fact that the particular housing product envisioned for B-IV is far more in-line with current market preferences and viability than is the product envisioned for Sub-Area B-I.

All of the above notwithstanding, it is important to also note that Section C.3.6 (p. 90) contains clear language which states that the project phasing discussed therein was a “best guess” scenario and that any change in the ultimate phasing of the development would be appropriately coordinated with the City (at the time of platting or development plan) to insure the provision of needed public improvements.

It should be noted that we secured a previously-approved request for clarification at The Bridges on this very same timing/phasing issue. That letter of request was dated March 12, 2009, with the City’s approval letter being issued on 18 March, 2009. It pertained to the then-pending Costco transaction within commercial Sub-Area “A” and asked that we essentially “flip” commercial Phases I & II (as originally contemplated in the PAD), as well as the provision of the major off-site improvements that those phases respectively triggered.

**Resolution and Request for Clarification:** With all of the above in mind, we would respectfully request that the residential development of Sub-Area B-IV be allowed to proceed without the requirement that the Central Park improvements be triggered by it.

This is practical, appropriate, and does not undermine the original intent of the PAD for the following reasons: 1) the Central Park site is physically distant from the Sub-Area and has no contiguity with it, while the PAD was originally premised on providing the Park to adjacent or nearby subdivision residents; 2) we are providing a mini-park (as mentioned above) so as to address the recreational aspect of Sub-Area B-IV in full accordance with the prescriptions of the PAD; 3) the mini-park being provided with the subdivision, per the concept plan cited above and herewith attached, goes beyond the strict requirements of the PAD and also provides a pedestrian-connectivity path to the rest of the subdivision and to the El Paso Southwest Greenway regional trail; 4) the El Paso Trail (which is clearly mentioned in the PAD as being a key part of the Central Park) will, in point of fact, be constructed nearly in its entirety in conjunction with the commercial (and now residential) activity that is formally underway at The Bridges; and 5) it makes the most sense, for security and maintenance reasons alone, to construct the Central Park amenities and landscaping only when there is a significant residential presence adjacent (or in very close physical proximity) to it.

**Request and Recommendation for Clarification & Minor Amendment:** With all of the above in mind, I would respectfully request that Section C.3.6.A.1.a (p. 91) of the PAD be modified to require that Public Improvement Project 1a (the "Central Park") be finished no later than the time at which the certificate of occupancy is issued for the first 25% of units platted in the first residential subdivision *within any portion of Sub-Area B-I or B-II adjacent to the park site (Sub-Area C-I)*.

In real terms, this request is little more than a further refinement of the ever-evolving "best guess" development scenario originally mentioned in the PAD and is less substantive and less material, as a practical matter, than the aforementioned phasing refinement approved in March, 2009 attendant to the Costco Warehouse.

\*\*\*\*\*

Thank you for your review of the above PAD-related items attendant to the residential development of Sub-Area B-IV within The Bridges project.

In the event that you confirm the facts and positions stated above, please provide a formal letter of concurrence on behalf of DSD. So as to facilitate a smooth review process of the subdivision plat through the Community Design Review Committee (CDRC), we will

Mr. Ernie Duarte, Director  
C9-06-32 -- Clarification and Minor Amendment (The Bridges PAD)  
April 2, 2011

5

include a copy of this clarification letter and your concurrence/response with our plat  
submittal the Development Services Department.

As always, please contact me with any questions you might have on the above via cell  
phone (520.850.0917) or email (jportner@projectsintl.com).

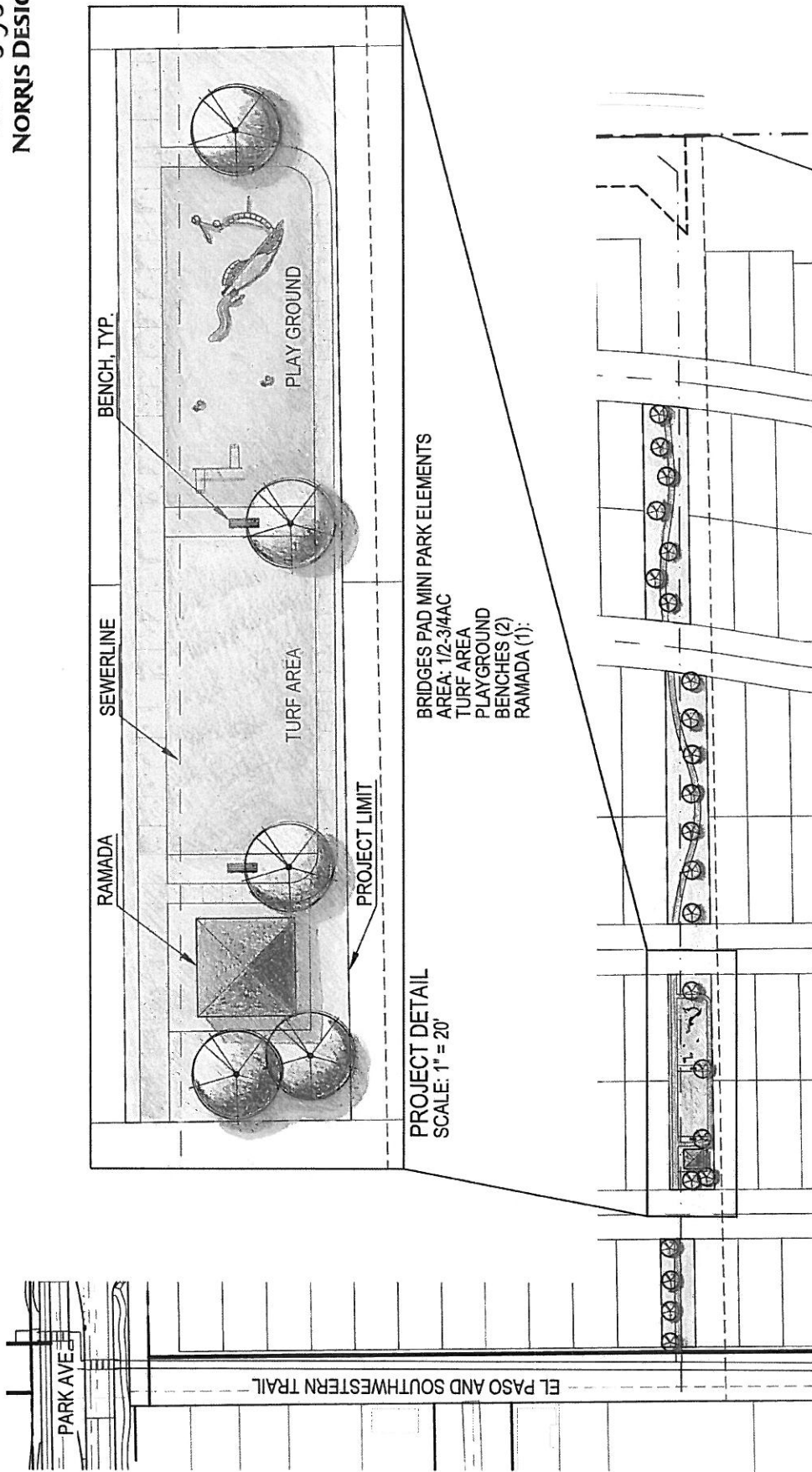
Best Regards,  
PROJECTS INTERNATIONAL, INC.

