



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: August 21, 2019

TO: Planning Commission

FROM: Scott Clark
Executive Secretary

SUBJECT: *Kino Area Plan Amendment PA-19-01, Amendment to Allow Residential Uses, Continued Study Session, (Ward 5)*

Introduction – This document serves as an addendum to the July 10, 2019, communication from staff to the Planning Commission. The purpose of this addendum is to provide information about issues raised by Planning Commission members following the staff’s and applicant’s presentations regarding the applicant’s request to amend the *Kino Area Plan* to allow residential uses in an area currently identified in the *Kino Area Plan* as appropriate for industrial uses. The specific issues addressed in the remainder of this document are:

- Potential Tucson Airport runway expansion
- Development “creep” toward airport
- Public health
- Residents waiving rights
- Tucson Airport Authority (TAA) statement regarding not recommending or opposing proposed plan amendment
- Provision of more detail in the proposed plan amendment language

Runway Expansion: A Commissioner inquired as to TAA’s plans regarding future runway expansion. Scott Robidoux, the TAA Senior Airport Planner in attendance at the Planning Commission Study Session, was invited to provide information on TAA’s future runway plans. He explained that the Tucson International Airport (TIA) master plan includes a “special planning area” that is envisioned to accommodate a far parallel runway many decades from now.

Following the Study Session, PDS staff contacted TAA for additional information. Staff was told that if and when a far parallel runway was constructed the approach may be over the subject site. Exact flight paths and routes would be determined during the planning/environmental process if that runway is justified. Similar to Mr. Robidoux’s statement at the Planning Commission, the schedule indicated for such a runway is not within any current planning horizon.

Development “Creep” Toward Airport: Several Commissioners shared their concerns that development in the vicinity of the airport will constrain future airport operations. This is an issue that came up during public discussion associated with the preparation of *Plan Tucson*,

the City of Tucson General and Sustainability Plan (2013), also. The concerns led to the inclusion in *Plan Tucson* of the following policy:

“Coordinate a comprehensive revision of the Airport Environs Plan including areas beyond the current Airport Environs Overlay Zone, taking into account noise and the public health, safety, and welfare of Tucson residents.”

TAA and the City will work together to evaluate what if any changes need to be made to the Overlay Zone.

Public Health : A Commissioner shared information he generated for the area in which the subject site is located using the Environmental Protection Agency (EPA) EJSCREEN: Environmental Justice Screening and Mapping Tool found at <https://www.epa.gov/ejscreen>. The information generated suggests that the subject site is in high state, EPA region, and USA percentiles for a variety of environmental indicators such as particulate matter, ozone concentration, respiratory hazard and hazardous waste proximity. In considering this information, it is important to keep in mind the following explanatory and cautionary text included with the EPA data.

“This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of this indicators. Please see EJSCREEN documentation of these issues before using reports.”

In discussion, TAA told staff that EPA data would be consulted for projects related to its TAA properties and projects, but the subject site is not TAA property. Staff contacted the Pima County Department of Environmental Quality and learned that while the County does not have regulations or policies that are applicable to the subject site, there are a variety of facilities in the general area that also contribute to pollutants, including an electric generating station, Interstate 10, and the railroad.

Residents Waiving Rights: Commissioners asked about the avigation easement agreement and airport disclosure documents that were included with TAA’s letter of May 30, 2019. TAA’s letter indicates that while TAA does not recommend the plan amendment/rezoning, the agency would not oppose it if the avigation easement and airport disclosure documents are required. In staff’s discussion with TAA following the Planning Commission’s July 10, 2019, Study Session, it was explained that residents are unlikely to read the avigation easement agreement. Therefore, TAA has requested and the developer is agreeable to including within

the HOA Covenants, Conditions & Restrictions (CC&Rs) the airport disclosure documents, which homebuyers would be required to sign to help ensure that they understood the potential airport impacts, such as noise. It should be noted that the applicant's proposed residential use would be a subdivision and, therefore, would require the formation of an HOA.

Tucson Airport Authority (TAA) Statement Regarding Not Recommending or Opposing Proposed Plan Amendment: Commissioners requested more information regarding TAA's statements in its May 30, 2019, letter that TAA would not recommend the proposed plan amendment "since there are many potential impacts to residential related uses as described earlier [in letter]," but would not oppose the proposed plan amendment to allow residential uses for the subject site contingent on specified conditions. TAA also states that it "reserves the right to request additional conditions of approval during the subsequent rezoning process." In summary, the conditions referenced in the TAA letter include:

- having the owner/developer/applicant record an aviation easement, which discloses the existence and operational characteristics of TAA to future owners or tenants of the property
- having the applicant file a Federal Aviation Administration (FAA) Form 7460, which applies to possible interference of a development project with navigation signal reception
- having the developer provide the airport disclosure statement form to new property owners, as well as new tenants of rental units
- including noise attenuation features in all residential uses to reduce interior noise levels to a level not to exceed a day night average sound level of 45 decibels
- including specified language in the CC&Rs regarding noise attenuation for residential uses that are subsequently reconstructed, repaired, replaced, modified, or expanded, and specifying that "All owners, tenants, residents and any other user of the residential property subject to these CC&Rs specifically acknowledge and agree that any and all aircraft operations, noise, emissions or other impacts from airport related activities in proximity to the property...are not a violation to the resident's, user's, owner's or tenant's quiet enjoyment of the property..."

In discussion with staff, TAA made it clear that they want to be sure that homebuyers and tenants are informed they are living near an airport and educated about the potential impacts.

Plan Amendment Detail: Several Commissioners suggested that the proposed Plan Amendment language should be more detailed. Staff explained that generally a greater level of detail is more appropriately included in the rezoning conditions since the focus of the rezoning is on the specific project, while the focus of the plan amendment is on whether the proposed use – in this case residential – is appropriate. Staff, however, agreed to relook at the plan amendment language and suggests the following revised "Policy 7" for inclusion in the *Kino Area Plan*.

POLICY 7: The approximately 33-acre parcel (Site 12) located at the northwest corner of Campbell Avenue and Valencia Road, has the option of industrial, park industrial, and commercial development. In the event that industrial and park industrial uses are not developed on this site, development of residential uses should be allowed and should be developed in a manner that:

- promotes compatibility with the Tucson International Airport (TIA) and the Tucson Air National Guard Base, including but not limited to
 - the provision of sound attenuation in keeping with current US Department of Housing and Urban Development standards
 - makes clear to prospective homebuyers and tenants through multiple means the potential impacts associated with being located in the vicinity of Tucson International Airport and the National Guard Base
- minimizes the impact of new development on adjacent residential areas taking into account, but not limited to, compatible density and privacy considerations

Conclusion: Staff recommends the Planning Commission set this item for public hearing in September 2019. This will provide an opportunity for the public to further inform the discussion, but does not preclude the Commission from extending the public hearing if there are additional questions and concerns.