



Civano I Neighborhood I Advisory Council

February 18, 2002

Mr. Lee Rayburn
CDC Partners, LLC
10501 East Seven Generations Way
Tucson, Arizona 85747

Dear Lee:

On behalf of the residents of the Community of Civano, Neighborhood 1, we would like to thank you for providing the opportunity for resident review and input on Neighborhoods 2 and 3. The foundations are laid to continue the good design of Neighborhood 1 while building upon and enhancing the physical implementation of the neighborhood. It is for that reason, in fact, that we are writing today.

As you are aware, there is growing concern that both the design (as recently implemented) and construction of the Desert Country Lots in Neighborhood 1 are in violation of the letter and spirit of Civano's Specific Plan (Civano Neighborhood 1 Planned Area Development – City of Tucson Planned Area Development 6A, adopted October 20, 1997 and revised October 12, 1998). The purpose of this letter is to review our concerns and provide recommendations for complying with the plan.

Civano's Specific Plan states that Civano is designed "to encourage a human connection between the house, the street and the pedestrian spaces" as well as "to enhance the pattern of the land... by making connections both visual and physical between the built environment and the prime natural areas." (Pg. XIV-3.) The original design plan of the Desert Country Lots themselves, patterned after Village Homes in Davis, CA, exemplifies these statements by providing landscaped pedestrian access ways at the fronts of the lots and paved alleys at the back. This design enhances pedestrian connectivity between the homes, natural areas, and the overall pedestrian system identified in the "Pedestrian, Bikeways & Bus Routes" exhibit (Pg. XIV-26).

Until this fall, all of the homes on the Desert Country Lots—primarily SolarBuilt, T.J. Bednar, and custom built homes—respected the Specific Plan by facing and providing direct access to the pedestrian paths. Since ContraVest completed its Courtyard models and began construction on its Desert Country models, and with the construction of additional T.J. Bednar models, however, many lots are now in violation of the Specific Plan while, in some cases, the pedestrian paths with adequate landscaping are not in place.

Specifically, recent construction of the Desert Country Lots has raised six concerns:

1. House Frontages
2. Scale and Mass of 2-Story Homes
3. Walls
4. Home/Wall Setbacks
5. Pedestrian Paths
6. Desert Country Lot “Marketing”

First, it is clear from ContraVest Desert Country Lot floor plans and elevations, as well as ContraVest and T.J. Bednar home orientation as constructed on the Desert Country Lots, that the house frontages themselves do not adhere to the Specific Plan nor respect the design and purpose of the landscaped pedestrian ways fronting the lots. The “Desert Home” Lot Layout on Pg. XIV-33 of the Specific Plan clearly shows the front of the home facing the pedestrian access way, with physical access (path, walkway, trail, etc.) to the main pedestrian path itself. Yet, with ContraVest using the alley-facing portion of the home as its front, including the main entrance in its models, and T.J. Bednar homes facing any way the owner chooses, the houses do not all front the path.

Second, the scale and mass of the 2-story homes is inconsistent with both the idea of the Neighborhood Edge District and the principle of New Urbanist design—largest mass at the center and smaller buildings at the edge. For example, the ContraVest 2-story models and new 2-story homes built on Civano’s periphery overpower adjacent, single-story homes; as does the 2-story SolarBuilt adjacent to the Webbers and Wheelers on Eleanor Maldonado Place. It also appears that the ContraVest Courtyard Homes exceed the 12-foot required front yard setback, for the second floor, on the Desert Country Lots.

Third, recent construction of walls has both completely cut off access to the pedestrian path and violated wall restrictions set within the Specific Plan. ContraVest constructed a wall extending without break at the front of its model homes and an extension of the wall seemingly without break is now under construction for two adjacent ContraVest models. The wall is 62” high at its exterior and 52” tall at its interior. The Specific Plan states that perimeter walls have a “maximum 42 inch height for solid walls when facing pedestrian way. Any part of a wall within six feet of the property line facing pedestrian ways, above 42 inches must be 50 percent open for visibility.” (Pg. XIV-31.) A T.J. Bednar home has a wall that while within the height limits, also does not have a gate or other opening to access the front pedestrian path. When queried, the homeowner said that T.J. Bednar presented that as an option rather than a standard feature, forcing the homeowner to pay more for access to the front pedestrian way. By not requiring a gateway between the pathway and a home’s front door, the usefulness and function of the pathways is reduced. If every home were built without a gateway onto the pedestrian path, then the pathway would become non-functional—a place to catch trash, an anonymous place for the manufacture of graffiti, a place where weeds grow.