A handwritten signature in black ink, appearing to read 'J. Portner', with a vertical line extending downwards from the bottom of the signature.

Jim Portner, Principal

att. (via email attachment of Mini-Park sketch)

cc: Janelle Speake, 5151 East, LLC (KB Home, Inc.)  
Kevin Tarbox, 5151 East, LLC (Lennar Homes)  
Stacey Weaks, Norris Design  
Pat Marum, Wood-Patel Associates



BENCH, TYP.

SEWERLINE

RAMADA

TURF AREA

PLAY GROUND

PROJECT LIMIT

PROJECT DETAIL  
SCALE: 1" = 20'

BRIDGES PAD MINI PARK ELEMENTS  
AREA: 1/2-3/4AC  
TURF AREA  
PLAYGROUND  
BENCHES (2)  
RAMADA (1):



SCALE: 1" = 100'

PROJECT OVERVIEW

BRIDGES - BLOCK 10 LINEAR PARK  
AREA - .80 ACRES



CITY OF  
TUCSON

DEVELOPMENT  
SERVICES  
DEPARTMENT

September 26, 2011

Mr. Jim Portner, Principal  
Projects International, Inc.  
10836 E. Armada Lane  
Tucson, AZ 85749-9460

Dear Mr. Portner:

Subject: Letter of Clarification: (C9-06-032) The Bridges Planned Area Development [PAD-15], Acquisition of Open Space Lands by Pima County

I have reviewed your letter (see attached) requesting clarification that Pima County's expressed use of the property (Sub-Area C-II) as bond-program open space is consistent with the current Natural Open Space (NOS) and Functional Open Space (FOS) designations on the property as detailed in the Bridges PAD. Your letter specifically requests confirmation on Pima County's expressed use of the property as bond-program open space:

1. That it is consistent with the current NOS and FOS designations on the property (along with the definitions of the NOS and FOS terms) as detailed in The Bridges PAD and that, as such, there is no material or negative affect on the overall NOS/FOS calculations for the larger 350-acre Bridges project, nor on the density or intensity of use on other lands within the PAD area;
2. That a future change of use of the property from open space would require an amendment to The Bridges PAD.

The Bridges PAD clearly identifies Sub-Area C-II as NOS/FOS with significant vegetative habitat, and requires that this sub-area will be preserved as natural and functional open space. FOS areas are to be managed for passive and active recreation and for public gatherings. NOS areas contain vegetation that will be managed as natural or natural appearing landscapes, but may provide passive recreation including trails, walkways, and interpretative areas.

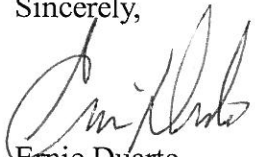
Pima County is proposing to acquire the 20-acre open space parcel (Sub-Area C-II) under its Bond Implementation Program for the expressed purpose of open space and habitat protection. This proposed use is consistent with the Bridges PAD, which calls for coordination between the City of Tucson and Pima County to maximize preservation of significant vegetative habitat within the Bridges PAD, while at the same time incorporating the significant vegetative habitat into



an integrated regional public trail and recreation network. Furthermore, Pima County's acquisition of Sub-Area C-II does not undermine the Bridges PAD open space requirements since Sub-Area C-II will continue to be designated and used as natural / functional open space. It should be noted that any future change of use for Sub-Area C-II from open space would require a major amendment to the Bridges PAD, and such change would be in conflict with the project's overall intent as expressed in the Bridges PAD.

Also, it should be noted that the removal of Sub-Area C-II from the current assurance agreement is acceptable given the fact that this sub-area is not identified or tied with any public improvement projects for the Bridges PAD (see Bridges PAD, Section C.3.6 and Figure 38). Upon filing the Partial Release Subdivision Assurance instrument with the Pima County Recorder's Office, please provide the docket/page recording information to PDSB.

Sincerely,



Ernie Duarte,

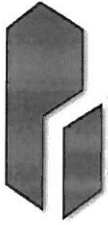
Director

Planning and Development Services Department

Attachments: Applicant's Request  
Pima County Resolution No. 2004-18  
Unrecorded Copy of Partial Release Subdivision Assurance







PROJECTS INTERNATIONAL, Inc.

STRATEGIC GUIDANCE  
ENTITLEMENT PROCESSES  
LOCAL ADVICE & COUNSEL

10836 E. Armada Lane  
Tucson, Arizona 85749-9460  
520-850-0917  
jpartner@projectsintl.com  
www.projectsintl.com

**Via Email Transmission**

**September 26, 2011**

Mr. Ernie Duarte, Director  
Development Services Department (DSD)  
CITY OF TUCSON  
201 N. Stone Avenue  
Tucson, AZ 85701

**RE: LETTER OF CLARIFICATION  
C9-06-32 -- The Bridges Planned Area Development (PAD-15)  
Acquisition of Open Space Lands by Pima County**

Dear Mr. Duarte:

John Beall and I have participated in several discussions with representatives of Pima County, together with representatives of 5151 East, LLC, to discuss the County's acquisition of certain open space lands (currently owned by 5151 East) located within The Bridges PAD. John and I believe that, given the particulars involved, it is important that this matter be memorialized via a formal clarification letter that can then be made a published part of the approved and archived PAD document.

Specifically, Pima County is interested in purchasing the 20-acre open-space parcel designated as Block 13 of The Bridges Block Plat, as recorded in Bk. 65 at Page 2 of Maps & Plats. This block is designated as Sub-Area C-II of The Bridges PAD and is located at the southeast corner of Kino Parkway and 36<sup>th</sup> Street. Per the PAD, this sub-area is comprised exclusively of Natural Open Space (NOS) and Functional Open Space (FOS) areas as defined in the PAD document. The NOS portion of the sub-area is a valuable riparian corridor that traverses the property.

The County intends to acquire the parcel under its Bond Implementation Plan as approved at the special bond election of May 18, 2004. Per Pima County Resolution No. 2004-18 (copy attached), the parcel is specifically named for acquisition as "OS 1.17, Habitat at 36<sup>th</sup> and Kino". The Resolution establishes that the bond acquisition is for the expressed purpose of open space and habitat protection, with the County assuming all future costs of property maintenance and care.



In light of the above, and with particular respect to this PAD Clarification Letter, there are two issues requiring attention:

Issue #1: Confirmation of NOS & FOS Open Space per The Bridges PAD

Our internal evaluation of the above-referenced bond language indicates that this defined use of the property by Pima County would be wholly consistent with the limitations and stipulations of the Natural Open Space (NOS) and Function Open Space (FOS) prescriptions of the approved PAD for Block 13 (Sub-Area C-II). As I believe you are aware, the NOS and FOS set-asides on the acquisition parcel are essential to us meeting the overall open-space calculations for the larger 350-acre Bridges PAD.

**Request:** With the above in mind, we ask that the City of Tucson provide formal clarification on two specific points regarding Pima County's expressed use of the property as bond-program open space:

1. That it is consistent with the current NOS and FOS designations on the property (along with the definitions of the NOS and FOS terms) as detailed in The Bridges PAD and that, as such, there is no material or negative affect on the overall NOS/FOS calculations for the larger 350-acre Bridges project, nor on the density or intensity of use on other lands within the PAD area;
2. That a future change of use of the property from open space would require an amendment to The Bridges PAD.

Confirmation from your office on the above two points is a contingency of the sale per the purchase-and-sale agreement in force between Pima County and 5151 East, LLC.

Issue #2: Removal of the Acquisition Parcel from the Current Assurance Agreement

Pima County has advised us that, in accordance with their bond acquisition procedures, they cannot purchase a property that may have any outstanding development obligations attached to it in terms of public off-site improvements, etc. As such, it is a condition of their acquisition that the property be removed from the existing Assurance Agreement for the larger Bridges project which was executed between the City of Tucson, 5151 East, LLC and Tucson Retail, LLC (same being recorded in Docket 13798 beginning at Page 1910).

By way of separate coordination with staff on this item, Jim Vogelsberg, City Engineer for PDS, has already executed a partial release of assurance instrument removing the subject property (Block 13) from the original Assurance Agreement. An unrecorded copy of this instrument is provided with this email transmission and should be considered as an attachment to this Clarification Letter.

I will separately file this instrument with the Pima County Recorder's Office and will provide the docket/page recording information to PDS, as well as furnish the recorded document to the owners for their use in the closing of the sale transaction.



Mr. Ernie Duarte, Director  
C9-06-32 -- Clarification Letter (The Bridges PAD)  
Pima County Acquisition of Open Space  
September 26, 2011

3

Thank you very much for your consideration of the above matters. As always, please contact me with any questions you might have on the above via cell phone (520.850.0917) or email ([jportner@projectsintl.com](mailto:jportner@projectsintl.com)). I look forward to your response.

Best Regards,  
PROJECTS INTERNATIONAL, INC.

A handwritten signature in black ink, appearing to read 'J. Portner', with a stylized flourish at the end.

Jim Portner, Principal

att.

cc: John Beall, City of Tucson PDSD  
Jim Vogelsberg, City of Tucson PDSD  
Hector Martinez, City of Tucson Real Estate  
Janelle Speake, 5151 East, LLC (KB Home, Inc.)  
Kevin Tarbox, 5151 East, LLC (Lennar Homes)



**Bond Implementation Plan  
May 18, 2004 Special Election**

**ORDINANCE NO. 2004 - 18**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA  
ADOPTING THE BOND IMPLEMENTATION PLAN FOR THE  
MAY 18, 2004 SPECIAL BOND ELECTION.**

**A. Question No. 1 - Sonoran Desert Open Space and Habitat Protection;  
Preventing Urban Encroachment of Davis-Monthan Air Force Base**

For the purpose of acquiring real and personal property for open space and habitat protection, including, without limitation, Sonoran Desert open space, protecting wildlife habitats, saguaro cacti, ironwood forests and lands around rivers, washes and recharge areas to ensure high water quality, the acquisition of lands in the vicinity of Davis-Monthan Air Force Base to prevent urban encroachment, and the acquisition of real or personal property or interests or rights in property for such purpose and paying all expenses properly incidental thereto and to the issuance of such bonds, shall Pima County, Arizona be authorized to issue and sell general obligation bonds of the County in an aggregate principal amount not exceeding \$174,300,000.