Fourth, there is concern that the 40’ width of the landscaped pedestrian ways, as indicated on Pg. XIV-33 of the Specific Plan, is being violated both on the paths fronting the ContraVest model homes (i.e., the constructed walls are in the landscaped pedestrian area rather than the permissible lot) and other areas.

Fifth, the landscaped pedestrian ways, as defined in the Specific Plan and identified in Civano’s general marketing literature, are no longer being constructed in some locations. Moreover, in

some locations the walkable pedestrian access way has been replaced by riprap rock, making it completely impassable. Generally, we are very concerned that the pedestrian paths that allow for pleasant and unobtrusive connectivity between the homes, natural areas, and streets are being phased out altogether, which is both a violation of the Specific Plan and an assault against the New Urbanist design of these lots.

Sixth, it is clear that neither ContraVest nor T.J. Bednar is marketing the Desert Country Lots as indicated in the Specific Plan and Civano's earlier marketing materials. Marketing literature for both builders prioritizes access from the alley instead of the pedestrian path. Both make it optional for the owner to purchase/install any kind of access to the pedestrian path. Both have constructed homes that obviously do not front the pedestrian access way. ContraVest and T.J. Bednar homebuyers are unaware that the pedestrian access way is the front of the home because the builders are not presenting it as such, creating a conflict between adjacent neighbors who are cognizant of the intended Desert Country Lot design. A conflict is also created in a very physical sense between the layout of the home on the lot and the overall design of the Neighborhood Edge District and Civano in general.

The six concerns discussed above signal a very large problem: The Desert Country Lots are no longer being designed and built as originally intended or as defined in the Specific Plan. As such, walkability in and between these areas is greatly diminished, landscaping is reduced, orientation is eclectic among the homes, and the design premise of Civano is greatly compromised. We are concerned both from a design perspective and from a financial one: Our own property values are being reduced because many homes being constructed on the Desert Country Lots do not meet Civano's design guidelines.

There are three immediate steps CDC Partners can take to resolve our concerns and allow the Desert Country Lots to be developed as outlined in the Specific Plan.

First, all current and future construction must be temporarily suspended until a true design review process based on formalized design guidelines is in place. Formalized design review guidelines and a homeowner-involved design review process are necessities for any successful New Urbanist community. The design review board, therefore, should be comprised, in part, of Civano residents, and must have the authority and opportunity to review home designs, and deny non-complying designs, prior to construction. The board must also have the authority and opportunity to review construction and, if necessary, be authorized to stop construction until the builder is in compliance with the board-approved design, our Specific Plan, our design guidelines, or other appropriate requirements. We recommend formation of this board no later than March 30, 2002.

Second, we recommend that the current non-complying walls and pedestrian pathways be modified to conform with the Specific Plan. All non-complying walls should be corrected within 15 days (ContraVest wall must be lowered and gates/openings added, or the wall removed completely; and gates/openings added to any other non-complying walls). Where usable pedestrian access ways and landscaping do not yet exist where they should, according to the Specific Plan, and where at least one home is already built, they should be constructed and completed within 30 days.

Third, we recommend a meeting be held in the next two weeks between representatives of the community and CDC Partners representatives to discuss the two recommendations above,

determine their implementation, and outline steps to ensure that homes on the Desert Country Lots are sited and constructed in accordance with the Specific Plan from this point forward.

While at first it may appear that our recommendations are quite strong, they are minimal—minimal in the fact that they request something that should already be occurring. Desert Country Lot compliance by the builders and developers with the Specific Plan, our design guidelines, and the New Urbanist and environmental intent of Civano should be the norm.

Thank you for your time. Please address your response to Simmons Buntin at:

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We look forward to hearing from you soon.

Sincerely,

Rick Hanson
Chair

Attachment

Cc: Advisory Council
Simmons Buntin
Deirdre & Scott Calhoun
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Paul Rollins
Mary Webber
Jerry Wheeler