**OS 1.17        Habitat at 36th and Kino**

**Location:** Parcel is located at the southeast corner of 36th Street and Kino Parkway.

**Scope:** Purchase the 26-acre parcel in fee simple.

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**Benefit:** The 26-acre parcel comprises four different vegetative communities and is classified as a floodplain. A preliminary survey showed a total of 32 plant species and 22 bird species. The property is walking distance from six schools, the Holmes-Tuttle Boys and Girls Club, and the Quincie Douglas Recreation Center, all of which could benefit from nearby habitat preservation and environmental protection.

**Cost:** \$1,000,000

**Bond Funding:** \$1,000,000

**Other Funding:** None identified at this time. If additional funding becomes necessary, options include federal and state grants and Flood Control District appropriations; if necessary, however, acquisition cost is limited to the cost guidelines in the Ordinance.

**Implementation Period:** 1, 2, 3

**Project Management:** Pima County Natural Resources, Parks and Recreation and Flood Control District will manage this acquisition, in close consultation with the City of Tucson.





**Future Operating and Maintenance Costs:** There should be minimal costs, which will be funded through either Natural Resources, Parks and Recreation or the Flood Control District.





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CITY OF TUCSON DEVELOPMENT SERVICES DEPARTMENT

09/21/2011

Projects International Inc.  
P.O. Box 64056  
Tucson, AZ 85728-4056

Attention: Jim Portner, Principal

Reference: **PARTIAL RELEASE OF SUBDIVISION ASSURANCE**

The Bridges S08-100  
Maps & Plats, BK.65 at PG.2  
DKT. 13708 at PG. 1910

**TO BE RELEASED:** Block 13 (PAD Sub-Area C-II)

Dear: Mr. Portner

Pursuant to the terms of the aforementioned Assurance Agreement, specifically the conditions as outlined in item 9., Release of Assurances regarding the Public Improvement Projects, Block 13 is hereby released from the aforementioned assurance agreement.

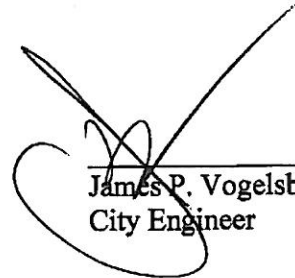
This letter is to inform you that the City Engineer has determined that the improvements required in connection the subject portion of the Subdivision have been satisfactorily completed according to the terms of the agreement.



**PARTIAL RELEASE OF SUBDIVISION ASSURANCE**  
**September 21, 2011**  
**Page 2**

Accordingly, the Agreement submitted as an assurance for the completion of improvements for the Subdivision is hereby released as to Block 13 (PAD Sub-Area C-II), effective this date. The agreement continues in effect for the remaining portions of the Subdivision not released by this letter, or by a previous partial release of assurance.

Sincerely,

  
James P. Vogelsberg, P.E.  
City Engineer

State of Arizona

County of Pima

On 9/22, 2011 James Vogelsberg personally appeared  
(Printed name of signer)

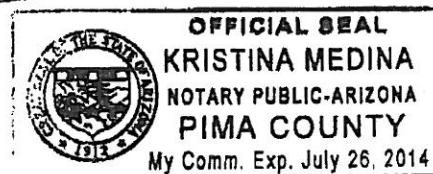
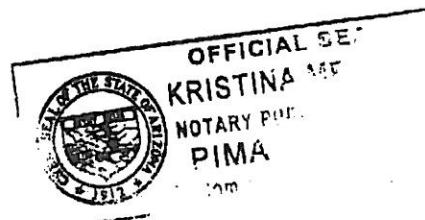
before me, to be the signer of the above instrument, and he/she acknowledged that he/she signed it.

  
Notary Public

My commission expires: July 26, 2014

(seal)

JPV: KMM  
S08-100 Partial Release 09-21-11  
pc: File







CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

March 15, 2012

Mr. Jim Portner, Principal  
Projects International, Inc.  
P.O. Box 64056  
Tucson, AZ 85728-4056

Dear Mr. Portner:

Subject: Clarification and Minor Amendment to the Bridges PAD 15 –Block 14/  
Subarea F: Regarding a Conceptual Drainage Solution requiring Channel  
Improvements in the Campbell Avenue ROW, Campbell Avenue Street  
Improvements, and a Campbell Avenue Landscape Border location

I have reviewed your letter (see attached) requesting to memorialize a solution worked out with city staff in response to sheet flow drainage problems across the block that would not allow for the development of Block 14/Subarea F consistent with the proposed land uses in the Bridges PAD. Per your letter this clarification would allow channel improvements in the Campbell Avenue ROW requiring ROW vacation and improvements to Campbell Avenue including allowing required landscaping within the proposed channel. The following four clarifications document these understandings.

**1. Conceptual Drainage Solution** – Subject to the conceptual sketch by Optimus Design Group illustration of a drainage solution comprising the following elements:

- a) the construction of a linear channel at developer expense along the entire eastern and northern boundary of Block 14/Subarea F that will capture and contain the sheet flow crossing the site and release it onto the adjacent parcel to the north; and,
- b) allow fill on the north portion of Block 14/Subarea F to raise the finished floor to be a minimum of one foot above the 100-year elevation of the new channel facility.

At the time of Development Plan submittal, this conceptual solution must be in conformance with all applicable PAD requirements, design standards, and Codes.

**2. Channel Improvements in Campbell Avenue ROW** – TDOT will vacate the western 20 feet of the existing Campbell Avenue ROW and the approximately 20 feet of the ROW on the north side of Duval Vista Road, if requested by the developer, to construct the proposed drainage channel. Financial considerations relating to the proposed vacations and the developer obligations for said vacation to be addressed in point three, **Campbell Avenue Street Improvements**.



**3. Campbell Avenue Street Improvements** – TDOT and the developer to cooperate to vacate the ROW under discussion at fair market value. At the same time of processing the proposed vacations, the developer will prepare a scope of work for paving improvements to Campbell Avenue to be constructed at developer's expense with a monetary value that is equal to or greater than the value of the ROW being vacated. To implement this improvement the parties will agree to the following:

- a) the developer to file a Real Estate Services application with the TDOT Real Estate Division to initiate the ROW vacation process;
- b) the developer, in cooperation with TDOT, will develop a scope of work for the paving of Campbell Avenue with a monetary value that is equal to or greater than the value of the ROW being vacated; and
- c) it is the intent of TDOT and the developer to accomplish this transaction within the framework of the Real Estate Services application and this clarification letter, without the need for a formal development Agreement between the City and developer.

The following specifics are understood and agreed upon regarding the Campbell Avenue street improvements:

- the street will remain a pavement section with no elevate curbs on either side of the roadway;
- the public street improvements by the developer will generally be comprised of the milling and overlaying of the existing Campbell Avenue pavement, or the treatment of the street in a manner consistent with sound construction techniques and as approved by TDOT;
- a concrete header will be required, at a minimum, along the western edge of the pavement for that portion that is inundated by the 100-year regulatory sheet flow crossing the roadway;
- no public sidewalk will be required along the Campbell Avenue frontage of Block 14/Subarea F;
- the intervening area between the west edge of the new street pavement and the east bank of the new channel will receive a stable, no-erosive surface treat; and,
- all final engineering design will be done in accordance with TDOT standards, to be reviewed and verified by TDOT per a formal Private Improvement Agreement plan.

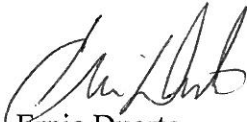
**4. Drainage Channel and Landscape Border Specifics** – An earthen, landscaped channel bottom can be used to satisfy the landscape border requirement as mandated by the Bridges PAD/LUC if:

- a) the developer provides a geotechnical analyses sufficient to establish that an earthen bottom channel with structurally-engineered banks will have no adverse impacts, due to lateral hydraulic migration, upon the Campbell Avenue street pavement; and,

b) landscape plantings per Bridges PAD/LUC within the earthen bottom (if approved TDOT) will not diminish or undermine the hydraulic functioning or conveyance of the channel.

Therefore, it is determined that this request is consistent with the intent of the Bridges PAD, and the development of Block 14/Sub-Area F. This Conceptual Drainage Solution is a non-substantial change and is approved. Please note that a copy of this letter must be attached to any development plan submitted for Block 14/Sub-Area F.

Sincerely,



Ernie Duarte,  
Director

Planning and Development Services Department

Attachments: Applicant's Request



**PROJECTS INTERNATIONAL, Inc.**

STRATEGIC GUIDANCE  
ENTITLEMENT PROCESSES  
LOCAL ADVICE & COUNSEL

10836 E. Armada Lane  
Tucson, Arizona 85749-9460  
520-850-0917  
jpartner@projectsintl.com  
www.projectsintl.com

**February 21, 2012**

Mr. Ernie Duarte, Director  
Development Services Department (DSD)  
CITY OF TUCSON  
201 N. Stone Avenue  
Tucson, AZ 85701

**RE: CLARIFICATION LETTER TO THE BRIDGES PAD – BLOCK 14  
C9-06-32 -- The Bridges Planned Area Development (PAD-15)**

Dear Mr. Duarte:

This Clarification Letter is a follow-up to our group meeting of this past December 14, 2011, wherein representatives of the developer and pertinent City staff met to discuss various issues related to the development of Block 14 at The Bridges. As the approved Bridges PAD contains relatively little specific content regarding Block 14, we agreed that a Clarification Letter was the most appropriate vehicle to memorialize the various items that have been discussed and resolved with City staff. As such, I have itemized these matters below, as well as the resolutions as we understand them to date.

**Introduction & Background**

Per Section C.2.1 of the approved PAD, Block 14 is designated as Sub-Area F and is approved for Commercial/Retail uses. The applicable Development Standards and Development Criteria for Sub-Area F are described in Sections C.2.2.C.1, 3, 4 & 5.

**Clarification Item 1: Conceptual Drainage Solution**

**Issue:** Block 14/Sub-Area F is subject to flooding in the current condition. This is due to sheet flow that crosses S. Campbell Avenue in a southeast-to-northwest direction and which inundates the northern half of the 5.5-acre parcel.

**Resolution:** Attached is a conceptual sketch by Optimus Civil Design Group illustrating a proposed drainage design solution comprised of the following elements: 1) the construction of a linear channel, at developer expense, along the entire eastern boundary (i.e. Campbell Avenue frontage) and the entire northern boundary of the Block 14 that will capture the aforementioned sheetflow and ultimately release it onto the adjacent parcel to

the north; and 2) a large area of fill over the northern portion of the property so as to raise it and allow the establishment of future finished floor elevations at a minimum of one foot (1') above the 100-year flood elevation in the new channel conveyance facility.

We have discussed this conceptual solution with staff at length and it is our understanding that staff is in agreement with it as an acceptable approach and a suitable basis for our future Development Plan (DP), subject to the related TDOT issues discussed below. It is understood that this conceptual solution must, at the time of formal DP, be checked for conformance with all applicable PAD requirements, design standards, and Codes.

### **Clarification Item 2: Channel Improvements in Campbell Avenue Right-of-Way**

**Issue:** The City of Tucson Department of Transportation (TDOT) cannot allow the proposed drainage channel along Campbell Avenue, as described above, to be located within City right-of-way.

**Resolution:** Due to the construction of Kino Parkway as the major north-south thoroughfare now serving the area, there is excess right-of-way presently in place for Campbell Avenue. As such, TDOT is amenable to vacating the western twenty feet (20') of the existing Campbell Avenue right-of-way. TDOT is also amenable to vacating approximately 20' of right-of-way on the north side of Duval Vista Road if the developer so chooses. With the vacation on Campbell Avenue, the proposed drainage channel along Block 14's eastern boundary would be located on private property and would thus be acceptable to TDOT.

The financial considerations pertaining to the vacation and the developer obligations attendant thereto are discussed in Clarification Item 3 below.

### **Clarification Item 3: Campbell Avenue Street Improvements**

**Issue:** Vacated public right-of-way must be acquired at fair market value. At the same time, the developer is amenable to providing needed paving improvements to Campbell Avenue so as to address its presently deteriorating condition.

**Resolution and Specifics:** With the above in mind, TDOT and the developer are willing to work in cooperation to vacate the aforementioned western 20' of Campbell Avenue while, at the same time, developing a scope of work for the Campbell Avenue paving improvements (to be constructed at developer expense) that will have a monetary value which is essentially equal to that of the right-of-way being vacated. To effectuate this solution, the parties agree to the following particulars:

1. The developer will file a Real Estate Services (RES) application with the TDOT Real Estate Division so as to initiate the right-of-way vacation process.

2. The developer and TDOT will jointly develop a scope of work for the pavement of Campbell Avenue along the Block 14 frontage.
3. The intent will be to promulgate a scope of work for the pavement improvements such that it will represent a fair exchange of monetary value for the public right-of-way being obtained by the developer.
4. It is the intent of TDOT and the developer to accomplish this transaction within the framework of the RES application and this Clarification Letter, and without the need for a formal Development Agreement between the City and the developer.

The following specifics are understood and agreed upon regarding the Campbell Avenue street improvements:

- The street will remain a pavement section with no elevated curbs on either side of the roadway.
- The public street improvements by the developer will generally be comprised of the milling and overlaying of the existing Campbell Avenue pavement, or the treatment of the street in a manner consistent with sound construction techniques and as approved by TDOT.
- A concrete header will be required, at a minimum, along the western edge of pavement for that portion of it that is inundated by the 100-year regulatory sheet flow crossing the roadway.
- No public sidewalk will be required along the Campbell Avenue frontage of the Block 14 property.
- The intervening area between the west edge of new street pavement and the east bank of the new channel will receive a stable, non-erosive surface treatment.
- All final engineering design will be done in accordance with TDOT standards, to be reviewed and verified by TDOT per a formal Private Improvement Agreement (PIA) plan.

#### **Clarification Item 4: Drainage Channel and Landscape Border Particulars**

**Issue:** The City of Tucson Land Use Code (LUC) requires the provision of a 10' wide landscape border along the Block 14 Campbell Avenue frontage. This element would ultimately be installed by the end-user on the property. As described above, a private drainage channel will comprise the entire eastern boundary of Block 14.

**Resolution:** It is anticipated, based upon our engineering analyses to date, that the private drainage channel will feature an earthen bottom with structurally-engineered banks. It is the developer's responsibility to undertake the necessary geotechnical analyses sufficient to establish that an earthen bottom will have no adverse impacts, due to lateral hydraulic migration, upon the Campbell Avenue street pavement. In the event that an earthen bottom is found acceptable per the above, and in the event that landscape plantings per LUC standards within the earthen bottom will not diminish or undermine the

Mr. Ernie Duarte, Director  
**C9-06-32 -- Clarification to The Bridges PAD – Block 14**  
February 21, 2012

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hydraulic functioning or conveyance of the channel, it is understood that the landscaped channel bottom can be used to satisfy the landscape border requirement as mandated by the LUC.

\*\*\*\*\*

Thank you for your review of the above items related to Block 14 of The Bridges PAD. In the event that you are in agreement with the facts and positions as stated above, I would request that you please provide a formal letter of clarification on behalf of PDSD so as to formally memorialize these matters.

So as to facilitate a smooth review process of the future Development Plan Package for Block 14, it is our intent to include a copy of your clarification letter with the DP's submittal to the Planning & Development Services Department.

As always, please contact me with any questions you might have on the above via cell phone (520.850.0917) or email (jportner@projectsintl.com).

Best Regards,  
PROJECTS INTERNATIONAL, INC.

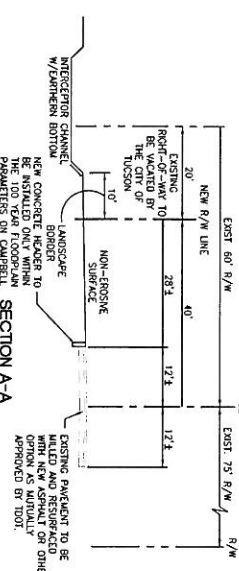
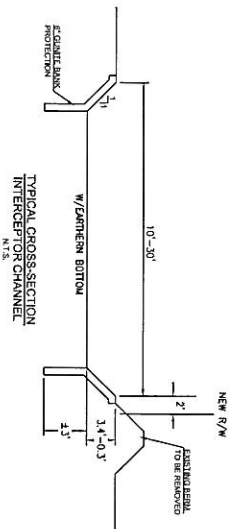
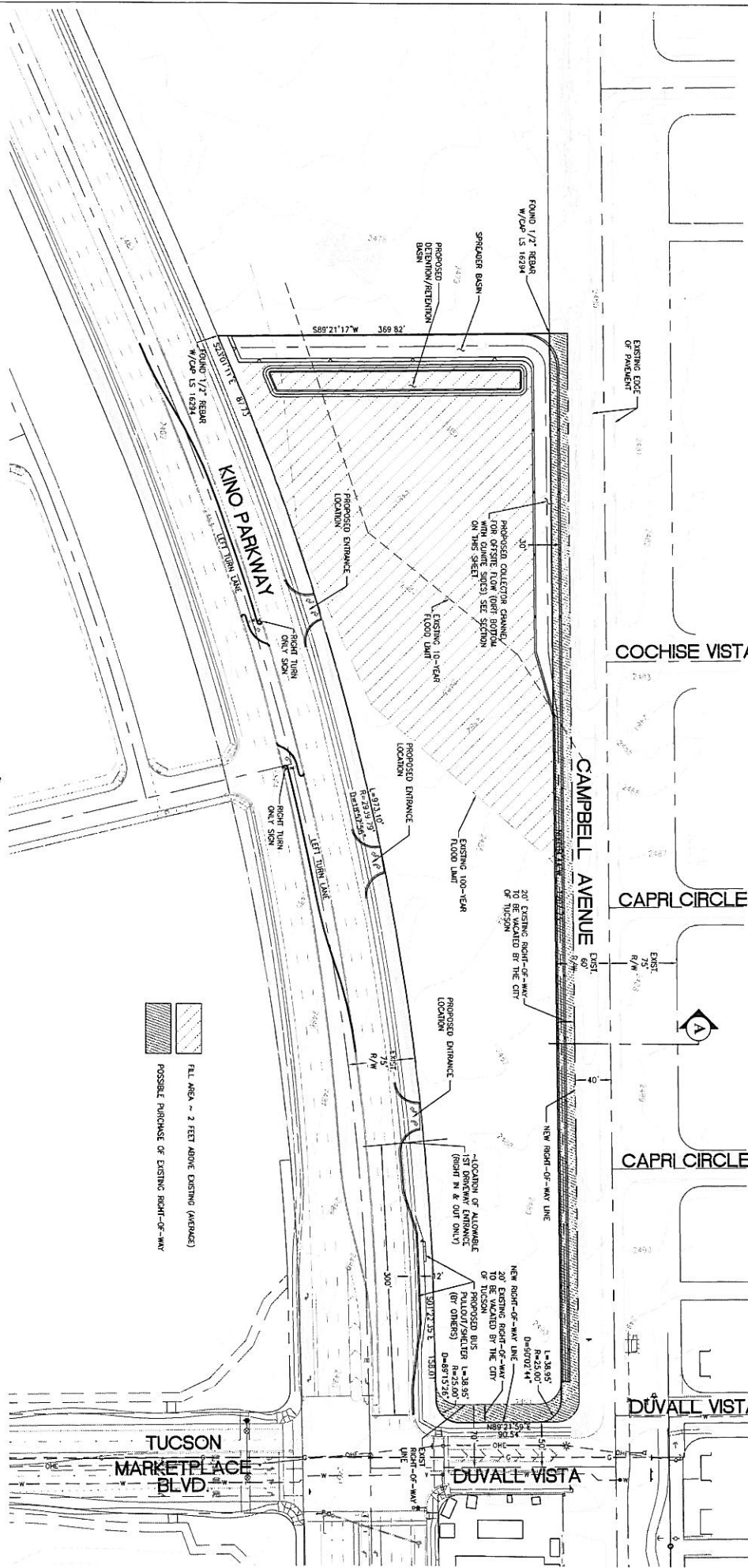


Jim Portner, Principal

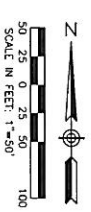
att. via email attachment of Optimus Civil Design pdf file (Block 14 Conceptual Sketch)

cc: Eric Davis, Retail West Properties  
Jeff Behrana, Optimus Civil Design Group  
John Beall, PDSD  
Elizabeth Leibold, PDSD  
Jose Ortiz, TDOT Traffic Engineering  
Steve Tineo, TDOT Engineering  
Jim Rossi, TDOT Real Estate

# KINO PARKWAY - BLOCK 14 "THE BRIDGES" CONSTRAINT MAP



 FILL AREA ~ 2 FEET ABOVE EXISTING (AVERAGE)  
 POSSIBLE PURCHASE OF EXISTING RIGHT-OF-WAY



**OPTIMUS**  
 CIVIL DESIGN GROUP  
 4650 E COTTON CENTER BLVD.  
 SUITE 240  
 PHOENIX, AZ 85044  
 PH: (602) 286-0000 FAX: (602) 286-9400



CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

August 8, 2012

Mr. Stacy Weaks, Principal  
Norris Design  
418 North Toole Avenue  
Tucson, AZ 85701

Dear Mr. Weaks:

Subject: Clarification Letter for Block 10 / Sub-Area B-IV (S11-043) – The Bridges PAD: Regarding Density and Setback from Salvage Yard

I have reviewed your letter (see attached) requesting clarification regarding the following items for clarification:

- 1) Confirm that the Bridges PAD calculates residential density based on net area;
- 2) Clarify that in Sub-Area B-IV, the setback from the salvage yard property line is to the residential structures, not the residential lot line as depicted in Appendix C, Figure 4.

The Bridges PAD defines net area *as the area of a development parcel, excluding all planned or dedicated streets, alleys, private access ways, roadways and/or alley easements and natural and functional open space areas*. The PAD document also includes a footnote with Table F: Residential Neighborhood Density Chart that state *average density based upon net area*.

The Bridges PAD requires special buffering, mitigation and protection of residential dwelling unit in Sub-Area B-IV. While the PAD document in the text portion (p. 61) calls out that residential lots at the extreme northwest corner of the Sub-Area shall be setback 75-feet from the existing salvage yard property, Appendix C: Specialized Residential Design, Figure 4 illustrates the buffer setback from the salvage yard property line to the actual residential structure. Figure 4 also depicts a 75-foot landscaped detention and buffer between the salvage operation property line and the residential structure.

The proposed plat for Sub-Area B-IV indicates that there will be a 75-foot setback from the salvage yard property line, to include a 50-foot landscape area, i.e. El Paso and Southwestern Greenway, with a 25-foot rear setback for lots 25 and 26 as a portion of the total 75-foot setback requirement. As required by the Bridges PAD the plat will include the formal disclosure statement describing the salvage yard and its operational characteristics.

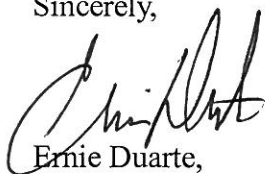


The proposed setback configuration for lots 25 and 26 in Sub-Area B-IV does not undermine the intent of the Bridges PAD and is clearly following the depiction as illustrated in Appendix C: Figure 4. Given the adjacency of the El Paso and Southwestern Greenway and including dense landscaping for this area of the proposed residential subdivision, i.e. lots 25 and 26, the adjacency of the salvage yard operation can be buffered and mitigated for the residential lots in the northwest corner of Sub-Area B-IV.

Therefore, it is determined that Bridges PAD calculates residential density based on net area; and the proposed setback design configuration is consistent with Appendix C: Figure 4 and meets the setback requires as outlined in C.6.c (p. 61) of the Bridges PAD.

Please note that a copy of this letter must be attached to any development plan / plat submitted for Sub-Area B-IV. Also the plans must include the net area calculation used in arriving at the net density as defined by the PAD document.

Sincerely,



Ernie Duarte,  
Director

Planning and Development Services Department

Attachments: Applicant's Request

418 North Toole Avenue  
Tucson, Arizona 85701  
520.622.9565



August 7, 2012

John Beall  
City of Tucson Development Services Department  
201 N. Stone Avenue  
Tucson, Arizona 85701

**Re: Bridges | Block 10 (S11-043) - The Bridges Planned Area Development (PAD-15) Clarification Letter**

Dear Mr. Beall:

Thank you for your time to meet with me to review the comments regarding the Bridges Block 10 Tentative Plat S11-043 for Sub-Area B-IV of The Bridges PAD. Based on our discussion, the following items are clarifications based on our design intent developed through the preparation of The Bridges PAD. The clarifications address the comments from the initial review of the Tentative Plat submittal.

**Density**

*Comment:* The project does not fall within the required net density range for Sub Area B-IV. Also, at the completion of residential units for B-IV, the target density of 6.8 must be met.

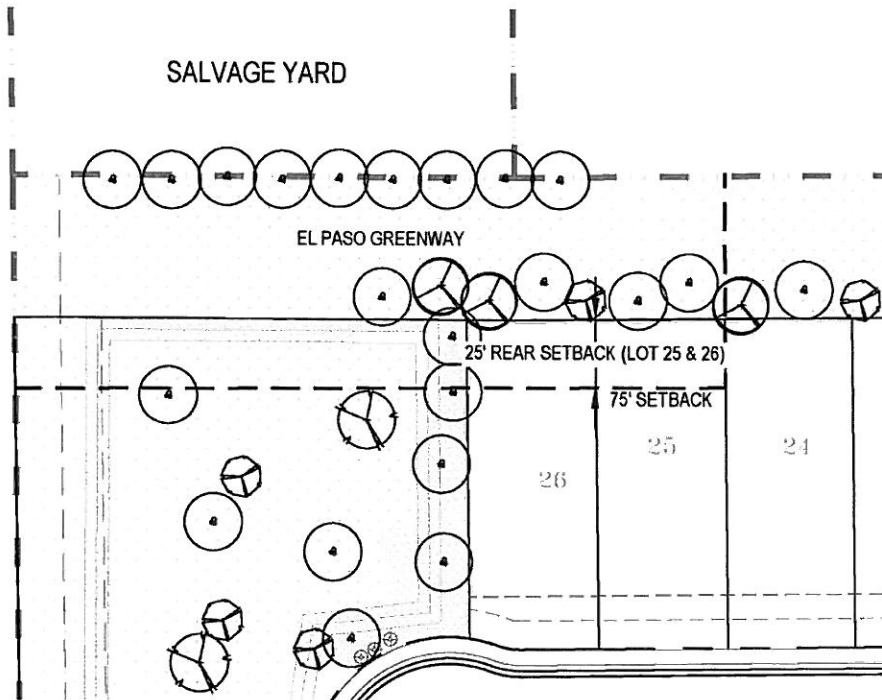
*Resolution:* The project provides a net density of 7.3 DU/AC (based on a net area of 11.5 AC) complying with net density range of 5.4-8.5 DU/AC per the PAD Section C.2.3.C.3 (p. 58) and Table F (p. 58). The plat indicated a gross area calculation of 17.98 AC and lacked the net area calculation in the general notes. For the residential portions of the project, net density is based upon the net area of the lots for each project as defined in Appendix A (p. A.3). In addition, some plats may be below or above the net density range. The intent of the net density range is to provide a guide for the overall residential density per PAD Section C.2.3.C.3 (p. 58).

**Setback from the Salvage Yard**

*Comment:* The Bridges PAD (p. 61) requires that residential lots at the extreme northwest corner of Sub-Area B-IV shall be set back 75' from the existing salvage-yard property. The 75' setback will be a landscaped buffer and will contain the El Paso and Southwestern Greenway regional public trail. Please note that Lots 26 and 25 as platted are not in compliance with PAD setback requirements. Note that this area needs more landscaping that serves as a buffer between the existing salvage yard and the proposed residential units.

*Resolution:* The intent of the PAD is to maintain a 75' setback from the northern property line of the Bridges Block 11 and the salvage yard to the residential structures as illustrated in Appendix C Specialized Residential Design, Figure 4: Buffer Adjacent to Salvage Yard. The dedication of the El Paso Greenway set the northern property line of Block 10. Whether the property was multi-family or single family detached, the property line will remain the boundary as established by the Block Plat for Block 10 and 11. The residences will respect the 75' setback from the salvage yard property line. A 25' rear setback will be shown for lot 25 and 26 as a portion of the 75' setback per the PAD. This setback will provide space for the landscape (i.e. canopy trees) in the El Paso Greenway corridor (Block 11) and the rear yard of the lot 25 and 26. The revised plat will indicate the 75' setback from the salvage yard property line and include a detail for 25' rear setback for lot 25 and 26. For lot 25 and 26, a one (1) or two (2) story home will meet the residential development standards per PAD Section C.2.3.C.2 (p.57). The following image illustrates the setbacks.

418 North Toole Avenue  
Tucson, Arizona 85701  
520.622.9565



Please confirm the clarifications in response to the review comments are in conformance and meet the spirit of The Bridges PAD. We will include the clarification letter and your response with our resubmittal of the tentative plat. Please contact me with any questions at 520.622.9565 or [sweaks@norris-design.com](mailto:sweaks@norris-design.com).

Sincerely,  
Norris Design

Stacey Weaks  
Principal

cc: Janelle Speake, 5151 East, LLC (KB Home, Inc.)  
Kevin Tarbox, 5151 East, LLC (Lennar Homes)  
Pat Marum, Wood-Patel Associates